



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JANUARY 12, 2012

Date: January 5, 2012
Case No.: **2011.1249C**
Project Address: **2500 Bryant Street**
Zoning: RM-1 (Residential, Mixed, Low Density) Zoning District
Mission Alcoholic Beverage Special Use District
40-X Height and Bulk District
Block/Lot: 4208/001
Project Sponsor: Yaron Milgrom
2845 23rd Street
San Francisco, CA 94110
Staff Contact: Brittany Bendix – (415) 575-9114
brittany.bendix@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project Sponsor is seeking a Conditional Use authorization to convert a retail grocery store to a full-service restaurant (d.b.a. Local's Corner). The proposal also includes an outdoor seating area at the front of the property of approximately 127 square-feet. The proposed restaurant is an independent use, locally owned and operated, and it is not identified as a Formula Retail use. The conversion to a full-service restaurant requires Neighborhood Notification per Planning Code Section 311, which was conducted in conjunction with the Conditional Use Authorization process.

No other changes to the site are included in the present proposal. However, a change of use from the retail grocery store to a retail coffee shop, including minor changes to the façade was approved and issued under Building Permit Application No. 2011.08.17.2622. This change in use did not require Neighborhood Notification per Planning Code Section 311, as these uses are both defined as "other retail and services" per Section 790.102. The tenant plans to proceed with the establishment of a retail coffee shop should they not receive authorization to establish a full-service restaurant.

SITE DESCRIPTION AND PRESENT USE

The project is located on the southwest corner of the intersection of Bryant and 23rd Streets, Lot 001 of Assessor's Block 4208. The subject property is located within an RM-1 (Residential, Mixed, Low Density) Zoning District, the Mission Alcoholic Beverage Special Use District, and a 40-X Height and Bulk District. The subject property has 26-feet of frontage on Bryant and 100-feet on 23rd Street. Two buildings occupy the subject property. A two-story mixed-use building occupies the first 51.5-feet of the 23rd Street frontage and a two-story dwelling occupies the last 27.5-feet of the 23rd Street frontage. Between the two structures is an open area 21-feet deep and 19- to 26-feet wide. The ground floor is a Limited Commercial Use currently operating as a retail grocery store (d.b.a. La Placita Market). The unit above is residential.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the intersection of 23rd and Bryant Streets in an RM-1 (Residential, Mixed, Low Density) Zoning District. The surrounding properties are located within the RM-1 and RH-2 (Residential House, Two-Family) Districts and consist of single, two-, and three-family residential buildings. The adjacent corners also consist of Limited Commercial or Nonconforming Uses at the ground floor including an art gallery (d.b.a. Million Fishes) and a laundromat (d.b.a. Super Lavar). Approximately a half mile to the west is the Mission NCT (Neighborhood Commercial Transit) Zoning District where full-service restaurants are principally permitted. Approximately one block to the south is the 24th Mission NCT where full-service restaurants are permitted with Conditional Use Authorization by the Planning Commission. Both of these districts contain a mixture of food and beverage establishments, personal services, and small retail establishments.

The site is well served by local and regional public transit. The following transit lines and stops are within a half mile of the project site: the 9-San Bruno, 10-Townsend, 12-Folsom, 27-Bryant, 33-Stanyan, and 48-Quintara/24th Street MUNI bus routes; the 24th Street BART Station and stops for SamTrans.

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	December 23, 2011	December 23, 2011	20 days
Posted Notice	20 days	December 23, 2011	December 23, 2011	20 days
Mailed Notice	10 days	January 2, 2012	December 16, 2011	27 days

The proposal requires Section 3 Neighborhood Notification, which was conducted in conjunction with the Conditional Use authorization process.

PUBLIC COMMENT

- The tenant residing above the proposed restaurant has indicated their opposition to this project. Their concerns relate to the following: 1) increase in noise, foot-traffic, pests, litter, and congestion from both vehicular and pedestrian traffic; 2) reduction in sidewalk accessibility and parking; 3) future displacement of residents and merchants for businesses not zoned for this area. The tenant has also collected signatures for a petition reflecting the above concerns and intends to distribute this list at the hearing. Department staff met with the tenant and discussed the zoning controls, indicating that the nuisance related concerns are addressed in the Conditions of Approval. The tenant indicated a better understanding of the process but has decided to wait for further discussion with the Project Sponsor and the publication of the attached Draft Motion before supporting the project.
- The Department has not received any other public comment regarding this project.

ISSUES AND OTHER CONSIDERATIONS

- The proposal is to convert a Limited Commercial Use, occupying a ground floor retail space of approximately 590 square-feet, from a retail grocery store to a full-service restaurant.
- Local's Corner will provide an engaging use at the intersection of 23rd and Bryant Streets; the quality of life for residents in the immediate neighborhood will be improved because of the more active corner.
- Planning Code Section 186 limits the hours of operation from 6AM to 10PM for Limited Commercial Uses as a means of mitigating nuisances in a residential area.
- The Project will result in the creation of 6-10 employment opportunities.
- The Project Sponsor has worked with the Department of Public Works to determine an appropriate outdoor seating area that will not impede pedestrian traffic flow.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of a full-service restaurant within the RM-1 (Residential, Mixed, Low Density) Zoning District, pursuant to Planning Code Section 186(b) and 727.42.

