



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: MARCH 8<sup>TH</sup>, 2012

*Date:* March 1<sup>st</sup>, 2012  
*Case No.:* 2011.1283C  
*Project Address:* 4028 24<sup>th</sup> STREET  
*Zoning:* 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District  
and a 40-X Height and Bulk District  
*Block/Lot:* 3656/011  
*Project Sponsor:* Ariel Ford  
4437 20<sup>th</sup> Street  
San Francisco, CA 94114  
*Staff Contact:* Tom Wang – (415) 558-6335  
[thomas.wang@sfgov.org](mailto:thomas.wang@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 is to establish a small self-service restaurant (d.b.a. Easy Breezy), selling frozen yogurt in a currently vacant ground floor commercial space at the subject property. No exterior alterations to the subject building are proposed as part of this Project; however, interior tenant improvement will occur. The Project Site measures approximately 616 square feet in gross floor area and has an approximately 13 feet wide frontage on 24<sup>th</sup> Street.

The Project is not a Formula Retail use, defined under the Formula Retail provisions of Planning Code Sections 703.3 and 703.4, but rather an independent, locally owned business. The Project is designed to mainly serve residents from the surrounding neighborhood and patrons of other businesses on 24<sup>th</sup> Street. The Project will create up to three job openings. The proposed operation includes self-serve yogurt machines and a check-out counter to pay for the sale of yogurt prior to consumption. Patrons will have the option for take-out or dine-in at the on site seating area with up to eleven seats. The proposed hours of operation are between 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday.

### SITE DESCRIPTION AND PRESENT USE

The Property is on the north side of 24<sup>th</sup> Street between Castro and Noe streets, Lot 011 in Assessor's Block 3656, within the 24<sup>th</sup> Street -- Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District. The Property measures 25 feet wide and 114 feet deep and is developed with commercial and residential uses within a three-story building. Currently, the second and third floors are each occupied by a dwelling unit and the ground floor contains a vacant commercial storefront (hereafter "the Project Site") and a health spa. The Project Site was

most recently occupied by a retail sales store (Cosmic Wizard, selling gifts of science and spirit), but has become vacant since Cosmic Wizard closed its business and moved out in July 2011. The Project Site is within the center of a vital neighborhood commercial area and is well served by the public transportation, including Muni Bus Route 48 operating on 24<sup>th</sup> Street, directly in front of the Project Site and Muni Bus Route 24 operating on Castro Street, approximately two thirds of a block from the Project Site.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

Surrounding properties along 24<sup>th</sup> Street contain mainly two and three story buildings and the majority of them are developed with ground floor commercial uses and residential uses on the upper floors. Surrounding residential districts are either RH-2 (Residential, House, Two-Family) District or RH-3 (Residential, House, Three-Family) District.

The 24th Street – Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond streets in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

## ENVIRONMENTAL REVIEW

The Application was determined by the San Francisco Planning Department to be exempt from environmental review pursuant to Title 14, Class 1(a) of Category 15301 (Existing Facilities) of the California Administrative Code.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	February 17 <sup>th</sup> , 2012	February 15 <sup>th</sup> , 2012	22 days
Posted Notice	20 days	February 17 <sup>th</sup> , 2012	February 17 <sup>th</sup> , 2012	20 days
Mailed Notice	20 days	February 17 <sup>th</sup> , 2012	February 17 <sup>th</sup> , 2012	20 days

## PUBLIC COMMENT

- The Department received ten letters in support of the Project.
- The Department is not aware of any opposition to the Project.

## ISSUES AND OTHER CONSIDERATIONS

- **Traffic and Street Parking.** Current traffic conditions and off-street parking availability in this district should remain substantially unaltered by this Project because it is a neighborhood-serving use, frequented via walking by residents from the surrounding

neighborhood and patrons of other businesses on 24<sup>th</sup> Street and is not intended to be a destination restaurant that people are likely to drive to the district for. In addition, the Project Site is well served by public transit.

- **A slight over-concentration of food-service establishments.** In June 2010, Department staff performed a survey on the existing eating and drinking establishment within the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District, which contains six blocks along 24<sup>th</sup> Street between Chattanooga and Diamond streets and the Project site. There was a total of thirty six eating and drinking establishments, resulting in approximately 22% of the total occupied commercial frontage was devoted to eating and drinking establishments. Therefore, a slight over-concentration of food-service establishments existed in this District.

In February 2012, Department staff performed another survey on the existing eating and drinking establishment within the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District. The survey results indicate that there has been no change from the 2010 survey with respect to the total number (thirty six) of eating and drinking establishments and the percentage (approximately 22%) of the total occupied commercial frontage devoted to eating and drinking establishments. Therefore, still only a slight over-concentration of eating and drinking establishments remains in this District.

The Project, not containing a kitchen and only selling frozen yogurt, would be an operation with much less intensity than that of the majority of other eating and drinking establishments in this District. By the addition of the proposed small self-service restaurant, there will be thirty seven eating and drinking establishments and it will change the current approximately 22% of the total occupied commercial frontage dedicated to eating and drinking establishments to approximately 22.5% in this District. The Project; therefore, would result in a rather negligible effect on the current slight over-concentration of eating and drinking establishments in this District.

Furthermore, the 2012 survey also demonstrates a fact that the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District currently features a variety of eating and drinking establishments and is gaining a reputation for providing popular eateries, a defining characteristic, which contributes to the economic strength and vitality of this District. The Project would be an addition compatible with this current trend found in the 2012 survey.

- **Signage.** Currently, the Project Sponsor has not filed a sign permit application for the proposed small self-service restaurant with the Planning Department. However, any future proposed signage will be subject to the Planning Department's review and approval.
- **Notification.** The Project requires a Section 312 neighborhood notification of a change in use from a vacant ground floor commercial space to a small self-service restaurant, which was conducted in conjunction with the conditional use authorization notification.

## REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use authorization to allow a small self-service restaurant in the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District.

## BASIS FOR RECOMMENDATION

The Department believes this Project is necessary and/or desirable, and compatible with the neighborhood under Section 303 of the Planning Code for the following reasons:

- The Project is not a Formula Retail use but rather an independent, locally owned business.
- The Project is a neighborhood serving use and compliments the mix of goods and services currently available in this district.
- The Project will contribute to the economic strength and vitality of this District by occupying a vacant storefront and eliminating neighborhood blight.
- The Project will result in a rather negligible effect on the current slight over-concentration of eating and drinking establishments in this District.
- The Project Site is well served by public transit and the Project should have no significant impact upon the current traffic pattern on the surrounding streets.
- The Project will create up to three employment opportunities for residents in this neighborhood.
- The Project meets all applicable requirements of the Planning Code and is consistent with the General Plan.

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

Draft Motion  
Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Site Photographs  
Reduced Plans

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal            |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                                     |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                 |
| <input type="checkbox"/> Height & Bulk Map              | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Parcel Map          | <input checked="" type="checkbox"/> Check for legibility                 |
| <input checked="" type="checkbox"/> Sanborn Map         | <input checked="" type="checkbox"/> Site/ context Photos                 |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Letters in support and/or opposition |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Community Meeting Notice                        |
| <input checked="" type="checkbox"/> Site Photo          |  |
| <input checked="" type="checkbox"/> Context Photos      |  |

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

    TW      
Planner's Initials

TCW: G:\DOCUMENTS\CU\2138 Irving Street - CU Executive Summary.doc





# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
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## Planning Commission Motion No. XXXXX

HEARING DATE: MARCH 8<sup>TH</sup>, 2012,

*Date:* March 1<sup>st</sup>, 2012  
*Case No.:* **2011.1283C**  
*Project Address:* **4028 24<sup>th</sup> STREET**  
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*Staff Contact:* Tom Wang – (415) 558-6335  
*thomas.wang@sfgov.org*

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 728.44 AND 790.91 OF THE PLANNING CODE TO ALLOW A SMALL SELF-SERVICE RESTAURANT (D.B.A. EASY BREEZY) WITHIN THE 24<sup>TH</sup> STREET -- NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On November 10<sup>th</sup>, 2011 Ariel Ford (hereinafter "Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for Conditional Use authorization on the property at 4028 24<sup>th</sup> Street, Assessor's Lot 011 in Block 3656 (hereinafter "Property") to convert a vacant ground floor commercial space into a small self-service restaurant (d.b.a. Easy Breezy) under Planning Code Sections 728.44 and 790.91, in the 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformity with plans filed with the Application and labeled "EXHIBIT B" (hereinafter "Project").

On March 8<sup>th</sup>, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1283C (hereinafter "Application").

The Application was determined by the San Francisco Planning Department to be exempt from environmental review pursuant to Title 14, Class 1(a) of Category 15301 (Existing Facilities) of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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. 2010.0521C, 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 Property is on the north side of 24<sup>th</sup> Street between Castro and Noe streets, Lot 011 in Assessor's Block 3656, within the 24<sup>th</sup> Street -- Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District. The Property measures 25 feet wide and 114 feet deep and is developed with commercial and residential uses within a three-story building. Currently, the second and third floors are each occupied by a dwelling unit and the ground floor contains a vacant commercial storefront (hereafter "the Project Site") and a health spa. The Project Site was most recently occupied by a retail sales store (Cosmic Wizard, selling gifts of science and spirit), but has become vacant since Cosmic Wizard closed its business and moved out in July 2011. The Project Site is within the center of a vital neighborhood commercial area and is well served by the public transportation, including Muni Bus Route 48 operating on 24<sup>th</sup> Street, directly in front of the Project Site and Muni Bus Route 24 operating on Castro Street, approximately two thirds of a block from the Project Site.
3. **Surrounding Properties and Neighborhood.** Surrounding properties along 24<sup>th</sup> Street contain mainly two and three story buildings and the majority of them are developed with ground floor commercial uses and residential uses on the upper floors. Surrounding residential districts are either RH-2 (Residential, House, Two-Family) District or RH-3 (Residential, House, Three-Family) District.

