



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 11, 2010

Date: February 4, 2010
Case No.: **2009.1139 C**
Project Address: **3111 24TH STREET**
Zoning: 24th Street – Mission NCT (Neighborhood Commercial Transit) District
45-X Height and Bulk District
Block/Lot: 3640 / 071
Project Sponsor: Yaron Milgrom-Elcott
3111 24th Street
San Francisco, CA 94110
Staff Contact: Edgar Oropeza – (415) 558-6381
edgar.oropeza@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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Information:
415.558.6377

PROJECT DESCRIPTION

The project proposes to establish a full service restaurant (dba Local) of approximately 2,000 square feet within the 24th Street – Mission NCT District. The previous use at the site, vacant since early 2009, was a retail grocery store dba, "Al Hambra Halal Meat Co." The proposed storefront was already approved per Building Permit Application No. 2009.1118.1570 and is currently under construction. Building Permit Application No. 2009.1118.1570, to remove and replace the existing storefront, was reviewed by A Historic Preservation Technical Specialist at the Planning Information Center, where the building permit was approved.

"Local" is an independently owned restaurant. The project is not a Formula Retail use.

Local will have seating for forty-one, split between five café tables, counter seating, a communal table and a kitchen bar. The restaurant will feature day-time and evening menus as well as offering cooking classes to the general public. For further information regarding the proposed restaurant please refer to the attachment titled, "Local Mission Eatery."

SITE DESCRIPTION AND PRESENT USE

The proposed project is located on the south side of 24th Street, between Folsom and Shotwell Streets, within the 24th Street – Mission NCT District, The Mission Alcoholic Beverage Special Use Subdistrict, and a 45-X Height and Bulk District. The 2,500 square foot lot is improved with a 5,550 square foot three-story mixed use building. Residential uses are located on the second and third floors. The vacant commercial storefront is on the ground floor. The proposed project would occupy approximately 17 linear feet of frontage on 24th Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The proposed project site is located on the southern side of the 3100 block of 24th Street. This neighborhood commercial transit district is characterized by a number of neighborhood serving uses including bars, eating and drinking establishments, general grocery stores, liquor stores, professional and personal service uses and financial service uses. In general, residential uses are found above the commercial / retail uses found on the ground floor. The surrounding properties are located within the RH-2 (Residential House, Two-Family) and RH-3 (Residential House, Three-Family) Districts.

The site is well served by local and regional transit. Eight bus lines run within close proximity of the site (9, 12, 14, 27, 33, 48, 49, and 67) and BART stops just blocks away.

ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review as a Class 1(a) project.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 22, 2010	January 22, 2010	20 days
Posted Notice	20 days	January 22, 2010	January 22, 2010	20 days
Mailed Notice	20 days	January 22, 2010	January 22, 2010	20 days

PUBLIC COMMENT

- The Department received one phone call in support of the proposed eating establishment. The call was received from a representative of the Lower 24th Street Merchants Association (Mr. Rick Arguello).

ISSUES AND OTHER CONSIDERATIONS

- The proposed operation will likely consist of four to six employees. The hours of operation are 11:00 a.m. to 9:30 p.m.
- With respect to an application for a Full Service Restaurant within a neighborhood commercial district, the Planning Commission shall consider the following additional guidelines:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;

- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

For eating and drinking establishments, the Commerce and Industry Guidelines for Specific Uses state, “the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage.” Planning Department Staff conducted a site survey of the 24th Street- Mission NCT District, where the proposed project is located. With the proposed restaurant use, approximately 19-20 percent of the linear frontage of the 24th Street- Mission NCT District is attributed to eating and drinking establishments. Because the proposed use is well served by public transit and to the nature of the project, negative traffic and parking impacts are not expected to arise.

Over the years the 24th Mission NCT has developed from a smaller neighborhood serving NCD to one that serves a larger area, becoming more of a destination point for City residents. The number of restaurants has increased and appears to have approached and exceeded the 20 percent threshold for concentration of restaurants. While a strict reading of the General Plan would not allow additional restaurants, the Planning Departments feels that a restaurant use contributes to the economic vitality of the District and does not detract from the diversity of retail uses provided in the District. Planning Department staff will continue to monitor the number of restaurants should there be exacerbation of this issue. In sum, Planning Staff has observed through site visits that within the overall area there exists a strong mixture of uses critical to making the 24th –Street Mission NCT a livable neighborhood.

