



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: APRIL 30, 2015

Date: April 23, 2015
Case No.: **2014.1168C**
Project Address: **1650 Polk Street**
Zoning: Polk Street Neighborhood Commercial District
65-A Height and Bulk District
Block/Lot: 0621/022
Project Sponsor: Alexis Pelosi
560 Mission Street, Suite 2800
San Francisco, CA 94105
Staff Contact: Carly Grob – (415) 575-9138
carly.grob@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The project sponsor proposes to establish a 9,372 square foot general grocery d.b.a. The Market on Polk, with an additional 6,827 square feet of restaurant use at 1650 Polk Street. The proposed restaurant uses include a café, pizza bar, and Japanese tapas bar at the ground floor totaling 1,801 square feet, a 1,575 square foot sushi restaurant in the basement, and a 2,048 square foot rooftop restaurant. A 1,027 square foot production kitchen in the basement would support the restaurants at the ground floor. Each of the proposed restaurants would operate as bona fide eating uses. Accessory take-out food uses would occupy 308 square feet of the ground floor grocery. In addition, the project sponsor proposes to construct a 2,384 square foot rooftop seating area for grocery patrons which would not have alcohol service.

The project includes a physical expansion of approximately 2,280 square feet. A 1,625 square foot vertical addition is proposed on the roof, which includes a kitchen, food preparation space, elevator and stair penthouse, egress stair, and trash room. This addition would measure 34 feet in height. Interior tenant improvements include the addition of 122 square feet at the ground floor and 533 square feet at the basement level to allow the addition of an elevator shaft. The additional area at the basement and ground floors will be located within the existing building envelope. The project includes alterations to the existing storefront. The existing tenant space measures approximately 11,800 square feet. The proposal would add approximately 2,280 square feet of enclosed space on the property and approximately 4,000 square feet of unenclosed space on the roof.

SITE DESCRIPTION AND PRESENT USE

The project is located on the east side of Polk Street, between Clay and Sacramento Street, Block 0621, Lot 022. The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with an 11,800 square foot one-story

commercial building, which is currently vacant, but was previously occupied by a general grocery known as "The Big Apple Discount Center."

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, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units.

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	April 10, 2015	April 8, 2011	22 days
Posted Notice	20 days	April 10, 2015	April 9, 2015	21 days
Mailed Notice	20 days	April 10, 2015	April 10, 2011	20 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 the following public comment:

- 51 signatures and one letter in support of the project.
- One phone call from John Mahoney, who lives at 1675 Clay, in opposition to the proposal, and believes that the rooftop patio will have a negative impact on his quality of life.
- One email requesting that the permitted hours of operation for the rooftop uses is limited to 8:00 p.m.

ISSUES AND OTHER CONSIDERATIONS

- The existing concentration of eating and drinking uses in the area exceeds 25% of total commercial frontage within the immediate area, defined as properties located within 300 feet of the subject property and also located within the same zoning district. The current concentration of eating and drinking uses is 30%. The project would add 34 feet of eating and drinking use, which would increase the concentration to 32%. The primary use of the property is a general grocery, and the restaurant uses have been distributed throughout the tenant space to minimize the impact of additional eating and drinking uses.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of restaurant use within the Polk Street NCD, for said restaurant use to exceed 2,500 square feet, and to construct a rooftop seating area (classified as an Outdoor Activity Area) pursuant to Planning Code Sections 303, 723.21, 723.24, and 723.44.

BASIS FOR RECOMMENDATION

- The project would be a neighborhood-serving grocery providing convenience goods and services to area residents. The proposed mix of general grocery, restaurant, and accessory take-out food uses would contribute to the diversity of goods and services available for area residents.
- The project would occupy a large, vacant storefront within the Polk Street NCD, which would further activate the corner of Clay and Polk Streets throughout the day, and would not displace an existing retail tenant.
- The project will provide an outdoor amenity for grocery patrons and area residents.
- The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco.
- 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:

Block Book Map

Sanborn Map

Aerial Photographs

Project Sponsor Submittal, including:

- Site Photos
- Reduced elevations, sections, and floor plans
- Use and Area Summary
- Roof Plan, Character Images, and Soundproofing Measures

Public Correspondence

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 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 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 checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" 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

Planner's Initials

KG: G:\Documents\Projects\1423 Polk\2011.0097C - 1423 Polk Street - Exec Sum.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

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 723.21, 723.24, AND 723.44 OF THE PLANNING CODE TO ESTABLISH A RESTAURANT USE (WITHIN A GENERAL GROCERY D.B.A. THE MARKET), FOR SAID RESTAURANT USE TO EXCEED 2,500 SQUARE FEET, AND TO CONSTRUCT AN OUTDOOR ACTIVITY AREA WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 30, 2014, Alexis Pelosi (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303, 723.21, 723.24, and 723.44 to establish restaurant use, for said restaurant use to exceed 2,500 square feet, and to construct a rooftop seating area (classified as an Outdoor Activity Area) within the Polk Street Neighborhood Commercial District and a 40-X Height and Bulk District.

On April 30, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.1168C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.1168C, 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 east side of Polk Street, between Clay and Sacramento Street, Block 0621, Lot 022. The subject property is located within the Polk Street Neighborhood Commercial District ("NCD") and the 65-A Height and Bulk District. The property is developed with an 11,800 square foot, one-story commercial building, which is currently vacant, but was previously occupied by a general grocery known as The Big Apple Discount Center.
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, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units.
4. **Project Description.** The project sponsor proposes to establish a 9,372 square foot general grocery d.b.a. The Market on Polk, with an additional 6,827 square feet of restaurant use at 1650 Polk Street. The proposed restaurant uses include a café, pizza bar, and Japanese tapas bar at the ground floor totaling 1,801 square feet, a 1,575 square foot sushi restaurant in the basement, and a 2,048 square foot rooftop restaurant. A 1,027 square foot production kitchen in the basement would support the restaurants at the ground floor. Each of the proposed restaurants would operate as bona fide eating uses. Accessory take-out food uses would occupy 308 square feet of the ground floor grocery. In addition, the project sponsor proposes to construct a 2,384 square foot rooftop seating area for grocery patrons which would not have alcohol service.

The project includes a physical expansion of approximately 2,280 square feet. A 1,625 square foot vertical addition is proposed on the roof, which includes a kitchen, food preparation space, elevator and stair penthouse, egress stair, and trash room. This addition would measure 34 feet in height. Interior tenant improvements include the addition of 122 square feet at the ground floor and a 533 square feet at the basement level to allow the addition of an elevator shaft. The additional area at the basement and ground floors will be located within the existing building

envelope. The project includes alterations to the existing storefront. The existing tenant space measures approximately 11,800 square feet. The proposal would add approximately 2,280 square feet of enclosed space on the property and approximately 4,000 square feet of unenclosed space on the roof.

5. **Public Comment.** The Department has received one phone call from John Mahoney, who lives at 1675 Clay, in opposition to the proposal. One letter was received from Patty Larkin who would support the project if the permitted hours of operation on the roof were limited to 8:00 p.m. every evening. The project sponsor has provided 51 signatures and one letter in support of 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. **Outdoor Activity.** Planning Code Section 723.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

The proposal includes approximately 4,000 square feet of outdoor activity at the roof. Approximately 1,616 of the proposed roof area would be restaurant use and would operate as a bona fide eating place with an ABC License Type 41. The proposed rooftop restaurant would also include 808 square feet of covered space which would include food and beverage preparation, and space for circulation, restrooms, and storage. The project sponsor has also proposed a 2,384 square foot rooftop garden to serve as seating for grocery patrons. There would be no alcohol service within this area of the roof. The maximum capacity at the rooftop restaurant and in the garden is 100 people, however, the seating at the rooftop restaurant will be limited to 15 people indoors and 35 people outdoors. Both the rooftop restaurant and garden seating area would open during hours of operation of the Market from 8:00 a.m. to 10:00 p.m.

The proposal also includes seating along the sidewalk at the front property line. This seating is also classified as an Outdoor Activity Area, and is principally permitted at the front of the property in the Polk NCD.

- B. **Restaurant Use.** Planning Code Section 723.44 states that a Conditional Use Authorization is required to establish restaurant use within the Polk Street Neighborhood Commercial District. Restaurants, as defined in Planning Code Section 790.91, are required to operate as bona fide eating places. A bona fide eating place is defined in Planning Code Section 790.142 as “a place which is regularly and in a bona fide manner use and kept open for the service of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals.”

The project sponsor is seeking Conditional Use Authorization for proposed restaurant uses at the basement, ground floor, and rooftop levels. A 1,575 square foot sushi restaurant is proposed at the basement level which would have a seating capacity of approximately 10 people. A 1,027 production

kitchen to serve both the restaurant and grocery uses on the property. At the ground floor, the project sponsor proposes to construct a pizza bar, kappo bar, and café totaling 1,801 square feet. Each of these ground floor restaurant uses will be served by the kitchen at the basement level. Finally, the project sponsor has proposed a 2,424 square foot rooftop restaurant, 1,616 square feet of which would be outdoors. The proposed rooftop restaurant use would have a seating capacity of 15 people indoors and 35 people outdoors.

Each of the proposed restaurants will operate as bona fide eating places pursuant to Planning Code Sections 790.91 and 790.142 with an ABC License Type 41 for onsite beer and wine consumption.

- C. **Use Size.** Planning Code Section 723.21 states that a Conditional Use Authorization is required for a use size exceeding 2,500 square feet.

The project sponsor is seeking Conditional Use Authorization to exceed 2,500 of restaurant use size, as the sum of the proposed restaurant uses on the site total 6,827 square feet.

The proposed grocery use is approximately 11,756 square feet. The previous grocery use at the site occupied approximately 11,800 square feet, so the reduction in grocery square footage would bring the existing use closer into compliance with the requirements of Planning Code Section 723.21.

- D. **Accessory Uses.** Planning Code Section 703.2(b)(1)(C)(iii) includes controls for accessory Take-Out Food uses, which are permitted to occupy 1/3 of the total floor area or up to 500 square feet, whichever is more restrictive in a general or specialty grocery. Take-Out Food is defined in Planning Code Section 790.122 as a retail eating and drinking use which provides ready-to-eat food to a high volume of customers who carry the food off-premises for consumption.

The proposal includes a total of 308 square feet of accessory Take-Out Food uses. The proposed accessory use is within the 500 square feet of accessory use which is principally permitted, therefore, the project would be in compliance with the accessory use controls included in Planning Code Section 703.2.

- E. **Concentration of Eating and Drinking Uses.** With regard to a Conditional Use authorization application for Restaurant uses, the Planning Commission shall consider the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The existing concentration of eating and drinking uses within 300 linear feet of the subject property and within the Polk Street NCD is approximately 30%. The proposal would add 21'3" of restaurant frontage (a proposed café) and 12'9" of limited restaurant frontage (accessory grab n' go use) along Polk Street. The remaining 53 feet of frontage along Polk Street will be grocery frontage. The

additional 34 feet of frontage of eating and drinking uses will increase the concentration from 30% to 32%.

Although the additional restaurant use will increase the concentration of linear frontages of eating and drinking uses, the primary use of the space would be grocery use. The added frontage of eating and drinking uses would not result in potential negative impacts associated with these uses, as the primary use of the space would be a grocery, as the proposed restaurant uses would operate as ancillary uses to the grocery.

- F. **Neighborhood Notification.** Section 312 Neighborhood Notification is required for the change of use to a restaurant within a Neighborhood Commercial District.

Section 312 Notification was conducted in conjunction with the notification for the Conditional Use Authorization hearing.