The 24th Street — Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond streets in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.



4. **Project Description.** The Project is to establish a small self-service restaurant (d.b.a. Easy Breezy), selling frozen yogurt in a currently vacant ground floor commercial space at the Property. No exterior alterations to the subject building are proposed as part of this Project; however, interior tenant improvement will occur. The Project Site measures approximately 616 square feet in gross floor area and has an approximately 13 feet wide frontage on 24<sup>th</sup> Street.

The Project is not a Formula Retail use, defined under the Formula Retail provisions of Planning Code Sections 703.3 and 703.4, but rather an independent, locally owned business. The Project is designed to mainly serve residents from the surrounding neighborhood and patrons of other businesses on 24<sup>th</sup> Street. The Project will create up to three job openings. The proposed operation includes self-serve yogurt machines and a check-out counter to pay for the sale of yogurt prior to consumption. Patrons will have the option for take-out or dine-in at the on site seating area with up to eleven seats. The proposed hours of operation are between 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday.

5. **Public Comment.** The Department is not aware of any opposition to the Project. The Department received ten letters in support of the 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. **Land Use.** Planning Code Section 728.44 provides that a Small Self-Service Restaurant, as defined in Planning Code Section 790.91\*, is permitted on the ground floor within the 24th Street – Noe Valley Neighborhood Commercial District with Conditional Use authorization

**\*Planning Code Section 790.91 defines a small self-service restaurant as follows:**

(a) A retail eating or eating and drinking use which provides ready-to-eat food for consumption on and off the premises and which may or may not provide seating. Such use exhibits the following characteristics:

- (1) Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;
- (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;
- (3) Food served in disposable wrappers or containers;
- (4) Food is ordered and served at customer service counter;
- (5) Food is paid for prior to consumption;
- (6) Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages; and
- (7) Food available upon a short waiting time.

It does not include retail grocery stores with accessory take-out food activity, as described in Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in Section 790.93 of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no-site food preparation area, such as confectionery or produce stores. When a fast-food

restaurant operates within and in conjunction with another retail use, such as a retail grocery store, the area of the fast-food restaurant use shall be measured to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and meat counters.

(b) It may provide off-site beer, wine and/or liquor sales for consumption off the premises (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48) or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

(c) It shall be conducted in accordance with the following conditions:

- (1) All debris boxes shall be kept in enclosed structures.
- (2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.
- (3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

*The Project Sponsor seeks Conditional Use authorization to allow a small self-service restaurant in a vacant ground floor commercial space with approximately 616 square-feet of gross floor area at the Property in the 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District.*

*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."*

*In June 2010, Department staff performed a survey on the existing eating and drinking establishment within the 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District, which contains six blocks along 24<sup>th</sup> Street between Chattanooga and Diamond streets and the Project site. There was a total of thirty six eating and drinking establishments, resulting in approximately 22% of the total occupied commercial frontage was devoted to eating and drinking establishments. Therefore, a slight over-concentration of food-service establishments existed in this District.*

*In February 2012, Department staff performed another survey on the existing eating and drinking establishment within the 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District. The survey results indicate that there has been no change from the 2010 survey with respect to the total number (thirty six) of eating and drinking establishments and the percentage (approximately 22%) of the total occupied commercial frontage devoted to eating and drinking establishments. Therefore, still only a slight over-concentration of eating and drinking establishments remains in this District.*

*The Project, not containing a kitchen and only selling frozen yogurt, would be an operation with much less intensity than that of the majority of other eating and drinking establishments in this District. By the addition of the proposed small self-service restaurant, there will be thirty seven eating and drinking*

*establishments and it will change the current approximately 22% of the total occupied commercial frontage dedicated to eating and drinking establishments to approximately 22.5% in this District. The Project; therefore, would result in a rather negligible effect on the current slight over-concentration of eating and drinking establishments in this District.*

*Furthermore, the 2012 survey also demonstrates a fact that the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District currently features a variety of eating and drinking establishments and is gaining a reputation for providing popular eateries, a defining characteristic, which contributes to the economic strength and vitality of this District. The Project would be an addition compatible with this current trend found in the 2012 survey.*

- B. Neighborhood Commercial Permit Review.** Planning Code Section 312 requires neighborhood notification of a change in use from a vacant commercial space to a small self-service restaurant, as defined in Planning Code Section 790.91, on lots within the 24th Street – Noe Valley Neighborhood Commercial District.

*The Project Sponsor proposes to establish a small self-service restaurant in a currently vacant ground floor commercial space on the Property within the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District. Section 312 notification was conducted in conjunction with the Conditional Use authorization notification.*

- C. Use Size [Non-Residential].** Planning Code Section 728.21 provides that Use Size [Non-Residential] is permitted up to 2,499 square feet; Conditional Use authorization is required for 2,500 square feet and above within the 24th Street – Noe Valley Neighborhood Commercial District.

*The Proposed small self-service restaurant would contain a gross floor area of approximately 616 square feet, which is permitted by Planning Code Section 728.21 within the 24th Street – Noe Valley Neighborhood Commercial District*

- D. Hours of Operation.** Planning Code Section 728.27 permits hours of operation, as defined by Planning Code Section 790.48, from 6 a.m. to 2 a.m. and from 2 a.m. to 6 a.m. by conditional use authorization.

*The proposed hours of operation are between 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday, which are within those hours principally permitted by Planning Code Section 728.27.*

- E. Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 provides that no more than 1/3 of the width of new or altered structures, parallel to and facing a street, shall be devoted to ingress/egress to parking and that NC Districts containing specific uses, including large fast-food restaurants, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use

clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

*The subject ground floor commercial storefront does not devote any area to the ingress/egress to off-street parking and has an approximately 13 feet wide frontage on 24<sup>th</sup> Street with approximately 11 feet devoted to either the restaurant entrance or window space. The proposed windows will be clear and unobstructed. There are no changes proposed to alter the existing commercial frontage.*

- F. **Parking.** Planning Code Section 151 provides that for restaurant or bar use, one off street parking space is required for each 200 square feet of occupied floor area, where the occupied floor area exceed 5,000 square feet.

*The proposed small self-service restaurant would occupy a floor area of approximately 616 square feet; therefore, no off-street parking is required.*

- G. **Signage.** Currently, the Project Sponsor has not filed a sign permit application for the proposed small self-service restaurant with the Planning Department. However, any future proposed signage will be subject to the Department's review and approval.

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, 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 and intensity of the Project will be compatible with many other storefronts on the subject and opposite block-faces. The Project will not cause an impact on traffic or street parking in this neighborhood because it is designed to mainly serve residents from the surrounding neighborhood and patrons of other businesses on 24<sup>th</sup> Street within walking distance and is not intended to be a destination restaurant. The Project will be a development that is desirable and necessary because it will compliment the mix of goods and services currently available in this neighborhood and contribute to the economic strength and vitality of the neighborhood by occupying 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 does not include any proposal to modify the exterior of the existing building on the Property and will have no impact on the existing appearance or character of the vicinity. The Project will only involve interior tenant improvement.*

- 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 off-street parking or loading for the proposed 616 square feet small-service restaurant. The Project is designed to be mainly frequented via walking by residents from the surrounding neighborhood and patrons of other businesses on 24<sup>th</sup> Street and the Project Site is well served by public transit (Muni Bus Route 48 operating on 24<sup>th</sup> Street, directly in front of the Project Site and Muni Bus Route 24 operating on Castro Street, two thirds of a block from the Project Site), minimizing the amount of vehicular traffic from the immediate neighborhood or citywide.*

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

*The Project will be subject to the standard conditions of approval for eating and drinking establishments as outlined in Exhibit A that obligate the Project Sponsor to mitigate noxious or offensive noise and odor generated by the eating and drinking use.*

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

*There are no changes proposed to the exterior of the existing structure on the Property. Off-street parking and loading areas are not required for the Project because it contains a gross floor area less than 5,000 square feet. All signage for the Project will be reviewed by the Department under a separate permit.*

- 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 Project is consistent with the stated purpose of the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District in that the intended eating and drinking use is located at the ground floor, will maintain the retail frontage by not including automobile drive up uses, will contribute to a mixture of convenience and comparison shopping goods and services to a predominantly local market.*

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 which has substantial undesirable consequences that cannot be mitigated.

#### Policy 1.2:

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

#### Policy 1.3:

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

*The Project will provide desirable goods and services to the neighborhood as well as employment opportunities to residents in the community. Permitting a 616 square feet small self-service restaurant will not result in undesirable consequences for the neighborhood. The Project is consistent with the activities within the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District and the commercial land use plan.*

#### OBJECTIVE 2:

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

#### Policy 2.1:

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

*The Project will retain commercial activity within the 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District by occupying an existing vacant storefront and help enhance the diverse economic base of the City.*

#### OBJECTIVE 6:

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

another (e.g. from self-service restaurant to full-service restaurant), expansion or intensification of existing establishments:

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25% of the total commercially occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances. Fixed source equipment noise should not exceed the decibel levels specified in the Noise Control Ordinance.

#### **Fast Food Restaurants and Self-Service Restaurants**

Fast food restaurants and self-service restaurants including take-out food establishments are retail uses which provide quick food service for consumption on or off the premises, which are often designed to serve a high volume of customers at a high turnover rate. As a result, this use can generate problems in traffic and pedestrian circulation, parking congestion, litter, noise and odors. All guidelines for eating and drinking establishments should apply to fast food restaurants and self-service restaurants in addition to the guidelines stated below.