REQUIRED COMMISSION ACTION

Authorize Conditional Use under Planning Code Sections 727.42 and 303 to allow for the establishment of a Full Service Restaurant within the 24th Street - Mission NCT District, The Mission Alcoholic Beverage Special Use Subdistrict, and a 45-X Height and Bulk Designation.

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 proposed project is desirable because it seeks to occupy an existing ground floor commercial space that has been vacant since early 2009. The project is consistent with the envisioned development for the area and with the existing neighborhood commercial character, which is intended for a residential and commercial mixed district.
- The project promotes small-business ownership, is independently owned and is not a formula retail use. The project will add to the diversity of cuisine available in the 24th Street - Mission NCT District.

- The project is well served by public transit and should have a negligible impact upon private automobile traffic. Eight bus lines run within close proximity of the site (9, 12, 14, 27, 33, 48, 49, and 67) and BART stops just blocks away.
- The project provides a source of employment opportunities, including entry level opportunities, for neighborhood residents. Small businesses account for over 95% of the companies in San Francisco and one out of every three jobs.
- The growth in the number of small business has created an alternative to salaried employment for many San Francisco residents, and has the potential to address the city's high rates of asset poverty and economic insecurity.
- The project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions
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Attachment Checklist

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

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

Planner's Initials

Parcel Map

SUBJECT PROPERTY

IRS
D COMMERCIAL
C STUDY
STZ Code: 11-425-00807
Z: Ord. 24-37 Date: 6/11/97
12,443 SF, Lot 121/230