BASIS FOR RECOMMENDATION

- This Project provides a desirable service to neighbors and will promote activity at the 23rd and Bryant Streets intersection throughout the day.
- The immediate area is well served by transit, therefore customers and employees should not impact traffic.
- The business is locally owned and independent; the restaurant is not a Formula Retail use.
- The proposed Project meets all applicable requirements of the Planning Code.
- The Project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Parcel Map
Sanborn Map
Aerial Photographs
Zoning Map
Draft Motion
CEQA Categorical Exemption Determination

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input type="checkbox"/> Site Photos | |

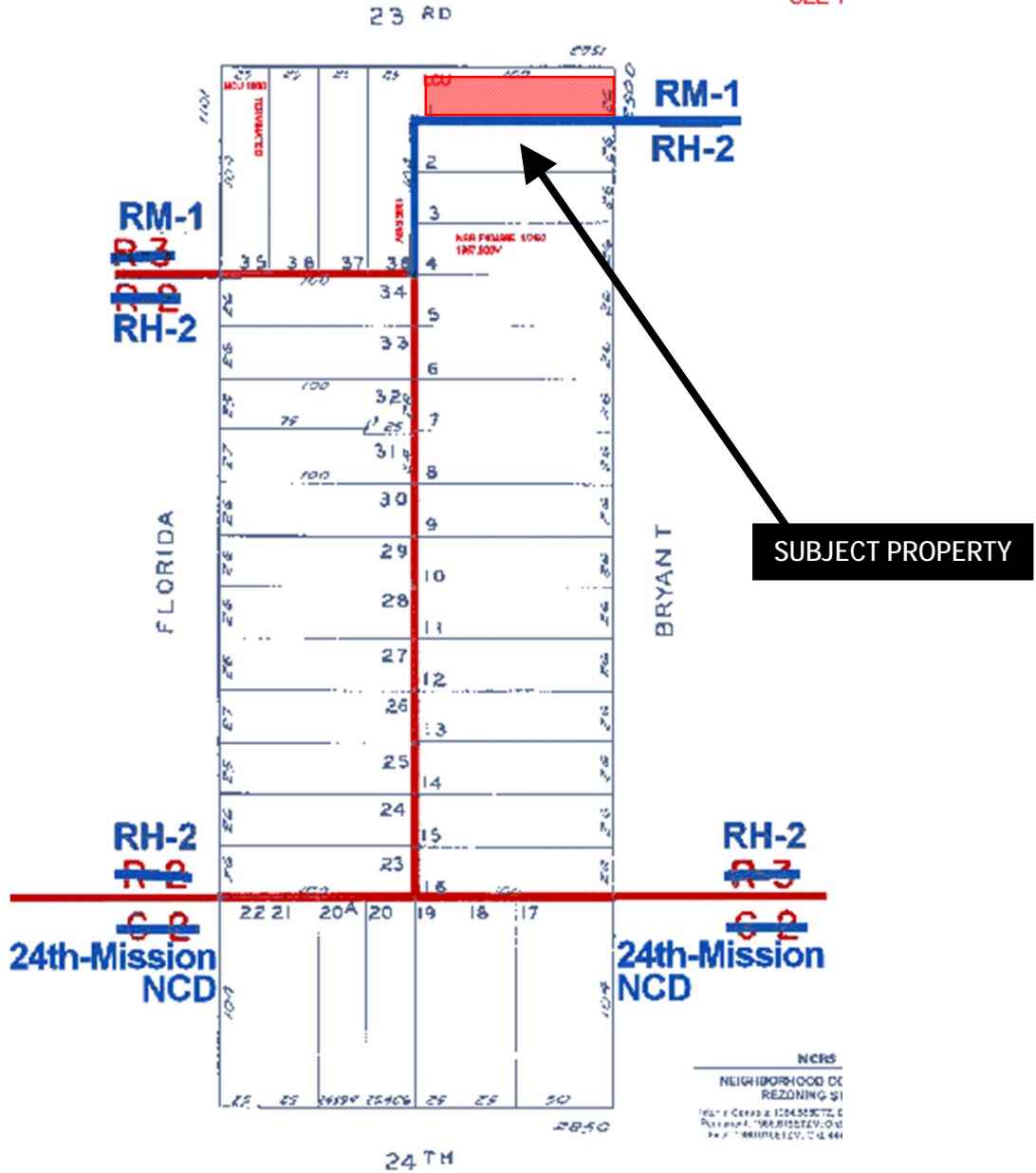
Exhibits above marked with an "X" are included in this packet

Planner's Initials

BB: G:\DOCUMENTS\Conditional Use\2500 Bryant Street - LCU Full Serv\ExecutiveSummary.doc