- Large fast food restaurants occupying more than 1000 square feet of floor area are discouraged in neighborhood commercial cluster districts, small-scale neighborhood commercial districts and those individual districts where such discouragement is noted in their description and purpose statements. Large fast food restaurants of that size usually are designed to attract high volumes of customers from a large trade area. Such volumes of customers can generate various nuisance problems for the surrounding residential neighborhoods, especially parking congestion, traffic and pedestrian circulation, litter and late-night activity.
- The proposed use should not add to an overconcentration of fast food restaurants in a single district. As a general rule, fast food restaurants should be evenly distributed throughout the

district. However, in certain locations, clustering may be more appropriate. For example, a configuration of clustered fast food restaurants where sufficient off-street parking is shared between them might make more efficient use of land than an even distribution of fast food restaurants throughout the district. The number of large fast food restaurants and small self-service restaurants should not exceed the maximum number that would be allowed if all fast food restaurants in the district were at least 500 feet from each other.

- To avoid potential pedestrian-vehicle conflicts where large numbers of children are present, fast food restaurants should not be within 500-foot walking distance of an elementary or secondary school.
- New or expanding large fast food restaurants should provide a detailed analysis of their anticipated impacts on transportation systems. If problems are anticipated, especially on transit-preferential streets, the proposed use should be reduced in size and/or redesigned to mitigate the above impacts, or prohibited. If the estimated parking demand for the use cannot be accommodated by existing or new off- or on-street parking facilities, the use should provide ample off-street parking on the site or within a reasonable walking distance of the site to provide for the parking demand; otherwise the use should be prohibited (see Auto-Oriented Facilities section and Policy 9 of this Objective for detailed guidelines).
- The use should provide adequate waiting space for walk-in patrons.
- The use should be equipped with sufficient outdoor and indoor trash receptacles to avoid litter problems in the surrounding neighborhood.
- The operator of the use should be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter.
- The use should be designed and operated to contain fumes and odors within the cooking areas, so that such fumes and odors will not spread to adjacent or upper-story uses.
- The new or expanding use should close at 12:00 Midnight or earlier.

*In June 2010, Department staff performed a survey on the existing eating and drinking establishment within the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District, which contains six blocks along 24th Street between Chattanooga and Diamond streets and the Project site. There was a total of thirty six eating and drinking establishments, resulting in approximately 22% of the total occupied commercial frontage was devoted to eating and drinking establishments. Therefore, a slight over-concentration of food-service establishments existed in this District.*

*In February 2012, Department staff performed another survey on the existing eating and drinking establishment within the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District. The survey results indicate that there has been no change from the 2010 survey with respect to the total number (thirty six) of eating and drinking establishments and the percentage (approximately 22%) of the total occupied commercial frontage devoted to eating and drinking establishments. Therefore, still only a slight over-concentration of eating and drinking establishments remains in this District.*

*The Project, not containing a kitchen and only selling frozen yogurt, would be an operation with much less intensity than that of the majority of other eating and drinking establishments in this District. By the addition of the proposed small self-service restaurant, there will be thirty seven eating and drinking*



*establishments and it will change the current approximately 22% of the total occupied commercial frontage dedicated to eating and drinking establishments to approximately 22.5% in this District. The Project; therefore, would result in a rather negligible effect on the current slight over-concentration of eating and drinking establishments in this District.*

*Furthermore, the 2012 survey also demonstrates a fact that the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District currently features a variety of eating and drinking establishments and is gaining a reputation for providing popular eateries, a defining characteristic, which contributes to the economic strength and vitality of this District. The Project would be an addition compatible with this current trend found under the 2012 survey.*

*The Project is not within a 500-foot walking distance of an elementary or secondary school. The nearest elementary or secondary school is James Lick Middle School, at 1200 Noe Street, and is approximately 650 feet from the Project Site. Additionally, the proposed small self-service restaurant is not designed to be a destination restaurant, but rather a neighborhood-serving establishment, frequented via walking by residents from the surrounding neighborhood and patrons of other businesses on 24<sup>th</sup> Street.*

*The proposed small self-service restaurant provides adequate space for walk-in patrons and the conditions or approval help ensure that the area around the Project Site will be kept clean. The proposed hours of operation are between 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday, which are within those hours principally permitted by Planning Code Section 728.27 and 790.48.*

*Off-street parking is not required in this District for uses that occupy less than 5,000 square feet of gross floor area. Traffic impacts are not anticipated because the Project is designed to mainly serve residents from the surrounding neighborhood and patrons of other businesses on 24<sup>th</sup> Street within walking distance. It is not intended to be a destination restaurant. Further, the Project Site is well served by public transit so that patrons and employees alike can arrive by means other than driving private automobiles.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project would be established in a currently vacant ground floor commercial storefront. No existing retail uses will be replaced as a result of the Project. Additionally, the Project would be locally owned and would offer up to three employment opportunities for neighborhood residents.*

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

*The scale and use proposed by the Project is within the existing character of the 24<sup>th</sup> Street – Noe Valley Neighborhood Commercial District. The Project does not include any modifications to the physical character of the existing structure or any change to the existing housing units at the Property.*

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

*No housing will be removed as a result of the Project*

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

*Due to the nature and size of the Project, it will not impede MUNI transit service or overburden the streets or neighborhood parking. The Project Site is well served by public transit, Muni Bus Route 48 operating on 24<sup>th</sup> Street, directly in front of the Project site and Muni Bus Route 24 operating on Castro Street, approximately two thirds of a block from the Project site.*

- 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.

*This Project will not diminish the city's preparedness to protect against injury and loss of life in an earthquake because the Project will be designed and constructed to conform to the structural and seismic safety requirements of the City's Building Code.*

- G. That landmarks and historic buildings be preserved.

*There are no exterior alterations to the existing structure proposed as part of this Project. Further, the existing structure is not an architecturally rated building nor is it included on any architectural survey. No historic buildings or landmarks will be adversely affected by the Project.*

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

*The Project will not adversely affect any parks and open space and their access to sunlight and vistas because no exterior alterations to the existing structure are proposed as part of this Project.*

**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. 2011.1283C** 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 8<sup>th</sup>, 2012.

Linda Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: March 8<sup>th</sup>, 2012

## Exhibit A

# Conditions of Approval

### **AUTHORIZATION**

This authorization is for a Conditional Use Authorization to allow a small self-service restaurant (d.b.a. Easy Breezy) located at 4028 24<sup>th</sup> Street, Assessor's Block 3656, Lot 011, pursuant to Planning Code Sections 728.44 and 790.91, within the 24<sup>th</sup> Street - Noe Valley Neighborhood Commercial District and a 40-A Height and Bulk District; in general conformance with plans dated October 18<sup>th</sup>, 2011 and labeled "EXHIBIT B" included in the docket for Case No. 2011.1283C and subject to conditions of approval reviewed and approved by the Commission on March 8<sup>th</sup>, 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 Application 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 Property. This Notice shall state that the Project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on March 8<sup>th</sup>, 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. The 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 (3) years from the effective date of the Motion. A Building Permit Application 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](http://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](http://www.sf-planning.org)*

### DESIGN

3. **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](http://www.sf-planning.org)*

### MONITORING - AFTER ENTITLEMENT

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

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

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

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

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

## OPERATION

- 6. 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 off 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, [www.sfdpw.org](http://www.sfdpw.org)*

- 7. 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, [www.sfdpw.org](http://www.sfdpw.org)*

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

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

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

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, [www.sf-police.org](http://www.sf-police.org)*

- 9. Odor Control.** While it is inevitable that some low level of odor may be detectible to nearby residents and passersby, appropriate odor control equipment shall be installed and maintained to prevent any significant noxious or offensive odors from escaping the premises. The building permit application to implement the Project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans.

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

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

of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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







SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR Formula Retail Establishments

Date: February 26, 2010

To: Applicants proposing a new Retail Use Establishment

From: San Francisco Planning Department

Re: Affidavit for Formula Retail Establishments

Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA  
94103-9425

T: 415.558.6378  
F: 415.558.6409

Under Planning Code Section 303(i), certain retail uses must have additional review to determine if they qualify as a Formula Retail Establishment. If a use does qualify as a Formula Retail Establishment, then additional controls will apply depending on the zoning district where the proposed business will be located.

Businesses subject to the formula retail establishment controls include the following 'Retail Sales Activity' or 'Retail Sales Establishment' as defined in Article 7 and Article 8 of the Code:

**Amusement Game Arcade**  
(§§790.4, 890.4)

**Drive-up Facility**  
(§§790.30, 890.30)

**Liquor Store**  
(§790.55)

**Restaurant, Large Fast Food**  
(§§790.90, 890.91)

**Restaurant, Small Fast Food**  
(§890.90)

**Sales and Service, Other Retail**  
(§§790.102, 890.102)

**Sales and Service, Retail**  
(§§790.104, 890.104)

**Video Store**  
(§790.135)

**Bar**  
(§§790.22, 890.22)

**Eating and Drinking Use**  
(§§790.34, 890.34)

**Movie Theater**  
(§§790.64, 890.64)

**Restaurant, Small Self-Service**  
(§790.91)

**Restaurant, Full Service**  
(§§790.92, 890.92)

**Sales and Service, Non retail**  
(§§790.100, 890.100)

**Take-out Food**  
(§§790.122, 890.122)

**Specialty Food, Self-Service**  
(§790.93)

If the proposed business is listed above and there is a Permit Application for any Alterations, New Construction, Commercial Tenant Improvements, Change of Use or Signage which relates to the establishment of that use, then *before the project application is considered complete this checklist must be completed and signed as required below.*

All retail use establishments must fill out the following form and sign the Affidavit before the Planning Department can complete review of a permit.

PROJECT ADDRESS: 4028 24TH STREET		
BLOCK/LOT: 3656/001	ZONING DISTRICT: 24TH STREET - NOE VALLEY NCD	EXISTING/PREVIOUS USE & SQUARE FOOTAGE: A VACANT GROUND FLOOR COMMERCIAL SPACE; ± 616 SQ. FT.

