



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 27, 2010

Date: May 20, 2010
Case No.: **2009.1049 C**
Project Address: **3400 MISSION STREET**
Zoning: NC-3 (Moderate Scale Neighborhood Commercial) District
RH-2 (Residential, House Two Family) District
40-X Height and Bulk District
Block/Lot: 6660/060
Project Sponsor: Ahmad Mohazab
2749 19th Street
San Francisco, CA 94110
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@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 applicant proposes to establish a formula retail use, dba 7-Eleven, in the location of an existing general grocery store on a site where a 76 gasoline service station is located. The applicant seeks this change to an identified formula retail establishment to realize the economic advantages of the branding name, the buying power and operational techniques that being a franchise of a major chain store provides. Beyond changes to signage and the addition of lighting to an existing exterior area, the project is also seeking to add a space 144 square feet in area to allow for a new office for the management of the property. With the proposed addition the structure would be approximately 1,675 square feet. There will be no other changes to the existing structure as viewed from the public right of way.

SITE DESCRIPTION AND PRESENT USE

The project is located on at the southwestern corner of Mission and 30th Streets, Lot 060 in Assessor's Block 6660. The property is located within the NC-3 (Moderate Scale Neighborhood Commercial) District and an RH-2 (Residential, House Two Family) District with 40-X height and bulk district. On the property there is an existing 76 gasoline service station and a general grocery store, as defined in Planning Code Section 790.102. The general grocery store is not identified as a formula retail use and is an independent establishment. As a corner lot, the subject property fronts Mission Street along the east for approximately 110 feet and 30th Street along the north for approximately 105 feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the southern end of the NC-3 District that stretches from Cesar Chavez, to the north, to Randall Street, to the south. Immediately to the north of the site, across 30th Street, is a Walgreens drug store. To the west are residential properties forming part of the Glen Park/San Jose Guerrero neighborhood. To the south of the subject property are two and three story buildings that feature ground floor commercial storefronts with residential uses at the floors above. To the east, on the opposite side of Mission Street, is the same pattern of two to three story buildings with ground floor commercial uses and residences above. Zoning Districts surrounding the property include the RH-2 (Residential, House, Two Family) and the NC-3 (Moderate Scale Neighborhood Commercial) District.

ENVIRONMENTAL REVIEW

The project is categorically exempt as a Class 1 project under CEQA.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 7, 2010	May 7, 2010	20 days
Posted Notice	20 days	May 7, 2010	May 7, 2010	20 days
Mailed Notice	20 days	May 7, 2010	May 7, 2010	20 days

PUBLIC COMMENT

- The Department is not aware of any opposition to this project.

ISSUES AND OTHER CONSIDERATIONS

- The use, a retail convenience store, will not change after conversion. The property owner is seeking the conversion to a formula retail use to realize the purchasing power that being a franchise of 7-Eleven affords, thereby reducing costs and enhancing the viability of the commercial establishment.
- The property owner is seeking to add lighting to the façade of the structure, enhancing the safety of the site for patrons at night.
- The property owner has held an outreach meeting with residents of the vicinity to secure input on the proposed project. The property owner reports that residents are pleased with the proposed project.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of a formula retail use within the NC-3 (Moderate Scale Neighborhood Commercial) District.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project will continue to be owned and operated by the same entity that owns the current establishment.
- The proposed conversion will allow the property owner to realize enhanced purchasing power for its goods, and thereby increasing the financial health of the establishment.
- The project is a neighborhood serving use and the nature of the goods sold remains unchanged.
- The proposed Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions
--

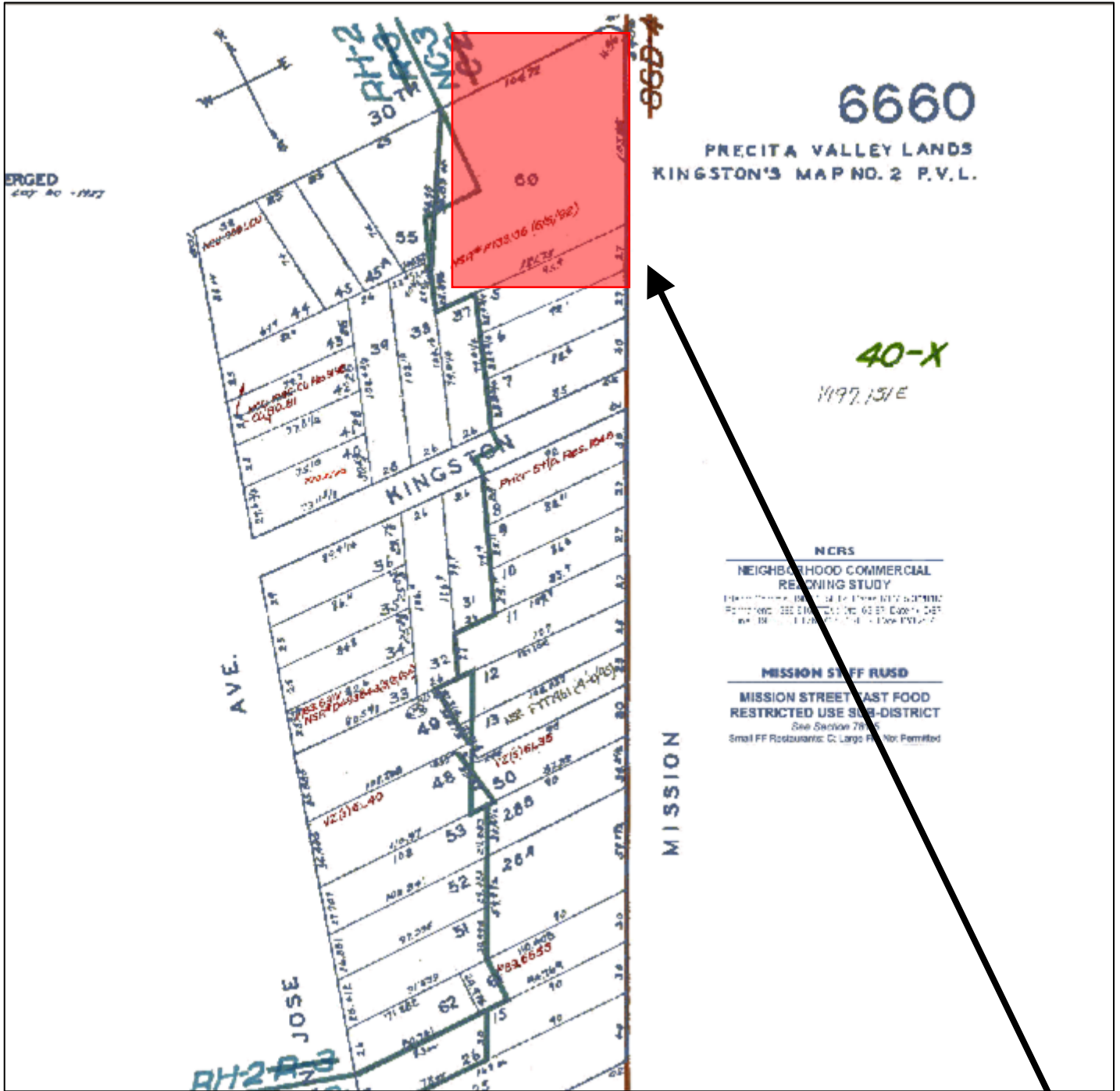
Attachment Checklist

- | | |
|---|---|
| <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"/> Parcel Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | |
| <input checked="" type="checkbox"/> Zoning Map | |
| <input checked="" type="checkbox"/> Site Photo | |
| <input checked="" type="checkbox"/> Formula Retail Map | |
| <input checked="" type="checkbox"/> Sponsor Submission – Discussion
of Project | |

