



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: MAY 3, 2012

*Date:* April 26, 2012  
*Case No.:* 2012.0028C  
*Project Address:* 6909 GEARY BOULEVARD  
*Zoning:* NC-1 (Neighborhood Commercial, Cluster)  
40-X Height and Bulk District  
*Block/Lot:* 1511/001  
*Project Sponsor:* Jianfei Li  
1408 31<sup>st</sup> Avenue, #207  
San Francisco, CA 94122  
*Staff Contact:* Christine Lamorena – (415) 575-9085  
[christine.lamorena@sfgov.org](mailto:christine.lamorena@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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Suite 400  
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### PROJECT DESCRIPTION

The applicant proposes to convert a vacant commercial space into a self-service specialty food establishment (d.b.a. I-Crepe) on the ground floor of a four-story, mixed-use building. The approximately 800 square foot food establishment would serve crepes and ice cream and consist of a dining area with three tables and six seats, a service counter and area, a restroom and storage. No exterior modifications or expansion to the existing building envelope are proposed.

The proposed hours of operation are from 11 a.m. to 11 p.m. daily. Pursuant to Planning Code Section 710.27, the proposed use is allowed to operate between the hours of 6 a.m. to 11 p.m. as of right. An estimated four employees will operate the food establishment.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the southwest corner of Geary Boulevard and 33<sup>rd</sup> Avenue, on Assessor's Block 1511, Lot 001. The property is located within the NC-1 (Neighborhood Commercial, Cluster) Zoning District with 40-X Height and Bulk District. The subject property is a corner lot, with approximately 100 feet of frontage on 33<sup>rd</sup> Avenue and 120 feet of frontage on Geary Boulevard. The subject lot is 12,000 square feet in size and is occupied by a four-story, mixed-use building built in 2006. The subject property is one of six commercial tenant spaces located on the ground floor of the mixed-use building. The other tenant spaces are occupied by a small self-service restaurant (d.b.a. Quickly), a full-service restaurant (d.b.a. Donairo's Pizza), a dry cleaning store (d.b.a. Pacific View Cleaners), a self-service specialty food establishment (d.b.a. Happy Yogurt), and a small self-service restaurant (d.b.a. Tasty Delights).

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located at the intersection of Geary Boulevard and 33<sup>rd</sup> Avenue within the Outer Richmond Neighborhood. The project site is located in an NC-1 Zoning District with a variety of neighborhood-serving uses. Surrounding development consists of multi-family residential buildings and mixed-use buildings featuring residential uses above ground-floor commercial establishments within this portion of the NC-1 Zoning District. The scale of development in the area consists primarily of two-to-four story structures. Generally, the commercial establishments characterizing this portion of Geary Boulevard include a mix of cafes, full-service restaurants, personal and medical service establishments, and specialty stores. On 33<sup>rd</sup> and 34<sup>th</sup> Avenues running north and south of the project site, a few apartment buildings and commercial buildings exist among predominantly two-to-four story residential buildings within the RH-2 (House, Two-Family) Zoning District. There are also a few other commercial establishments located within a one-block radius of the project site along Geary Boulevard between 32<sup>nd</sup> and 35<sup>th</sup> Avenues and approximately two blocks south of the project along Balboa Street between 32<sup>nd</sup> and 39<sup>th</sup> Avenues within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District. George Washington High School (600 - 32<sup>nd</sup> Avenue) is located approximately 1-2 blocks from the project site.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 13, 2012	April 13, 2012	20 days
Posted Notice	20 days	April 13, 2012	April 12, 2012	21 days
Mailed Notice	20 days	April 13, 2012	April 13, 2012	20 days

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

## **PUBLIC COMMENT**

- To date, the Department has received one call from an adjacent neighbor (6933 Geary Blvd.) in opposition to the project. Her main concerns are related to loitering and trash generated from existing food establishments in the subject building.

## **ISSUES AND OTHER CONSIDERATIONS**

- The proposed use will be independently and locally owned, which is encouraged throughout San Francisco. In addition, the proposed use is not considered a Formula Retail use.
- There is little opposition to the project.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a self-service specialty food use within the NC-1 (Neighborhood Commercial, Cluster) Zoning District, pursuant to Planning Code Section 710.69A.

## **BASIS FOR RECOMMENDATION**

- The proposed project will occupy vacant commercial space and will enhance the economic diversity of the neighborhood by allowing a new business in the area.
- The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
- The proposed use would be consistent with the mixed commercial-residential character of the NC-1 Zoning District.
- The proposed project promotes small-business ownership.
- The proposed project meets all applicable requirements of the Planning Code.