Proposed Use

NAME OF PROPOSED USE CATEGORY PER ARTICLE 7 OR 8, AS APPLICABLE: A SMALL SELF-SERVICE RESTAURANT
PROPOSED BUSINESS NAME: EASY BREEZY
DESCRIPTION OF PRODUCTS OR SERVICES: FROZEN YOGURT

Retail Operation

1 A	Number of Retail Locations in Operation	How many retail locations of this business are currently in operation nationwide?	none
1 B	Other Pending Locations in San Francisco	How many other sites in San Francisco have pending applications or approved permits to establish additional locations for this business that have not commenced operation?	none
1 C	Other Pending Locations Nationwide Outside of San Francisco	How many other US sites outside of San Francisco have pending applications or approved permits to establish additional locations for this business that have not commenced operation?	none

If the number entered on Line 1 A above is 12 or more then the proposed use may be a Formula Retail Use and the questions in the following table must be answered. If the sum is 11 or fewer the Applicant does not need to provide any additional information on this form and may proceed to sign the Applicant's Affidavit on the subsequent page.

STANDARDIZED FEATURES			YES	NO
2	Standardized array of merchandise	Will this proposed use sell merchandise from a single distributor, bearing uniform markings and comprising 50% or more of the merchandise offered for sale, as measured by shelf or display space, in common with other locations of this business?		X
3	Standardized facade	Will the proposed facade (face or front of the building looking onto a street or an open space), including awnings, have a facade design in common with other locations of this business?		X
4	Standardized decor and color scheme	Will the interior of the business space, which may include but is not limited to, finishes, style of furniture, wall coverings, permanent fixtures or furnishings, have a style in common with other locations of this business?		X
5	Uniform apparel	Will the proposed business require standardized items of clothing for employees, including but not limited to aprons, pants, shirts, smocks or dresses, hats and pins (other than name tags) as well as standardized colors of clothing style in common with other locations of this business?		X
6	Standardized signage	Will the proposed business display one or more business signs (as defined in §602.3 of the Planning Code) in common with other locations of this business?		X
7	Trademark or Service mark	Will the proposed business utilize a Trademark (a word, phrase, symbol or design, or a combination of those that identifies and distinguishes the source of the goods of one party from those of others) or a Service mark (a word, phrase, symbol or design, or a combination of those that identifies and distinguishes the source of the services of one party from those of others) in common with other locations of this business?		X
8	Total Features	Enter the total number of "YES" responses from lines 1 (previous page) through 7		0

#### Requirements and Provisions of the Code

If the number of national locations (excluding the location proposed in this application) in Line 1 A is 12 or more and if the number of total standardized features of this business in Line 8 is 2 or more, then the proposed use is a Formula Retail Use.

All Building Permit Applications for Formula Retail Uses for any use categories permitted shall be subject to the notification and design review procedures of §312 of the Planning Code as changes of use.

If the Planning Department determines that an application or permit is for a Formula Retail Use the permit applicant of holder bears the burden of proving to the Planning Department that the proposed or existing use is not a Formula Retail Use. Any permit approved for a use that is determined by the Planning Department to be for a Formula Retail Use that did not identify the use as such is subject to revocation at any time.

# Applicant's Affidavit

By signing below, I acknowledge: That I am the owner or authorized agent of the owner of this property; that I am familiar with the proposed business and its operation; that I have read and completed this form in its entirety and the information presented is true and correct to the best of my knowledge; and that I understand that receipt of these materials by the Planning Department does not mean that the application has been accepted as complete.

Signature: Ariel Ford Date: 2.3.12

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

Ariel Ford | Manitou, Inc Phone: 415.505.3351  
Owner / Authorized Agent (circle one)

Mailing Address: 4437 20<sup>th</sup> St. Email: arielkford@yahoo.com  
SF CA 94114

## Planning Department Determination

THIS SECTION TO BE COMPLETED EXCLUSIVELY BY PLANNING DEPARTMENT STAFF

The proposed use has been determined to be a Formula Retail Use: Yes  No

In the subject District the proposed use is: Principally Permitted

Requires Conditional Use

Not Permitted

Subject Address: 4028 24<sup>TH</sup> STREET Block/Lot: 3656/011

Application No.: 2011.1283 C Date Filed: 11/10/2011

Application Type: CONDITIONAL USE

Signature: Tom Wang Date: 2/27/2012

Printed Name: TOM WANG Phone: (415) 558-6335

# Parcel Map

3656

HORNERS ADDN. BLK. 180  
REVISED '90

LOTS MERGED  
107 1A MERGED 207 10-1949  
107 1B " " " 12-1949



NOE

RH-3

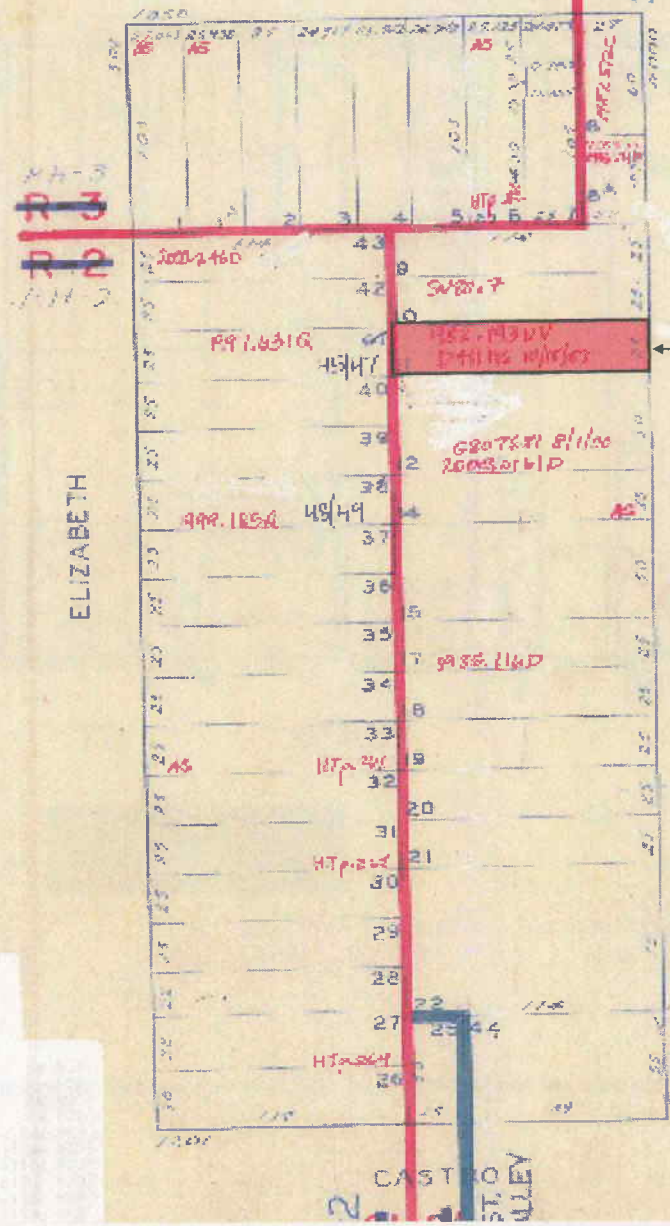
R-3

R-2

24TH ST. -  
NOE VALLEY  
NCD

40-X

ZNA 98-36  
ZNA 77.4 7C2  
BE 77.29 Part 1



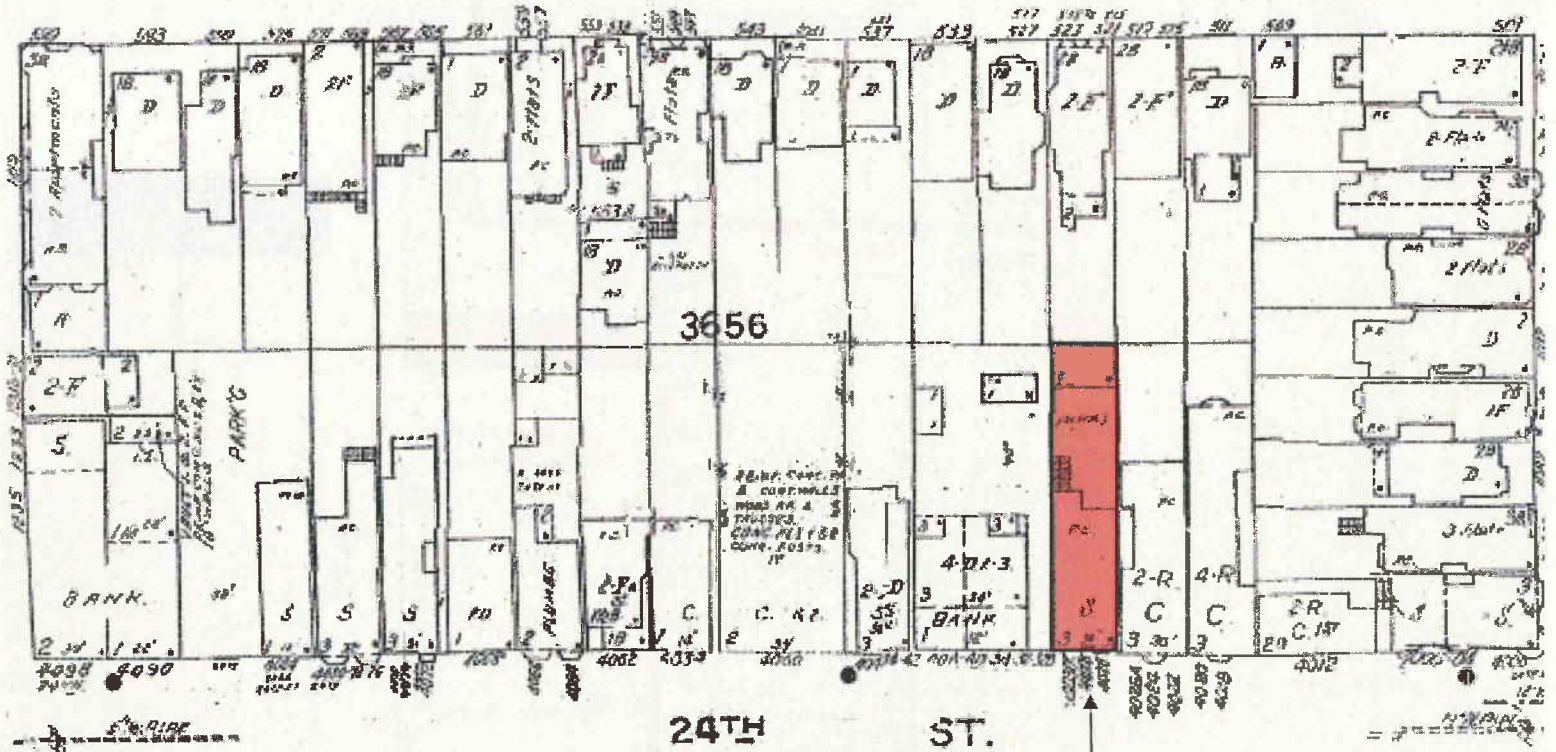
SUBJECT PROPERTY  
4028 24TH STREET

Planning Commission Hearing  
Case Number 2011.1283C  
4028 24<sup>th</sup> Street