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

Planner's Initials

Parcel Map

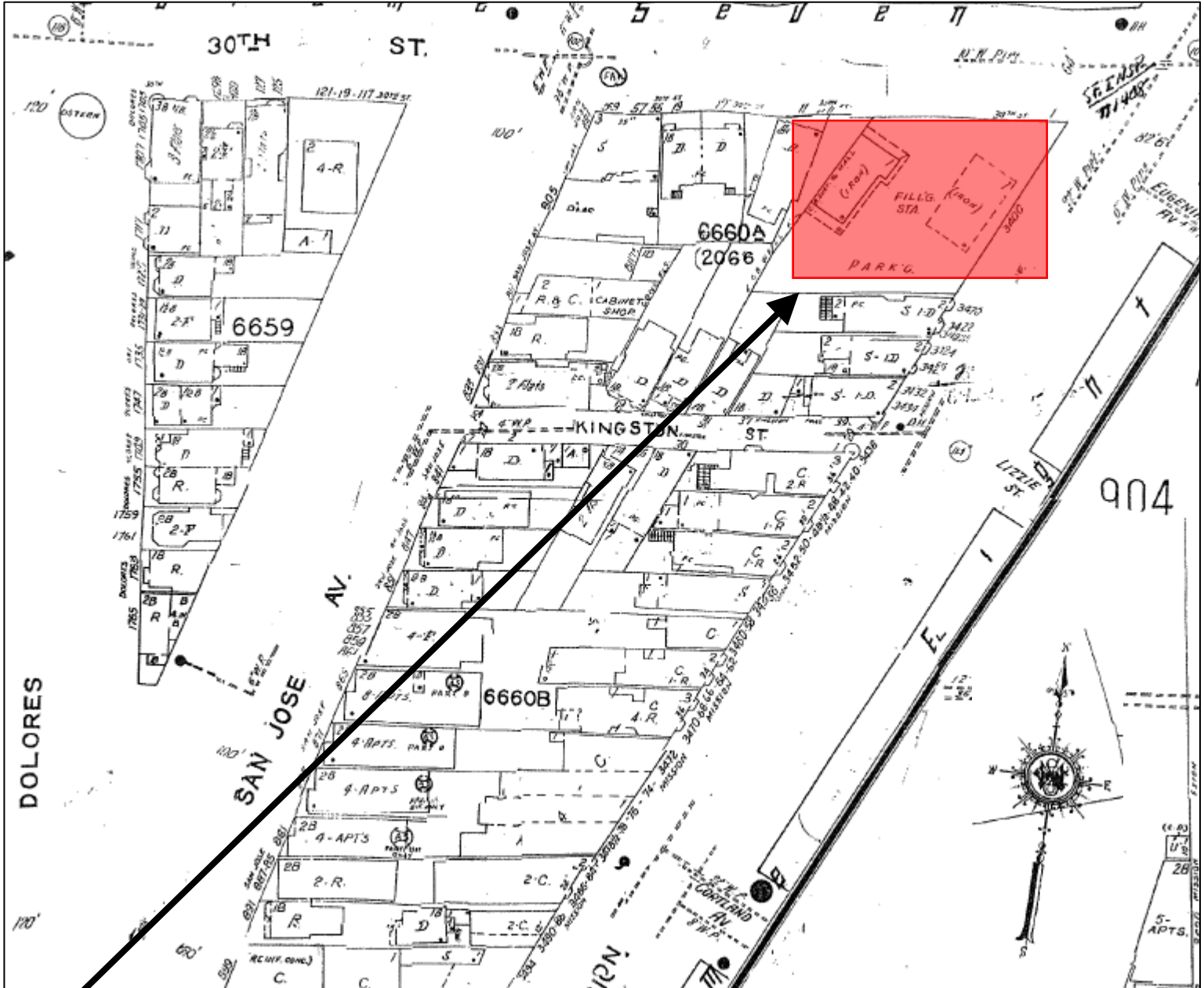


SUBJECT PROPERTY



Conditional Use Authorization
 Case Number 2009.1049C
 Formula Retail – 7-Eleven
 3400 Mission Street

Sanborn Map*



SUBJECT PROPERTY

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



Conditional Use Authorization
Case Number 2009.1049C
Formula Retail – 7-Eleven
3400 Mission Street

Aerial Photo

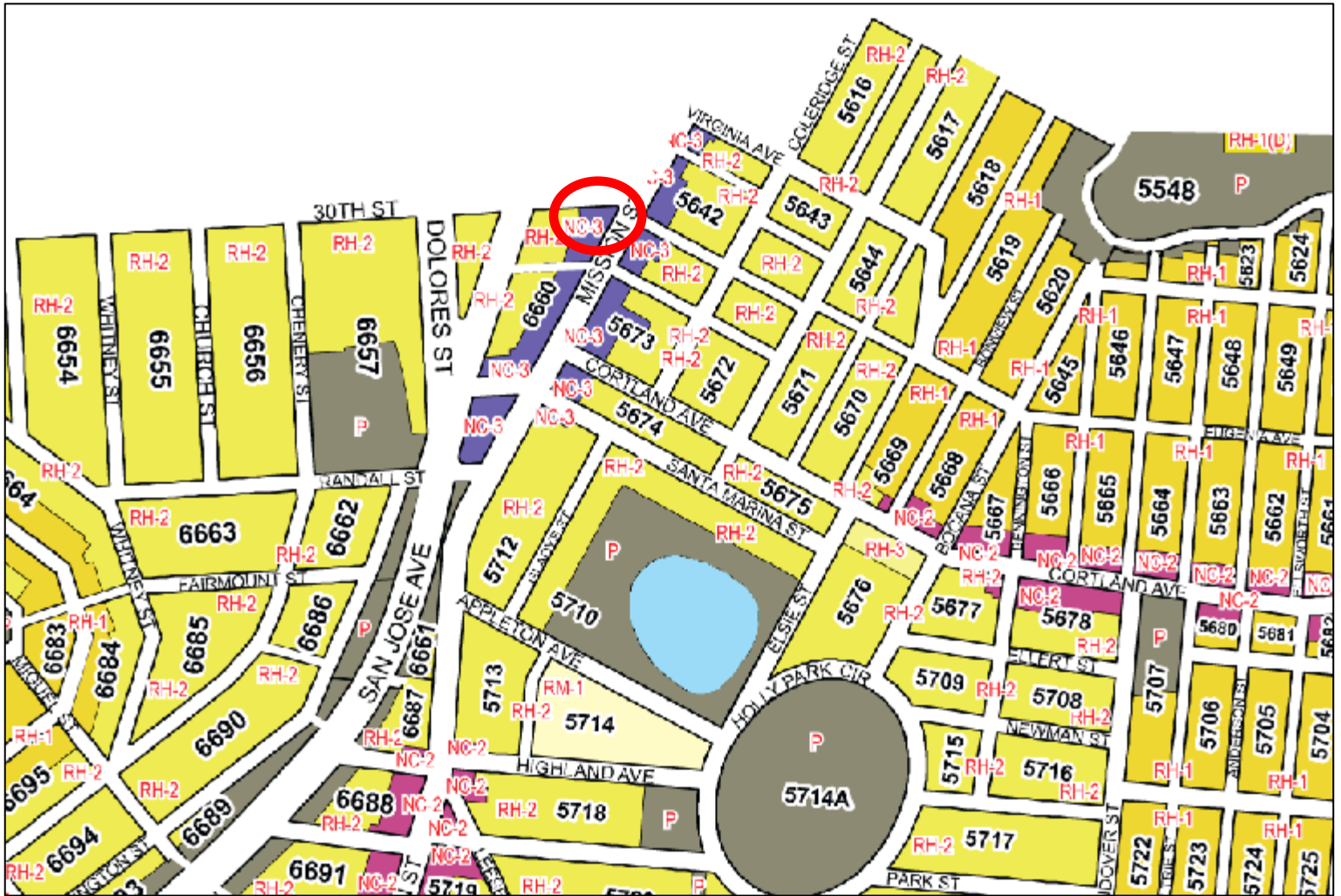


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2009.1049C
Formula Retail – 7-Eleven
3400 Mission Street

Zoning Map



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



Conditional Use Authorization
 Case Number 2009.1049C
 Formula Retail – 7-Eleven
 3400 Mission Street

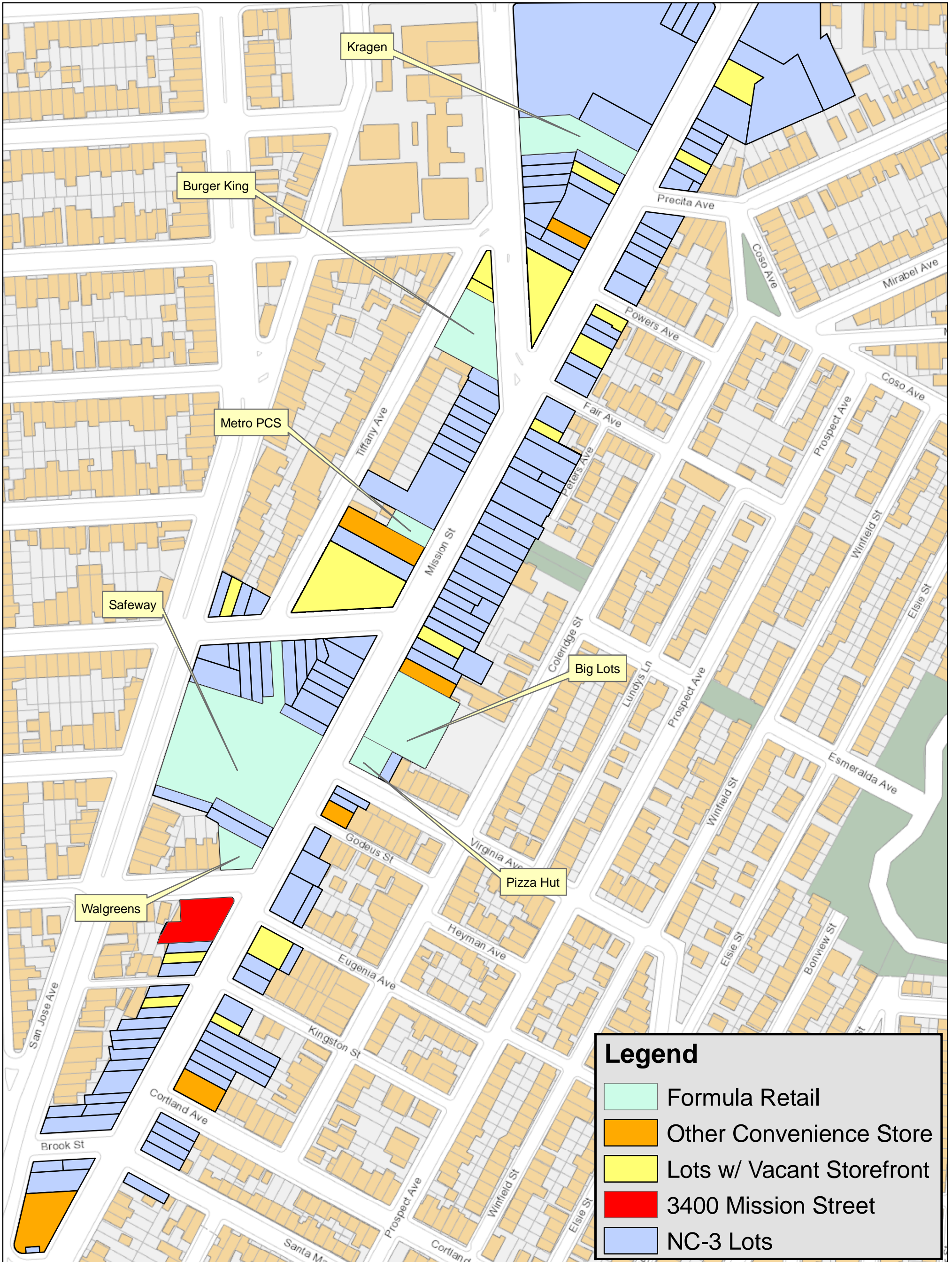
Site Photo



Conditional Use Authorization
Case Number 2009.1049C
Formula Retail – 7-Eleven
3400 Mission Street

3400 Mission Street Case 2009.1049C

Formula Retail Establishments, Similar Retail and Vacancies Within the NC-3 District





LECTA associates

November 5, 2009
Revised April 1, 2010

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

Re: **CONDITIONAL USE PERMIT REQUEST**
3400 Mission Street (block 6660/ lot 60)
Gas Station

Dear Ladies and Gentlemen;

This letter is to accompany the application package for the planned renovations to this property.