- G. **Hours of Operation.** Planning Section 723.27 of the Planning Code states that the principally permitted hours of operation within the Polk Street Neighborhood Commercial District are from 6:00 a.m. to 2:00 a.m.

The hours of operation for the proposed grocery and restaurant uses would be from 8:00 a.m. to 10:00 p.m. daily. The project would operate within the principally permitted hours of operation.

- H. **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. 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 87-feet of frontage on Polk Street and 103-feet of frontage along Clay Street. The existing tenant space is primarily fenestrated along Polk Street and for approximately the first 15 of building depth feet along Clay. The Clay Street frontage is also fenestrated with six smaller windows at the rear of the property which are currently covered.

Alterations to the proposed commercial frontage would occur on Polk Street. These alterations include increasing the transparency of the storefront and providing one additional entry to the storefront.

Patrons would enter the Market from Polk Street where the entire street frontage is devoted to entrances to the Market or to window space. The windows are clear and unobstructed. There are no changes proposed to the Clay Street commercial frontage, and the project sponsor will remove the coverings from the existing windows.

The proposed grocery and restaurant uses are considered active uses, and would occupy the majority of the ground floor. The proposal meets the active use requirements under Planning Code Section 145.1.

- I. **Bicycle Parking.** Section 155.2(a) of the Planning Code states that bicycle parking is required if there is a change of occupancy or increase in intensity of use which would increase the number of total required bicycle parking spaces by 15%. Pursuant to Section 155.2(b) (5), the bicycle parking shall be calculated based on the occupied area of uses changed. For restaurant uses, one Class 1 space is required for every 7,500 square feet of occupied floor area, and one Class 2 space is required for every 750 square feet of occupied floor area. For retail uses including grocery stores, one Class 1 space is required for every 7,500 square feet of occupied floor area, and one Class 2 space is required for every 2,500 square feet of occupied floor area.

Occupied Floor Area is defined in Section 102 as Gross Floor Area excluding space which is not capable of being devoted to the principal, conditional, or accessory use, such as restrooms, tenant storage, and management offices.

The project proposes the addition of 3,808 square feet of occupied floor area of restaurant use, and five Class 2 parking spaces would be required for the restaurant use. Under the current Planning Code, the existing grocery is approximately 6,400 square feet of occupied floor area, and five Class 2 spaces would be required. Because the change of use increases the required bicycle parking spaces by more than 15%, the required spaces are calculated based on the amount of occupied floor area of the restaurant. Five Class 2 bicycle parking spaces are required, and will be provided by the project sponsor.

- J. **Bird Safe Buildings.** Planning Code Section 139 requires that any elements defined as feature-related hazards, including wind barriers and greenhouses on rooftops that have unbroken glazed segments of 24 square feet and larger in size, must be treated with bird-safe glazing.

The project proposes a stair and elevator penthouse resembling a greenhouse on the roof. All glazed segments greater than 24 square feet in area will be treated with bird-safe glazing pursuant to Planning Code Section 139.

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 proposed grocery and restaurant uses would occupy an 11,800 square foot vacant tenant space which is larger than other storefronts on the block; however, the size of the proposed grocery use is well-suited for a vacant space of this size. The project sponsor is seeking Conditional Use Authorization for to exceed the principally permitted use size within the Polk Street NCD and to provide 6,827 total square feet of restaurant use within the tenant space. These restaurant uses would not be concentrated within one area of the storefront, but would be distributed between five separate restaurant uses at the roof, ground, and basement levels. Separately, none of these restaurant uses exceed the permitted use size within the District of 2,500 square feet. The proposed restaurant uses will not impact traffic or parking in the District because it is not a destination restaurant, but is intended for local residents to frequent as they shop for groceries. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

- 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 includes a 1,625 square foot vertical addition of an elevator and stair penthouse, food preparation space, and restrooms at the rear property line. Otherwise, the height and bulk of the existing building would remain the same. Landscaping on the rooftop would not increase the building envelope, and would add outdoor seating space to serve grocery patrons. The proposed continuation of grocery use and addition of restaurant uses would be neighborhood serving and would not be detrimental to the health, safety or convenience of those residing or working in the area.

- 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 the addition of 1,625 square feet to an existing 11,800 square-foot building. 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.

- 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 restaurants and outlined in Exhibit A. Conditions 7, 15, and 16 specifically obligates the project sponsor to mitigate odor and noise generated by the restaurant use. Additionally, the project sponsor has included noise mitigation measures in the initial design of the proposed rooftop outdoor activity area.

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

The project includes a detailed plan for the proposed rooftop improvements which includes landscaping and mechanical screening. The project does not propose any parking or loading. All signage will be reviewed by the department to ensure they are compliant with Article 6 of the Planning Code. Existing windows along Clay Street, which are currently boarded up, will be uncovered, which will provide more light along that frontage.

- 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 proposed project is consistent with the stated purposes of Neighborhood Commercial Districts in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

- 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 proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The project sponsor has incorporated several design elements to ensure that the proposed rooftop improvements would not result in undesirable consequences, including locating mechanical equipment away from existing residential uses and installing materials which mitigate noise. 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 reinstate a viable commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 6:

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

Policy 6.1:

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

No commercial tenant would be displaced and the reinstatement of a grocery use would contribute to greater 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.

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 grocery and restaurant uses. The existing concentration of eating and drinking uses within 300 linear feet of the subject property and within the Polk Street NCD is approximately 30%. The proposal would add 21'3" of restaurant frontage (a proposed café) and 12'9" of limited restaurant frontage (accessory grab n' go use) along Polk Street. The remaining 53 feet of frontage along Polk Street will be grocery frontage. The additional 34 feet of frontage of eating and drinking uses will increase the concentration from 30% to 32%.

Although the additional restaurant use will increase the concentration of linear frontages of eating and drinking uses, the primary use of the space would be grocery use. The added frontage of eating and drinking uses would not result in potential negative impacts associated with these uses, as the primary use of the space would be general grocery use, as the proposed restaurant uses would operate as ancillary uses to the grocery.

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. 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 proposal would enhance the district by reinstating a general grocery to serve local residents. Although there is a high concentration of existing eating and drinking uses in the vicinity, the project sponsor has distributed the proposed restaurant uses throughout the market to encourage grocery shopping and discourage only eating and drinking at the store. The business would be locally owned and it creates approximately 70 more employment opportunities for the community.

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

The proposal would reactivate a large tenant space, which is currently vacant, with a neighborhood-serving grocery with restaurant use, further contributing to the diversity of goods and services offered in the area. The existing units in the surrounding neighborhood would not be adversely affected. The proposed hours of operation are from 8:00 a.m. to 10:00 p.m. so as to mitigate concern regarding noise late into the evening.

- 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 site is on Polk Street and is well served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking. The intersection of Polk Street and Clay Street is served by two MUNI bus lines (1 and 19) and is located within one block of three additional lines (27, 47, and 49).

- 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.

A landmark or historic building does not occupy the Project site.

- 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. 2014.1168C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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

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 April 30, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the establishment of restaurant use, for said restaurant use to exceed 2,500 square feet, and to construct an Outdoor Activity Area (d.b.a. The Market) located at 1650 Polk Street, Lot 22 in Assessor's Block 0621, pursuant to Planning Code Section(s) 303, 723.21, 723.24, and 723.44 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on **April 30, 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 **April 30, 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.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

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

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

DESIGN

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.

7. **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

8. **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

9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

10. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than five Class 2 bicycle parking spaces.

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

11. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

12. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

13. **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

14. **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

15. **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>

16. **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>

17. **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

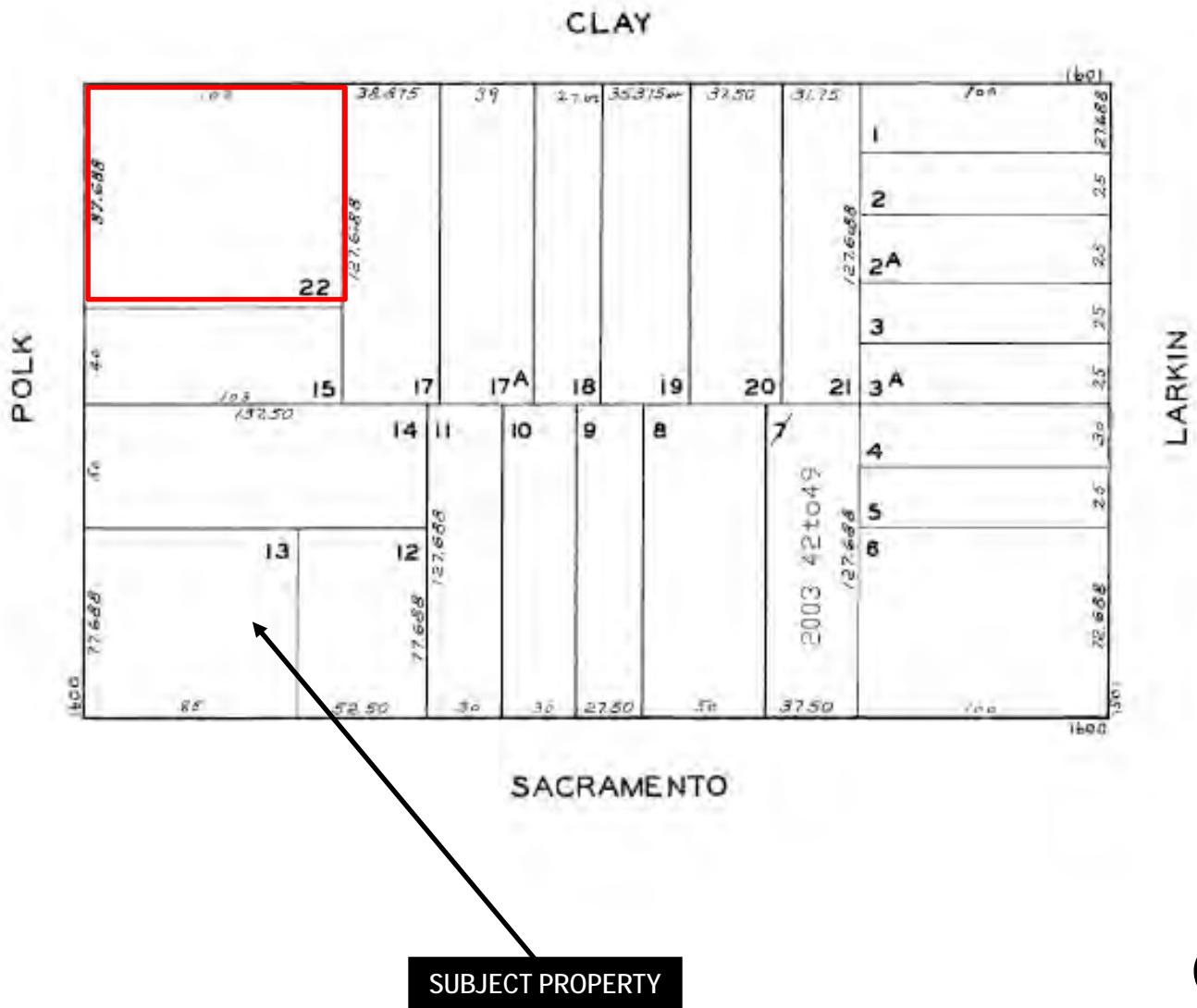
18. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping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