# Sanborn Map\*

ELIZABETH 84' wide



SUBJECT PROPERTY  
4028 24TH STREET

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



# Aerial Photo

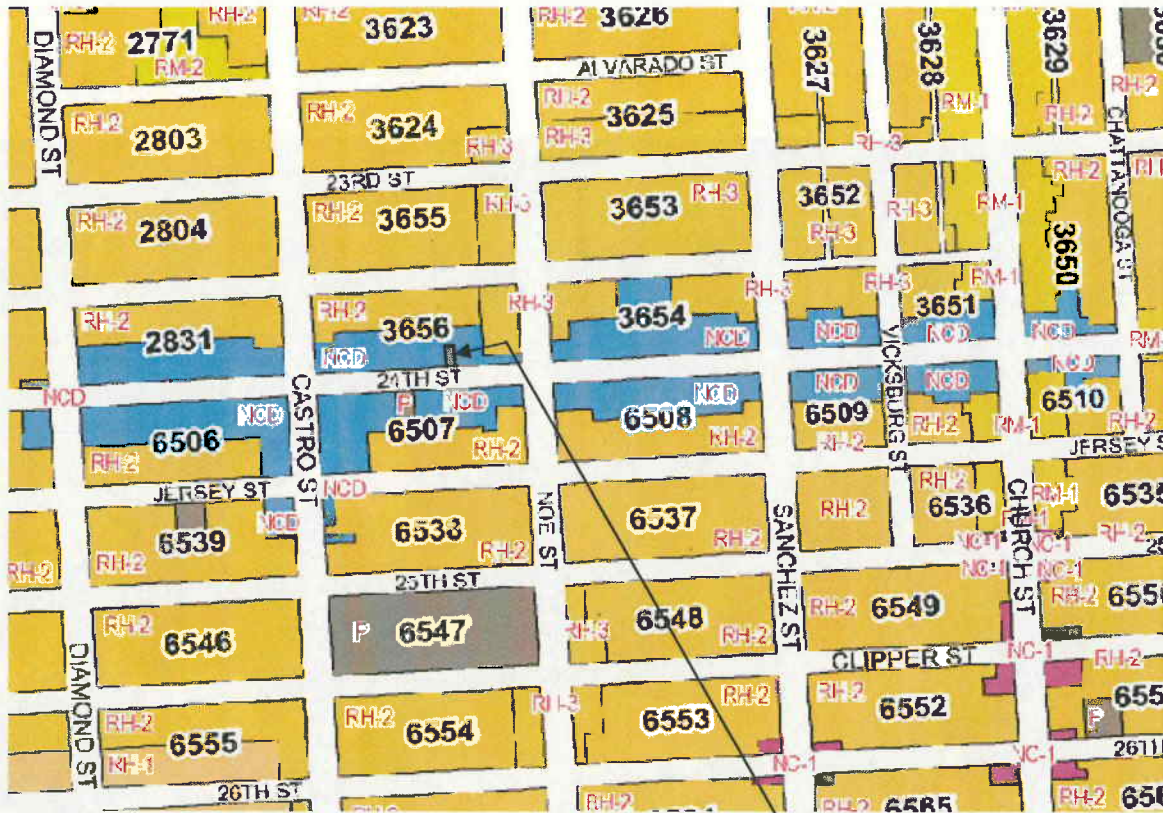


SUBJECT PROPERTY 4028 24<sup>TH</sup> STREET



Planning Commission Hearing  
Case Number 2011.1283C  
4028 24<sup>th</sup> Street

# Zoning Map



**SUBJECT PROPERTY**  
4028 24<sup>TH</sup> STREET

## ZONING USE DISTRICTS

### RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

### RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

### NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

### SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

### COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)

### INDUSTRIAL DISTRICTS

C-M M-1 M-2

### CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

### RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

### REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

### DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

### MISSION BAY DISTRICTS

MB-OS MB-O

### PUBLIC DISTRICT

P



Planning Commission Hearing  
Case Number 2011.1283C  
4028 24<sup>th</sup> Street



February 23<sup>rd</sup>, 2012

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

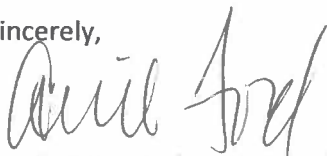
Re:     CONDITIONAL USE PERMIT REQUEST  
       Easy Breezy – Small Serve-Service Restaurant  
       4028 24<sup>th</sup> Street (Noe Valley Shopping Corridor)  
       Case No: 2011.1283C

Dear Planning Commissioners:

This letter is to accompany the application package for Easy Breezy 4028 24<sup>th</sup> Street to use an existing retail store as a Small Self Service Restaurant.

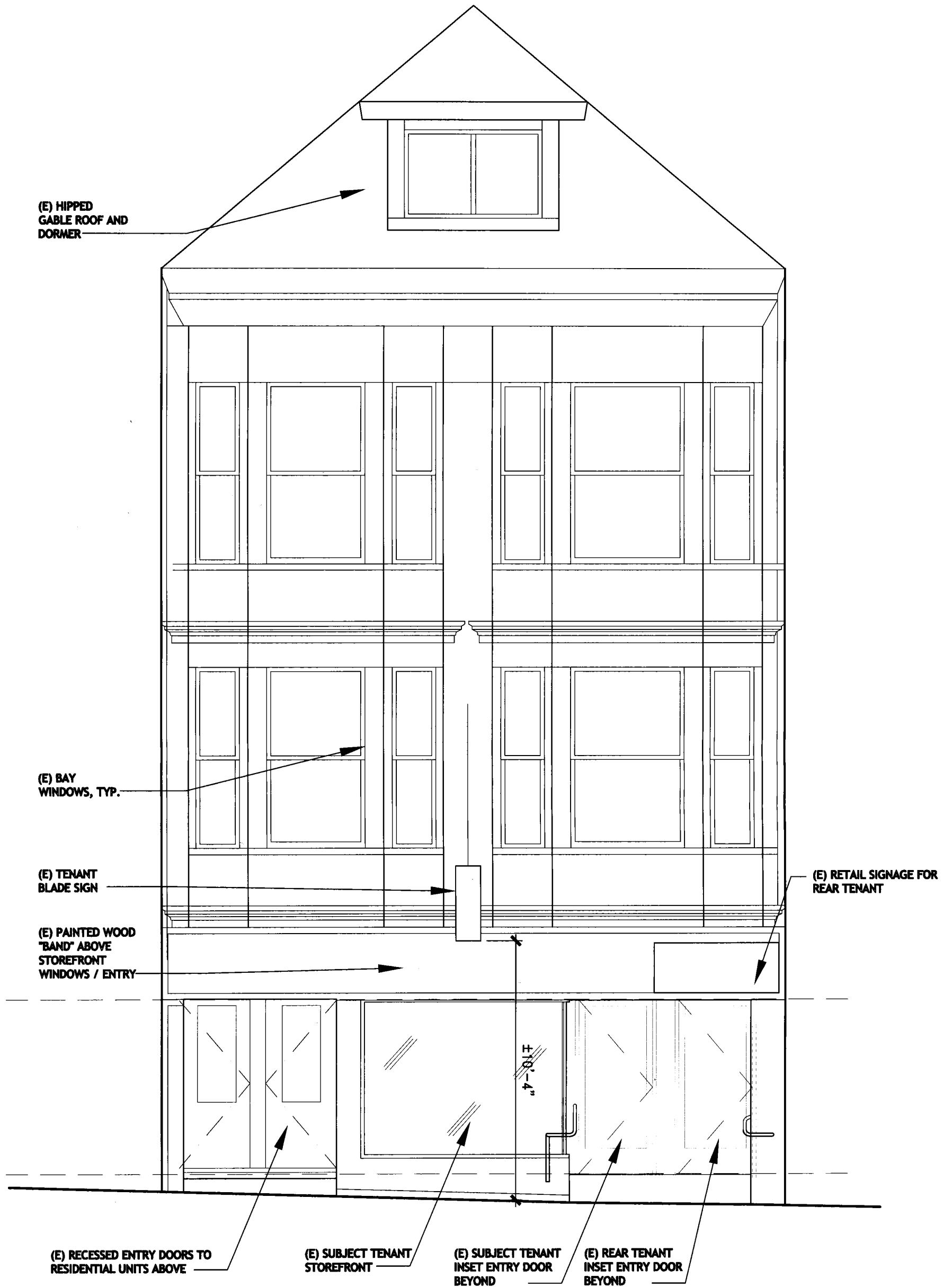
1. The proposed use is desirable and compatible with the Noe Valley shopping corridor, and is in keeping with the spirit of the local community, restaurants and merchants. The store will provide self-service frozen yogurt and frozen custard for the pleasure of the Noe Valley community and its shoppers and patrons. The lack of a dessert shop is noticeable in Noe Valley – the addition of this store will address that need.
2. The size of the proposed use is in keeping with the other storefronts on the block face.
3. The proposed use will not impact traffic or parking in the district because it is not a destination location - the majority of customers will be local Noe Valley district neighborhood foot traffic.
4. The proposed use will compliment the mix of goods and services in the neighborhood by adding an amenity not currently available to shoppers.
5. The proposed use will reduce neighborhood blight. The storefront has been vacant and unused since July 1, 2011, and exists on a prime pedestrian block.
6. The proposed use will improve the local economy by fostering many small transactions and providing employment opportunities.
7. The proposed use will be fully compliant to the Environmental Health Department's food safety codes, the Building Department's building safety codes, and to city, state and federal ADA regulations.
8. The store will not produce noise, glare, dust or odor that would produce noxious or offensive emissions
9. The design is carefully reviewed by professional engineers, architects and ADA experts to ensure good access, service areas, lighting, signs and overall ease of use. We do not use any parking or loading areas.