24th MISSION NCD
~~C-2~~
~~R-3~~
RH-3

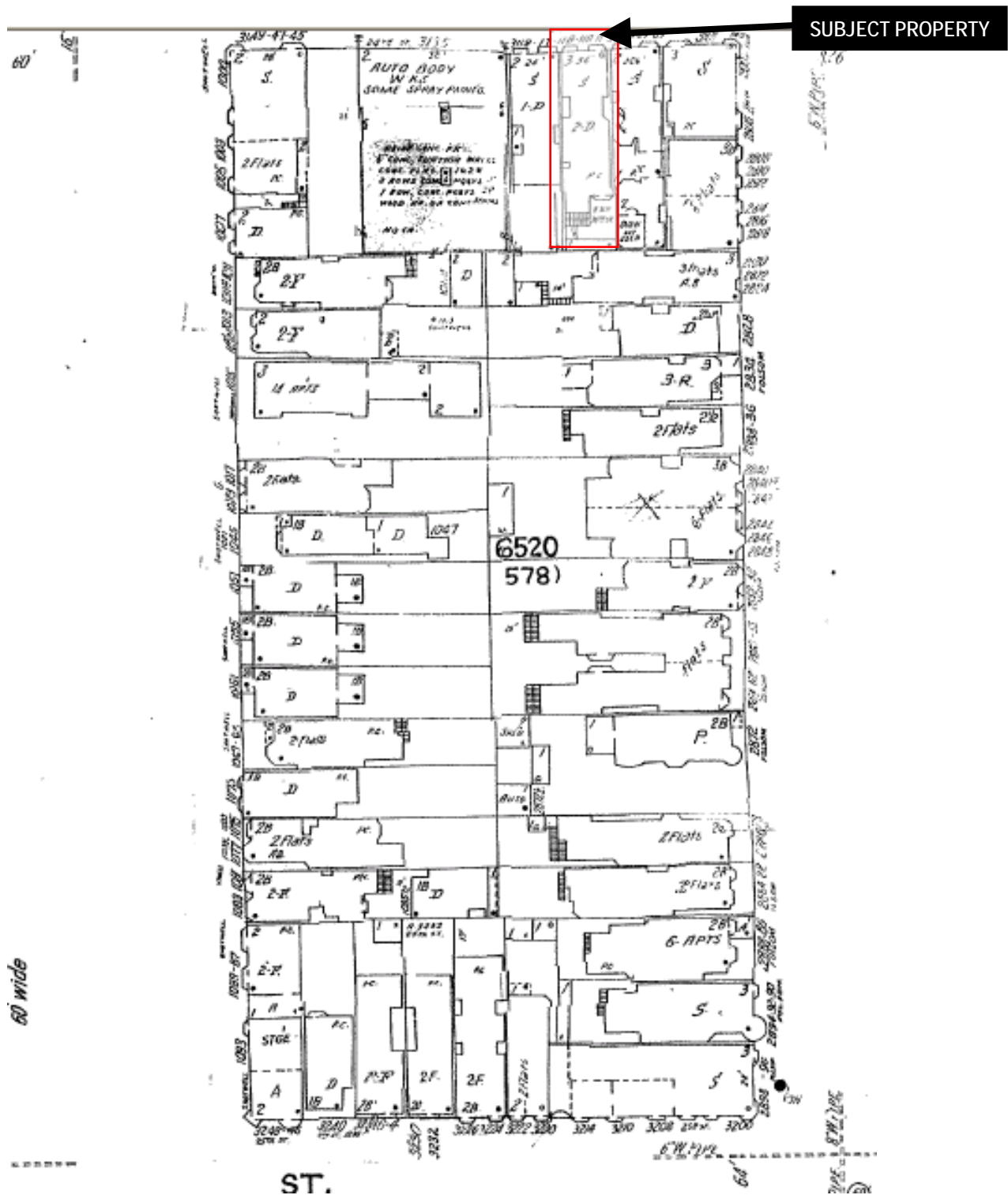
24th MISSION NCD

~~C-2~~
~~R-3~~
RH-3



Conditional Use Hearing
Case Number 2009.1139C
Full Service Restaurant, "Local"
3111 24th Street