19. **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

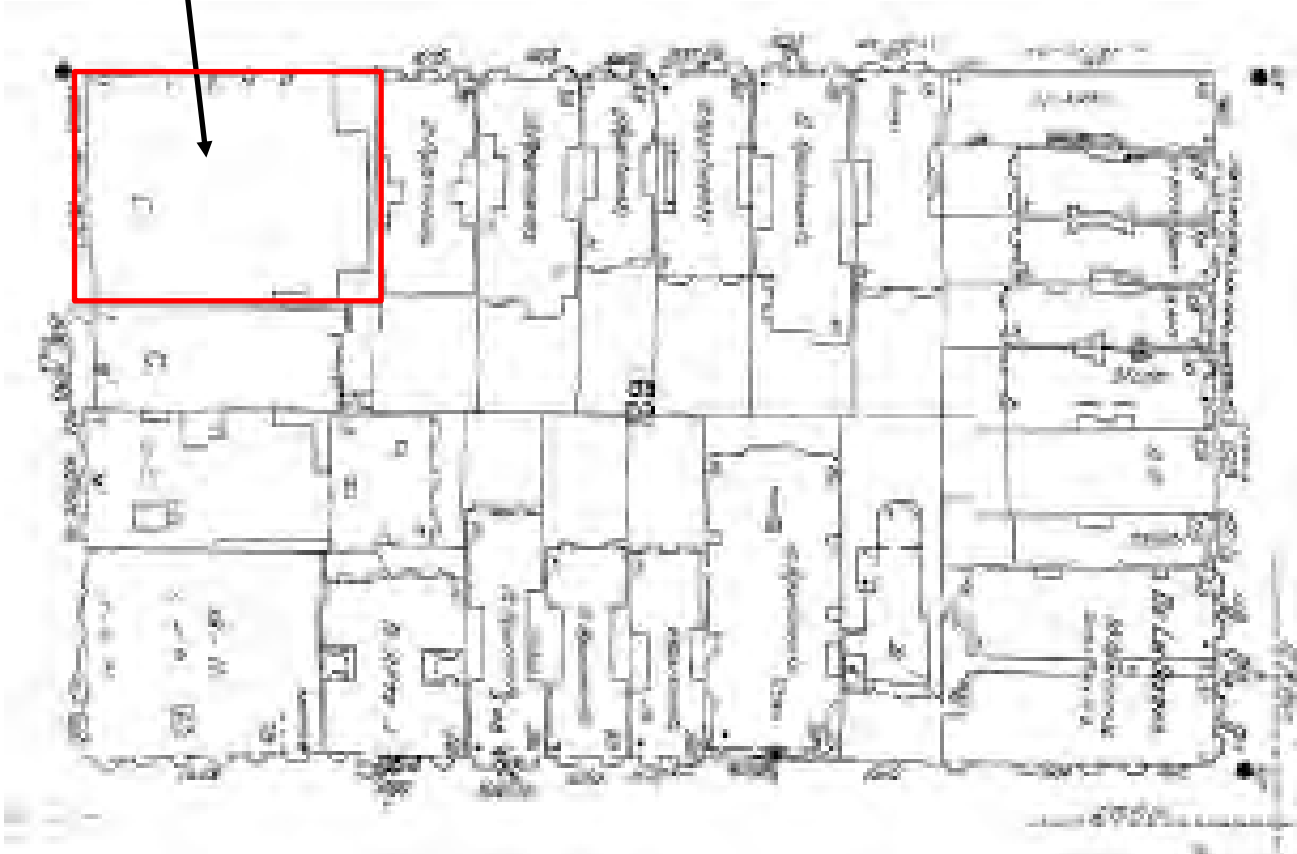
Parcel Map



Conditional Use Authorization Hearing
Case Number 2014.1168C
 The Market on Polk
 1650 Polk Street

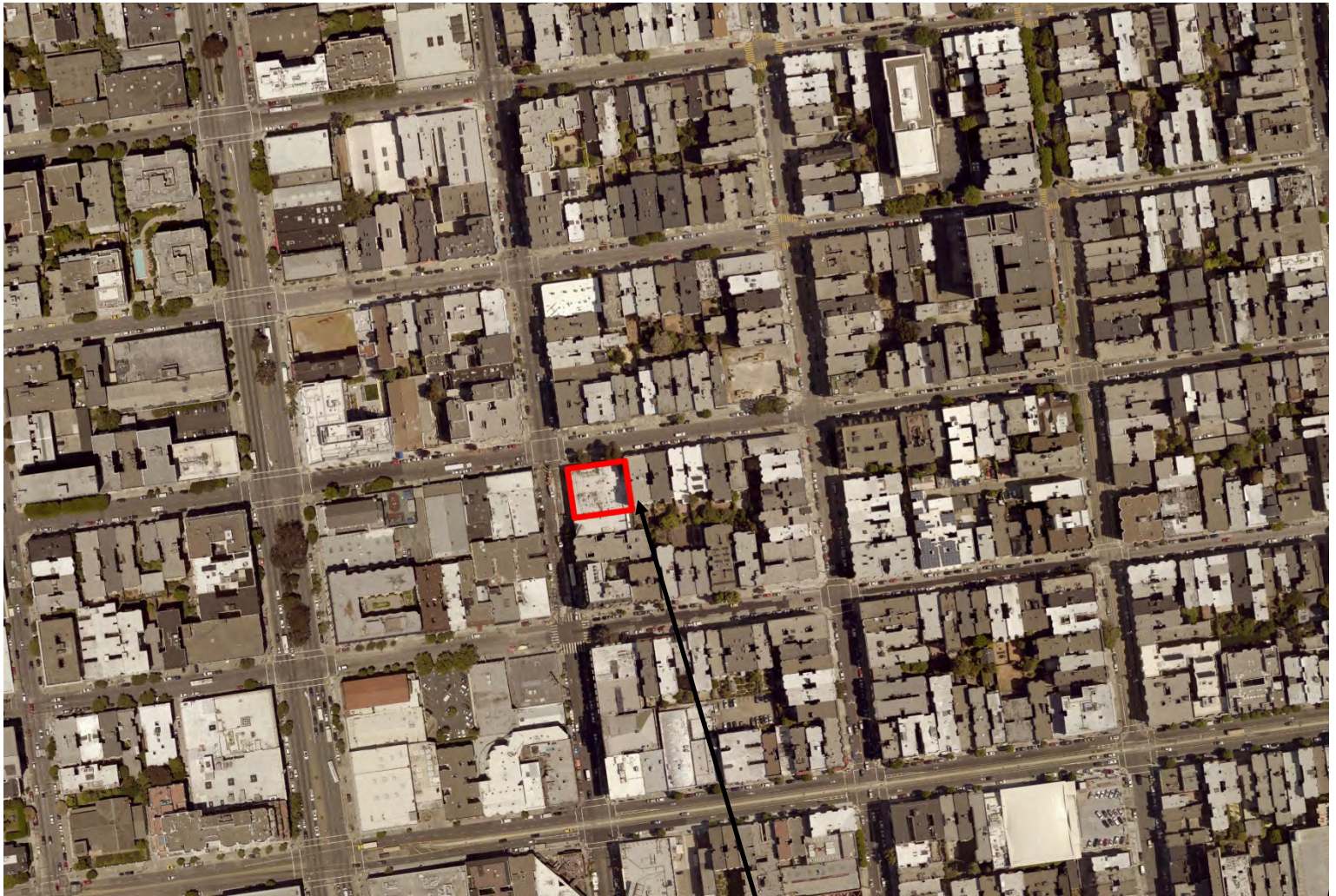
Sanborn Map*

SUBJECT PROPERTY



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

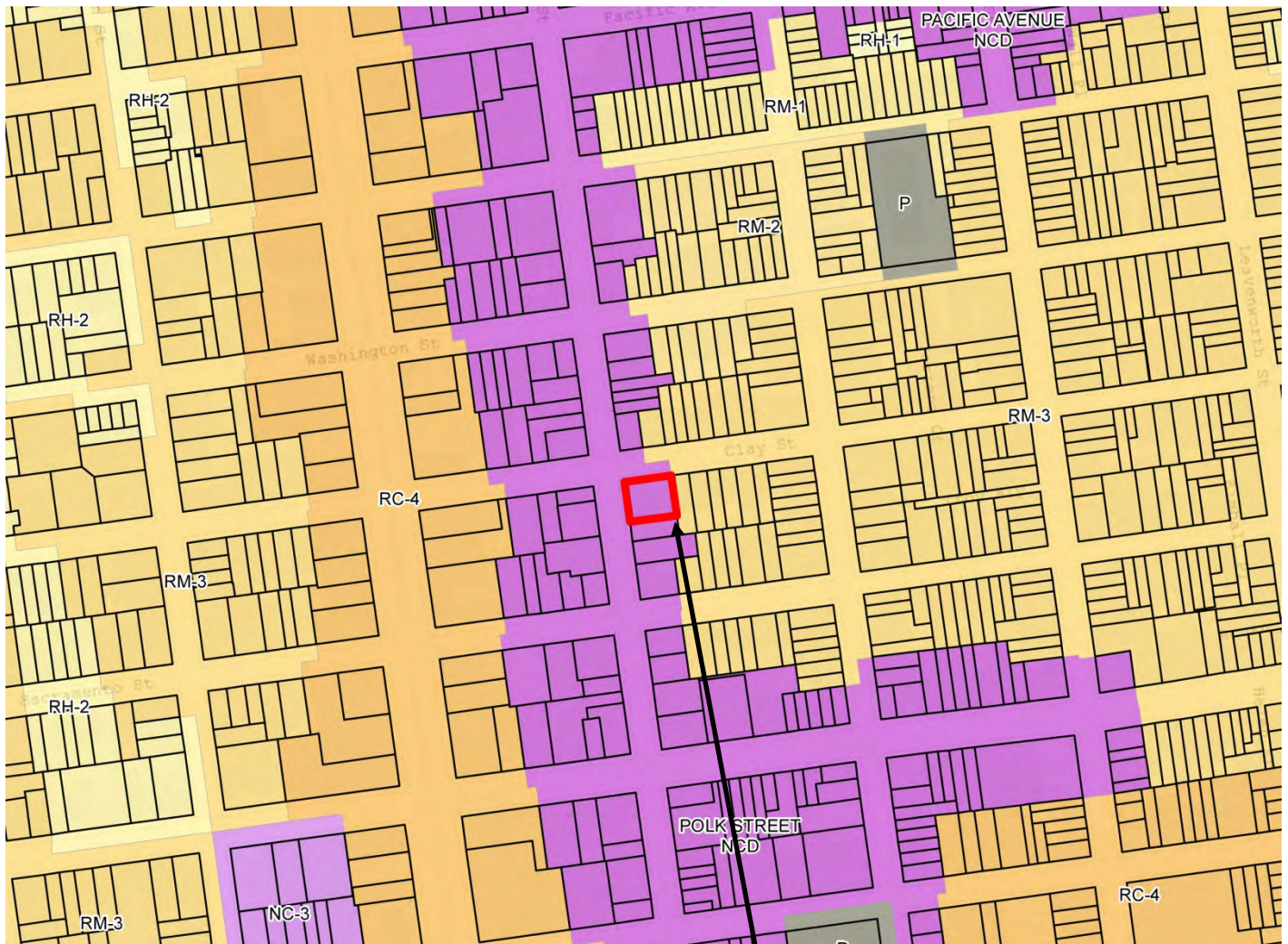
Aerial Photo



SUBJECT PROPERTY



Zoning Map



SUBJECT PROPERTY



Site Photo



Conditional Use Authorization Hearing
Case Number 2014.1168C
The Market on Polk
1650 Polk Street



April 16, 2015

Ms. Cindy Wu, President
San Francisco Planning Commission
1650 Mission Street, STE 400
San Francisco, CA 94103

Re: 1650 Polk Street (Case No. 2014.1168C)

Dear President Wu and Commissioners,

I am writing on behalf of my client, The Market, the Project sponsor for 1650 Polk Street (Case No. 2014.1168C). On April 30, 2015, the Planning Commission will consider approving a Conditional Use authorization to allow The Market to locate in the former Big Apple discount center at 1650 Polk Street (the "Project"). The Market is a grocery store that includes accessory restaurant uses and reflects the current model for grocery stores, which has full service grocery sales with areas for customers to sit, grab a quick bite to eat and a drink before or after shopping.

