



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

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| <input type="checkbox"/> Inclusionary Housing (Sec. 315)         | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139)            | <input type="checkbox"/> Other                             |

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## Planning Commission Motion No. 18090

*Date:* May 20, 2010  
*Case No.:* **2010.0033CV**  
*Project Address:* **1530-1538 HAIGHT STREET (dba Haight Street Market)**  
*Zoning:* Haight Street Neighborhood Commercial District  
Haight Alcohol Restricted Use Subdistrict  
40-X Height and Bulk District  
*Block/Lot:* 1231/011 and 012  
*Project Sponsor:* Gus and Georgia Vardakastanis  
c/o Dimitri and Bobby Vardakastanis  
Haight Street Market  
1530 Haight Street  
San Francisco, CA 94117  
*Staff Contact:* Glenn Cabreros – (415) 558-6169  
[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 719.21 and 719.40 TO EXPAND AN EXISTING RETAIL SALES AND SERVICE USE (dba HAIGHT STREET MARKET) EXCEEDING 2,499 SQUARE FEET OF FLOOR AREA WITHIN THE HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT, HAIGHT ALCOHOL RESTRICTED USE SUBDISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On January 19, 2010, Gus Vardakastanis (hereinafter “Project Sponsor”) filed an application with the San Francisco Planning Department (hereinafter “Department”) for Conditional Use Authorization under Sections 303, 719.21 and 719.40 of the Planning Code to allow expansion of an existing retail sales and service use (dba Haight Street Market) exceeding 2,499 square feet of floor area within the Haight Street Neighborhood Commercial District and a 40-X Height and Bulk District.

On May 20, 2010, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0033C.

The Project was determined by the Department to be Categorically Exempt from the California Environmental Quality Act ("CEQA") as a Class 1(e)(2) and a Class 3(c) exemption under CEQA Guidelines, respectively additions to an existing structure less than 10,000 square feet in area and conversion of a small commercial structure less than 10,000 square feet in area. 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. 2010.0033C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the north side of Haight Street between Ashbury and Clayton Streets, Lots 011 and 012 in Assessor's Block 1231. The property is located within the Haight Street Neighborhood Commercial District (NCD), Haight Alcohol Restricted Use Subdistrict and the 40-X Height and Bulk District. The subject properties contain one, one-story commercial building on each lot. 1530 Haight Street is occupied by a grocery store (dba "Haight Street Market"). 1538 Haight Street is occupied by a full-service restaurant (dba "Massawa Restaurant").
3. **Surrounding Properties and Neighborhood.** The block-face is characterized by a continuous row of commercial uses at the ground floor within a varied mix of one-story commercial buildings and three-story mixed-use buildings. The existing development pattern and building massing along the block-face is random: about half the block-face is comprised of one-story commercial buildings, and the other half of the block-face is made up of three-story, mixed-use buildings. A pattern of full lot coverage is typical for the one-story commercial buildings on the block-face. The opposite block-face is also characterized by a continuous row of ground-floor, commercial uses. The opposite block-face is comprised of almost all one-story commercial buildings with one two-story building roughly occurring mid-block, a three-story corner building at Ashbury Street and a two-story corner building at Clayton Street.

The Haight Street NCD is located northwest of the City's geographical center within the Haight-Ashbury Neighborhood. The Haight Street NCD is a shopping area that provides convenience good and services to local residents, as well as comparison shopping goods and services to a larger market area. This commercial district is frequented by users of Golden Gate Park and by

residents for its eating, drinking and entertainment establishments. Numerous housing units establish the district's mixed residential-commercial character.

4. **Project Description.** The project sponsor proposes to expand the existing grocery store (Haight Street Market) at 1530 Haight Street into the existing, adjacent commercial space (currently housing Massawa Restaurant) at 1538 Haight Street. The project includes a rear horizontal addition to the existing one-story commercial building at 1538 Haight Street. The existing grocery store area is approximately 3,440 square feet (sf) of gross floor area. The expansion into 1538 Haight Street, with proposed rear addition, would result in gross floor area of approximately 8,020 sf. The occupied floor area (which equals gross floor area minus storage, restroom, mechanical equipment and processing and packaging areas) is approximately 4,884 sf.
5. **Public Comment.** The Department has received opposition to the project from approximately eight individuals. The Department has received comments supporting the project from over 150 individuals. Neighborhood groups that are in support of the project include the Haight Ashbury Neighborhood Council and the Haight Ashbury Improvement Association. A letter of personal endorsement for the project from Supervisor Ross Mirkarimi, District 5, was submitted to the Commission on May 20, 2010.
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. **Retail Sales and Service Use.** Planning Code Section 719.40 allows as-of-right Retail Sales and Service Uses at the ground floor and with Conditional Use authorization, such use at the second floor. Section 790.93 defines a grocery store as a Retail Sales and Service Use.

*The proposed project would comply with Section 719.40. This finding recognizes a proposed, partial second floor/mezzanine level (approx 1,150 sf) to be constructed as part of the one-story rear addition to house additional storage, refrigeration and mechanical equipment. Grocery products for sale to the general public would include items such as: fresh fruit and vegetables, dried goods, dairy products and various bottled, canned and box specialty food items.*

- B. **Use Size.** Planning Code Section 719.21 requires conditional use authorization for non-residential uses greater than 2,499 square feet.

*Conditional Use authorization is requested as the project would result in gross floor area of approximately 8,020 sf. The occupied floor area, which is comparable to the actual retail sales area open and visible to the general public, is approximately 4,884 sf.*

- C. **Hours of Operation.** Planning Code Section 719.27 states that commercial hours of operation from 6:00 a.m. to 2 p.m. are allowed as-of-right.