The applications for this expansion of a Convenience Store and branding the convenience store require;

- 1-312 notification for the expansion of a commercial activity in an NC district.
- 2-Conditional Use approval for the intensification of a gasoline service station per SF PC Section 790.14.
- 3-Conditional Use approval for the branding of the convenience store into a name considered formula store as defined in SF PC Section 703.3.

In summary;

The gas station at 3400 Mission Street is the subject of this request. It is located at the SW corner of Mission and 30th Streets, and has been a long standing benefit to the community, offering low priced gas to the neighborhood. It has been my gas station of choice for most of the time I have been in San Francisco.

Similar to many independent but branded stations, this business faces several choices. The first is to add to its services to be able to compete; profit centers such as carwashes, c-stores and service stations. The second is to be able to lease space. Of course there is also alcohol sales. This station does not sell nor does it have plans to sell alcohol.

The convenience store will be branded 7-Eleven. This food branding, conversely to the gasoline branding, has no negative impact to the business and in fact makes it easier to maintain control

over quality and competitive pricing for merchandise. This branding is not for the entire station. The station will remain a 76 station, with a 7-Eleven sub brand. The C-store is currently 24 hour.

The data for this project is attached, as is a plan for the project.

The project is in an NC-3 district.

Discussion on the Intensification of the Gasoline Station commercial use;

Retail is permitted on the ground floor in this district, with full lot coverage on this ground floor.

The only reason a conditional use permit might be construed as being required is that it is part of a parcel on which a gasoline station is located, and is part of this business.

The gasoline station currently has a convenience store. This minor 135 square foot addition to the 1241 square foot retail space is primarily for the purpose of adding storage and a secure office space, and will not change the character of the building or services.

It is however necessary for the proper layout and operation of this convenience store.

Discussion on the appropriateness of branding of the convenience store;

A part of this application is adding the brand 7-Eleven to the convenience store. This item will be discussed below in its various aspects of relevance –

Why are the business owners planning this conversion?

What is the benefit of branding in general for convenience stores, and why 7-Eleven in particular?

Is a 7-Eleven convenience store an establishment that is owned by outsiders, keeps profit away from local business owners and does it stifle economic growth by local entrepreneurs?

Each deserves a discussion of its own.

Why are the business owners planning this conversion?

This Commission has heard the cases of enough gas stations that were either closing or expanding because in their current state they were not profitable businesses. Gas stations generally require additional revenue sources. Whether it be service bays, a car wash, or a convenience store, ancillary services help bring a gas station to its break even point. This station is no exception. In an environment where gasoline margins are measured in cents, this station is seeking the additional revenue of a branded convenience store along with its adjacent tenant space.

What is the benefit of branding in general for convenience stores, and why 7-Eleven in particular?

Branding may offer a variety of benefits, from centralized operations to shared marketing to systems. For the individual owner/ entrepreneur, 7-Eleven mainly provides the most important element of a larger entity, which is buying power. The Project Sponsors are local entrepreneurs and own the property and operate the gas station. They do not seek to be purchased or to be

owned. They have however been shopping for better prices. Besides the help the franchisor gives to their franchisees in setting their physical space up, they supply the merchandise that is sold, at deeper discounts than other wholesale warehouse options.

Why 7-Eleven? There are limited opportunities for gas station c-stores in “collective bargaining” power. There is Extra Mile, AM-PM, Circle K and 7 Eleven. Extra Mile is a Chevron company store, AM-PM is Arcos, Circle K belongs to Conoco Phillips, and they represent one step further from independence. For the consistency of the merchandise, for the ability to buy it at the best price, for the ability to remain independent business owners with wider buying power, the owners have made this choice.

Is a 7-Eleven convenience store an establishment that is owned by outsiders, keeps profit away from local business owners and does it stifle economic growth by local entrepreneurs?

No, no and no. 7-Eleven the company is owned by others the same way that Kraft, Berkeley Farms, Colgate, S.E. Rykoff and Costco are companies. The Convenience stores themselves are at times owned individually, by locals. In exchange for buying from the brand, they display the brand name, but they are local businesses nonetheless. In regards to profit, merchandise is sold to individual stores at wholesale prices and the profit remains with the local business. Does it stifle economic growth by locals? No. Stores are initiated by local entrepreneurs who seek this business model. (see further discussion on the branding strategy by my client, attached)

In conclusion we feel that;

-this addition is necessary for the survival of the business.

-the conversion to 7-Eleven is a necessary element towards the viability of this business as a whole.

-this business is a necessary part of the neighborhood and its local economy, and its survival is paramount. Gas stations that provide low prices should be protected and cherished. Like it or not, we are for now dependant on gasoline. It would be a sad day if the only option to purchase gas were the competing station several blocks up, where the gas prices are consistently much higher.

As part of our due diligence we have conducted a neighborhood outreach meeting. Neighbors had the opportunity to be present, and several of the neighbors contacted indicated their affiliation with neighborhood groups. We met with immediate neighbors. The comment made was crime and the hope that this business would be part of the deterrent against the difficulties facing the block late at night. In response to a discussion of the fact that loitering occurs at times at the wall on the 30th Street side and the request that we use this outdoor area as an employee patio and break area as well as delivery area in order to have more of a deterrent, we have added a gate, lowered the CMU wall by one block course, added lighting along the wall and along the gutterline, and incorporated planters and patio furniture. This meeting was an excellent opportunity for several immediate neighbors to get together to talk about community safety, and I trust that our efforts will have their share of impact.

We look forward to our appearance and to discussing this project with you, and look forward to its approval. In the meantime, please do not hesitate to call me at 415-823-6915 or e-mail me at Ahmad@tectra.com with any questions, or to arrange a walk through.

Best;

Ahmad Mohazab, RA, NCARB
Project Architect

Type of Application To Be Submitted: Conditional Use

1. Owner/Applicant Information

Property Owner's Name: Camino Royale Investment Corporation (CRIC)
Address: _____ e/o applicant _____ ZIP: _____ Telephone: (____) _____
Applicant's Name: _____ -c/o AGENT Ahmad Mohazab/ TECTA Associates
Address: 2747 19th Street SF/ CA ZIP: 94110 Telephone: (415)3625857
Contact for Project Information: Ahmad Mohazab/ TECTA Associates
Address: 2747 19th Street SF/ CA ZIP: 94110 Telephone: (415)3625857

2. Location and Classification

Street Address of Project: 3400 Mission Street ZIP: 94
Cross Streets: Mission and 30th Street
Assessors Block/Lot: 0666/060 Lot Dimensions: _____ Lot Area(SqFt): _____
Zoning District: RH-2/ NC-3 Height/Bulk District 40-x

3. Project Description

Please Check

Change of Use Change of Hours New Construction
Alterations Demolition Other

Describe what is to be done: SEE ATTACHMENT

Additions to Building: side

Rear Front Height Side Yard

Present or Previous Use: gasoline service station with convenience store

Proposed Use: SAME

Building Permit Application No. NOT YET FILED Date Filed: _____

4. Action(s) Requested (Include Planning Code Section which authorizes action)

CONDITIONAL USE PERMIT TO ALLOW INTENSIFICATION OF USE OF A
GASOLINE STATION, ENLARGEMENT OF A C-STORE
AND BRANDING THE STORE 7-ELEVEN

5. Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
b: The information presented is true and correct to the best of my knowledge.

Signed _____ Date _____
Applicant or owner

AHMAD MOHAZAB, AGENT

(Print Name of Applicant in Full)

City Planning Case No. _____

Address 3400 MISSION STREET _____

Block and Lot No. 0666/060 _____

PRIORITY GENERAL PLAN POLICIES FINDINGS

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

SEE ATTACHMENT FOR ALL

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

3. That the City's supply of affordable housing be preserved and enhanced;

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

PRIORITY GENERAL PLAN POLICIES FINDINGS

(Continued)

5. 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;

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

7. That landmarks and historic buildings be preserved; and

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

DATE: 11/05/09

PROJECT ADDRESS: 3400 MISSION STREET

ASSESSOR'S BLOCK/LOT 0666/060

ESTIMATED CONSTRUCTION COSTS

TYPE OF APPLICATION: CONDITIONAL USE PERMIT

OCCUPANCY CLASSIFICATION: M/ S-3

BUILDING TYPE: V-N

TOTAL GROSS SQUARE FEET OF CONSTRUCTION 1241 remodel/125 sf new

ESTIMATED SQUARE FOOTAGE:

BY PROPOSED USES: _____

ESTIMATED CONSTRUCTION COST \$100,000

ESTIMATE PREPARED BY: Ahmad Mohazab

FEE ESTABLISHED: _____



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400

San Francisco, California 94103

www.sfgov.org/planning

CHAPTER 83: FIRST SOURCE HIRING PROGRAM

This completed form must be filed with the Planning Department prior to any Planning Commission hearing or if principally permitted, Planning Approval of the Site Permit for all projects subject to Administrative Code Chapter 83

3400 Mission Street		0666/060
Project Address		Block/Lot(s)
n/a		
Building Permit Application No.	Case No. (if applicable)	Motion No. (if applicable)

Please check the boxes that are applicable to this project: (select all that apply)

- 1A. THE PROJECT IS WHOLLY RESIDENTIAL;
- 1B. THE PROJECT IS WHOLLY COMMERCIAL (for the purposes of Administrative Code Chapter 83, any project that is not residential is considered to be a commercial activity);
- 1C. THE PROJECT IS A MIXED USE.