The Market is a San Francisco business, established by Chris Foley, developer of Canyon Market in Glen Park, and Bruce Slesinger and Tom Collom, the owners of Small Foods at 2nd and Bryant Street. Their idea and approach is to take existing, vacant space and create vibrant local markets where area residents, employees and visitors can purchase necessary grocery items while socializing with friends and neighbors. The food sold is fresh, local and designed to meet the community and customer needs.

The Market opened its first store in January 2015, on the ground floor of Market Square at 1355 Market Street. Its second store is the one before you for consideration at 1650 Polk Street. A third store is also planned in early 2016 for the ground floor of the Lumina building at 318 Main Street.

Both Market Square and Lumina are locations with limited grocery store options, but where significant population growth has occurred. 1650 Polk Street is within a vibrant existing neighborhood and was selected because of the opportunity it presented to continue grocery sales in a location where similar goods and services have been provided for over 20 years. In replacing the Big Apple discount center, which closed almost a year ago, The Market at 1650 Polk Street will continue to provide grocery sales to the neighborhood in an updated format, with fresh, local foods. The Market will also continue its tradition of hiring locally, and will be actively seeking neighborhood residents for jobs created by the Project.

For all these reasons, and as discussed in more detail below, **The Market respectfully requests your support and approval for the Conditional Use authorization under consideration.**

Project Description

The Project is the renovation and reuse of the existing building at 1650 Polk Street for a grocery store, restaurant and outdoor activity use. The Project will reuse the existing building and add approximately 1,625 square feet of enclosed area on the roof for life safety upgrades (i.e., staircase for emergency egress from basement and ground floor levels), a roof top outdoor eating area, and an elevator shaft. Additional square footage is also added on the mezzanine level for a trash room and in basement to accommodate the elevator, which provides full ADA access to all floors of The Market. The prior tenant, Big Apple discount center, only actively used the ground floor with the basement used for storage and the roof not used at all. The Market would activate and occupy the entire building and provide much needed life safety upgrades to comply with the current building code.

At the basement level, the Market is proposing a 1,575 square foot small ten (10) seat sushi restaurant and a 1,027 square foot production kitchen for restaurant and in house food preparation. The remainder of the basement area, 2,001 square feet, will be dedicated to circulation, restrooms and storage.

On the ground floor, The Market will significantly renovate the Polk Street façade to open it up and provide light, air and activity at the pedestrian level. Roll-up doors will be added adjacent to the store entry points, and windows will replace the current green panels along the transom. The windows along Clay Street will also be “daylighted,” creating visual interest along that frontage. The interior of the ground floor will contain the majority of The Market uses and is where the grocery store including a butcher, fresh produce, dairy, frozen goods and dry good sales will be located. Three small restaurants will also be scattered throughout the ground floor including a 782 square foot café at the northern corner along Polk Street, a 223 square foot pizza bar at the northern wall along Clay Street, and a 796 square foot Japanese tapas bar (known as Kappo Bar) at the rear of the building in an existing mezzanine level. Small grab-n-go areas totaling 308 square feet are also located within the ground floor area with the remainder of the ground floor dedicated to circulation, restrooms and storage. The total ground floor area is 9,480 square feet, of which less than twenty-three (23) percent will be dedicated to non-grocery store uses.

At the roof level, The Market is proposing a roof top garden, eating and sitting area. **This outdoor activity use was proposed specifically at the request of the community.** In fact, initially, the Project did not include any roof top use other than a garden to grow produce for the grocery store. In response to comments from community, The Market added a small roof top outdoor area, which was eventually expanded based on further discussions with Planning Department staff and the community. The current roof top plan has 1,616 square foot decks and 2,384 square foot garden areas. The roof also includes a small 432 square foot food and beverage area as well as 385 square feet of circulation, restrooms and storage.

The hours of operation of The Market, including the roof top garden, will be 8 a.m. till 10 p.m. daily.

Restaurant Uses

The Market is proposing 6,836 square feet of restaurant uses, which includes a 1,616 square foot roof deck and a 1,027 square foot production kitchen in the basement. All restaurant uses will have on-site alcohol sales and consumption and will be Bona Fide Restaurants as that term is

defined in the Planning Code. Specifically, each restaurant will serve “meals” and will have more than fifty-one percent (51%) of its total receipts in food sales. Copies of sample menus for the restaurants are attached as Exhibit A. All alcohol consumption will be limited to the restaurant areas and a Type 41 liquor license is being pursued which would limit sales to beer and wine.

Because restaurant uses are proposed, a concentration study of existing bar, limited-restaurant and restaurant uses (*i.e.*, eating and drinking uses) was prepared by Planning Department staff. The study shows that within 300 feet of the Project site, there is approximately 473 linear feet of eating and drinking uses. This equals a concentration of thirty-three percent (33%). The Project would add an additional 44 linear feet of restaurant use and a four percent (4%) increase in concentration. **This increase is warranted because the Project is a grocery store with accessory or ancillary restaurant uses and is not the type of establishment that would result in negative impacts associated with an overconcentration of eating and drinking uses.**

The primary purpose of The Market is to provide grocery sales to the middle Polk neighborhood. The restaurant uses included within The Market reflect a current grocery store model that provides prepared foods for on-site consumption as an amenity for customers seeking a bite to eat and a drink before or after shopping. The Market has distributed the restaurant uses within the store in a deliberate pattern to encourage grocery shopping and discourage only eating and drinking at the store.

The Market will be open from 8 a.m. till 10 p.m. daily and is the only grocery store within 300 feet of the Project site. Its hours of operation and proposed uses are unlike any other establishment in the immediate vicinity and it cannot be compared to a traditional eating and drinking establishment which has more limited hours of operation and a more limited range of goods and services for sale. The Market, as proposed, brings a significant benefit to neighborhood. It results in the continued operation of a grocery store at 1650 Polk Street and activates the street frontage throughout the day, encouraging pedestrian uses and the spending of dollars locally within the community.

For all these reasons, a Conditional Use authorization for restaurant uses with on-site alcohol consumption is warranted.

Roof Top Garden

The Market initially envisioned the roof as an area to grow produce for the grocery store below. Following the pre-application meeting with the community, it was clear that the neighborhood wanted The Market to provide outdoor space on the roof for the community to enjoy. Based on those comments, The Market designed a small roof top garden and seating area, which was ultimately expanded based on additional comments received and, the ability to accommodate additional garden uses due to structural improvements to the building.

The roof top garden has been carefully designed to create a peaceful, Zen-like outdoor area for The Market customers and visitors. It also has been designed to address potential noise concerns associated with outdoor activity uses and to reduce potential impacts to the adjacent property line windows along Clay Street. The noisiest uses, the restrooms and food service areas, are located within an enclosed “Potting Shed” that is designed to absorb and contain noise. By locating the Potting Shed, which can be closed, adjacent to the property line windows noise is

attenuated through encapsulation. The Potting Shed also has a green roof that is not only intended to further absorb noise, but also provide visual interest to the adjacent property line windows.

Adjacent to the Potting Shed is the “Roof Top Deck.” The Roof Top Deck provides a place for customers to sit and enjoy food and drinks. **They, along with the Potting Shed, are the only are the only places on the roof where food and drinks will be served.** The Roof Top Deck is enclosed by green walls and provides limited seating to minimize occupancy and use of these areas.

The remainder of the roof is a “Roof Garden” with lush tropical plants, trees, green walls and comfortable seating. Food and drinks will not be served in this area. Responding directly to the comments received by the community, this area is designed and landscaped to provide an outdoor retreat for the neighborhood. The seating is spaced and limited to ensure privacy and quiet for users and no smoking or alcohol consumption will be allowed in this area. In fact, the entire Project is a non-smoking environment.

To address mechanical noise, all roof-top mechanical equipment has been pushed toward the front of the property line along Polk Street. This places those uses at the furthest distance from the adjacent residential uses and property line windows along Clay Street. All mechanical equipment used will be shielded and designed as required under the San Francisco Noise Ordinance to minimize noise generation.

Finally, the roof top garden will have limited hours of operation and use controls. It will be open from 8 a.m. till 10 p.m. daily, and rowdy and loud behavior, including amplified noise of any kind, will not be permitted and will be strictly enforced. The Market wants to be a good neighbor, and is working hard to balance all the needs of the community and the adjacent residents. The roof top plan proposed strikes that balance.

For all these reasons, a Conditional Use authorization for an outdoor activity use is warranted.

Project Benefits

The Project will renovate and maintain grocery store uses at 1650 Polk Street while providing much needed outdoor space for the neighborhood. It will provide a full-service grocery store with a butcher, fresh produce, dairy, frozen foods, dry goods and home goods. Small grab-n-go items will be available as well as small restaurant uses to allow customers to casually dine while shopping or grab something pre-made to eat at home.

The Market will revitalize an existing building in the vibrant middle Polk neighborhood. The design is clean, open and significantly enhances the pedestrian streetscape. Its hours of operation from 8 a.m. till 10 p.m., and its high traffic use, will discourage vagrancy and crime in the area. More specifically, the Project benefits include, but are not limited to the following:

- Reduction in Blight: The Project will renovate and reuse an existing under-utilized structure along a major bike route and transit thoroughfare with an active grocery store use and accessory restaurant uses.

- Street Activation: The Project will enhance Polk Street through the addition of a high traffic use business (*i.e.*, grocery store) that is designed to create an inviting atmosphere and transparent façade where pedestrians are likely to stop and shop.
- Community Support: The Project has received over 69 signatures of support and The Market team has been actively working with local neighborhood groups and associations, keeping them up-to-date on the status of the Project. A separate letter from The Market, dated April 13, 2015, has been submitted outlining their community outreach efforts to date and including all letters and signatures of support for the Project.
- Green Development: The Project will be a “green” development and is committed to reducing energy and water demand. It will include low flow water features, energy efficient lighting and a green roof. In addition, the exterior renovations adding more windows along Polk Street and “daylighting” windows along Clay Street, will provide additional daylight in the structure to allow increased use of natural light and thereby reduce energy consumption.
- Job Creation: **The Project will create 50+ construction jobs over a seven-month period as well as hire over 70 local and neighborhood residents for jobs at The Market.**

* * * * *

In sum, **the Project before you is an excellent example of reuse of an existing building and continued operation of a much needed neighborhood serving use.** It creates a use that is compatible with the surrounding neighborhood and addresses neighborhood needs regarding open space. The proposed design integrates into the existing neighborhood and commercial footprint and will be a valuable addition to the middle Polk neighborhood.

It is an exceptional Project, a great reuse of an existing building, and one that we respectfully request you support and approve.