*The project would be open to the general public within the commercial hours of operation that are allowed as-of-right by the Haight Street NCD controls. The project sponsor wishes to retain the existing hours of operation at the existing grocery store for the project. The current hours of operation*

*of the grocery store are 7AM to 9 PM. As needed and in the future, the project sponsor may extend their business hours to 10 PM.*

- D. **Parking.** Planning Code Section 151 of the Planning Code requires off-street parking for every 500 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The proposed occupied floor area is approximately 4,884 sf. No parking for the project is required.*

- E. **Signage.** Currently, the project does not propose a sign. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to Article 6 of the Planning Code.

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

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

*The proposed use would utilize an existing ground floor commercial space. The proposed expanded use is a neighborhood grocery store that has provided goods to the neighborhood for over 29 years. The project sponsor has recognized that over time commercial business and the neighborhood must change, and the project is necessary and desirable for their business to evolve and to continue serving the Haight-Ashbury neighborhood. The proposed rear addition, requiring a rear yard variance, would be compatible with the surrounding development, as both adjacent buildings are currently developed with commercial buildings deep into each lot (almost to full lot coverage).*

- 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;

*From the front façade, the size and shape of the existing buildings would remain unchanged by the project. Future revisions to the front façade, including signage, would be subject to Planning Department review. With regard to the rear addition, the height and depth of the addition would be comparable to the height and depth of the adjacent one-story commercial buildings and to the other one-story commercial buildings on the block-face.*

- 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 project would not adversely affect existing traffic and parking. The project would primarily serve walk-in trade, in particular nearby residents of the Haight-Ashbury neighborhood, which would cause minimal interference with nearby streets and properties. On-street loading, typically in early morning hours, is proposed to continue as currently practiced with the existing grocery store. On-street loading, during off-peak hours, is customary with most businesses within the Haight Street NCD, since the existing development pattern does not accommodate off-street loading areas.*

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

*The proposed use is not typically associated with offensive emissions. The entire project, including sales area, preparation areas and trash areas, occur within a completely enclosed structure.*

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

*The proposal does not require or propose any additional improvements such as landscaping, screening, parking loading areas, etc. Such treatments are not required by the Code, and the project is proposed to occupy an existing commercial space.*

- 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.*

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

## RESIDENCE ELEMENT: NEIGHBORHOOD ENVIRONMENT

### Objectives and Policies

#### **OBJECTIVE 12:**

PROVIDE A QUALITY LIVING ENVIRONMENT

#### **Policy 12.2:**

Allow appropriate neighborhood-serving commercial activities in residential areas.

*The proposed development will retain and expand a desirable retail establishment to the neighborhood while accommodating the evolving business and neighborhood needs. The Haight Street Market has served the Haight-Ashbury Neighborhood for over 29 years. The market has been in existence at the current location for 12 years. The previous/original market location was also on Haight Street.*

**COMMERCE AND INDUSTRY ELEMENT:**

**Objectives and Policies**

**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.

**Policy 2.3:**

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The project would retain the existing use while allowing the reasonable development of a grocery store that has been family-owned and operated for over 29 years. The grocery store use is favorable to the character of the Haight Street NCD, as the market provides diversity to the type of retail businesses found along the commercial corridor. A family-operated, neighborhood-serving grocery store on Haight Street enhances the attractiveness of the NCD to residents and tourists. In addition to the Haight Street NCD being a tourist destination, the presence of the grocery store is evidence that the NCD continues to provide services to local residents of the Haight-Ashbury neighborhood.*

**OBJECTIVE 6:**

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

**Policy 6.1:**

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

**Policy 6.2:**

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

*The project would retain and expand an existing grocery store which contributes to the diversity of commercial uses along the Haight Street NCD. The grocery store provides an alternative to shoppers who prefer to shop at small, independent businesses. Additionally, a local business owner is sponsoring the proposal and seeks expansion of the grocery store to meet their business needs and the needs of the neighborhood.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposal would retain and enhance the Haight Street Market for both the project sponsor and the local residents.*

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

*Existing housing and neighborhood character are conserved as the project does not affect existing housing. No housing exists at the project site.*

- 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 size and use type proposed should not significantly increase commuter traffic. The grocery store use is primarily neighborhood serving.*

- 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 industrial or service establishment. The project sponsor is working with the existing restaurant use to help with relocation of the restaurant use.*

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

*The Project occurs within the existing building envelope and does not propose structural or seismic alterations. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The existing buildings associated with the project are not historic landmarks.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.



**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.0033C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on January 19, 2010 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. 18040. 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 20, 2010.

Linda D. Avery  
Commission Secretary

AYES: Commissioner Miguel, Olague, Antonini, Borden, Lee, Moore, Sugaya

NAYS: (none)

ABSENT: (none)

ADOPTED: May 20, 2010

## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303, 719.21 and 719.40 to expand an existing retail sales and service use exceeding 2,499 square feet of floor area within the Haight Street Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on January 19, 2010 and stamped "EXHIBIT B" included in the docket for **Case No. 2010.0033C**, reviewed and approved by the Commission on May 20, 2010.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 1231, Lots 011 and 012), which notice shall state that the change of use and proposed alterations has been authorized by and is subject to the conditions of this Motion.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and intermittent washing or steam cleaning of the main entrance and abutting sidewalks.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront in keeping with the neighborhood character.
8. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
9. The project sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.

10. There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Noise Ordinance.
11. Refuse containers shall be provided both inside the establishment for use by patrons. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
12. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.