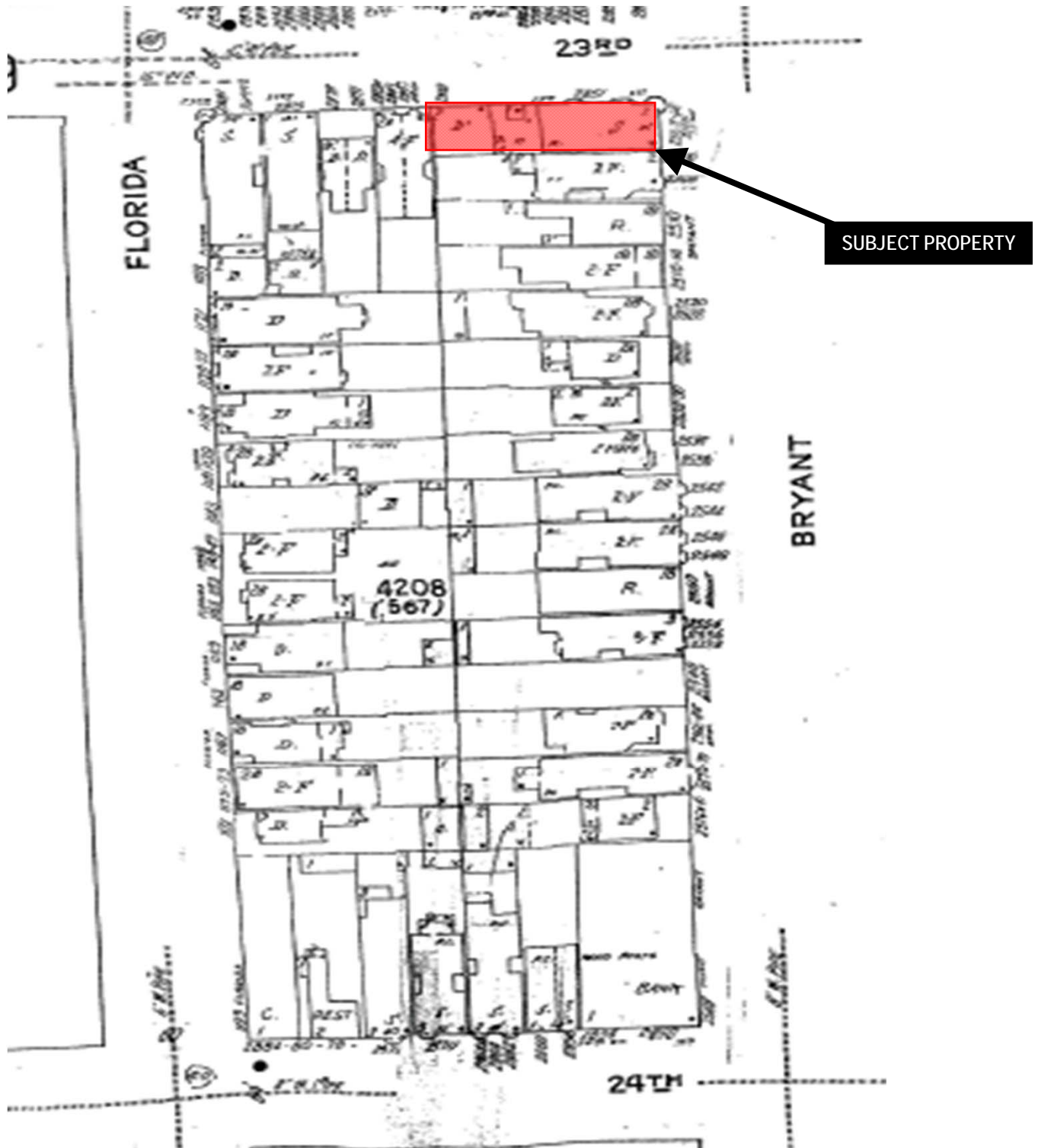
Parcel Map

SEE 1



Conditional Use Authorization
 Case Number 2011.1249C
 Local's Corner
 2500 Bryant Street

Sanborn Map*



Conditional Use Authorization
Case Number 2011.1249C
Local's Corner
2500 Bryant Street