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

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photograph  
Site Photograph  
Reduced Plans

Attachment Checklist

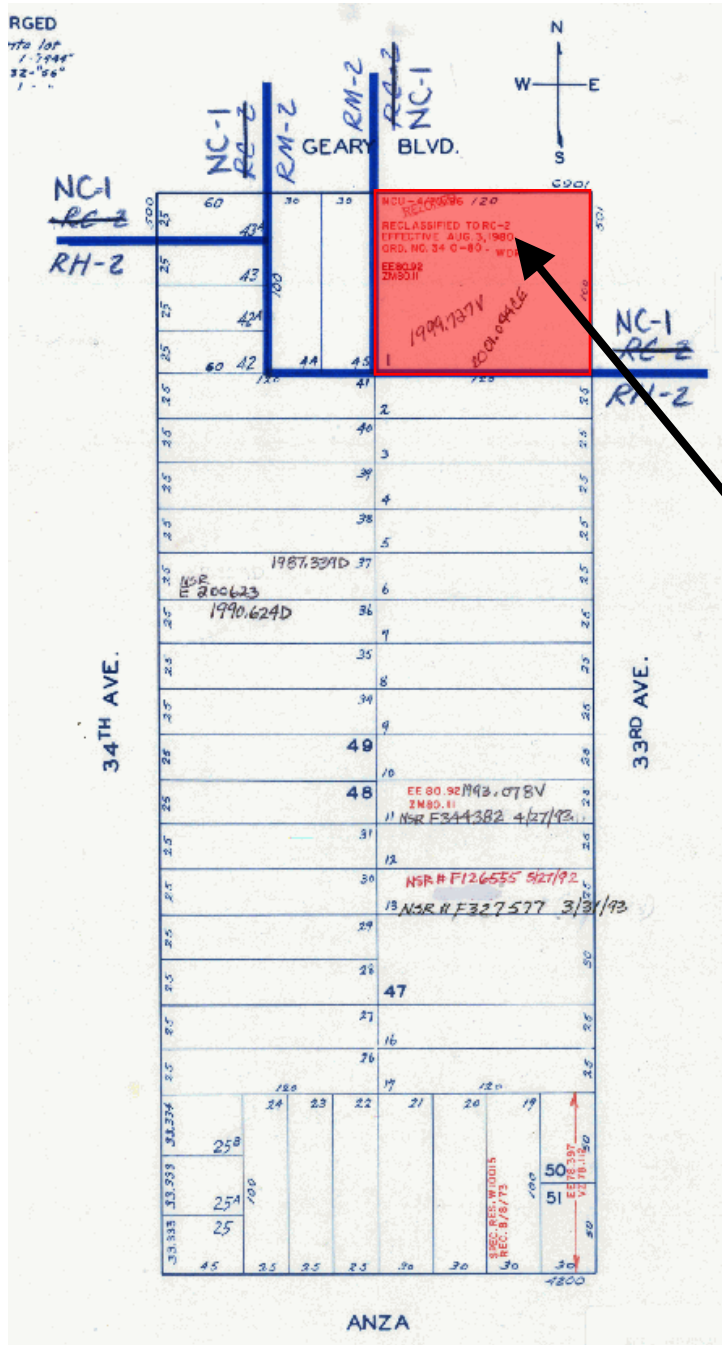
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                                 |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>  |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                      |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>   |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" 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:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos         |   |

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

CL \_\_\_\_\_  
Planner's Initials

CL: G:\DOCUMENTS\2012\ICUs\2012.0028\6909 Geary Blvd\_ExecutiveSummary.doc

# Parcel Map



**SUBJECT PROPERTY**



Conditional Use Hearing  
 Case Number 2012.0028C  
 6909 Geary Boulevard  
 Block 1511 / Lot 001

# Sanborn Map\*



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



Conditional Use Hearing  
Case Number 2012.0028C  
6909 Geary Boulevard  
Block 1511 / Lot 001