Sincerely,



Applicants: Ariel and Durand Ford, Manitou, Inc 415-505-3351





1  
A0.2

EXISTING EXTERIOR ELEVATION

1/4" = 1'-0"

SWEETSPOT - TENANT IMPROVEMENT  
4028 24TH STREET  
SAN FRANCISCO, CA

1810 sixth st. suite a  
berkeley, ca 94710  
510 . 665 . 6110 t.  
510 . 665 . 6108 f.

abueg morris  
architects

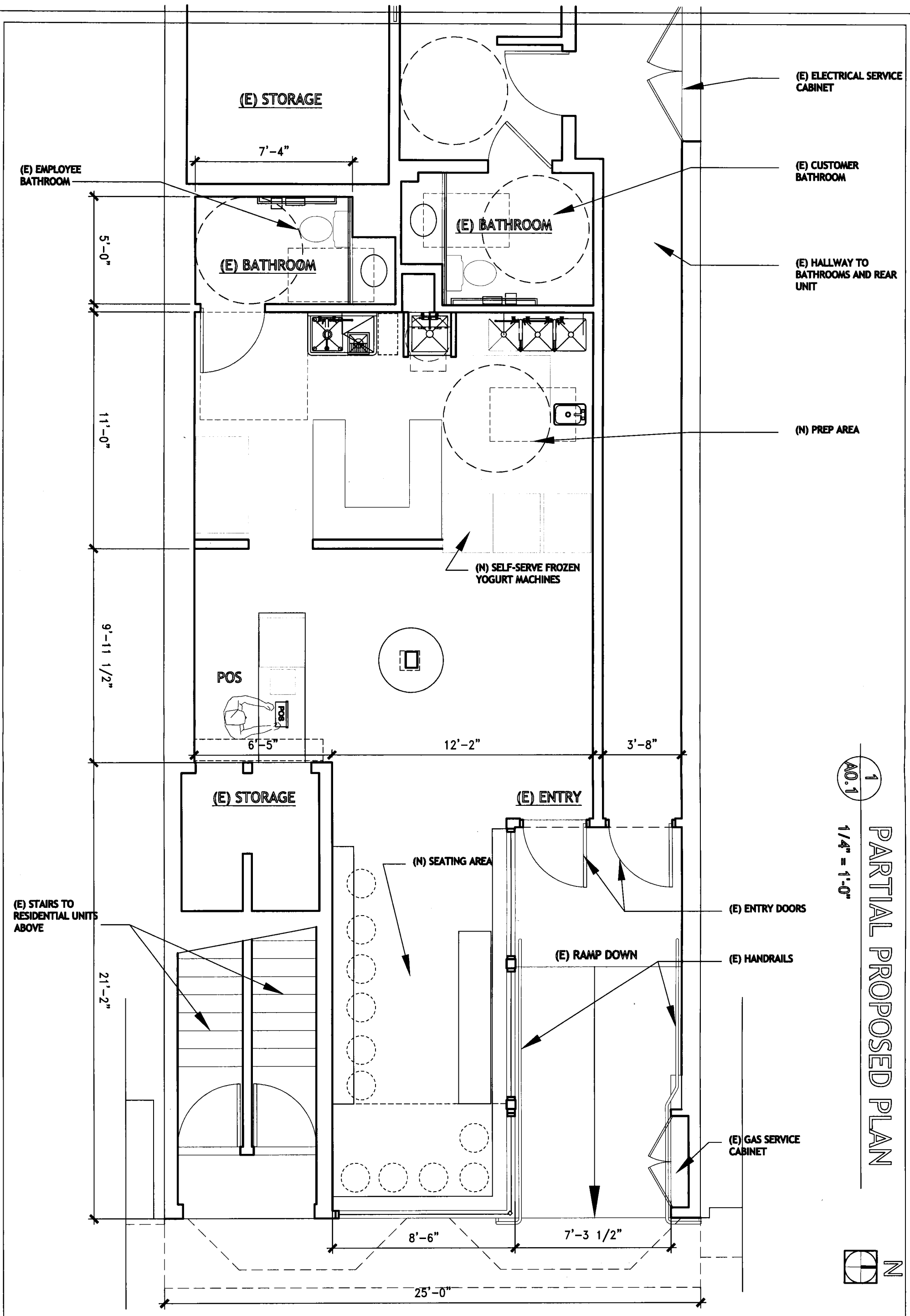
REVISIONS


EXISTING  
EXTERIOR  
ELEVATION

DATE: 2-20-12

DWG. NO.:

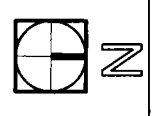
A0.2



1  
A0.1

PARTIAL PROPOSED PLAN

1/4" = 1'-0"



<p><b>A0.1</b></p>	<p>DWG. NO.:</p>	<p>DATE: 2-20-12</p>	<p>PARTIAL PROPOSED FLOOR PLAN</p>	<p>SWEETSPOT - TENANT IMPROVEMENT 4028 24TH STREET SAN FRANCISCO, CA</p>		<p>1810 16th St. Suite A Berkeley, CA 94710 510 . 665 . 6110 f. 510 . 665 . 6108 f.</p>	<p>abueg morris architects</p>	REVISIONS

# SITE / BLDG INFORMATION

**TENANT OWNER:** SWEETSPOT FROZEN YOGURT  
**ADDRESS:** 4028 24TH STREET  
**AP NUMBER:** 12-1007-47 & 48  
**ZONE:** 24TH AND NOE NCD  
**TYPE OF CONSTRUCTION:** TYPE V (NON-SPRINKLERED)  
**TENANT OCCUPANCY:** B (<50 OCCUPANTS)  
**NUMBER OF STORIES:** 3 TOTAL:  
 2 STORIES RESIDENTIAL ABOVE  
 1 STORY COMMERCIAL  
**TOTAL SQUARE FOOTAGE:** 616 S.F.

## SCOPE OF WORK

**\*\*NO CHANGES TO EXISTING BUILDING FOOTPRINT, SQUARE FOOTAGE, OR HEIGHT\*\***

NEW TENANT IMPROVEMENT BUILD-OUT INCLUDING NEW FOOD PREP AREA, SEATING & RETAIL AREAS, INTERIOR LIGHTING, PLUMBING, AND ELECTRICAL WORK