- 2A. THE PROJECT WILL CREATE TEN (10) OR MORE NEW RESIDENTIAL UNITS;
- 2B. THE PROJECT WILL CREATE 25,000 SQUARE FEET OR MORE OF NEW OR ADDITIONAL GROSS FLOOR AREA.

- 3A. THE PROJECT WILL CREATE LESS THAN TEN (10) NEW RESIDENTIAL UNITS;
- 3B. THE PROJECT WILL CREATE LESS THAN 25,000 SQUARE FEET OF NEW OR ADDITIONAL GROSS FLOOR AREA.

If you checked either 2A or 2B your project is subject to the First Source Hiring Program. Please contact the First Source Hiring Program Manager with the San Francisco Human Services Agency's Workforce Development Division to develop a contract to satisfy this requirement.

If you checked 3A and 3B your project is not subject to the First Source Hiring Program.

For questions, please contact the First Source Hiring Manager at (415) 401-4960 or for frequently asked questions you may access First Source information at www.onestopsf.org.

DECLARATION FOR ADMINISTRATIVE CODE CHAPTER 83 COMPLIANCE

ADDRESS OF PRINCIPAL PROJECT: _____

PAGE 2

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT		
Print Name		
Ahmad Mohazab		
Address		
TECTA Associates 2747 19th Street		
City, State, Zip		
San Francisco, CA 94110		
Phone		Fax
415 362 5857		415 362 5044
E-mail		
Ahmad@tecta.com		
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Administrative Code Chapter 83.		
(signature)		



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400

San Francisco, California 94103

www.sfgov.org/planning

SECTION 315: DECLARATION OF INTENT

This completed form must be filed with the Planning Department prior to any Planning Commission hearing or if principally permitted, Planning Approval of the Site Permit for all projects subject to Planning Code Section 315 (five or more residential units), the Inclusionary Housing Requirement

Project Address _____ Block/Lot(s) _____

Building Permit Application No. _____ Case No. (if applicable) _____ Motion No. (if applicable) _____

Name of Planner (SF Planning Department Contact) _____

NUMBER OF ALL UNITS IN THE PRINCIPAL PROJECT:					
TOTAL UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	

This project will comply with Planning Code Section 315 by: (select one of four options below)

1. PAYMENT OF AN IN-LIEU FEE PRIOR TO BUILDING PERMIT ISSUANCE:

2. PROVISION OF BMR UNITS ON-SITE AT 15 % OF THE UNIT TOTAL:

NUMBER OF SALE BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	

NUMBER OF RENTAL BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	

3. CONSTRUCTION OF BMR UNITS OFF-SITE AT 20 % OF THE UNIT TOTAL:

NUMBER OF SALE BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	

NUMBER OF RENTAL BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	

AREA OF DWELLINGS IN PRINCIPAL PROJECT:	S.F.	AREA OF DWELLINGS IN OFF-SITE PROJECT:	S.F.
---	------	--	------

Off-Site Project Address (if more than one lot, attach additional sheet) _____ Off-Site Block/Lot(s) _____

Building Permit Application No. _____ Case No. (if applicable) _____ Motion No. (if applicable) _____

APPLICANT'S DECLARATION OF INTENT FOR SECTION 315 COMPLIANCE

ADDRESS OF PRINCIPAL PROJECT: _____

Number of market-rate units in the off-site project _____

4. USING A COMBINATION OF PAYMENT OF AN IN-LIEU FEE &/OR PROVISION OF ON-SITE BMR UNITS, &/OR CONSTRUCTION OF OFF-SITE BMR UNITS WITH THE FOLLOWING DISTRIBUTION:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site BMR units for rent and/or for sale.

1. In-lieu fee _____ % of BMR requirement

2. On-Site _____ % of BMR requirement

NUMBER OF SALE BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	
NUMBER OF RENTAL BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	

3. Off-Site _____ % of BMR requirement

NUMBER OF SALE BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	
NUMBER OF RENTAL BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS:	STUDIOS:	ONE-BEDROOM:	TWO-BEDROOM:	THREE-BEDRM:	
AREA OF DWELLINGS IN PRINCIPAL PROJECT:		S.F.	AREA OF DWELLINGS IN OFF-SITE PROJECT:		S.F.

Off-Site Project Address _____

Off-Site Block/Lot(s) _____

Building Permit Application No. _____

Case No. (if applicable) _____

Motion No. (if applicable) _____

Number of market-rate units in the off-site project: _____

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT		CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)	
Print Name		Print Name	
Address		Address	
City, State, Zip		City, State, Zip	
Phone	Fax	Phone	Fax
E-mail		E-mail	
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 315 as indicated above.		I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to provide off-site BMR housing for the principal project as indicated.	
(signature)		(signature)	

APPLICANT'S DECLARATION OF INTENT FOR SECTION 315 COMPLIANCE

ADDRESS OF PRINCIPAL PROJECT: _____

PAGE 3

Project Data

Address 3400 Mission Street

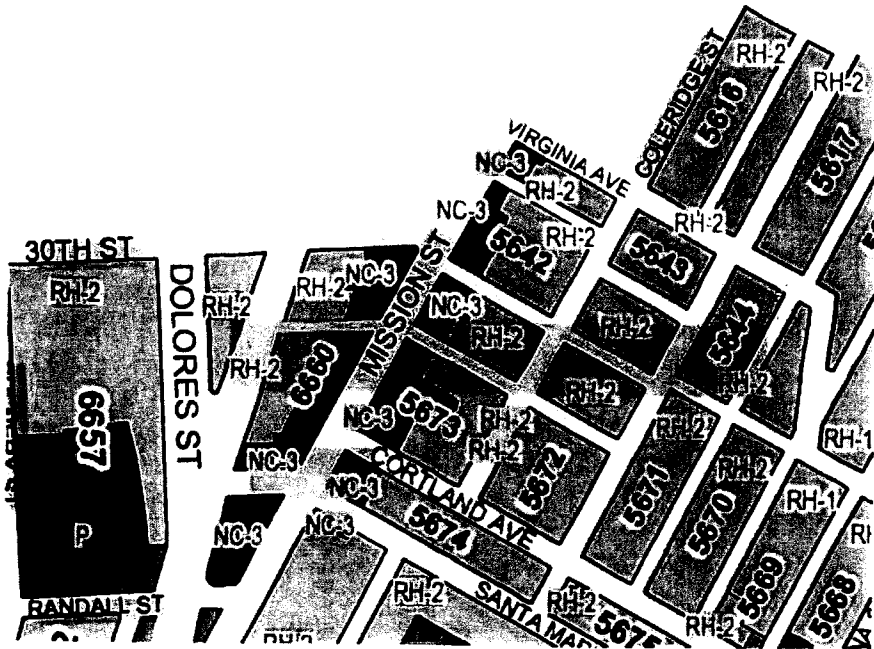
Lot and Block 0666/60

Zoning District RH-2/NC-3

Height and Bulk 40-x/ no bulk limit

Parking Area is below 5000 square feet, and no parking is required.
Parking is provided at the pumps.

Area	Existing C store	1241 sf
	Addition to C store	135



Discussion of appropriateness of the business for the specific neighborhood

The following is the definition of the NC-3 District, from the San Francisco Planning Code.
Italics, bold and underlining by author.

SEC. 712.1. NC-3 -- MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

NC-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, financial service and certain auto uses generally are permitted with certain limitations at the first and second stories. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions. Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

Clearly, components of the district include;

Convenience goods, diversified commercial environment, neighborhood serving business.

Reading the definition of the section, it is clear that a gas station with neighborhood serving sales and accessory sales are well within the intent of the code.

Further Discussion on 7-Eleven as an appropriate brand

I find myself at a loss. What protocol dictates is that I address the brand of 7 Eleven, and defend its presence and interaction with the neighborhood. However, I find this secondary to the justifying the convenience store use itself, and whether or not a convenience store is the right thing for this lot. Why? Because the issue should not be where my clients buy their wholesale goods. Nor the color of their walls, or even whether their sign is imprinted in our minds.

The question is fundamentally, should my clients be allowed to have a convenience store at this location? And if it is not performing well, should they be allowed to expand it by a moderate area? And if the answer to those two is yes, then should they be restricted to where they buy their merchandise?

The NC-3 Zoning district encourages neighborhood serving uses.

Furthermore, city wide there is a perceived need to retain gas stations – a necessary evil; a use that is disappearing station after station due to lack of profitability – the lack of profitability which is caused by the fact that small station owners get their gas at a premium and have to sell at a discount to survive.

Because we want to save service stations, because neighborhood serving uses are allowed in this district, and especially because this particular station has a long track record of providing affordable gas to its customers, we must retain this business.

If so, and if the evidence is strong enough that the station needs the added business to survive, or if we feel that the expanded fare that the convenience store will provide is an enhancement to the neighborhood and the stations customers, then we must expand this convenience store.

If so, then we are reluctantly back again at the point of dictating where the owners buy their merchandise.

So the arguments;

7-Eleven offers individual ownership to its stores. The name 7-Eleven and the standardized components of its stores are designed to be recognizable to customers. Very much like a Budweiser sign in the window or a California Lotto poster, but bigger.