Very truly yours,



Alexis M. Pelosi

Exhibit A



GOOD MORNING

Fresh Cut Seasonal Fruit
sm 4.5 lg 6.5

Steel Cut Oats
with Banana, Walnuts and
Marshall Farms Honey
6.5

Honey and Almond Granola
with Greek Yogurt and Fresh Fruit
7

Buttermilk Biscuit Breakfast Sandwich
with Cheddar Scrambled Egg
7

add: Smoked Bacon or Cold Smoked Salmon 2
Roasted Peppers or Spinach 1

Scrambled Egg and
Smoked Salmon Breakfast Pizza
with Crème Fraiche and Watercress
10

Fresh Chorizo Pizza
with a Farm Egg and Cotija
8



MARGHERITA

San Marzano Tomatoes +

Di Stefano Mozzarella + Basil

13

SPICY ITALIAN

San Marzano Tomatoes +

Hot Italian Sausage + Coppa + Pecorino

15

WHITE PIE

Di Stefano Mozzarella + Ricotta +

Parmigiano Reggiano + Pecorino + Garlic Oil

14

TARTE FLAMBÉ

Caramelized Onions + Smoked Bacon +

Fromage Blanc + Chives

16



COLD SANDWICHES

Brined Roasted Turkey Club
with Bacon, Avocado, Aioli and Butter Lettuce

12

Albacore Pan Bagnat
with Oil Cured Olives, Roasted Peppers,
Medium Cooked Egg and Arugula

13

Prosciutto, Mortadella and Spicy Capicola
with Provolone, Pickled Cherry Peppers,
Romaine and Red Wine-Oregano Vinaigrette