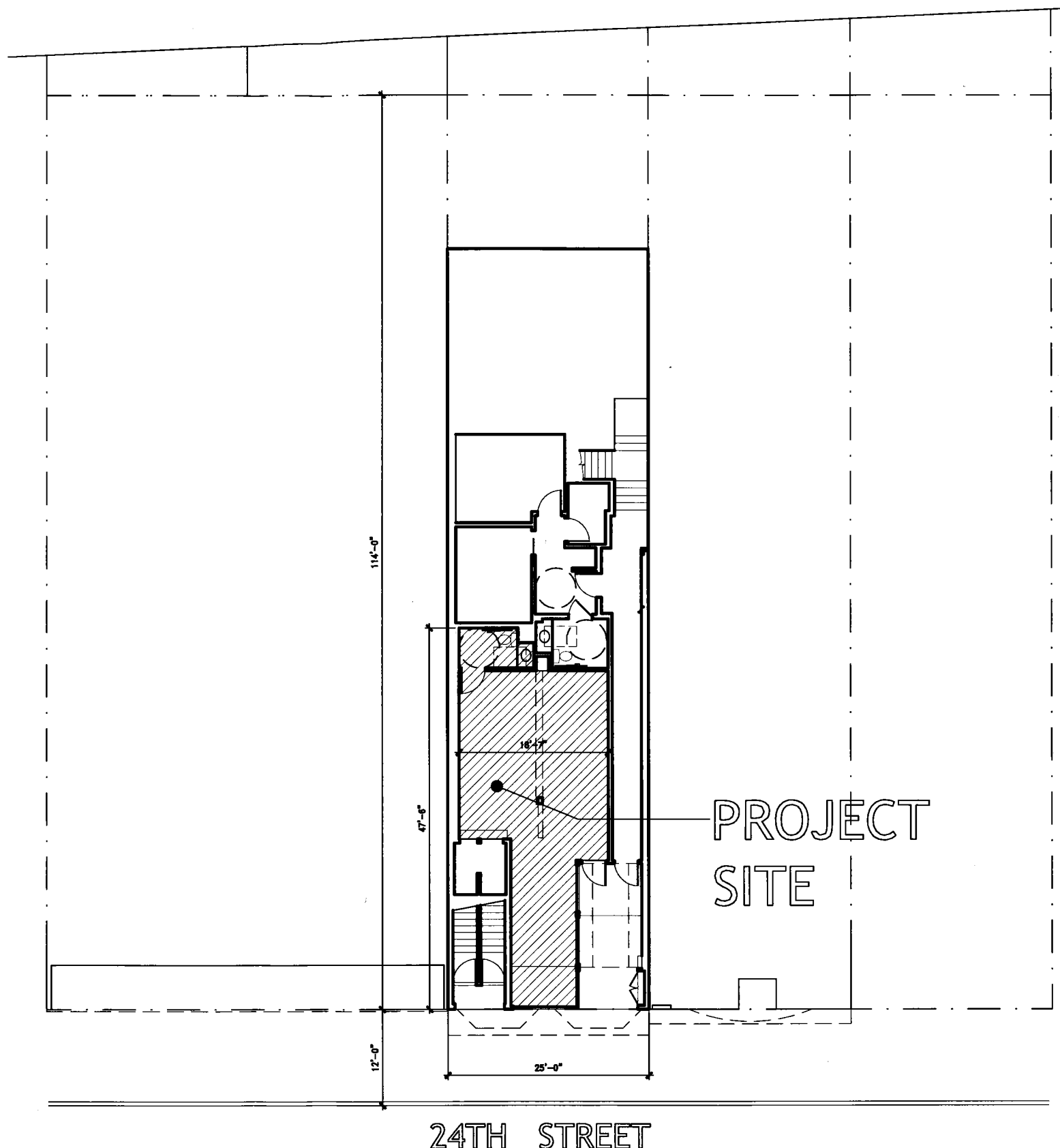
## SITE PLAN GENERAL NOTES

1. NO MODIFICATIONS ARE PROPOSED TO EXISTING APPROVED AND INSTALLED SITE, ACCESSIBLE PARKING, PATH OF TRAVEL, LANDSCAPING / LIGHTING, OR ACCESSIBLE SIGNAGE.
2. TENANT SPACE IS CONTINUOUSLY ACCESSIBLE AT GROUND LEVEL.
3. ALL CONSTRUCTION IS 1 HOUR FIRE RATED THROUGHOUT UNLESS OTHERWISE NOTED
4. FIRESTOP ALL PENETRATIONS THROUGH FIRE-RATED CONSTRUCTION
5. SEE ELECTRICAL DRAWINGS FOR LIGHTING AND EMERGENCY LIGHTING REQUIREMENTS
6. NO EXTERIOR MODIFICATIONS ARE PROPOSED IN THIS PERMIT SET.

## TENANT CONSULTANTS

### MECHANICAL/ELECTRICAL/ PLUMBING

**TANTECH ENGINEERS**  
**CONTACT: JOHN TANKEH**  
**(415) 269-4283**



1  
A0

EXISTING SITE PLAN @ GROUND LEVEL

1/16" = 1'-0"



### REVISIONS

NO.	DESCRIPTION

abueg morris  
architects

1810 abth st. suite a  
 berkeley, ca 94710  
 510 . 665 . 6110 t.  
 510 . 665 . 6108 f.

SWEETSPOT - TENANT IMPROVEMENT  
 4028 24TH STREET  
 SAN FRANCISCO, CA

SITE PLAN

DATE: 2-20-12

DWG. NO.:

A0



**Street View of Subject Property (4000 Block of 24<sup>th</sup> Street) from Noe Street**

4028 24<sup>th</sup> Street – Block and Lot No. 3656 / 011  
Small Self Service Restaurant Conditional Use Application



**Street View of Subject Property (4000 Block of 24<sup>th</sup> Street) from Castro Street**

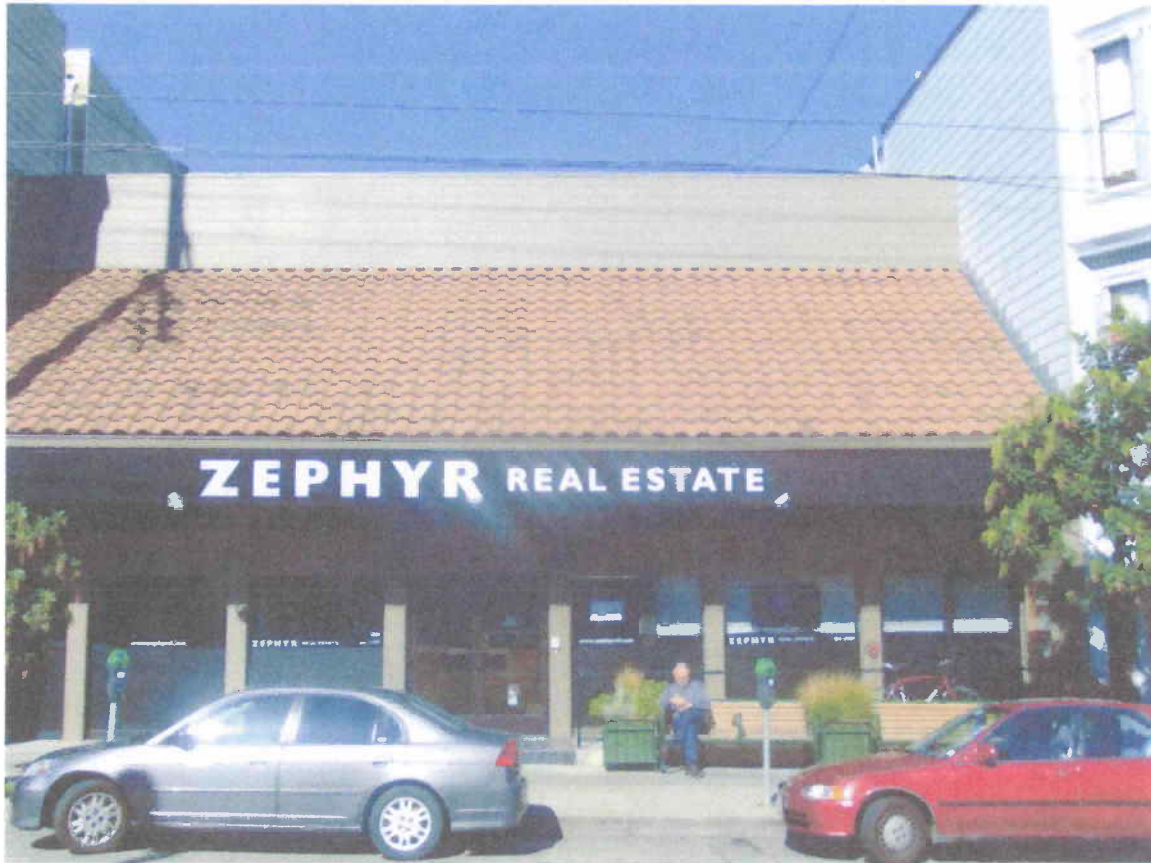
4028 24<sup>th</sup> Street – Block and Lot No. 3656 / 011  
Small Self Service Restaurant Conditional Use Application



**Building on 24<sup>th</sup> East of Subject Property**

4028 24<sup>th</sup> Street – Block and Lot No. 3656 / 011  
Small Self Service Restaurant Conditional Use Application





**Building on 24<sup>th</sup> Street West of Subject Property**

4028 24<sup>th</sup> Street – Block and Lot No. 3656 / 011  
Small Self Service Restaurant Conditional Use Application



1306 Castro St. (at 24th) San Francisco, CA 94114  
415-641-6192 [www.peekabootiquesf.com](http://www.peekabootiquesf.com)

Dear SF Planning Department:

We are the owners of Peekabootique located at 1306 Castro St St. in Noe Valley. Peekabootique has been a part of Noe Valley for over 25 years. We have owned Peekabootique for the last 6 years. We are writing this letter to express our support of conditional use authorization for the new proposed frozen yogurt shop "Easy Breezy", to be located at 4028 24<sup>th</sup> Street.

We're sure you're aware there has been a growing number of empty store fronts along the 24th St. corridor. Every step we can take to increase the vitality of Noe Valley will better the community. It is my opinion that someone who is willing to invest in this community should be given an opportunity to do so.

I hope you quickly grant the authorization required to allow the new owner/operators to begin construction and open their business.

Cordially,

Michael Stanton & Michele Furlong  
Owners, Peekabootique  
1306 Castro St.  
San Francisco, CA 94114

# GLOBAL EXCHANGE

*building people-to-people ties*

Dear SF Planning Department:

I am the program director of Global Exchange, a nonprofit Fair Trade retail store located at 4018 24th St. in Noe Valley. Our store has been in business at this location for over 20 years, with strong support from the neighborhood.

I am writing this letter to express my support of conditional use authorization for the new proposed frozen yogurt shop "Easy Breezy", to be located at 4028 24<sup>th</sup> Street.

A shop like this would be great for all businesses in the area as it would increase walk-by traffic, and would continue to attract young families to the neighborhood. This would be great for our business in particular as we serve many young families from all over San Francisco. The space is currently empty, and has been for many months – an empty storefront adds to neighborhood blight.

I hope you quickly grant the authorization required to allow the new owner/operators to begin construction and open their business.

We look forward to enjoying their Yogurt.

Thank you,

Jocelyn Boreta  
Global Exchange  
Fair Trade Stores Program Director  
Jocelyn@globalexchange.org

February 8, 2012

American Taekwondo Association  
Navarrete's Black Belt Academy LLC  
1201 Church Street  
San Francisco, CA 94114  
415/285-5425



Dear SF Planning Department:

I am the owner and chief instructor at ATA Navarrete's Black Belt Academy located at 1201 Church Street at 24<sup>th</sup> Street in Noe Valley. I have been running my business here for 25 years, with strong support from the neighborhood families. I am writing this letter to express my support of conditional use authorization for the new proposed frozen yogurt shop "Easy Breezy", to be located at 4028 24<sup>th</sup> Street.

My partner and I were recently discussing the lack of a frozen yogurt shop on the 24<sup>th</sup> Street corridor. A shop like this would be great for all businesses in the area as it would increase walk-by traffic, and would continue to attract young families to the neighborhood. This would be great for our business in particular as we serve many young families from all over San Francisco.