Aerial Photo

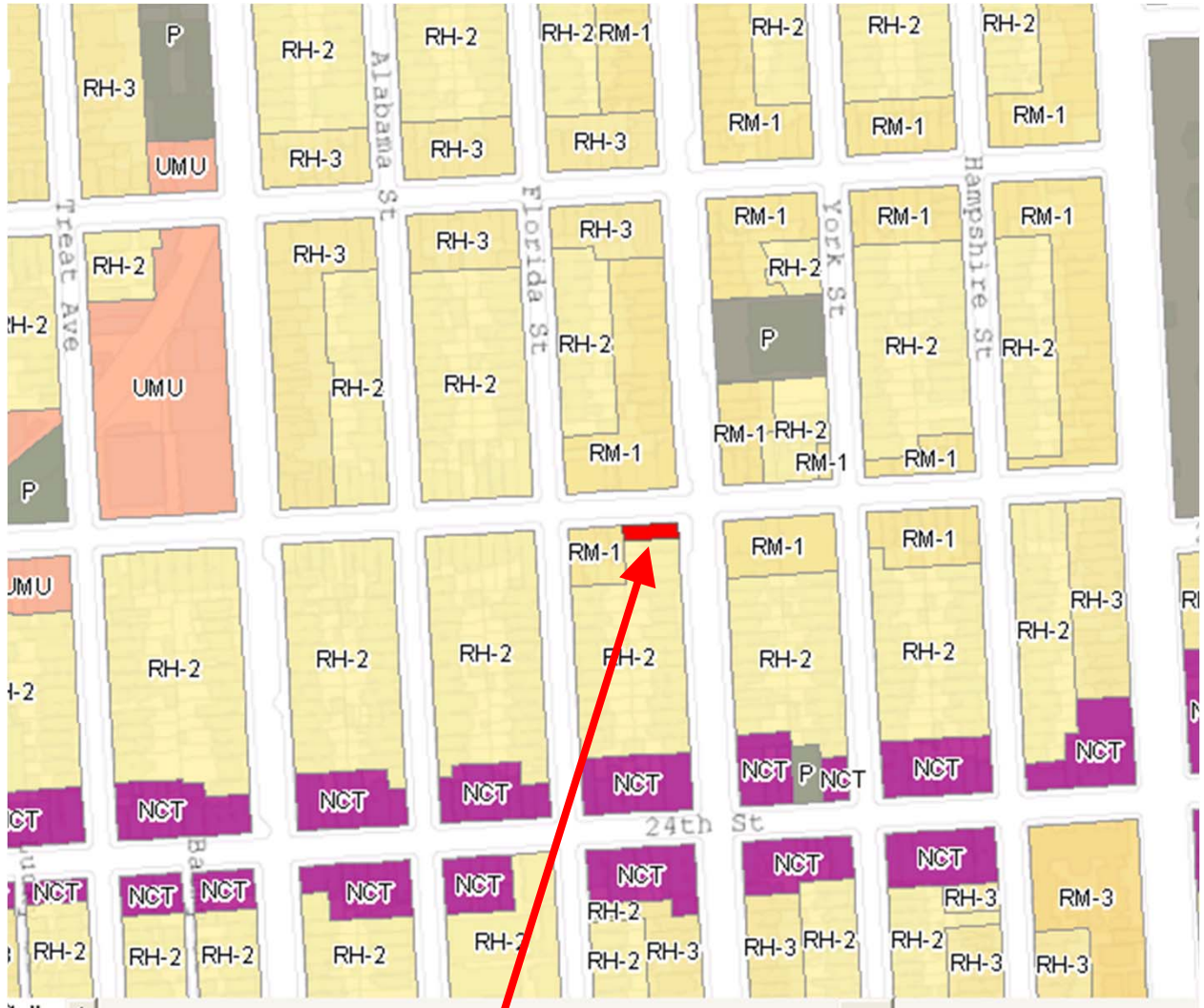


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2011.1249C
Local's Corner
2500 Bryant Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2011.1249C
Local's Corner
2500 Bryant Street

Site Photo



Conditional Use Authorization
Case Number 2011.1249C
Local's Corner
2500 Bryant Street



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 186, 303 AND 727.42 OF THE PLANNING CODE TO CONVERT A RETAIL GROCERY STORE TO A FULL-SERVICE RESTAURANT (D.B.A. LOCAL’S CORNER) WITHIN AN RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) ZONING DISTRICT, THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 3, 2011, Yaron Milgrom (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 186, 303 and 727.42 to convert the existing retail grocery store into a full-service restaurant (d.b.a. Local’s Corner) within an RM-1 (Residential, Mixed, Low-Density) Zoning District, the Mission Alcoholic Beverage Special Use District and a 40-X Height and Bulk District.

On January 12, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1249C.

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. 2011.1249C, 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 southwest corner of the intersection of Bryant and 23rd Streets, Lot 001 of Assessor's Block 4208. The subject property is located within an RM-1 (Residential, Mixed, Low Density) Zoning District, the Mission Alcoholic Beverage Special Use District, and a 40-X Height and Bulk District. The subject property has 26-feet of frontage on Bryant and 100-feet on 23rd Street. Two buildings occupy the subject property. A two-story mixed-use building occupies the first 51.5-feet of the 23rd Street frontage and a two-story dwelling occupies the last 27.5-feet of the 23rd Street frontage. Between the two structures is an open area 21-feet deep and 19- to 26-feet wide. The ground floor is a Limited Commercial Use currently operating as a retail grocery store (d.b.a. La Placita Market). The unit above is residential.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of 23rd and Bryant Streets in an RM-1 (Residential, Mixed, Low Density) Zoning District. The surrounding properties are located within the RM-1 and RH-2 (Residential House, Two-Family) Districts and consist of single, two-, and three-family residential buildings. The adjacent corners also consist of Limited Commercial or Nonconforming Uses at the ground floor including an art gallery (d.b.a. Million Fishes) and a laundromat (d.b.a. Super Lavar). Approximately a half mile to the west is the Mission NCT (Neighborhood Commercial Transit) Zoning District where full-service restaurants are principally permitted. Approximately one block to the south is the 24th Mission NCT where full-service restaurants are permitted with Conditional Use Authorization by the Planning Commission. Both of these districts contain a mixture of food and beverage establishments, personal services, and small retail establishments.

The site is well served by local and regional public transit. The following transit lines and stops are within a half mile of the project site: the 9-San Bruno, 10-Townsend, 12-Folsom, 27-Bryant, 33-Stanyan, and 48-Quintara/24th Street MUNI bus routes; the 24th Street BART Station and stops for SamTrans.

4. **Project Description.** The Project Sponsor is seeking a Conditional Use authorization to convert a retail grocery store to a full-service restaurant (d.b.a. Local's Corner). The proposal also includes an outdoor seating area at the front of the property of approximately 79 square-feet. The proposed restaurant is an independent use, locally owned and operated, and it is not identified as a Formula Retail use. The conversion to a full-service restaurant requires Neighborhood Notification per Planning Code Section 311, which was conducted in conjunction with the Conditional Use Authorization process. No other changes to the site are included in the present proposal.
5. **Public Comment.** The tenant residing above the proposed restaurant has indicated their opposition to this project. Their concerns relate to the following: 1) increase in noise, foot-traffic, pests, litter, and congestion from both vehicular and pedestrian traffic; 2) reduction in sidewalk accessibility and parking; 3) future displacement of residents and merchants for businesses not zoned for this area. The tenant has also collected signatures for a petition reflecting the above concerns and intends to distribute this list at the hearing. Department staff met with the tenant and discussed the zoning controls, indicating that the nuisance related concerns are addressed in the Conditions of Approval.

The Department has not received any other public comment regarding this project.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Limited Commercial Use.** Planning Code Section 186 allows nonconforming uses in RM Districts. However, such parcels must conform to the zoning controls of an NC-1 (Neighborhood Commercial Cluster) District or the controls of a more restrictive named NC (Neighborhood Commercial) District when the site is within $\frac{1}{4}$ mile of that district. Additionally the limited nonconforming use must meet the following conditions:
 1. The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
 2. Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code applying to nonconforming uses;
 3. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
 4. Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by the Municipal Code;
 5. Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or crosswalks, bus stops, hydrants and other public features;
 6. Noise, odors and other nuisance factors shall be adequately controlled; and,
 7. All other applicable provisions of the Planning Code shall be complied with.