13

Roast Beef
with Braised Red Onion, Horseradish ,Goat
Cheese and Arugula

12

Roasted Peppers and Broccoli di Ciccio
with Garlic Confit and Crecenza Cheese

11

HOT SANDWICHES

Grilled Cheese
with Burrata, Parmesan, Caramelized Onions
and Truffle Butter

13

Roasted Pork Cubano
with Ham, Gruyere, Pickles and Mustard Aioli

13

Chicken Confit Panino
with Sunchoke, Bacon and Pear Mustard

11





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VICINTY WITHIN LARGER CITY



VICINTY WITHIN NEIGHBORHOOD



VIEW OF EXISTING BUILDING FROM POLK AND CLAY



VIEW ON CLAY STREET



VIEW TOWARDS POLK



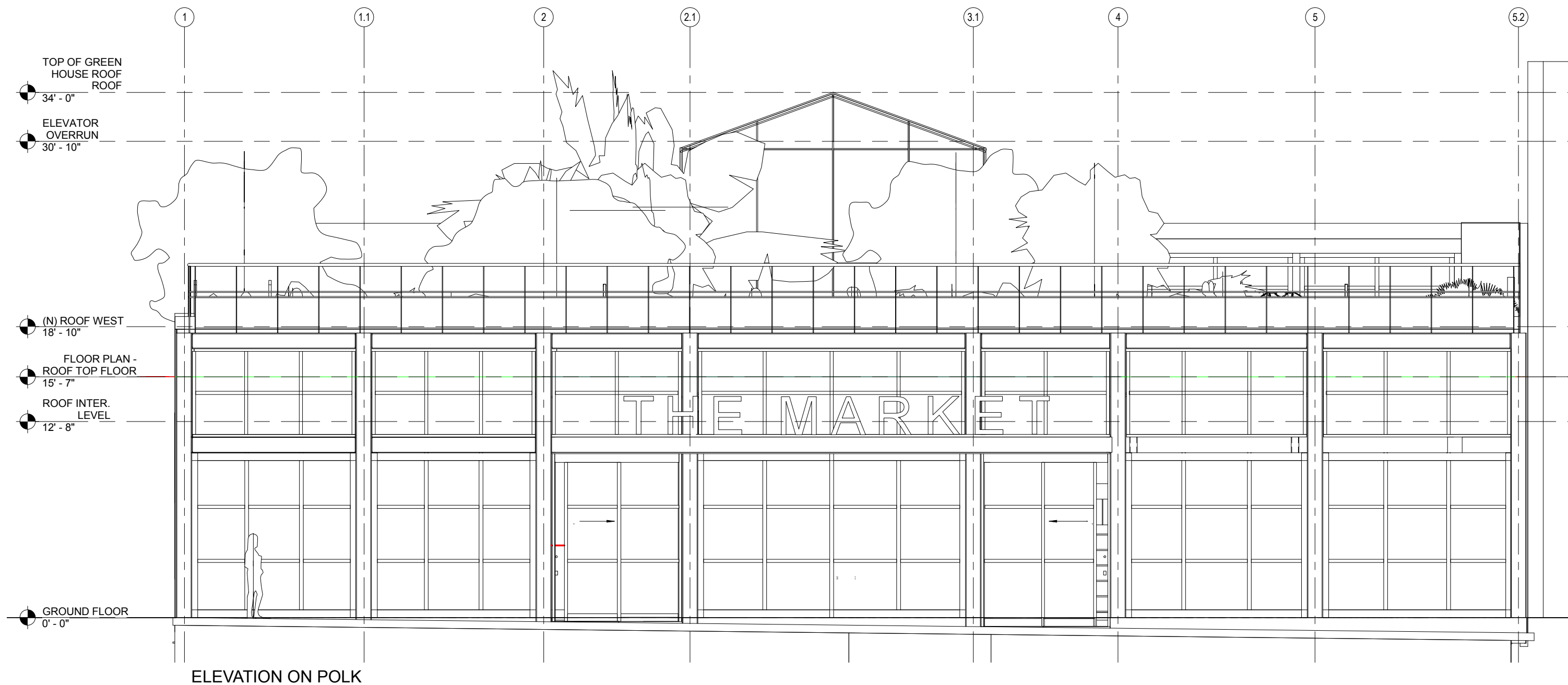
VIEW AT CORNER OF POLK AND CLAY

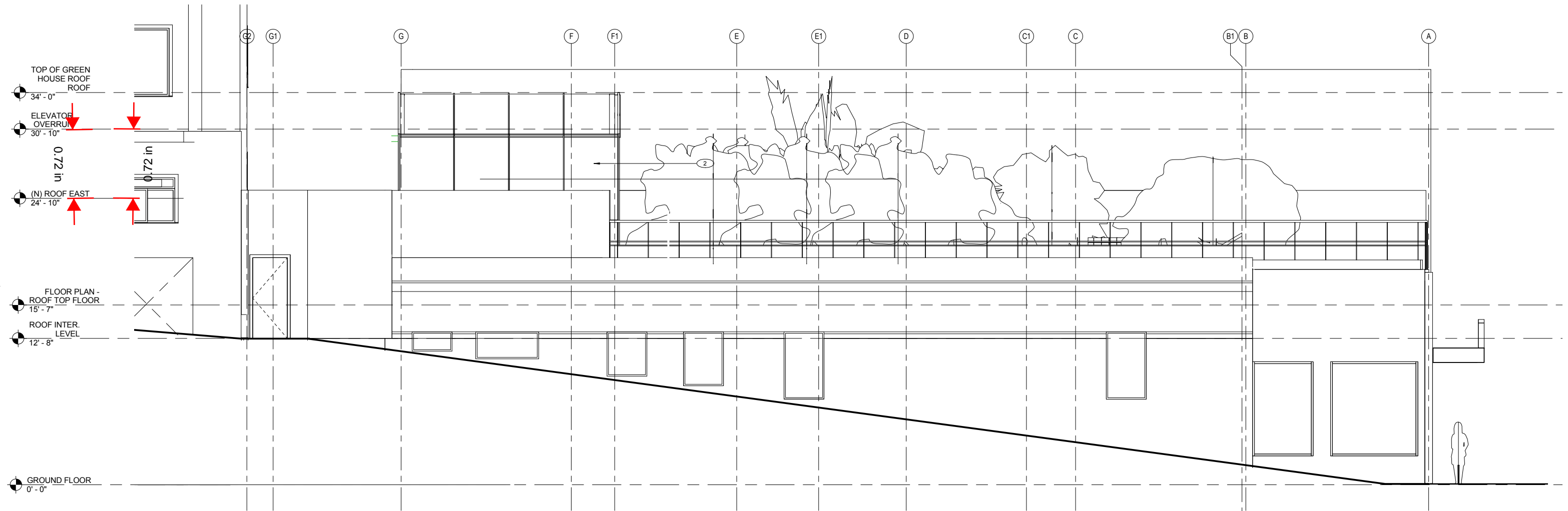


VIEW LOOKING EAST ON CLAY

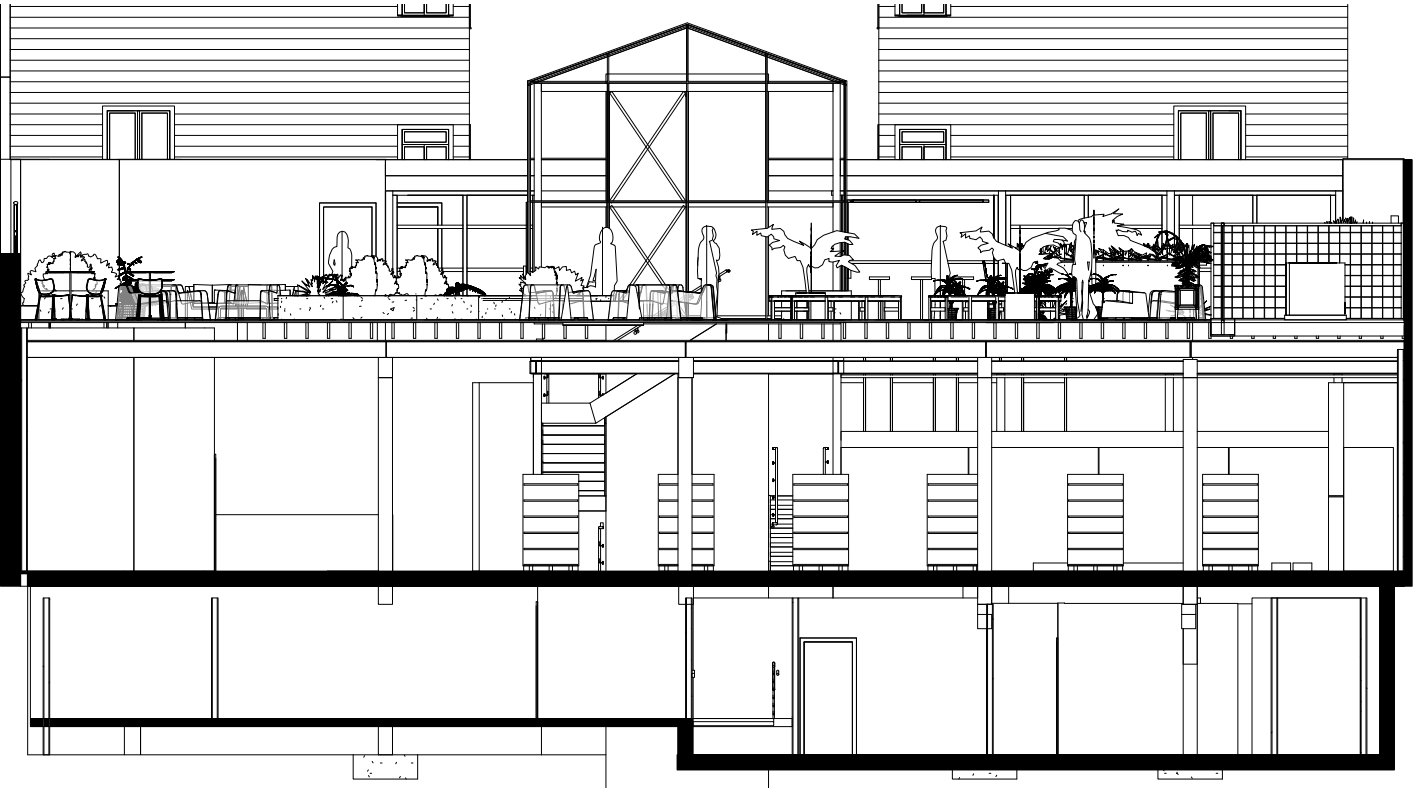


ELEVATION ON POLK STREET

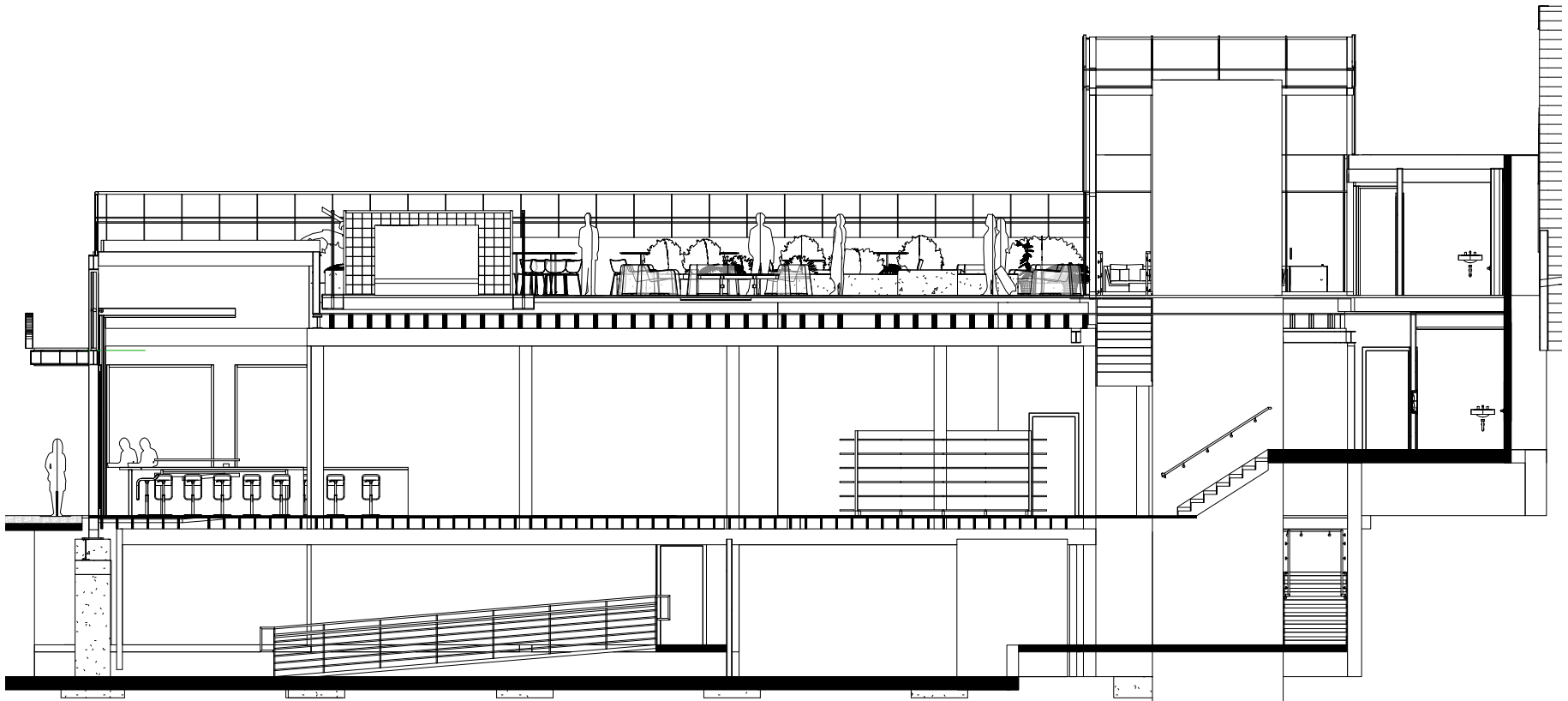




ELEVATION ON CLAY



NORTH-SOUTH SECTION



EAST-WEST SECTION

BASEMENT FLOOR PLAN

SUSHI RESTAURANT = 1, 575 SF

PRODUCTION KITCHEN = 1, 027 SF (While this space is categorized for restaurant it will most likely be used by the grocery as well in the preparation of food, produce, etc.)

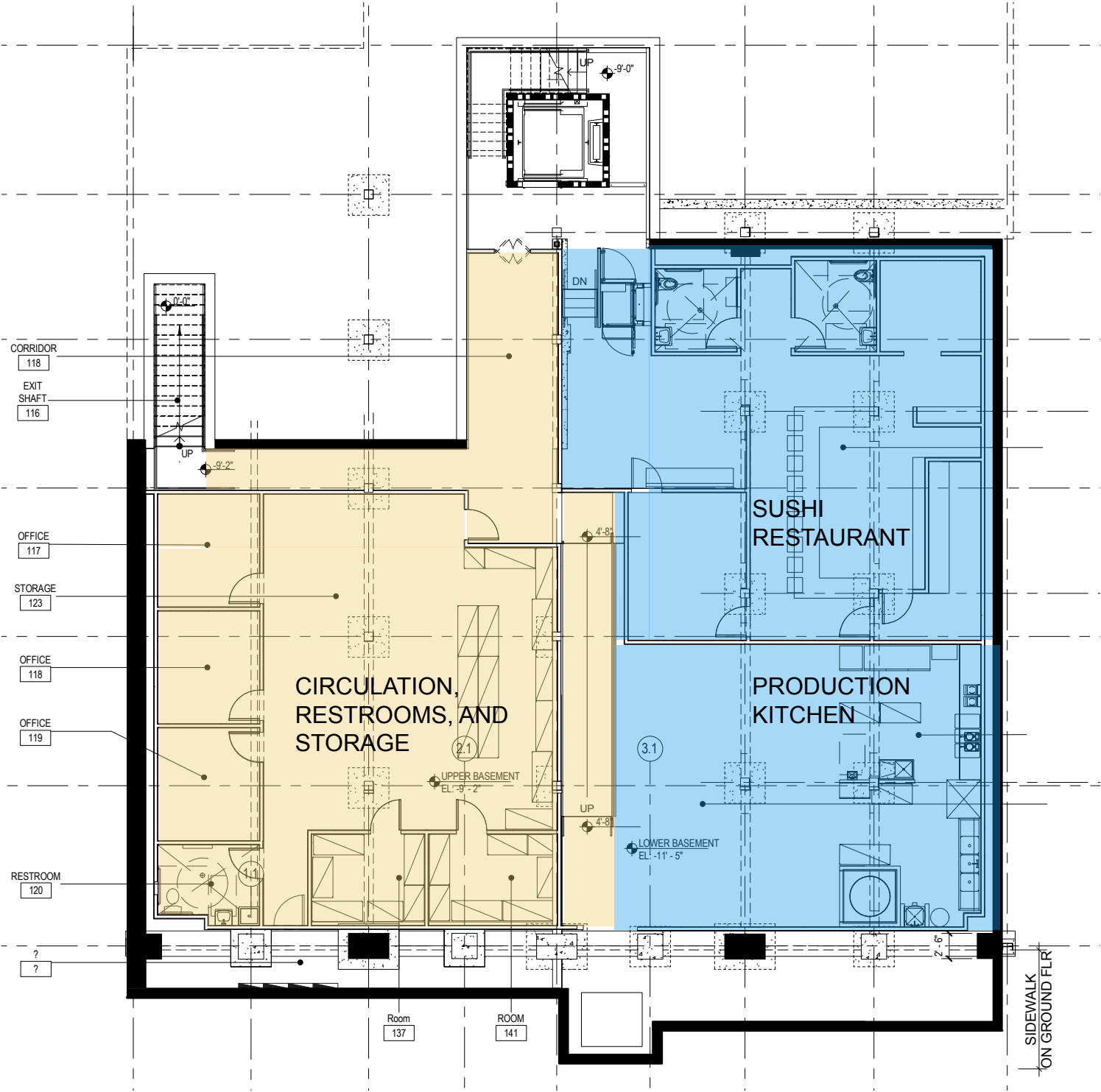
CIRCULATION, RESTROOMS, AND STORAGE = 2, 001 SF

KEY PLAN

RESTAURANT (see page 13)

GROCERY (see page 13)

ACCESSORY TAKE-OUT (see page 13)



BASEMENT FLOOR PLAN

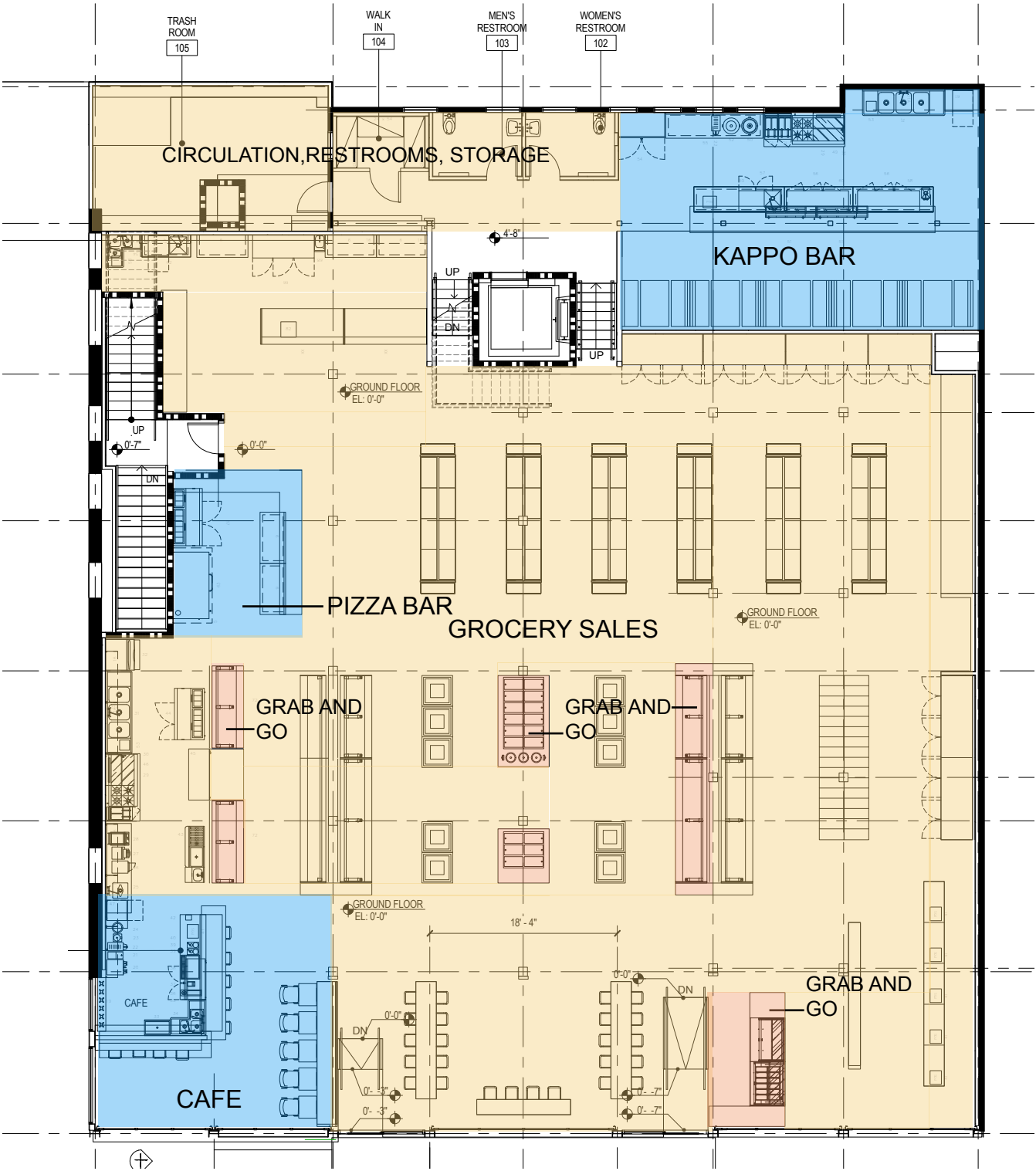
GROUND FLOOR PLAN

PLAN USES AND AREAS

	KAPPO BAR	= 796 SF
	PIZZA BAR	= 223 SF
	CAFE	= 782 SF
	GROCERY	= 6,793 SF
	CIRCULATION, RESTROOM, AND STORAGE	= 578 SF
	GRAB AND GO	= 308 SF