While 7-Eleven the company may profit from the sale of Coke and of TV dinners to its franchisees, so does Costco, Rykoff, Smart and Final and each of the individual vendors that would be alternatively supplying the Owners.

The difference with 7-Eleven is that it makes buying easy by single sourcing merchandise and it makes buying cheaper by negotiating better prices.

I could invite you to some of my independent station clients, where I occasionally pass time. It's difficult to have a sane conversation with these operators, because we are constantly interrupted by vendors. Coke vendors, chips vendors, motor oil vendors, doughnut vendors, and on and on. Meeting them, checking and verifying need, checking bills, counting cases, writing checks or signing invoices. A very tiring experience, and there is never a break.

This by itself should make the case.

But then 7-Eleven also has areas of expertise it shares with its owner-operators, and standards that are set. Stores are clean and well lit. There are standards for management, security and for dealing with minors. In these ways it provides a first line of defense for the community itself.

Because it is not a centrally owned chain store, because it in reality is a wholesaler to the Owners of the business, we feel that 7-Eleven is an acceptable use for this space.

PLEASE SEE ATTACHED MY CLIENTS' LETTER EXPLAINING THEIR CONDITIONS AND PERSPECTIVES.

CONDITIONAL USE FINDINGS

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

(1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and

The existing gas station and convenience store have been in operation for many years now. The addition is a minor increase in size and will not affect the overall bulk or general appearance of the development. This gas station is a desirable component of the neighborhood, being that it is one of the more affordable stations in the area. Convenience sales are desirable to the zoning district. There is no limitation on use hours in the district, and the extended hours will allow an existing use that is desirable in the current location to remain a viable business.

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposal makes limited alterations to the existing structure, which is consistent in its size and shape with the mixed character of the neighborhood. The proposal will not impact properties or potential development in the vicinity.

(b) 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 will not have significant impact on current traffic patterns and accessibility for persons or vehicles due to the fact that the increased area is meant to increase offerings, not to attract more customers. No parking is planned so there will be no destination oriented trips for the convenience store.

(c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposal will not cause glare, dust or the emission of offensive fumes, odor or noise. Services will continue to be professionally maintained to prevent offensive smells and pests.

(d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

The exterior features of the site will be maintained at their current level. No changes in landscaping or screening are planned. The proposal will continue to comply with all signage, lighting, and other relevant requirements and conditions of the Planning Code.

(3) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

The project complies with all applicable provisions of the Planning Code and will not adversely affect the General Plan.

PRIORITY GENERAL PLAN POLICIES FINDINGS

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

Approval of the subject request will result in the retention of an existing and desirable neighborhood service and the jobs provided therein.

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

Neighborhood character will be conserved and protected as limited exterior physical modifications are proposed, and the gas station will continue to be maintained in a clean and orderly fashion. The project will enhance the neighborhood's standard of living by expanding existing services to the community.

3. That the City's supply of affordable housing be preserved and enhanced;

n/a

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Public transit service, automobile traffic, and parking congestion will not be impeded or overburdened by the project. The neighborhood is served by several Muni bus lines. The gas station and its accessory convenience store and retail element is intended to be frequented primarily by patrons and customers who are residents in the neighborhood and those driving in for refueling and the extended hours and function will therefore cause little if any additional demand for parking.

5. 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;

An established and unique service to the neighborhood will be encouraged through the additional hours and square footage. In addition, the project maintains its ongoing opportunity for neighborhood residential employment. In fact the owners are local residents.

6. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake;

All physical changes in the structure will be done in accordance with all applicable seismic codes. The establishment plans to maintain an Emergency Preparedness Plan consistent with City standards.

7. That landmarks and historic buildings be preserved; and

N/a

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

The project has no impact on parks or open space.

March 15, 2010

Somil Gandhi
Mission 76
3400 Mission St.
San Francisco, Ca 94110

Dear Neighbor:

My name is Somil Gandhi, and my family and I own and operate the 76 gas station/convenience store located at 3400 Mission St. I am writing to you because we're planning to remodel our existing convenience store and convert it to a 7-Eleven. We hope that by making this change, we will be able to provide more variety of products at even better prices to our community we serve. Also, our family will continue to operate the gas station and convenience store after the change.

We wish to invite you to our store on Monday, March 22nd at 5:30 PM to learn more about our plan. We hope you will attend, and look forward to meeting you.

Best Regards,

Somil Gandhi

Arriola TRS
4130 Opal Cliff Dr.
Santa Cruz, Ca 95062

Steven Lee
781 Green St.
San Francisco, Ca 94133

Ma Ho TRS
579 Hearst Ave.
San Francisco, Ca 94112

Khanh Pham
3431 Mission St.
San Francisco, Ca 94110

Torres TRS
1540 Florida St.
San Francisco, Ca 94110

Cikes TRS
190 Forest Side Ave.
San Francisco, Ca 94127

Peter Omran
2460 14th. Ave.
San Francisco, Ca 94116

Cong Niu
3121 Vicente St.
San Francisco, Ca 94116

Annamaria Flamburis
39 Gorham St.
San Francisco, Ca 94112

Rajiv Gujral
14 30th. St.
San Francisco, Ca 94110

Mario Macias
18 30th. St.
San Francisco, Ca 94110

William Downing TRS
396 Genevieve Ave.
Pacifica, Ca 94044

Mary Cusack TRS
35 Grove St., #104
San Francisco, Ca 94102

Michael Malone
789 San Jose Ave., #791
San Francisco, Ca 94110

Michael Knysh
P.O. Box 231003
Encinitas, Ca 92023

Terry Story
624 30th. St.
San Francisco, Ca 94131

Holub TRS
3663 21st. St.
San Francisco, Ca 94114

Belen-Bautista TRS
350 Elm St.
San Mateo, Ca 94401

R & F Barraza
31 Kingston St.
San Francisco, Ca 94110

David Neufeld
25 Kingston St.
San Francisco, Ca 94110

Ivan Lucin
11 30th. St.
San Francisco, Ca 94110

Patel TRS
89 Bayview Dr.
S. San Francisco, Ca 94080

R & C Rodriguez
61 28th. St.
San Francisco, Ca 94110

Casanas TRS
11 30th. St.
San Francisco, Ca 94110



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <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 |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: MAY 27, 2010

Date: May 20, 2010
Case No.: **2009.1049 C**
Project Address: **3400 MISSION STREET**
Zoning: NC-3 (Moderate Scale Neighborhood Commercial) District
RH-2 (Residential, House Two Family) District
40-X Height and Bulk District
Block/Lot: 6660/060
Project Sponsor: Ahmad Mohazab
2749 19th Street
San Francisco, CA 94110
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 703.4 OF THE PLANNING CODE TO ALLOW A FORMULA RETAIL USE (DBA 7-ELEVEN) AT AN EXISTING GASOLINE SERVICE STATION WITHIN THE NC-3 (MODERATE SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT AND THE RH-2 (RESIDENTIAL, HOUSE TWO FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 5, 2009 Ahmad Mohazab (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 703.4 of the Planning Code to allow a formula retail establishment (dba 7-Eleven) within the NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

On May 27, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1049C.

The Project was determined by the Department to be Categorical Exempt from the California Environmental Quality Act ("CEQA") as a Class 1a exemption under CEQA Guidelines as described in the determination contained in the Planning Department files for this project. 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. 2009.1049C, 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 at the southwestern corner of Mission and 30th Streets, Lot 060 in Assessor's Block 6660. The property is located within the NC-3 (Moderate Scale Neighborhood Commercial) District and an RH-2 (Residential, House Two Family) District with 40-X height and bulk district. On the property there is an existing 76 gasoline service station and a general grocery store, as defined in Planning Code Section 790.102. The general grocery store is not identified as a formula retail use and is an independent establishment. As a corner lot, the subject property fronts Mission Street along the east for approximately 110 feet and 30th Street along the north for approximately 105 feet.
3. **Surrounding Properties and Neighborhood.** The project site is located at the southern end of the NC-3 District that stretches from Cesar Chavez, to the north, to Randall Street, to the south. Immediately to the north of the site, across 30th Street, is a Walgreens drug store. To the west are residential properties forming part of the Glen Park/San Jose Guerrero neighborhood. To the south of the subject property are two and three story buildings that feature ground floor commercial storefronts with residential uses at the floors above. To the east, on the opposite side of Mission Street, is the same pattern of two to three story buildings with ground floor commercial uses and residences above. Zoning Districts surrounding the property include the RH-2 (Residential, House, Two Family) and the NC-3 (Moderate Scale Neighborhood Commercial) District.
4. **Project Description.** The applicant proposes to establish a formula retail use, dba 7-Eleven, in the location of an existing general grocery store on a site where a 76 gasoline service station is located. The applicant seeks this change to an identified formula retail establishment to realize the economic advantages of the branding name, the buying power and operational techniques that being a franchise of a major chain store provides. Beyond changes to signage and the addition of lighting to an existing exterior area, the project is also seeking to add a space 144 square feet in area to allow for a new office for the management of the property. With the proposed addition the structure would be approximately 1,675 square feet. There will be no other changes to the existing structure as viewed from the public right of way.

5. **Public Comment.** The Department has not received any comments regarding this case as of the date of this document.
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. **Formula Retail Use.** Planning Code Section 703.4 allows the establishment of formula retail uses within any Neighborhood Commercial District by Conditional Use authorization.

The Project Sponsor intends to establish a retail use (dba 7-Eleven) identified as formula retail in the NC-3 (Moderate Scale Neighborhood Commercial) District and is seeking Conditional Use authorization.

- B. **Neighborhood Commercial Permit Review.** Planning Code Section 312 requires neighborhood notification of changes in use to a formula retail, as defined by Planning Code Section 703.3 for lots within the Neighborhood Commercial Districts as well as for expansions of existing commercial structures.