The site is within $\frac{1}{4}$ mile of the 24th Street – Mission NCT (Neighborhood Commercial Transit) District which requires Conditional Use authorization to establish a full-service restaurant. Therefore, the Project Sponsor is seeking Conditional Use authorization. The Conditions of Approval as cited in Exhibit A of this Motion serve to ensure that the conditions within this section are met.

- B. Full-Service Restaurant Use.** Planning Code Section 727.42 states that Conditional Use Authorization is required for a full-service restaurant, as defined by Section 790.42.

The proposal is to establish a full-service restaurant that will also include outdoor seating at the front of the property. The Project Sponsor intends to provide an eating establishment that can also serve to keep the neighborhood corner active and clean. The Project Sponsor estimates that this change in use will result in the addition of six to ten employment opportunities. The intended hours of operation are 7AM to 2PM during the daytime Tuesday through Sunday, and 5PM to 10PM Tuesday through Saturday evenings.

- C. Formula Retail Use.** Planning Code Section 703.4 requires Conditional Use authorization from the Planning Commission to establish a formula retail use, as defined in Section 703.3, in any Neighborhood Commercial District, as identified in Article 7, pursuant to the criteria of Sections 303(c) and 303(i), and be subject to the terms of Sections 703.3(g) and (i).

The proposed retail full-service restaurant use (d.b.a. Local's Corner) is not identified as a formula retail use.

- D. The Mission Alcoholic Beverage Special Use Sub-District.** Planning Code Section 249.60 prohibits new establishments where alcoholic beverages are sold, served or given away for on-site or off-site consumption such as bars and liquor stores.

The Zoning Administrator permits beer and wine liquor licenses (type 41) within the Mission Alcoholic Beverage Special Use District as an accessory use to a bona fide eating establishment. The Project Sponsor has applied for a type 41 ABC license so that they may serve beer and wine for on-site consumption. Upon approval of the full-service restaurant, Department staff will recommend approval of the ABC license.

- E. Parking.** Planning Code Section 151 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 less than 5,000 square-feet of non-residential floor area and thus does not require any off-street parking. Any existing parking will not be altered. The proposal does not include any off-street parking spaces. Additionally, the area is well-served by public transit.

- 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 in keeping with other corner Limited Commercial establishments. The proposed conversion to a full-service restaurant will not impact traffic or parking in the District because it is not a destination venue. Furthermore, the restaurant will compliment the mix of goods and services currently available in the district and will contribute to the economic vitality of the neighborhood.

- 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 height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. There is no work proposed that would alter the building envelope.

- 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 this size of project. 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 a Limited Commercial Use and full-service restaurant as outlined in Exhibit A. Conditions 5 and 11 specifically obligate 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 proposed use does not require any additional tenant improvements. The Department shall review all lighting and signs when proposed.

- 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 Mixed Use District.

The proposed project is consistent with the stated purpose of the 24th Street – Mission Neighborhood Commercial Transit District in that the intended use is located at the ground floor, and will provide a compatible convenience service for the immediately surrounding neighborhoods. Additionally, the development conforms with the general description of the RM-1 district in that a nonresidential use is present to provide for the needs of residents.

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

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 6.1:

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS

Policy 6.1.3:

Provide business assistance for new and existing small businesses in the Eastern Neighborhoods.

The Project Sponsor has diligently worked with various Planning Staff both prior to, and during the review process to select this site as appropriate for the proposed restaurant. The project is locally owned and an independent restaurant anticipated to provide 6-10 employment opportunities. Additionally, the Project Sponsor has worked with the Department of Public Works to determine appropriate sidewalk improvements that will improve the conditions of the existing intersection.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Additionally, the Project Site is an existing Limited Commercial Use and is 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.

By establishing a new commercial activity in a vacant space, the neighborhood retains a commercial use at this site and enables the project to enhance the diverse economic base of the City and immediate area.

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.

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The proposed project will provide approximately 6-10 employment opportunities, of which approximately half will be entry-level, unskilled and semi-skilled positions.

OBJECTIVE 6:

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

Policy 6.1:

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

The retention of a commercial use at this site ensures the provision of a diversity of neighborhood-serving goods and services.

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

Eating and Drinking Establishments

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

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

The Commerce and Industry Element of the General Plan includes Guidelines for Specific Uses that provide Department Staff with direction for evaluating the compatibility of a proposed eating and drinking establishment within a neighborhood commercial district. The Guidelines indicate that “the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage...(and that) districts with an established pattern of service to a broad market... should not occupy more than 25% of the total commercially-occupied frontage in a district.” Furthermore, the Guidelines state that “eating and drinking uses should generally be at least 100-feet apart from each other, unless there are factors making clustering of uses appropriate.”

Although the proposal is subject to the use controls of the 24th Street Mission Neighborhood Commercial Transit Zoning District, the project site is not within a Neighborhood Commercial District. Therefore the percentage of eating and drinking establishments within the “district” is not applicable. However, the site is not within 100-feet of another restaurant and therefore satisfies that component of the Commerce and Industry’s guidelines for eating and drinking establishments within Neighborhood Commercial districts.

Policy 6.2:

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

The owner of the restaurant is an independent and local entrepreneur who is opening his second full-service restaurant. The proposed use is a neighborhood serving use and will provide a locally based cuisine not readily available in the immediate vicinity. This is the first Local's Corner and it 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 business would be locally owned and would generate employment opportunities for the community. The proposed alterations will not expand the existing building footprint.

- 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 units in the subject building and within the surrounding neighborhood will not be adversely affected. The proposal will contribute to a more active and neighborhood engaging environment at the intersection of 23rd and Bryant Streets. Hours of operation are limited to 6:00AM to 10:00PM daily.

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

No housing is altered for this Project.