Sanborn Map*

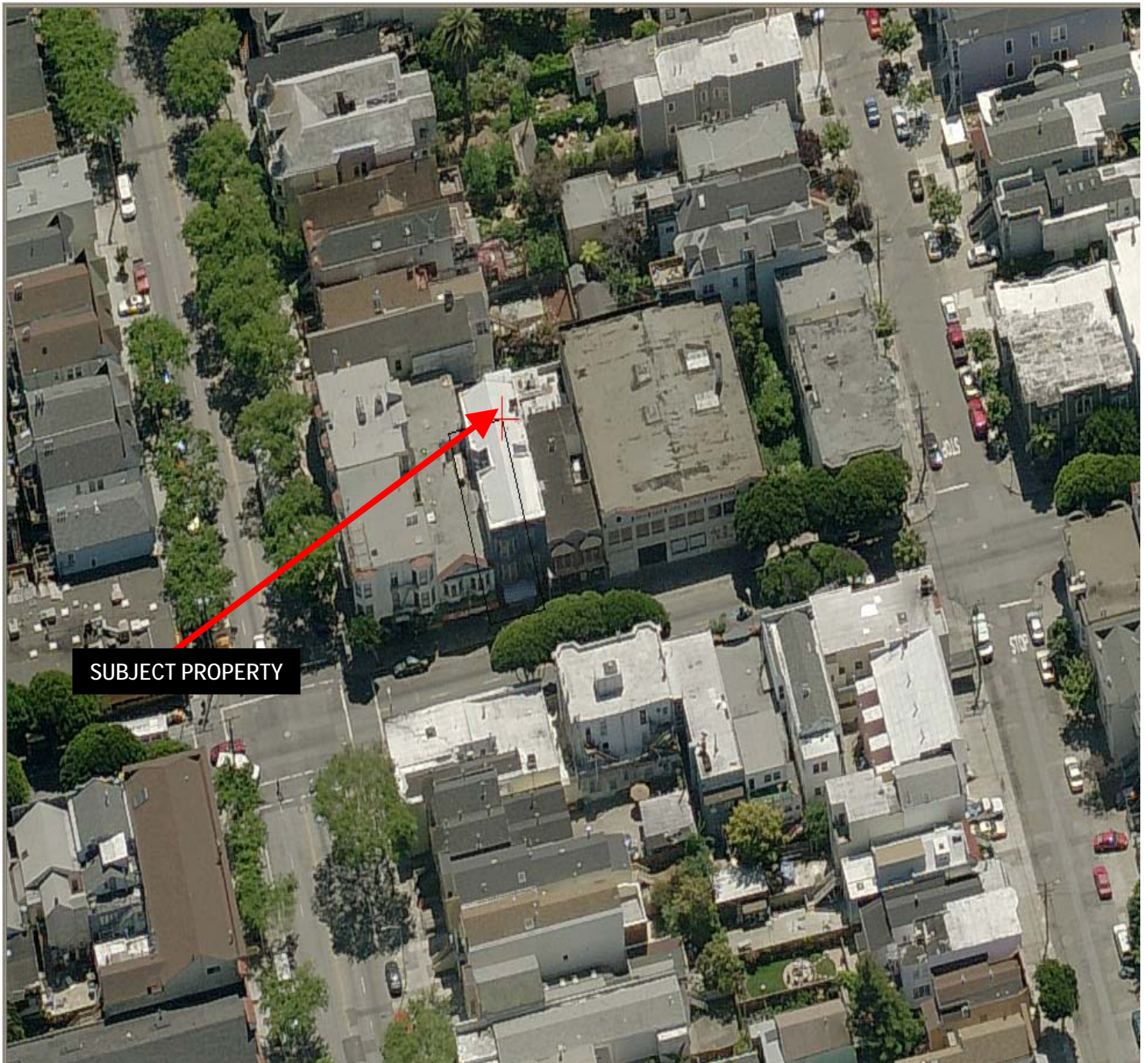


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Hearing
Case Number 2009.1139C
Full Service Restaurant, "Local"
3111 24th Street



Aerial Photos



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2009.1139C
Full Service Restaurant, "Local"
3111 24th Street



Zoning Map

Project site



Conditional Use Hearing
Case Number 2009.1139C
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 3111 24th Street