The space is currently empty, and has been for many months – an empty storefront adds to neighborhood blight. I hope you will not delay in granting the authorization required to allow the new owner/operators to begin construction and open their business. We look forward to enjoying their offerings.

Sincerely yours,

Master Fernando J. Navarrete, MA  
Owner, Chief Instructor  
Navarrete's Black Belt Academy LLC.

**Ariel K. Ford**

---

**From:** Carol yenne [cyenne@sbcglobal.net]  
**Sent:** Wednesday, February 08, 2012 4:59 PM  
**To:** Ariel K. Ford  
**Subject:** Easy Breezy yogurt - conditional use authorization

Small Frys  
4066 24<sup>th</sup> Street  
San Francisco, Ca 94114

Dear San Francisco Planning Department:

I am the owner of the Small Frys Children's clothing store at 4066 24<sup>th</sup> Street . We have been opened for 28 years in our location and I am also the owner of the building. I am writing this letter to express my support for the conditional use authorization for a new business named Easy Breezy at 4028 24<sup>th</sup> Street . The owner/operators have proposed to offer self-serve frozen yogurt and frozen custard and need to obtain this authorization to change the use of the space from retail to "small self service restaurant" which I understand will allow them operate a yogurt shop in that location.

The addition of a family-friendly frozen yogurt shop to our block will be a boon to local businesses here in Noe Valley . It will drive additional foot traffic, and will offer a product not currently available to shoppers in this neighborhood.

I fully support this conditional use and hope that you considering moving on this quickly so as to fill up an existing and empty space with what promises to be a vibrant business that we know will support our customers, our neighborhood and will be active and involved member of the community.

All my best,

Carol Yenne  
Small Frys  
4066 24<sup>th</sup> Street  
San Francisco, Ca 94114

MICHAEL IMMERMANN, L.C.S.W.  
LICENSED CLINICAL SOCIAL WORKER LCS14796

February 15, 2012

To Whom It May Concern:

My name is Michael Immerman. I'm a Licensed Clinical Social Worker, practicing psychotherapy for over twenty years, and I have a Noe Valley office at 3841 24<sup>th</sup> Street. I am writing this letter to express my strong support for conditional use authorization of the frozen yogurt shop proposed to open at 4028 24<sup>th</sup> Street.

I believe the yogurt shop to be an excellent addition to our neighborhood, as there is presently nothing comparable on this section of 24<sup>th</sup> Street. And it will fill a currently empty storefront with a lively and delicious option for the residents, employees and visitors of Noe Valley. I look forward to visiting this establishment when it opens.

Yours truly,





1431A Castro Street  
San Francisco, CA 94114  
(415) 550-7577  
videowavesf@earthlink.net

February 1, 2011

Dear San Francisco Planning Department:

I am a resident of Noe Valley, small business owner here, and a board member of the Noe Valley Merchant's & Professionals Association. I am writing this letter to express my support for the conditional use authorization for a new business named Easy Breezy at 4028 24<sup>th</sup> Street. The owner/operators have proposed to offer self serve frozen yogurt and frozen custard and need to obtain this authorization to change the use of the space from retail to "small self service restaurant".

I own and run Video Wave at 1431A Castro Street near 24<sup>th</sup> Street and live a couple of blocks north on Castro as well. The addition of Easy Breezy to our neighborhood would benefit all of the businesses in Noe Valley by offering a new product to local consumers and drives additional foot traffic to our area by encouraging both neighbors, other San Francisco residents, and visitors to visit the 24<sup>th</sup> Street corridor.

The product they are offering is an excellent addition to the mix in the neighborhood as it is something to do and somewhere to go, for families, couples, and everyone.

The owner/operators - Ariel and Durand Ford – live in our community, and are working hard with this venture to invest in this community. They are members of the Noe Valley Merchants Association. I support their endeavor and strongly encourage you to accept their proposal for conditional use authorization.

Sincerely yours,

Gwen Sanderson  
Owner/Operator  
VideoWave – 1431A Castro St  
Resident – 1144 Castro St  
Board Member - NVMPA



4175 24th Street • San Francisco • 415.282.5416 • clichénoe.com

January 28, 2012

To whom it may concern:

This is a letter of support in regards to the conditional use authorization for the new business named Easy Breezy at 4028 24<sup>th</sup> Street. They are planning to offer self serve frozen yogurt and frozen custard. As you may know, they are currently in the midst of working with the planning department to change from retail usage to "small self service restaurant".

Myself, Dani Sheehan-Meyer, and my husband, Fred Meyer, owners of the new gift store, Cliché Noe, 4175 24<sup>th</sup> St, both support Ariel and Durand Ford, because having another shop on the 24<sup>th</sup> Street corridor is beneficial to all merchants, neighbors and the neighborhood in general. They have invested in our community and are members of the Noe Valley Merchants Association. We find them to be completely responsible and consciences in their business development. In this time of economic uncertainty their efforts are to be congratulated. We urge you to accept their proposal so that we may enjoy their distinctly different products, again adding to the commercial diversity of our Noe Valley corridor.

Sincerely yours,

*Dani & Fred Meyer*

Dani Sheehan-Meyer  
Fred Meyer  
Cliché Noe Gift Store  
4175 24<sup>th</sup> Street  
San Francisco, CA 94114



## RONIT AND ZACHARY BODNER

1295 Dolores Street  
San Francisco, CA 94110  
Tel: (415) 722-3940  
Fax: (866) 662-9371  
[rmalcheck@hotmail.com](mailto:rmalcheck@hotmail.com)

January 26, 2012

Re: Application for Conditional Use Authorization for Easy Breezy.

To the San Francisco Planning Commission:

My husband and I are writing in **strong support** of the application for conditional use authorization for the proposed "Easy Breezy" frozen yogurt shop in Noe Valley at 4028 24<sup>th</sup> Street.

We are Noe Valley home owners, and have lived in this neighborhood for 12 years. We are blocks from the Noe Valley shopping corridor and frequent the corridor on a daily basis for all of our basic needs.

We have two young children who benefit from the myriad of shops and eating establishments on 24<sup>th</sup> Street. The only thing that is missing in this area is a dessert place – we are thrilled to know that Easy Breezy intends to provide our community with just that. The plans for the shop show a community-friendly establishment perfect for our family and the many other families in our neighborhood.

We hope the Planning Commission will view this application favorably and allow Easy Breezy to serve our community.

Sincerely,



Ronit Alcheck Bodner and Zack Bodner

January 27, 2012

Maya Elizabeth Spaul

319 Clipper Street

San Francisco, CA 94114

Dear Planning Commission:

I live in the Noe Valley neighborhood and I am writing in support of CU approval for the proposed Easy Breezy frozen yogurt shop. I have many reasons for supporting this, as listed below:

- Self-serve frozen yogurt is one of my favorite treats, and our neighborhood has been lacking this option for many years in my opinion.
- This shop promises to increase foot traffic on 24<sup>th</sup> Street
- The owner/operators plan a very “green” approach to their store. This is very much in keeping with the spirit of our neighborhood
- The proposed plans show community seating, and Noe Valley is all about community
- There have recently been many financial institutions moving into retail spots in Noe Valley. This is not good for merchants in our neighborhood. Easy Breezy frozen yogurt will create MORE business for neighborhood, not less

Thank you for your time and consideration.

Sincerely,

Maya Spaul

February 7, 2010

Alison and Jay Bakaler

32 Topaz Way

SF, CA 94131

Dear SF Planning Department:

My husband and I are long-time Noe Valley residents. We are raising two young children in the neighborhood and frequent the 24<sup>th</sup> Street corridor on a daily basis. We have recently learned of the application for Conditional Use authorization for the new Easy Breezy yogurt shop – we very much hope you will grant Ariel and Durand Ford the authorization they need to proceed with the build-out and launch of this new destination spot for our neighborhood.

We go out to dinner with our children on a regular basis in the neighborhood, and always belabor the fact that there is nowhere to pop in for a little dessert! The neighborhood needs this type of store, and it is very much worthwhile to change the current retail usage to small self-service restaurant use. We support the Fords in their pursuit of opening this shop, and hope the planning commission will do the same.

Sincerely,

Alison and Jay Bakaler

1.27.12

Ronald Northrop

4366 25<sup>th</sup> Street

San Francisco, CA 94114

To Whom It May Concern:

As a long time Noe Valley resident, father, and homeowner, I am writing this letter in strong support of conditional use authorization for the proposed frozen yogurt store EASY BREEZY at 4028 24<sup>th</sup> Street in Noe Valley. This addition of this establishment will be a boon for Noe Valley merchants and residents alike. This shop promises an offering currently lacking in the myriad of shops and restaurants on the 24<sup>th</sup> street corridor and would bring more people and more business into our neighborhood. Please add my name to the list of supporters for Easy Breezy.

Yours Truly,

Ronald Northrop

January 26, 2012

Dana Lukes

142 28<sup>th</sup> Street

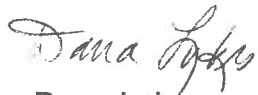
San Francisco, CA 94131

Dear Planning Commission:

I am a long-time resident of Noe Valley and was thrilled to learn of plans for the frozen yogurt shop at 4028 24<sup>th</sup> Street. I understand the owner/operators are currently in request of conditional use authorization for this space and I am writing to express my support of this application.

I do most of my daily errands in Noe Valley, and frequent most of the eating establishments. Adding a yogurt shop to the corridor is a no-brainer – there are no dessert shops in the neighborhood, and frozen yogurt is such a healthy treat. It is important that stores that encourage walk-by traffic continue to inhabit the 24<sup>th</sup> Street corridor and the new Easy Breezy is a perfect fit in all of these ways. Please do grant permission conditional use at this spot.

Thank you,



Dana Lukes

Dana Lukes