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

The site is well served by transit and most employees and patrons live in the area and will commute by walking, biking or transit. Therefore, parking and traffic will not be affected.

- 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 proposed project will not include any commercial office development and will not displace any industrial establishments. The proposal replaces one service establishment with another. The previous

tenant, a retail grocery store, provided goods that are readily available and found within ¼ mile of the subject site.

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

The proposed project will comply with the City Codes to achieve the proper preparedness in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The project as proposed does not include any alterations to the façade and thereby maintains the historic character.

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

The proposed project will not have a negative effect on existing parks and open space.

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. 2011.1249C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 3, 2011, 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 12, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to convert a retail grocery store to a full-service restaurant (d.b.a. Local's Corner) located at 2500 Bryant Street pursuant to Planning Code Section(s) 186, 303 and 727.42 within an RM-1 (Low Density, Residential, Mixed) Zoning District, the Mission Alcoholic Beverage Special Use District and a 40-X Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on January 12, 2012 under Motion No. XXXXX. 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 January 12, 2012, under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

MONITORING

3. **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.

4. **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

5. **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>
6. **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>
7. **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 415-553-1012 or 415-5530123, www.sf-police.org
8. **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
9. **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

10. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

11. **Hours of Operation.** The subject establishment is limited to the following hours of operation: from 6:00a.m. to 10:00p.m. daily.

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



SAN FRANCISCO
PLANNING
DEPARTMENT

CEQA Categorical Exemption Determination

Property Information/Project Description

PROJECT ADDRESS 3500 Bryant Street	BLOCK/LOT(S) 4208/001
CASE NO. 2011-1249C	PERMIT NO.
	PLANS DATED 1/4/12

- Addition/ Alteration (detailed below) Demolition (requires HRER if over 50 years old) New Construction

STEP 1 EXEMPTION CLASS

- Class 1: Existing Facilities**
Interior and exterior alterations; additions under 10,000 sq.ft.; change of use if principally permitted or with a CU.
- Class 3: New Construction**
Up to three (3) single family residences; six (6) dwelling units in one building; commercial/office structures under 10,000 sq.ft.; accessory structures; utility extensions.

NOTE:
If neither class applies, an *Environmental Evaluation Application* is required.

STEP 2 CEQA IMPACTS (To be completed by Project Planner)

If ANY box is initialed below an *Environmental Evaluation Application* is required.

_____ **Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?

_____ **Air Quality:** Would the project add new sensitive receptors (specifically, schools, colleges, universities, day care facilities, hospitals, residential dwellings [subject to Article 38 of the Health Code], and senior-care facilities)?

_____ **Hazardous Materials:** Would the project involve 1) change of use (including tenant improvements) and/or 2) soil disturbance; on a site with a former gas station, auto repair, dry cleaners, or heavy manufacturing use, or on a site with underground storage tanks?
Phase I Environmental Site Assessment required for CEQA clearance. (E.P. initials required)

_____ **Soil Disturbance/Modification:** Would the project result in the soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in non-archeological sensitive areas?
Refer to: EP ArcMap > CEQA CatEx Determination Layers > Archeological Sensitive Areas

_____ **Noise:** Does the project include new noise-sensitive receptors (schools, colleges, universities, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area?
Refer to: EP ArcMap > CEQA CatEx Determination Layers > Noise Mitigation Area

_____ **Subdivision/Lot-Line Adjustment:** Does the project site involve a subdivision or lot-line adjustment on a lot with a slope of 20% or more?
Refer to: EP ArcMap > CEQA CatEx Determination Layers > Topography

NOTE:
Project Planner must initial box below before proceeding to Step 3.

Project Can Proceed With Categorical Exemption Review.

The project does not trigger any of the CEQA Impacts and can proceed with categorical exemption review.

GO TO STEP 3

BB

STEP 3 PROPERTY STATUS - HISTORICAL RESOURCE

Property is one of the following: (Refer to: San Francisco Property Information Map)

- Category A: Known Historical Resource** **GO TO STEP 5**
- Category B: Potential Historical Resource** (over 50 years of age) **GO TO STEP 4**
- Category C: Not a Historical Resource or Not Age Eligible** (under 50 years of age) **GO TO STEP 6**

STEP 4 PROPOSED WORK CHECKLIST (To be completed by Project Planner)

If condition applies, please initial.

- BB 1. **Change of Use and New Construction** (tenant improvements not included).
- BB 2. **Interior alterations/interior tenant improvements.** Note: Publicly-accessible spaces (i.e. lobby, auditorium, or sanctuary) require preservation planner review.
- _____ 3. **Regular maintenance and repair** to correct or repair deterioration, decay, or damage to the building.
- _____ 4. **Window replacement** that meets the Department's *Window Replacement Standards* (does not include storefront window alterations).
- _____ 5. **Garage work**, specifically, a new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of garage door in an existing opening.
- _____ 6. **Deck, terrace construction, or fences** that are not visible from any immediately adjacent public right-of-way.
- _____ 7. **Mechanical equipment installation** not visible from any immediately adjacent public right-of-way.
- _____ 8. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin: Dormer Windows*.
- _____ 9. **Additions** that are not visible from any immediately adjacent public right-of-way for 150' in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.

NOTE:
Project Planner must check box below before proceeding.

- Project is **not listed:**
GO TO STEP 5
- Project **does not conform** to the scopes of work:
GO TO STEP 5
- Project involves **4 or more** work descriptions:
GO TO STEP 5
- Project involves **less than 4** work descriptions:
GO TO STEP 6

STEP 5 CEQA IMPACTS - ADVANCED HISTORICAL REVIEW (To be completed by Preservation Planner)

If condition applies, please initial.