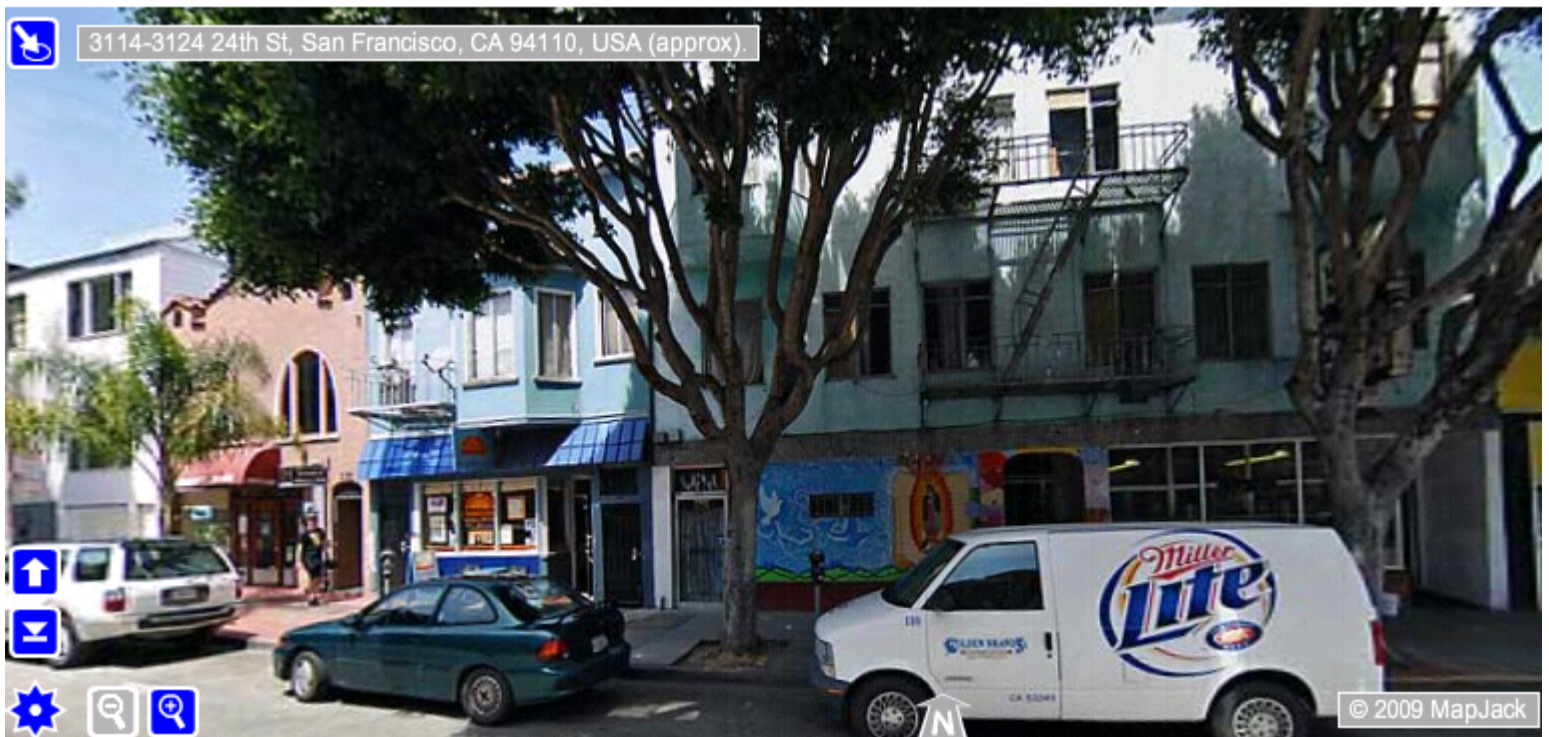


Site Photos



Conditional Use Hearing
Case Number 2009.1139C
Full Service Restaurant, "Local"
3111 24th Street

Photos Across the Street



Conditional Use Hearing
Case Number 2009.1139C
Full Service Restaurant "Local"
3111 24th Street

Subject Block Face



Conditional Use Hearing
Case Number 2009.1139C
Full Service Restaurant, "Local"
3111 24th Street



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☐ Inclusionary Housing (Sec. 315)
- ☐ Jobs Housing Linkage Program (Sec. 313)
- ☐ Downtown Park Fee (Sec. 139)

- ☐ First Source Hiring (Admin. Code)
- ☐ Child Care Requirement (Sec. 314)
- ☐ Other

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Planning Commission Motion No.

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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 727.42 AND 790.92 OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT (D.B.A. LOCAL) WITHIN THE 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT. THE PROJECT IS ALSO WITHIN THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT.

PREAMBLE

On December 10, 2009 Yaron Milgrom-Elcott (Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 727.42 and 790.92 to allow a retail full-service restaurant (dba Local) within the 24th Street – Mission NCT District and a 45-X Height and Bulk District.

On February 11, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1139C.

The Project was determined by the Department to be categorically exempt from environmental review. 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. 2009.1139C, 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 proposed project is located on the south side of 24th Street, between Folsom and Shotwell Streets, within the 24th Street – Mission Neighborhood Commercial Transit District, The Mission Alcoholic Beverage Special Use Subdistrict, and a 45-X Height and Bulk District. The 2,500 square foot lot is improved with a 5,550 square foot three-story mixed use building. Residential uses are located on the second and third floors. The vacant commercial storefront is on the ground floor. The proposed project would occupy approximately 17 linear feet of frontage on 24th Street.
3. **Surrounding Properties and Neighborhood.** The proposed project site is located on the southern side of the 3100 block of 24th Street. This neighborhood commercial district is characterized by a number of neighborhood serving uses including bars, eating and drinking establishments, general grocery stores, liquor stores, professional and personal service uses and financial service uses. In general, residential uses are found above the commercial / retail uses found on the ground floor. The surrounding properties are located within the RH-2 (Residential House, Two-Family) and RH-3 (Residential House, Three-Family) Districts.