# Aerial Photo



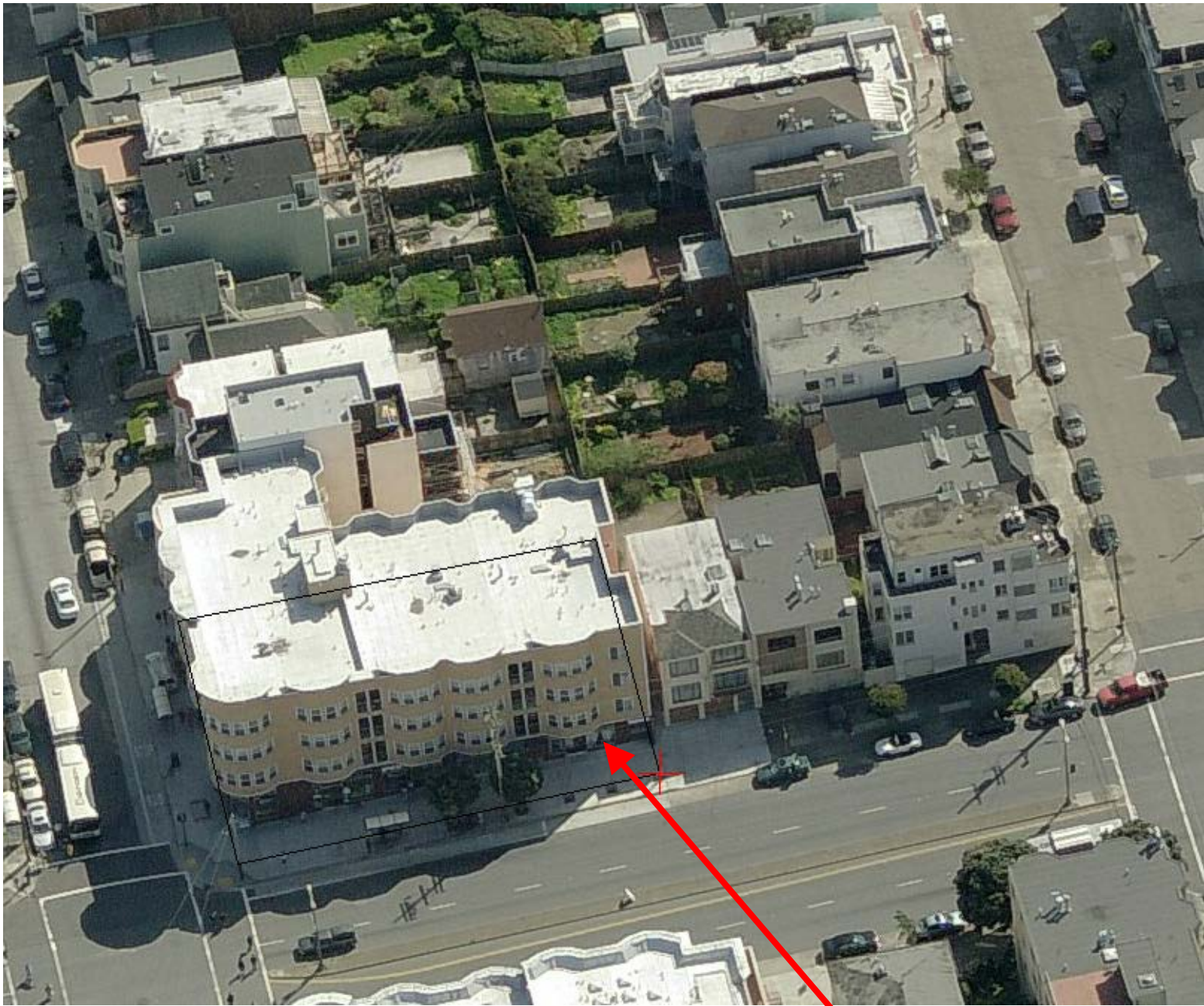
**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2012.0028C  
6909 Geary Boulevard  
Block 1511 / Lot 001



# Aerial Photo (looking south)



**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2012.0028C  
6909 Geary Boulevard  
Block 1511 / Lot 001

# Site Photo



PROPOSED TENANT  
SPACE

Conditional Use Hearing  
Case Number 2012.0028C  
6909 Geary Boulevard  
Block 1511 / Lot 001



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion

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[christine.lamorena@sfgov.org](mailto:christine.lamorena@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 710.69A OF THE PLANNING CODE TO CONVERT A VACANT COMMERCIAL SPACE INTO A SELF-SERVICE SPECIALTY FOOD ESTABLISHMENT (D.B.A. I-CREPE) ON THE GROUND FLOOR OF A FOUR-STORY, MIXED-USE BUILDING WITHIN THE NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On January 10, 2012, Jianfei Li (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 710.69A to convert a vacant commercial space into a self-service specialty food establishment (d.b.a. I-Crepe) on the ground floor of a four-story, mixed-use building within the NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District.

On May 3, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0028C.