The Project Sponsor is proposing the establishment within the NC-3 (Moderate Scale Neighborhood Commercial) District of a retail use (dba 7-Eleven) that is identified as Formula Retail as well as a 144 square foot building expansion to allow for an office area for the management of the property. Section 312 notification was conducted in conjunction with the Conditional Use authorization notification.

- C. **Parking.** Planning 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 project contains less than 5,000 square feet of occupied floor area and therefore does not require any off-street parking. Furthermore, it is a pre-existing retail use and parking requirements remain constant.

- D. **Signage.** Planning Code Section 607.1 regulates the dimensions of business and other signs within the NC-3 (Moderate Scale Neighborhood Commercial) District.

To date there have been no submittals for change in signage. However, when the change in signage is submitted, it will be reviewed and altered so as to meet the dimensional requires for business signs under Planning Code Section 607.1.

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, its size and intensity will not differ from the existing use. The proposed project will provide goods and services at the same levels of desirability as does the existing retail convenience store. The proposed conversion to a formula retail use is compatible with the neighborhood as well. While the size of the structure will increase by 144 square feet the addition is relatively minimal and will be utilized to help operate and maintain the property.

- 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 virtually unchanged, as the only alteration is the addition of a 144 square foot office and as such will not create any detrimental impact to the health, safety convenience or general welfare to those in the vicinity.

- 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 proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or elsewhere as it is anticipated that patrons of the proposed formula retail convenience store will most likely arrive at the property for gasoline or would be local residents.

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

The nature of use, a retail convenience store, and its past history indicate that there will be no noxious or offensive emissions from the conversion to a formula retail establishment.

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

The proposed formula retail establishment will submit any changes to signage and addition of lights to the Planning Department for review to ensure no detrimental changes occur.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purposes of NC-3 Districts in that the intended use is located at the ground floor and will provide convenience goods to the immediate neighborhood.

- 8. Planning Code Section 303(i) establishes the following criteria for the Planning Commission to consider when reviewing Formula Retail Use applications for Conditional Use authorization.

- A. The existing concentrations of formula retail uses within the neighborhood commercial district.

Within the subject NC-3 District there are approximately seven uses identified as formula retail. These uses include Kragen, Burger King, Metro PCS, Safeway, Big Lots, Pizza Hut and Walgreens.

- B. The availability of other similar retail uses within the neighborhood commercial district.

There are approximately six other retail convenience store uses providing similar goods such as beverages, pre-packaged foods and alcohol. One of these uses is a convenience store at another automotive gasoline station. Many of the other retail convenience store uses also sell alcohol. The proposed project will not sell alcohol.

- C. The compatibility of proposed formula retail use within the existing architectural and aesthetic character of the neighborhood commercial district.

The proposed project will utilize an existing commercial space currently occupied by another retail convenience store use. The modifications of business signage and the addition of a small office space will be the only change visible from the public right of way. The architecture of the existing building would not be altered in a manner that would be incompatible with the character of the greater neighborhood.

- D. The existing retail vacancy rates within the neighborhood commercial district.

Within the approximately 2/3 mile long NC-3 District there are approximately 16 lots with vacant commercial storefronts. The proposed project intends to utilize a currently occupied commercial storefront, whose owner will also own the proposed project, and would not affect available retail space for other commercial operators.

- E. The existing mix of Citywide serving retail uses and neighborhood-serving retail uses within the neighborhood commercial district.

The proposed project will not disturb the existing mix of Citywide serving retail uses and neighborhood serving retail uses within the NC-3 District as the project will utilize a commercial space currently occupied by another retail convenience store.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed development will provide desirable goods and services to the neighborhood in the form of beverages, pre-packaged food and other convenience goods. The operation of the establishment will be required to abide by minimum performance standards common to all similar commercial operations in San Francisco. Being located along the NC-3 District and at corner, the proposed project is located in an appropriate setting.

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 an existing commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 6:

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

Policy 6.1:

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

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

10. **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 proposes to utilize a commercial storefront with a retail use that serves the neighborhood and that is a source of employment 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 project proposes to utilize an existing commercial structure for its operation and does not propose any significant expansion to either the building envelope or building façade.

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.

It is not anticipated that any additional burden to the transit system will result from the conversion to a formula retail establishment at this 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 proposed project will not include any commercial office development and will not displace any service or industry establishments.

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

The proposed project will comply with the current city codes to achieve the proper preparedness in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the site.

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

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

11. 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.
12. 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. 2009.1049C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on November 5, 2009 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 27, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 27, 2010

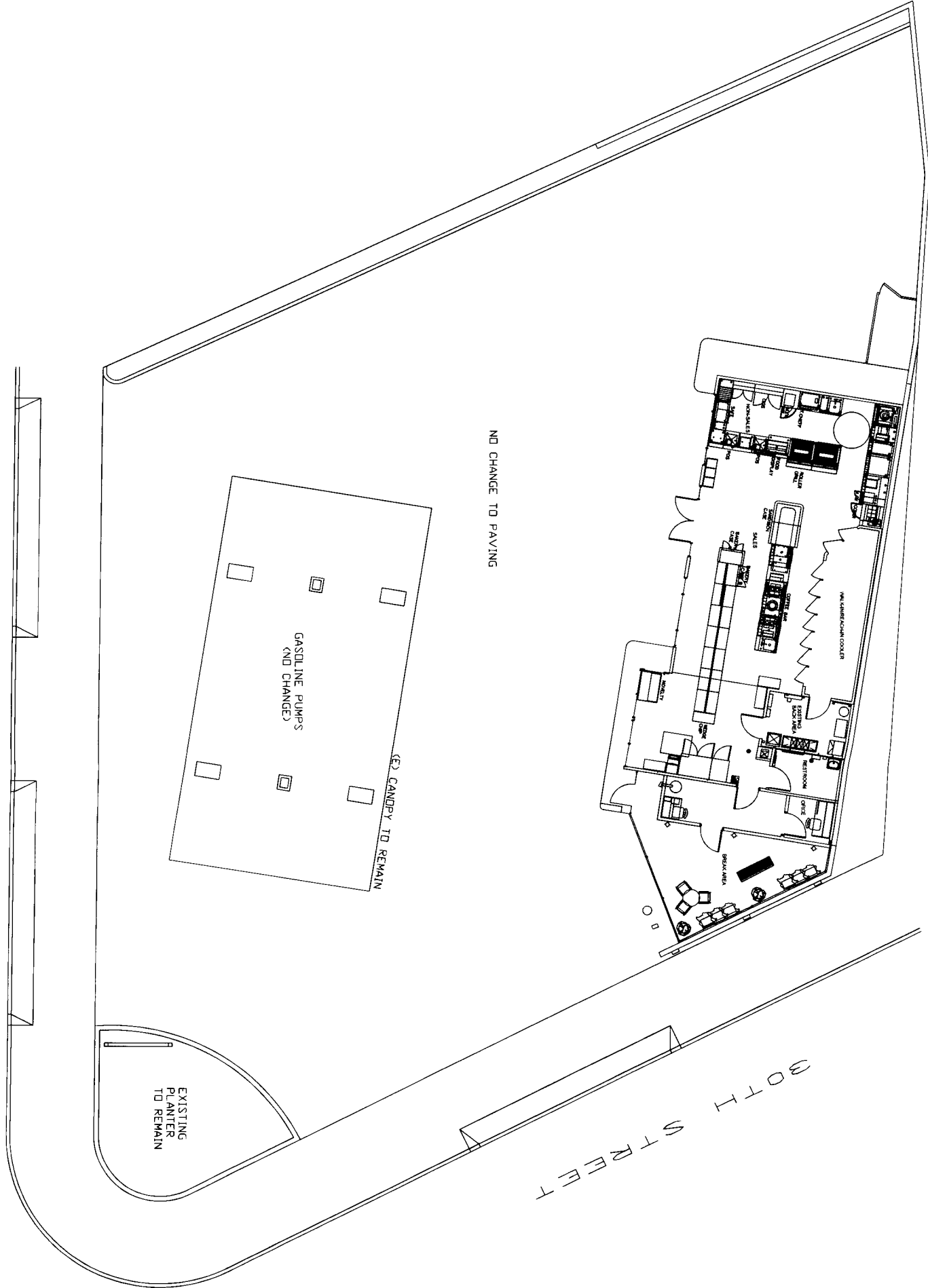
Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Section 703.4 of the Planning Code to allow a formula retail establishment (dba 7-Eleven) within the NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on November 5, 2009 and stamped "EXHIBIT B" included in the docket for Case No. 2009.1049C, reviewed and approved by the Commission on May 27, 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 (Lot 060 in Assessor's Block 6660), which notice shall state that construction 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 washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
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 providing visibility of the establishment interior through the storefront windows.
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 odors from escaping the premises.

10. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the retail convenience store.

11. 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.