The site is well served by local and regional transit. Eight bus lines run within close proximity of the site (9, 12, 14, 27, 33, 48, 49, and 67) and BART stops just blocks away.

4. **Project Description.** The project proposes to establish a full service restaurant (dba Local) of approximately 2,000 square feet within the 24th Street – Mission NCT District. The former use at the site, vacant since early 2009, was a retail grocery store dba "Al Hambra Halal Meat Co."

"Local" is an independently owned restaurant. The project is not a Formula Retail use.

The proposed operation will require between four to six employees. Employment opportunities for lower skilled workers will comprise roughly half of the positions filled. The project sponsor intends to hire employees that live within a short distance from the restaurant.

5. **Public Comment.** The Department received one phone call in support of the proposed eating establishment. The call was received from a representative of the Lower 24th Street Merchants Association (Mr. Rick Arguello).
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. **Neighborhood Commercial Permit Review.** Planning Code Section 312 requires neighborhood notification of changes in use to a full service restaurant, as defined by Planning Code Section 790.91 for lots within the Neighborhood Commercial Districts.

The Project Sponsor is proposing the establishment within the 24th Street - Mission Neighborhood Commercial District of a full service restaurant (dba Local). Section 312 notification was conducted in conjunction with the Conditional Use authorization notification.

- B. **Full Service Restaurant.** Planning Code Section 727.42 allows a full service restaurant within the 24th Street - Mission Street NCT District by Conditional Use authorization on the first story.

The Project Sponsor intends to establish a retail full service restaurant (dba Local) in the 24th Street – Mission Neighborhood Commercial Transit District and is seeking Conditional Use authorization.

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

The proposed retail full service restaurant use (dba Local) is not identified as a formula retail.

- D. **The Mission Alcoholic Beverage Special Use Subdistrict.** Planning Code Section 781.1 prohibits new establishments where alcoholic beverages are sold, served or given away for on-site or off-site consumption such as bars and liquor stores.

The Zoning Administrator does permit beer and wine liquor licenses (type 41) within the Mission Alcoholic Beverage Special Use District as an accessory use to a bona fide eating establishment. Although the Planning Department has not received an application for a type 41 liquor license, it does expect one if the project were to be approved by the Planning Commission.

- E. **Use Size Limits.** Planning Code Section 727.21 principally permits uses sizes of up to 2,499 square feet and conditionally permits uses sizes of 2,500 square feet.

The project proposes a retail full service restaurant of approximately 2,000 square feet.

- F. **Hours of Operation.** Planning Code Section 727.27 permits hours of operation, as defined by Planning Code Section 790.48, from 6 a.m. to 2 a.m. and from 2 a.m. to 6 a.m. by Conditional Use authorization.

The proposed hours of operation, between 11:00 a.m. to 9:30 p.m. are principally permitted by Planning Code Section 727.27.

- G. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses, including full service restaurants, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject commercial space has approximately 17½-feet of frontage on 24th Street with approximately eleven feet devoted to either the restaurant entrance or window space. The windows are clear glass, providing an unobstructed view into the establishment at pedestrian eye-level.

The proposed storefront was already approved per Building Permit Application No. 2009.1118.1570 and is currently under construction. Building Permit Application No. 2009.1118.1570, to remove and replace the existing storefront, was reviewed by A Historic Preservation Technical Specialist at the Planning Information Center, where the building permit was approved.

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 project is desirable because it seeks to occupy an existing ground floor commercial space that has been vacant since early 2009. The proposal is a neighborhood serving full service restaurant located on the ground floor, will enrich the variety of goods offered within the 24th Street – Mission NCT District, is in line with the prevalent pattern of commercial / retail ground floor uses and is thus compatible with the neighborhood.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposed project will operate within the existing building envelope.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for any uses within the 24th Street Mission NCT District. The proposed project is well served by public transit, minimizing the need for private automobile trips.

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

The proposed use is subject to the standard conditions of approval for full-service restaurants as outlined in Exhibit A. Conditions 5 through 9 specifically obligate the project sponsor to mitigate noxious or offensive generated by the restaurant use.