- _____ 1. Project involves a **Known Historical Resource (CEQA Category A)** as determined by Step 3 and conforms entirely to Scope of Work Descriptions listed in Step 4. (Please initial scopes of work in STEP 4 that apply.)
- _____ 2. **Interior alterations to publicly-accessible spaces.**

- _____ 3. **Window replacement** of original/historic windows that are not "in-kind" but are is consistent with existing historic character.
 - _____ 4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
 - _____ 5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
 - _____ 6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
 - _____ 7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right of way and meets the *Secretary of the Interior's Standards for Rehabilitation*.
 - _____ 8. **Other work consistent** with the *Secretary of the Interior Standards for the Treatment of Historic Properties*
Specify: _____
 - * _____ 9. **Reclassification of property status** to Category C
 - a. Per Environmental Evaluation Evaluation, dated: _____
* Attach Historic Resource Evaluation Report
 - b. Other, please specify: _____
- * Requires initial by Senior Preservation Planner / Preservation Coordinator

NOTE:
If ANY box is initialed in STEP 5, Preservation Planner MUST review & initial below.

Further Environmental Review Required.

Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted.

GO TO STEP 6

Preservation Planner Initials

Project Can Proceed With Categorical Exemption Review.

The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review.

GO TO STEP 6

Preservation Planner Initials

STEP 6 CATEGORICAL EXEMPTION DETERMINATION (To be completed by Project Planner)

- Further Environmental Review Required.**
Proposed Project does not meet scopes of work in either:
(check all that apply)
 - Step 2 (CEQA Impacts) or
 - Step 5 (Advanced Historical Review)

STOP!

Must file *Environmental Evaluation Application*.

No Further Environmental Review Required. Project is categorically exempt under CEQA.

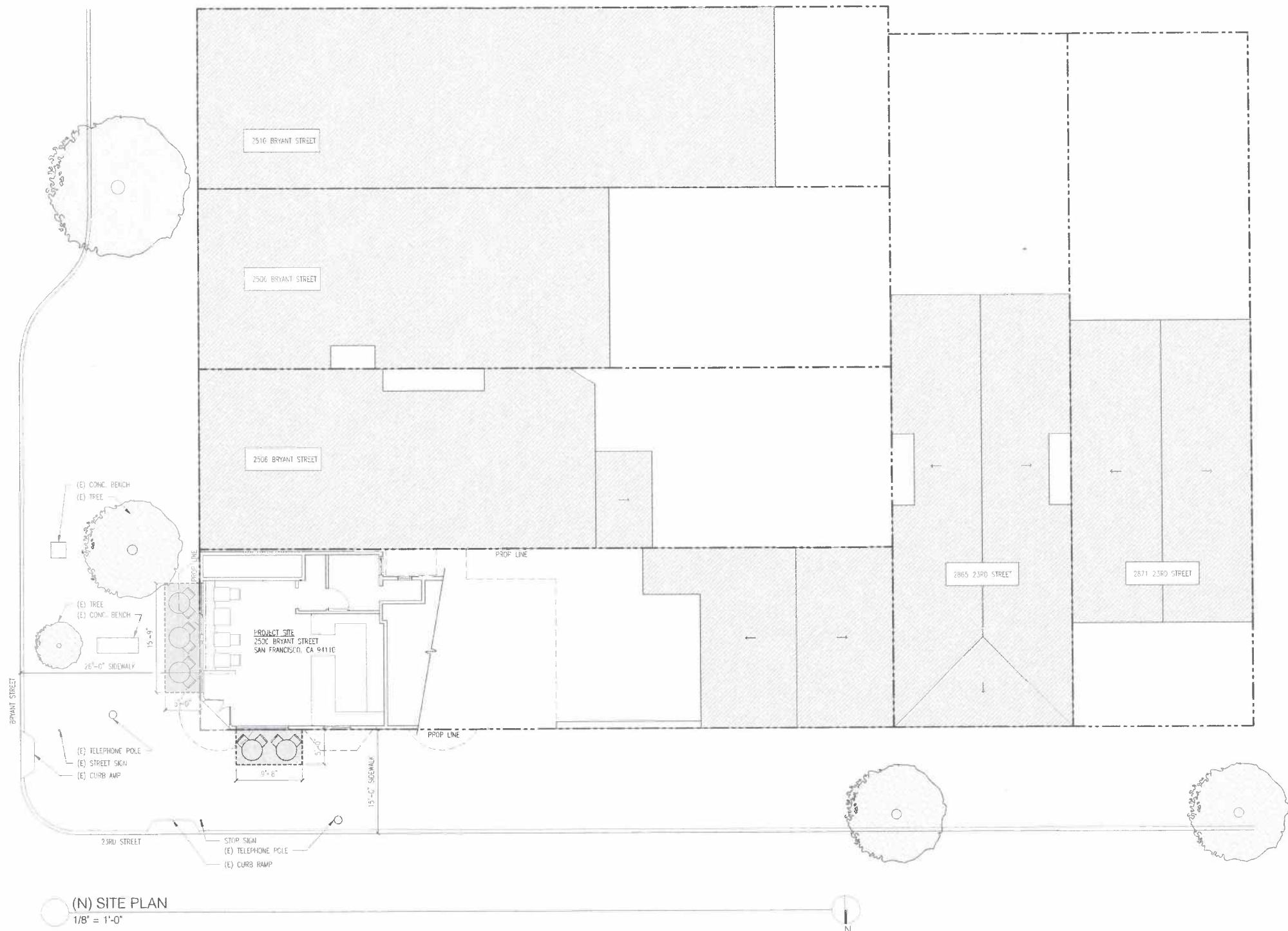
Planner's Signature
Brittany Bendix

Print Name

1/4/12

Date

Once signed and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.