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. 2012.0028C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the southwest corner of Geary Boulevard and 33<sup>rd</sup> Avenue, on Assessor's Block 1511, Lot 001. The property is located within the NC-1 (Neighborhood Commercial, Cluster) Zoning District with 40-X Height and Bulk District. The subject property is a corner lot, with approximately 100 feet of frontage on 33<sup>rd</sup> Avenue and 120 feet of frontage on Geary Boulevard. The subject lot is 12,000 square feet in size and is occupied by a four-story, mixed-use building built in 2006. The subject property is one of six commercial tenant spaces located on the ground floor of the mixed-use building. The other tenant spaces are occupied by a small self-service restaurant (d.b.a. Quickly), a full-service restaurant (d.b.a. Donairo's Pizza), a dry cleaning store (d.b.a. Pacific View Cleaners), a self-service specialty food establishment (d.b.a. Happy Yogurt), and a small self-service restaurant (d.b.a. Tasty Delights).
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Geary Boulevard and 33<sup>rd</sup> Avenue within the Outer Richmond Neighborhood. The project site is located in an NC-1 Zoning District with a variety of neighborhood-serving uses. Surrounding development consists of multi-family residential buildings and mixed-use buildings featuring residential uses above ground-floor commercial establishments within this portion of the NC-1 Zoning District. The scale of development in the area consists primarily of two-to-four story structures. Generally, the commercial establishments characterizing this portion of Geary Boulevard include a mix of cafes, full-service restaurants, personal and medical service establishments, and specialty stores. On 33<sup>rd</sup> and 34<sup>th</sup> Avenues running north and south of the project site, a few apartment buildings and commercial buildings exist among predominantly two-to-four story residential buildings within the RH-2 (House, Two-Family) Zoning District. There are also a few other commercial establishments located within a one-block radius of the project site along Geary Boulevard between 32<sup>nd</sup> and 35<sup>th</sup> Avenues and approximately two blocks south of the project along Balboa Street between 32<sup>nd</sup> and 39<sup>th</sup> Avenues within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District. George Washington High School (600 - 32<sup>nd</sup> Avenue) is located approximately 1-2 blocks from the project site.

4. **Project Description.** The applicant proposes to convert a vacant commercial space into a self-service specialty food establishment (d.b.a. I-Crepe) on the ground floor of a four-story, mixed-use building. The approximately 800 square foot food establishment would serve crepes and ice cream and consist of a dining area with three tables and six seats, a service counter and area, a restroom and storage. No exterior modifications or expansion to the existing building envelope are proposed.

The proposed hours of operation are from 11 a.m. to 11 p.m. daily. Pursuant to Planning Code Section 710.27, the proposed use is allowed to operate between the hours of 6 a.m. to 11 p.m. as of right. An estimated four employees will operate the food establishment.

5. **Public Comment.** To date, the Department has received one call from an adjacent neighbor (6933 Geary Blvd.) in opposition to the project. Her main concerns are related to loitering and trash generated from existing food establishments in the subject building.
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. **Self-Service Specialty Food.** Planning Code Section 710.69A states that a Conditional Use Authorization is required for a self-service specialty food establishment, as defined by Planning Code Section 790.93:

- (a) A retail use whose primary function is to prepare and provide ready-to-eat specialty foods to a high volume of customers who carry out the food for off-premises consumption. Such use exhibits each of the following characteristics: (1) Contains a service counter designed specifically for the sale and distribution of food that has been prepared on site; (2) Food is paid for prior to consumption; (3) Typically open for retail sales on weekdays during daytime hours; and (4) May contain no more than 10 seats including sidewalk seating. It often includes wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use as set forth in Section 703.2(b)(1)(C)(v).
- (b) It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries meeting each of the above characteristics, but it is distinct from small a self-service restaurant use as defined in Section 790.91, a large fast-food restaurant use as defined in Section 790.90 or a retail coffee store as defined in 790.102(n). It does not include general or specialty grocery stores with accessory take-out food activity as described in Section 703.2(b)(1)(C) or retail uses which sell prepackaged or bulk ready-to-eat-foods with no on-site food preparation area.
- (c) It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) within the accessory use limits as set forth in Section 703.2(b)(1)(C)(vi).

*The project meets the definition of a self-service specialty food establishment in that ready-to-eat crepes and ice cream would be served at high volumes generally for consumption off the premises and customers pay prior to consumption. The establishment is proposing six seats and three tables, which is fewer than the maximum allowable per Planning Code Section 790.93.*

- B. **Formula Retail.** Planning Code Section 703.3 states that a formula retail use is defined as sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

*The project is independently operated and does not constitute a formula retail use.*

- C. **Hours of Operation.** Planning Code Section 710.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 11p.m. to 2 a.m, as defined by Planning Code Section 790.48.