1 SITE PLAN

MISSION STREET

30TH STREET

SCALE: 1/8"=1'-0"



NO.	REVISIONS	DATE
1	PLANNING SUBMITTAL	11/05/09

ISSUE DATE

SPACE PLAN DATE

DRAWING TITLE

SITE PLAN

DRAWING NUMBER

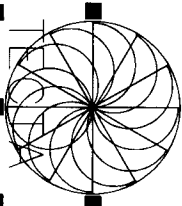
STORE #
76 GAS STATION

B C P EXPANSION
3400 MISSION STREET
SAN FRANCISCO, CA



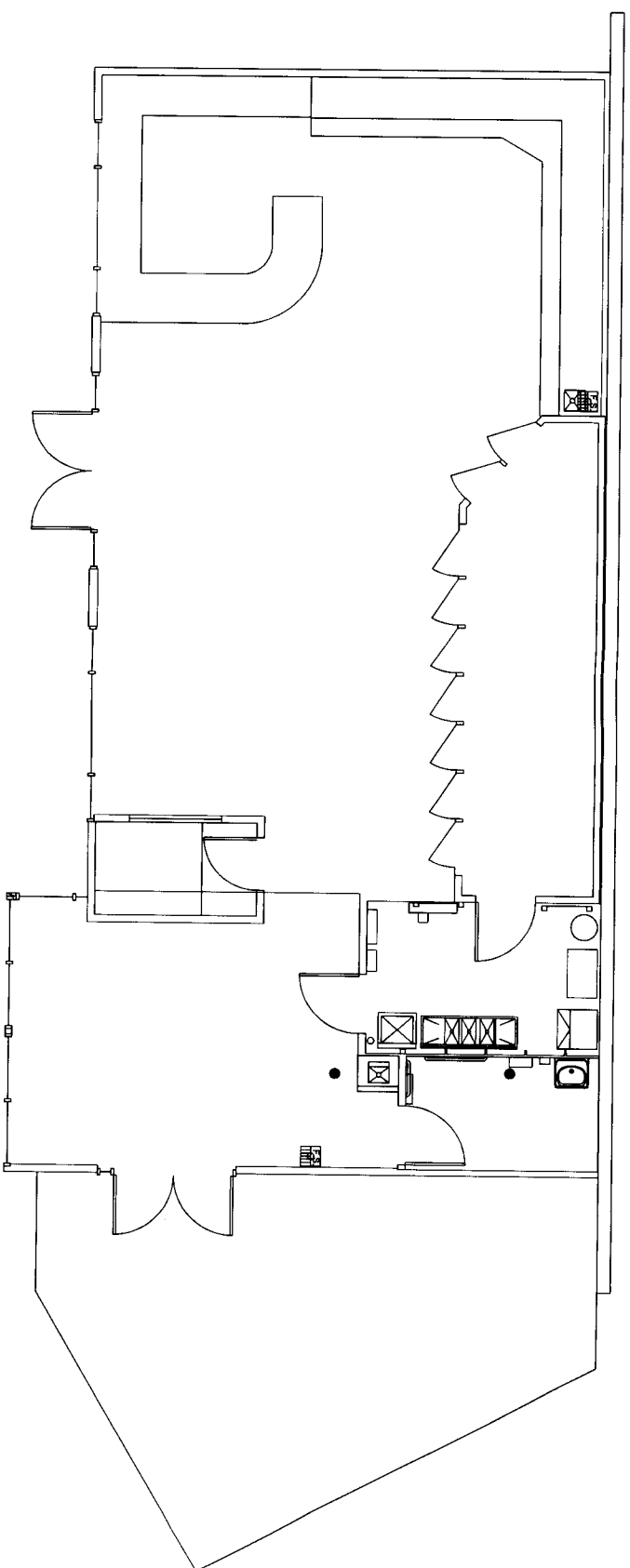
ARCHITECTURAL PROJECT NO. 3155

2747 18TH STREET
SAN FRANCISCO, CA 94110
415-962-2850
415-962-2859
415-962-5044 FAX



associates
ARCHITECTURE
• INTERIORS
• PLANNING

A-1

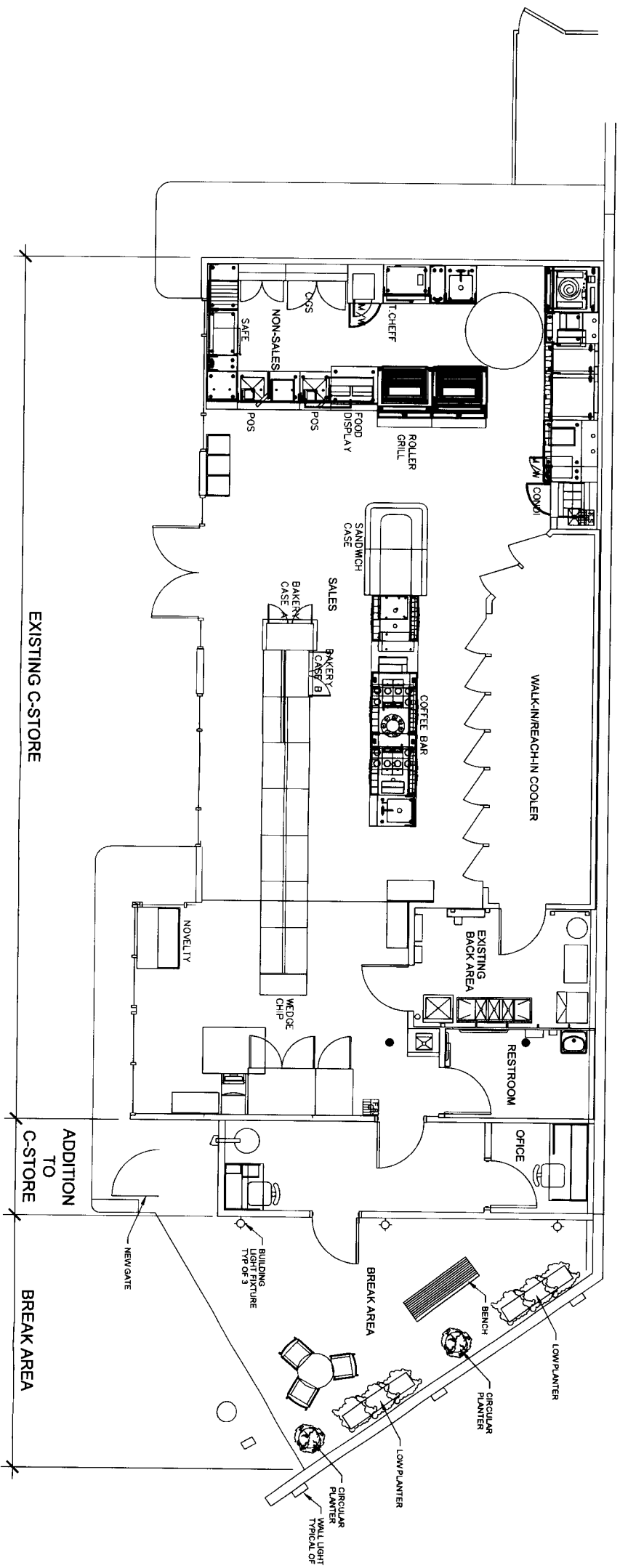


1 EXISTING FLOOR PLAN C-STORE

SCALE: 1/4"=1'-0"



REFERENCE NORTH

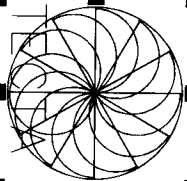


2 NEW FLOOR PLAN C-STORE

SCALE: 1/4"=1'-0"



REFERENCE NORTH



associates
ARCHITECTURE
INTERIORS
PLANNING

2747 19TH STREET
SAN FRANCISCO, CA 94110
415-392-5857
213-469-2609
415-392-5044 FAX



ARCHITECTURAL PROJECT NO. 8155

STORE #
76 GAS STATION
B C P EXPANSION
3400 MISSION STREET
SAN FRANCISCO, CA

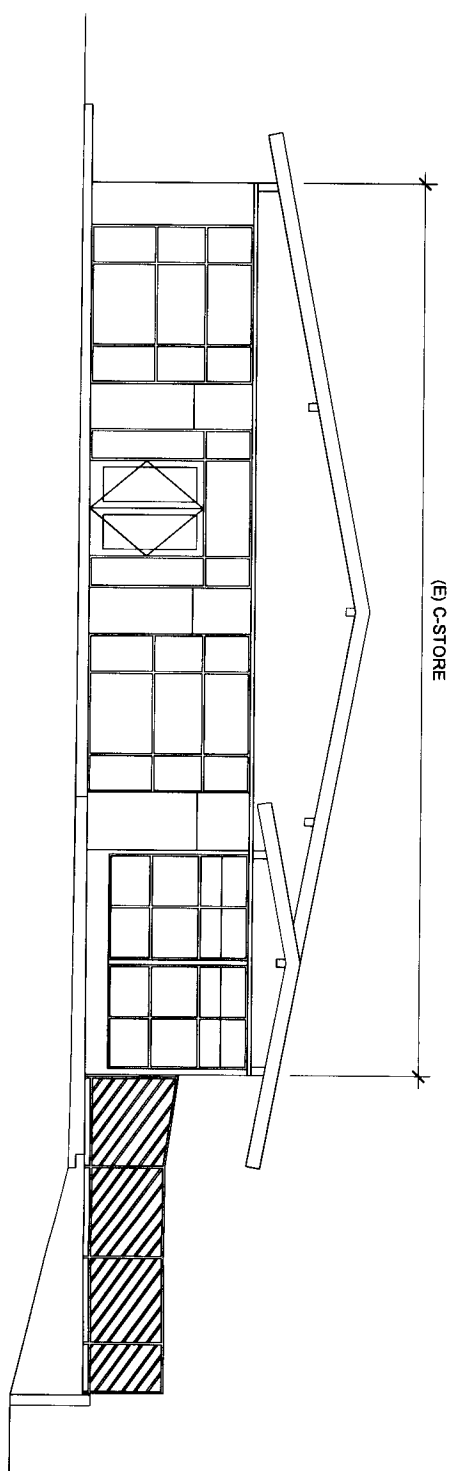
NO.	REVISIONS	DATE
1	PLANNING SUBMITTAL	11/05/09
2	PLANNING SUBMITTAL	
3		
4		
5		
6		
7		
8		
9		
10		