KEY PLAN

	RESTAURANT (see page 13)
	GROCERY (see page 13)
	ACCESSORY TAKE-OUT (see page 13)



GROUND FLOOR PLAN

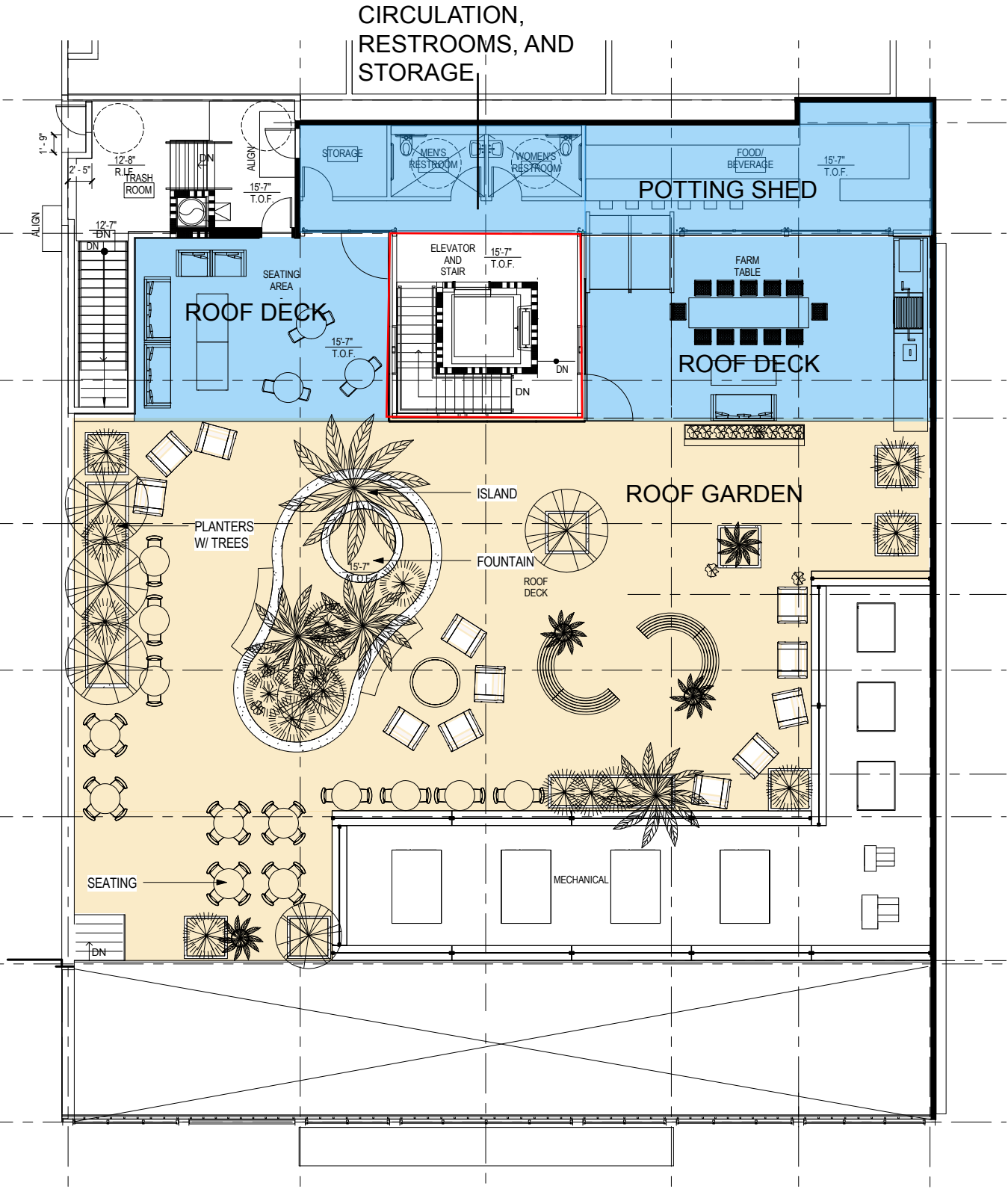
ROOF FLOOR PLAN

PLAN USES AND AREAS

	FOOD AND BEVERAGE (POTTING SHED)	= 432 SF
	ROOF TOP DECKS	= 1, 616 SF
	CIRCULATION, RESTROOMS, AND STORAGE	= 376 SF
	ROOF GARDEN	= 2, 384 SF

KEY PLAN

	RESTAURANT (see page 13)
	GROCERY (see page 13)
	ACCESSORY TAKE-OUT (see page 13)



ROOF DECK PLAN

USE AND AREA SUMMARY

	USE	DESCRIPTION	AREA
BASEMENT	RESTAURANT	1) SUSHI RESTAURANT	1, 575 SF.
	RESTAURANT	2) PRODUCTION KITCHEN	1, 027 SF.
	GROCERY	3) CIRCULATION, RESTROOMS AND STORAGE	2, 001 SF.
		TOTAL AREA	4, 603 SF.
GROUND FLOOR	RESTAURANT	1) CAFE	782 SF.
	RESTAURANT	2) KAPO BAR	796 SF.
	RESTAURANT	3) PIZZA BAR	223 SF.
	GROCERY	4) GROCERY SALES	6, 793 SF.
	GROCERY	6) CIRCULATION, RESTROOMS AND STORAGE	578 SF
	ACCESSORY TAKE-OUT	7) GRAB N GO	308 SF
		TOTAL AREA	9, 480 SF.
ROOF	RESTAURANT	1) POTTING SHED	432 SF
	RESTAURANT	2) ROOF DECK	1, 616 SF
	RESTAURANT	3) CIRCULATION, RESTROOMS, AND STORAGE	376 SF
	GROCERY	4) ROOF GARDEN	2, 384 SF
		TOTAL AREA	4, 808 SF.
SUMMARY	TOTAL PROJECT AREA		18, 891 SF.
	TOTAL RESTAURANT AREA		6, 827 SF.
	TOTAL ENCLOSED RESTAURANT		4, 403 SF.
	TOTAL OUTDOOR RESATURANT		2, 424 SF.
	TOTAL GROCERY AREA		11, 756 SF.
	TOTAL ENCLOSED GROCERY		9, 372 SF.
	TOTAL OUTDOOR GROCERY		2, 384 SF.
	TOTAL ACCESSORY TAKE-OUT AREA		308 SF.

No patrons; no alcohol service. While it is categorized for restaurant it will be used by the grocery as well as restaurants in the preparation of food, produce, etc.

Includes area for food beverage prep and service station

No alcohol service at garden



VIEW OF FARM TABLE



INDOOR AND OUTDOOR FLOW





CASUAL MEANDERING AND SOFT LANDSCAPING



GREEN WALLS AND SCREENS



CASUAL SEATING



SHADING



INTIMATE SEATING AND LOUNGING



INTIMATE GATHERING



LIVING ROOF



TALL GRASSES



ROOF GRASSES



POTTED PLANTS



BENCH

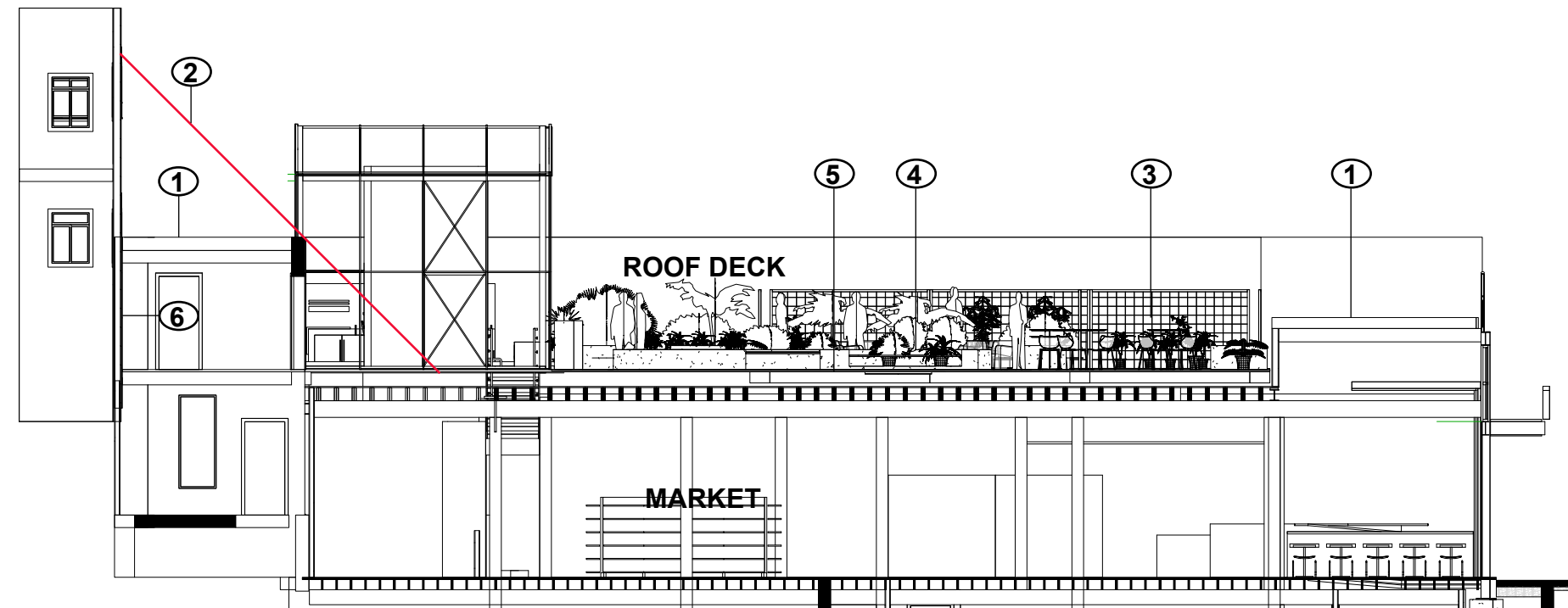


CASUAL SEATING

ROOF SOUND MEASURES



AXONOMETRIC WITH PROPOSED MEASURES



DIAGRAMATIC SECTION WITH PROPOSED MEASURES

ANALYSIS:

The Project will comply with the requirements of the San Francisco Noise Ordinance. Pursuant to Section 2909 (b) and 2909 (d) the Project will ensure that “ [n]o 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 the property plane.” Charles M. Salter Associates Inc. has conducted on-site tests that show existing noise level along the property lines at the following levels: north property line (at Clay Street) = 43 dba; south property line (adjacent Live Fit Gym) = 43 dba; east property line (adjacent residential building at Clay) = 39 dba; and, west property line (at Polk Street) = 43 dba. As the minimum allowable dba in the City is 45 dba, given current readings, the maximum dba on the roof will be 53 dba. All noise on the roof will fall below 53 dba as required by the City Noise Ordinance. Below are measures incorporated into the roof design to address noise.