*The proposed hours of operation are from 11 a.m. to 11 p.m. daily. These hours of operation are permitted by Planning Code Section 710.27 and are consistent with the hours of the surrounding businesses. The adjacent small self-service restaurant, Quickly, was approved to operate from 11a.m. to 11p.m. daily.*

- D. **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 commercial space contains approximately 800 square feet of floor area and thus does not require any off-street parking.*

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses, 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 commercial space has approximately 25 feet of frontage on Geary Boulevard with approximately 18 feet devoted to both the establishment's entrance and window space. There are no changes proposed to the commercial frontage.*

- F. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

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

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

*The size of the use is in keeping with other storefronts on the block face. The self-service specialty food use would not affect traffic or parking in the District because it would not be considered a "destination" establishment. This use would complement the mix of goods and services currently available and would contribute to the economic vitality of the neighborhood since it would replace 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 height and bulk of the existing building will remain the same and the project will not alter the existing appearance or character of the project vicinity. No further work is proposed for the commercial property.*

- 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 an 800 square-foot self-service specialty food use. The use is designed to meet the needs of the immediate neighborhood and would 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;

*No significant noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project.*

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

*The self-service specialty food use does not require any additional tenant improvements.*

- 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 NC-1 Districts in that the use would be located at the ground floor, and would provide a compatible convenience service for the immediately surrounding neighborhoods during daytime and evening hours.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

#### **Policy 1.2:**

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

#### **Policy 1.3:**

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

*The project would provide desirable goods and services to the neighborhood and would provide resident employment opportunities to those in the community. Further, the project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

#### **OBJECTIVE 2:**

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



**Policy 2.1:**

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

*The project will retain existing commercial activity that enhances the diverse economic base of the City.*

**OBJECTIVE 6:**

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

**Policy 3:**

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

*Approval of the project would be consistent with the mixed commercial-residential character of this portion of the NC-1 Zoning District. The project would not adversely affect any affordable housing resources in the neighborhood.*

**Policy 4:**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The project would provide retail goods and services and is accessible to all residents in this portion of the NC-1 Zoning District.*

**Policy 6.1:**

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

*No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

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 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 percent of the total occupied commercial frontage." Planning staff performed a survey of the subject NC-1 Zoning District and found that although approximately 54 percent of the commercial frontage is occupied by eating and drinking establishments, the existing commercial frontage for this isolated neighborhood-commercial cluster involves only eight parcels and contains a modest 578 feet of commercial frontage in total. Approval of the project would increase the calculation to approximately 57 percent. It should be noted that the nature of the NC-1 Zoning District as a low-intensity area limits uses to only food establishments, retail, and neighborhood services.*

**Policy 6.2:**

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

*An independent entrepreneur is sponsoring the proposal. The use is a neighborhood-serving use. This is not a Formula Retail use.*

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

*The proposal enhances the district by providing a self-service specialty food use in the form of a crepe and ice cream shop. The business adds 4 more employment opportunities for the community.*

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

*The existing residential units in the surrounding neighborhood would not be adversely affected by this use. The closing time of 11 p.m. is consistent with other neighborhood commercial activities in the area.*

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

*No housing is removed for this project.*

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

*The site is at the corner of 33<sup>rd</sup> Avenue and Geary Boulevard and is well served by transit. There are six available MUNI bus routes within a ¼ mile radius from the site, including: 1AX; 38AX; 38L; 1; 18; and 38.*

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

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

*subject building was constructed in 2006, and the project does not affect the structural and seismic safety requirements of the City Building Code. This proposal does not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the project site. This mixed-use building was constructed in 2006.*

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

*The proposed project will not affect any city-owned parks or 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. 2012.0028C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 10, 2012, 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 May 3, 2012.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 3, 2012

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to convert a vacant commercial space into a self-service specialty food establishment (d.b.a. I-Crepe) located at 6909 Geary Boulevard, Assessor's Block 1511, Lot 001, pursuant to Planning Code Section(s) 303 and 710.69A within the NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated January 10, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0028C and subject to conditions of approval reviewed and approved by the Commission on May 3, 2012 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 3, 2012 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity 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](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. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

### MONITORING

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 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>*

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, <http://sfdpw.org>*

8. **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)*