ISSUE DATE
SPACE PLAN DATE

DRAWING TITLE
FLOOR PLANS

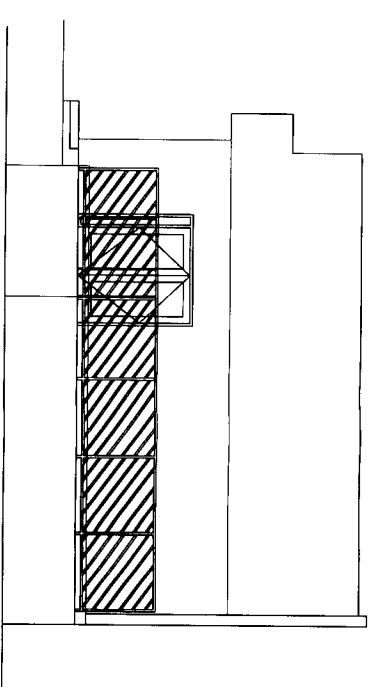
DRAWING NUMBER

A-2



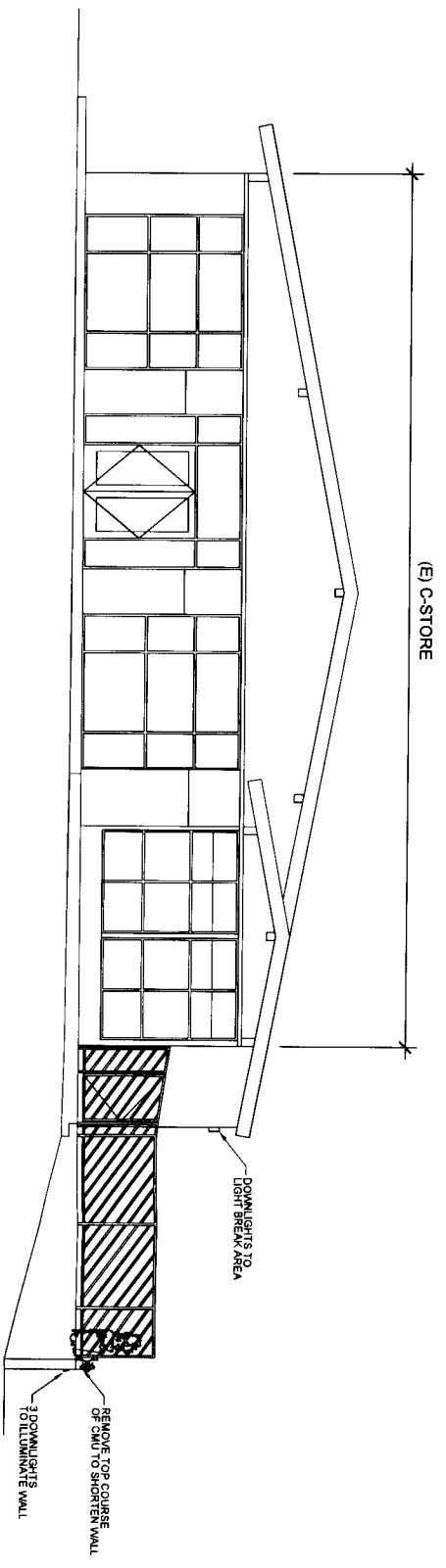
1 EXISTING FRONT ELEVATION

SCALE 3/16"=1'-0"



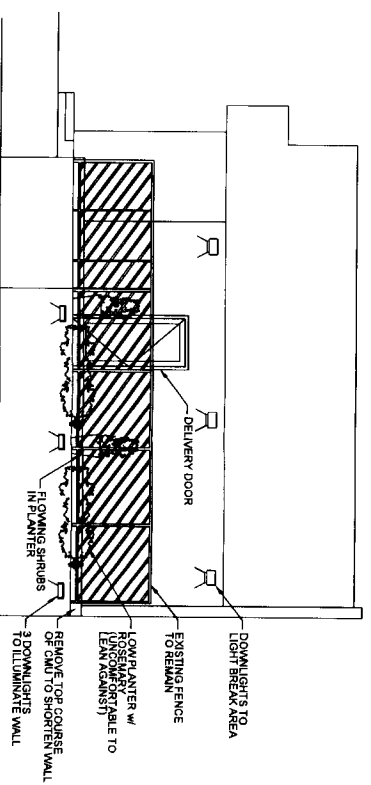
2 EXISTING SIDE ELEVATION

SCALE 3/16"=1'-0"



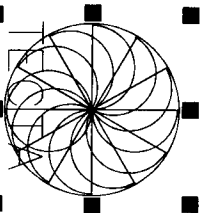
3 NEW FRONT ELEVATION

SCALE 3/16"=1'-0"



4 NEW SIDE ELEVATION

SCALE 3/16"=1'-0"



ASSOCIATES
ARCHITECTURE
• INTERIORS
• PLANNING

2747 19TH STREET
SAN FRANCISCO, CA 94110
415-362-5857
213-469-2809
415-362-5044 FAX



ARCHITECTURAL PROJECT NO. 3155

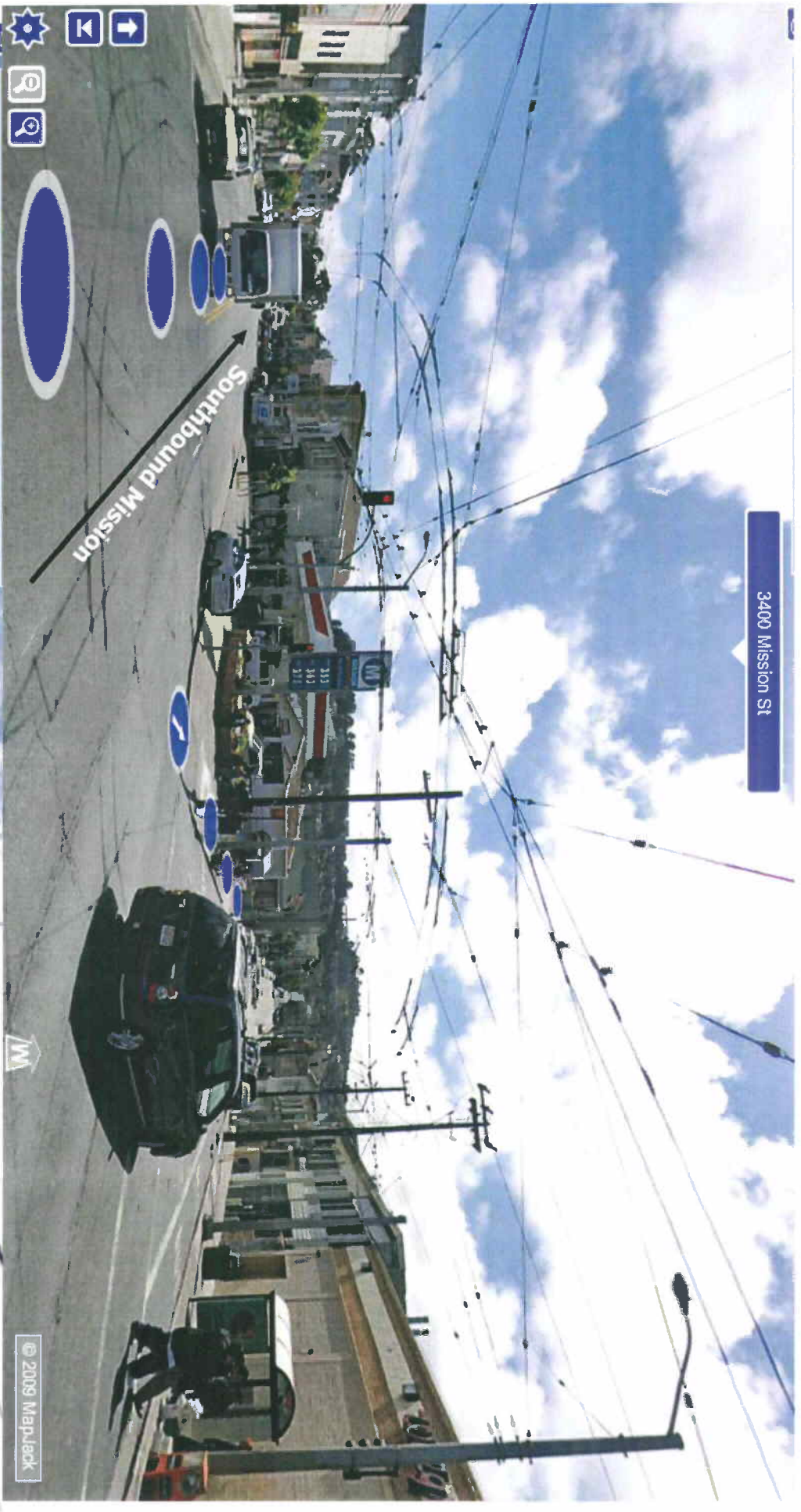
STORE #
76 GAS STATION
B C P EXPANSION
3400 MISSION STREET
SAN FRANCISCO, CA

NO.	REVISIONS	DATE
1	PLANNING SUBMITTAL	11/20/09

THESE DRAWINGS ARE THE PROPERTY OF ASSOCIATES ARCHITECTURE INTERIORS PLANNING. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE, REPRODUCTION, OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF ASSOCIATES ARCHITECTURE INTERIORS PLANNING IS STRICTLY PROHIBITED. ASSOCIATES ARCHITECTURE INTERIORS PLANNING SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. ASSOCIATES ARCHITECTURE INTERIORS PLANNING SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. ASSOCIATES ARCHITECTURE INTERIORS PLANNING SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. ASSOCIATES ARCHITECTURE INTERIORS PLANNING SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.

ISSUE DATE
SPACE PLAN DATE
DRAWING TITLE
EXTERIOR ELEVATIONS

DRAWING NUMBER
A-3

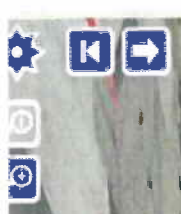


3400 Mission St



3389-3398 Mission St, San Francisco, CA 94110, USA (approx.)

3400 Mission St



© 2009 MapJack