PROPOSED MEASURES

- ① **GREEN ROOF PREVENTS SOUND FROM TRAVELING INSIDE THE MARKET AND POTTING SHED.**
- ② **LINE OF SIGHT INDICATES MINIMUM DISTANCE TO IMPACT OF ADJACENT BUILDING.**
- ③ **SOLID COMPOSITE SCREEN AROUND MECHANICAL EQUIPMENT. PLANTING ON THE WALL.**
- ④ **SOFT PLANTING AND GROUND COVER TO REDUCE SOUND.**
- ⑤ **SOUND INSULATION BOARD IN ROOF SYSTEM TO REDUCE SOUND.**
- ⑥ **SOUND INSULATION IN WALL TO PREVENT SOUND TRAVELING TO ADJACENT BUILDING**
- ⑦ **MECHANICAL EQUIPMENT LOCATED CLOSER TO POLK STREET.**







April 13, 2015

Ms. Cindy Wu, President
San Francisco Planning Commission
1650 Mission Street, STE 400
San Francisco, CA 94103

Re: 1650 Polk Street (Case No. 2014.1168C)

Dear President Wu and Commissioners,

In January 2015, The Market opened its flagship store located on the ground floor of 1355 Market Street, widely known as the Twitter Building. The Market is proud to have joined the Mid-Market area and provide much needed fresh, health and local fare to area residents and workers, and looks forward to bringing similar fare to the mid-Polk neighborhood. Our convenient, fresh, accessible approach to grocery shopping and our outlook on food is the perfect complement the already vibrant mid-Polk neighborhood.

As The Market looks to grow to its second location, Market on Polk, our commitment to the community and neighborhood enrichment continues to expand. At our flagship store, over 60 individuals from the District 6 neighborhood were hired and we were proud and honored to have offered the residents of District 6 the opportunity to work at The Market on Market. At our second location, we anticipate hiring another 75 individuals from the District 3 neighborhood, where The Market on Polk is located. When The Market on Polk is up and running, between both stores we will be employing over 200 people with a focus on hiring within the community where our stores are located. This commitment benefits not only The Market and the residents of District 3 and District 6, but it also demonstrates our commitment to building a partnership with the communities where we locate and work with neighbors and neighborhoods to ensure our mutual growth and success.

Since first identifying 1650 Polk Street as a location for The Market, we have been actively engaging the neighborhood and the community. To date, we have met with over 100 neighbors and businesses and collected over 69 signatures of support. Copies of those signatures as well as individual letters of support are attached. We also have met with several community groups, including the Middle Polk Merchants Association and the Middle Polk Neighborhood Association, both of which have expressly support for the reuse of the Big Apple discount center as a grocery store.



We also heard some great recommendations for the store and have incorporated many of them into the current design and proposed. Some of those changes include the following:

1. The addition of outdoor space on the roof to provide a quiet, outdoor area for local residents and customers to enjoy;
2. The expansion of grocery sales to over 6,000 square feet to ensure a good mix of product type; and
3. The opening up of windows along Clay Street to active and create interest along this frontage.

Over the next few weeks, we will continue to with neighbors and the community and will update this letter as needed prior to the Planning Commission hearing on the project.

In closing, at The Market we believe in fresh, healthy food, but we also believe that our value is not only in the products that we sell, but in what we give back to the neighborhoods where we locate. We have already shown through our 1355 Market Street location that The Market is a compassionate, involved neighbor. At 1650 Polk Street, our team has already volunteered at clean-up days for the Middle Polk Neighborhood Association and will strive to identify other ways to help the local community. Through our community-based leadership, our clean stores and our delicious food, The Market is a great addition to the neighborhood.

Sincerely yours,

A handwritten signature in black ink that reads 'Elena Trierweiler'. The signature is fluid and cursive, with the first name 'Elena' being more prominent.

Elena Trierweiler
Marketing Manager

the
MARKET
ON POLK

1650 Polk Street (former Big Apple Market) will be renovated as a new market catering to neighborhood needs and will include fresh fruits and vegetables, a full meat and deli counter, grocery items, prepared foods as well as an accessory café with on-site food, beer and wine sales. The revised market will replace and revitalize the existing façade enhancing Polk Street and the pedestrian environment.

By signing below, I hereby support the proposed Market at 1650 Polk Street and believe it is a good fit for the neighborhood.

#	Name/Company	Address	Contact Number	Email	Signature
1	Hugh O'Donnell	1281 Green St	415-717-9179	hughodonnells@gmail.com	H O'Donnell
2	Ronan Cosme	1753 Washington St. #2	(415) 353-0293	euronon2k@yahoo.com	Ronan
3	Robert Cosimo	729 Green St. 315	(415) 559-7462		Robert
4	Nick KUSA	1659 Washington St #4	(858) 220-4117	rona@me.com	Nick
5	Andrey Clayman	1 Daniel Burnham Apt 110	415-422-5837	—	Andrey Clayman
6	Chris Marquez	2242 Polk St.	720 648 2101	—	Chris Marquez

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#	Name/Company	Address	Contact Number	Email	Signature
1	DS Dorian	1688 Sacramento St. #101	818 917 382	jdosnapp@gmail.com	[Signature]
2	Belinda J. Pasinger	1040 Leavenworth #303		belindapasinger@stc.net	[Signature]
3	Matthew Miller	1350 Washington		dctzbrange@gmail.com	[Signature]
4	Rachel Kamen	1688 Sacramento St #102	415 879-0382	kamen.rachel@gmail.com	[Signature]
5	Tasun Pater	1364 Worcester			[Signature]
6	Charles Young	1640 Washington St.		mobbilldang@gmail.com	[Signature]

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#	Name/Company	Address	Contact Number	Email	Signature
1	Antonio Ramirez Pachos	1639 Polk St			
2	Robt. Palma	1639 Polk St.	mess 781-6859 #114		Robert Palma
3	L. Librick	1001 Polk St	415 261-4837		
4	Waheloby	1651 Lark St.	415 6916160		
5	David Craig	2246 Polk St	415 359 0971		
6	Michael Schoolnik	1569 CLAY	415- 674-3740	michael@ store-pr.com	Michael

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#	Name/Company	Address	Contact Number	Email	Signature
1	YOUNG MANZONI	2340 Gough St.		ymanzoni@yahoo.com	
2	Wes Furuta	1788 Clay St.		wfuruta@gmail.com	
3	Mimi Maio	1693 Polk St		mimimacathur@hotmail.com	
4	1112 PINE ST	1618 Polk St		polkproject@gmail.com	
5	VIRGINIA MYER	1805 Pine St			
6	Virginia Butta	1550 Gough St #6		VLR@BRANDGATE.COM	

the
MARKET
ON POLK

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#	Name/Company	Address	Contact Number	Email	Signature
1	Jack Doe	1664 Larkin St. #9			Jack Doe
2	Dominique Lefranc	3040 Franklin St. #201			D. Lefranc
3	Jardiel Alon Garcia	2048 Polk St. #11			JAG
4	J. Joannides	1740 Polk			J. Joannides
5	Linden Rees	1355 Sacramento St.			L. Rees
6	Pauline Shon	1504 Polk St.			Pauline Shon

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#	Name/Company	Address	Contact Number	Email	Signature
1	Nike DeVito Self Employed	1120 Hyde St 207 SF CA 94109	415 525 0392	MDeVito47@gmail.com	Nike DeVito
2	Todd Branch	1470 California St.	415-30305 8102	branchtodd@gmail.com	Todd Branch
3	Leo Spore	743 Arguello	415-377-4524	leo@more7design.com	Leo Spore
4	Cindy Lee	1658 ARRAMENTO ST.	415-812-5619	N/A	Cindy Lee
5	Joel Bauman	1880 Pacific Ave.	415 240-1478	kleus@b31@gmail.com	Joel Bauman
6	Jordan Freese Jay Sigan Presents	1655 Polk St	415-447-4730	jordan@jpsf.com	Jordan Freese

the
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#	Name/Company	Address	Contact Number	Email	Signature
1	Fumie Ogashima	1528 1/2 California St S.F. CA 94109	(415) 775-1692	/	
2	Caroline Brede	1234 Taylor St 1234 Taylor St	415 305 4600	cbrede@gmail.com	
3		3111 Hyde St	415 292-4880		
4		2301 Polk	415-972-2729		
5	Julie Lorenzen	1414 Pacific Ave	415-972-7675		
6	55 Bloomfield	"	415-889-3370		

the
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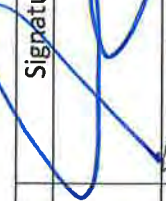


By signing below, I hereby support the proposed Market at 1650 Polk Street and believe it is a good fit for the neighborhood.

#	Name/Company	Address	Contact Number	Email	Signature
1	photo plus	1703 polk st.	(415) 673 1828		
2	Christian Science Reading Room	1643 Polk	673-0532		
3	Jungsoony Reflexology	1623 Polk	415-567-8298		
4	Frank's 1st Rep	1619 Polk	415 775 1694		
5	ANSALEE Thai	1617 Polk St.	415 351 1900		
6	Brownies Hardware	1563 Polk St	415-673-8900		

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#	Name/Company	Address	Contact Number	Email	Signature
1	MAIN LUGGAGE	1553 POLK ST	415 673 2286	customercare@mainluggage.com	
2	David Montoya	1549 Polk St	415 885 7987	sales@mysofacreation.com	
3	Mamaw Holatare	1524 TROLL MAN AVE SUNMATEO	690 2999303		
4					
5					
6					

April 12, 2015

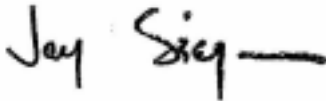
RE: 1650 Polk Street (Case No. 2014.1168C)

Dear President Wu and Commissioners:

We understand that the Planning Commission will be considering a Conditional Use authorization to allow The Market to locate in the former Big Apple discount center at 1650 Polk Street on April 30, 2015.

We are the owners and operators of Jay Siegan Presents, a music management and event production company, at 1655 Polk Street and have been there since 2002. We were the previous owners and operators of The Red Devil Lounge from 2002-2014 and sold it to the owners of Harper & Rye in February of 2014. We are very much in support of The Market and look forward to them being an active member of the middle Polk neighborhood. We believe the renovated building looks beautiful and will be a great addition to the street. We like the combination of uses and the roof top garden and think that it will generate strong pedestrian activity in the area, which is good for all local businesses.

We ask you to please consider our wishes and support and approve the Conditional Use authorization for The Market at 1650 Polk Street.

A handwritten signature in black ink that reads "Jay Siegan" followed by a horizontal line.

4/12/15

Jay Siegan, Principal
Jay Siegan Presents

From: [Patty Larkin](#)
To: [Grob, Carly \(CPC\)](#)
Subject: 1650 Polk Street
Date: Tuesday, April 14, 2015 12:35:30 PM

Carly I hope this finds you well.

I received your letter for the project at 1650 Polk Street as I live kitty corner to the project at 1714 Clay St.

I am not able to attend the hearing but wanted to say that I will only support the project if the roof deck has a 8pm closing time as it will be impossible not to affect me and the others in our building with a later closing time.

I hope that this makes it into the hearing and I do appreciate your help.

Thank you

Patty