(N) SITE PLAN
1/8" = 1'-0"

ks drafting
932 VALLEJO ST. #2
SAN FRANCISCO, CA 94133
415.664.5203

2500 BRYANT STREET
SAN FRANCISCO, CA 94110

DRAWING

(N) SITE PLAN

ISSUE

DESCRIPTION	DATE
3D APPROVAL	11.23.11
PERMIT REVISIONS	12.21.11

DATE

12.21.11

SCALE

AS NOTED

SHEET

A0.0

DRAWING

(N) FLOOR PLAN

ISSUE

DESCRIPTION	DATE
CU APPLICATION	11.01.11
ESTIMATE SET	11.21.11
CONSTRUCTION SET	12.08.11
REV. 1	12.30.11

DATE

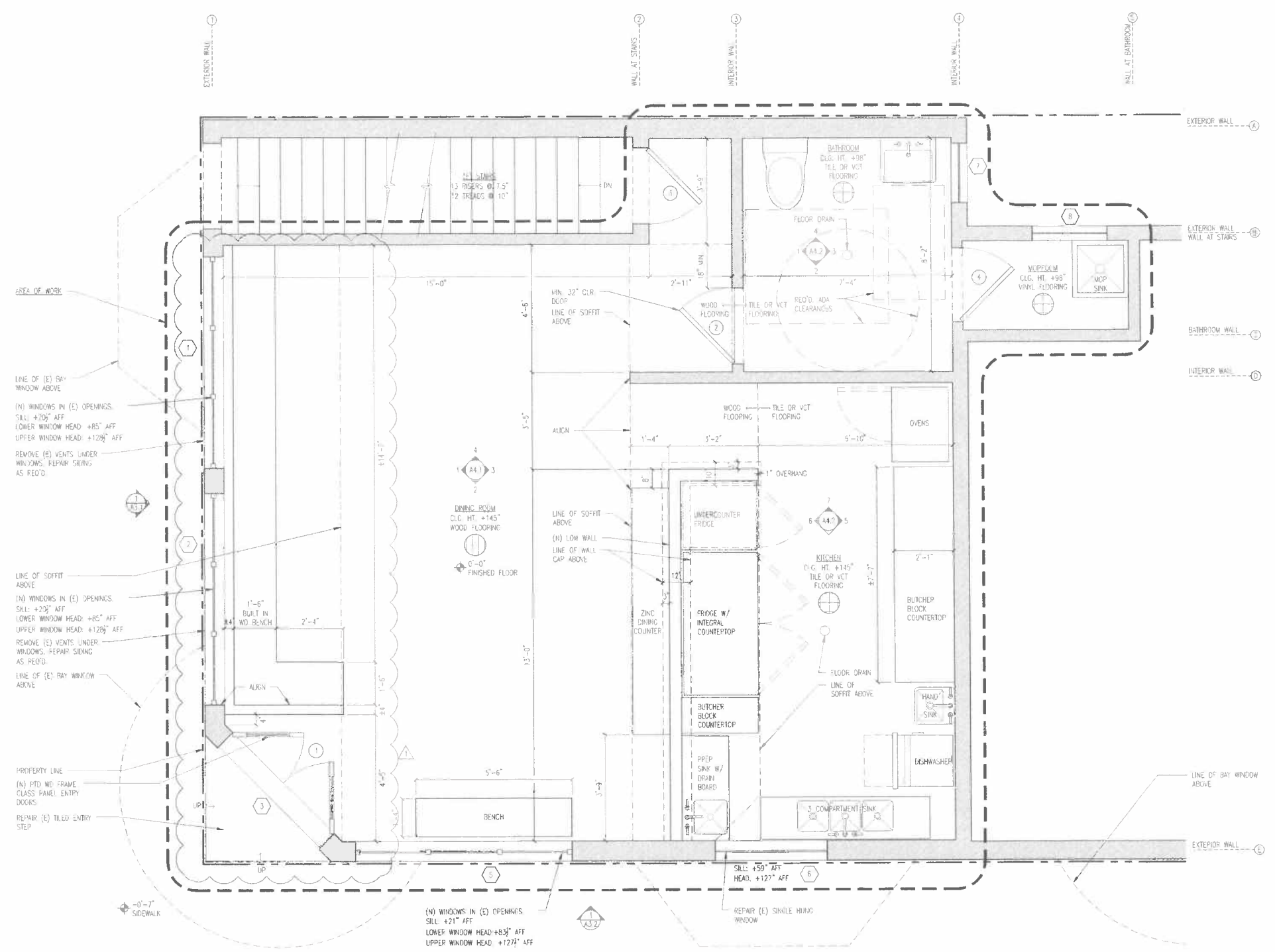
12.30.11

SCALE

1/2" = 1'-0"

SHEET

A2.1



1 (N) FLOOR PLAN
1/2" = 1'-0"

DRAWING KEY

---	CONSTRUCTION ABOVE
---	FULL HEIGHT WALLS

ks drafting
 932 VALLEJO ST. #2
 SAN FRANCISCO, CA 94133
 415.644.5203

2500 BRYANT STREET
 SAN FRANCISCO, CA 94110



(N) NORTH ELEVATION
 1/4" = 1'-0"



(N) EAST ELEVATION
 1/4" = 1'-0"

DRAWING

(N) EXTERIOR ELEVATIONS

ISSUE

DESCRIPTION	DATE
CU APPLICATION	11.08.11
PLUMB REVISIONS	10.21.11

DATE

12.21.11

SCALE

AS NOTED

SHEET

A3.0



Subject Property

Looking West on 23rd Street



Looking East on 23rd Street