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

Parking and loading areas are not required for the proposed use. Landscaping is not proposed as the building has no front setback. The Planning Department shall review all proposed signs under separate permit applications.

- 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 the 24th Street – Mission NCT District in that the intended use is located at the ground floor, will provide convenience goods to the immediately surrounding neighborhoods and will be active throughout the day.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed project will provide desirable goods and services to residents of the neighborhood, to patrons of the surrounding commercial establishments as well to persons within the greater area.

Being located within the 24th Street – Mission Neighborhood Commercial Transit District, the proposed project is consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The proposed project will fill a currently vacant commercial space with a commercial use beneficial for the area's residents as well as to patrons of the surrounding commercial establishments in the 24th Street - Mission NCT District.

OBJECTIVE 3: PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

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

The proposed project will provide employment opportunities, including entry-level employment opportunities, for the immediate area's unskilled and semi-skilled workers.

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 6.3:

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

The project proposes to provide neighborhood serving goods while utilizing a vacant storefront. The commercial space is on the ground floor of a building whose upper floors are residential, thereby preserving the mixed commercial-residential character of the 24th Street - Mission NCT District. No affordable housing will be lost as the project proposes to retain commercial activity within an existing storefront.

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

Eating and Drinking Establishments

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

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

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

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;

- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

For eating and drinking establishments, the Commerce and Industry Guidelines for Specific Uses state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning Department Staff conducted a site survey of the 24th Street- Mission NCT District, where the proposed project is located. With the proposed restaurant use, approximately 19-20 percent of the linear frontage of the 24th Street- Mission NCT District is attributed to eating and drinking establishments. Because the proposed use is well served by public transit and to the nature of the project, negative traffic and parking impacts are not expected to arise.

Over the years the 24th Mission NCT has developed from a smaller neighborhood serving NCD to one that serves a larger area, becoming more of a destination point for City residents. The number of restaurants has increased and appears to have approached and exceeded the 20 percent threshold for concentration of restaurants. While a strict reading of the General Plan would not allow additional restaurants, the Planning Departments feels that a restaurant use contribute to the economic vitality of the District and does not detract from the diversity of retail uses provided in the District. Planning Department staff will continue to monitor the number of restaurants should there be exacerbation of this issue. In sum, Staff has observed through site visits, that within the overall area there exists a strong mixture of uses critical to making the 24th –Street Mission NCT a livable 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 project proposes to fill a vacant storefront with a retail use that serves the neighborhood and as a source of potential 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 a currently vacant storefront for its operation. The proposed storefront was already approved per Building Permit Application No. 2009.1118.1570 and is currently under construction.

The said Building Permit to remove and replace the existing storefront was reviewed by A Historic Preservation Technical Specialist at the Planning Information Center, where the building permit was approved.

- 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 proposed project is on 24th Street, between Folsom and Shotwell Streets, and is well served by public transit. It is highly likely that both employees and customers of the proposed establishment will either walk, bike or use public transit as the preferred mode of transportation.

The 24th Street Mission corridor is well served by local and regional transit. Eight bus lines run within close proximity of the site (9, 12, 14, 27, 33, 48, 49, and 67), and BART stops just blocks away.

- 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 existing service or industry establishments. The project site has been vacant for well over one year.

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

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

- G. That landmarks and historic buildings be preserved.

The existing building is considered a potential historic resource for the purposes of CEQA. Building Permit Application No. 2009.1118.1570, to remove and replace the existing storefront was reviewed by A Historic Preservation Technical Specialist at the Planning Information Center where the building permit was approved.

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

The proposed project will not have a negative impact on existing parks and 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. 2009.1139C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 11, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 11, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Sections 727.42 and 790.92 of the Planning Code to allow a Full Service Restaurant not identified as a formula retail use at 3111 24th Street within the 24th Street - Mission Neighborhood Commercial Transit District and a 45-X Height and Bulk District, and the Mission Alcoholic Beverage Special Use District, in general conformance with plans filed with the Application as received on November 18, 2009 and stamped "EXHIBIT B" included in the docket for **Case No. 2009.1139C**, reviewed and approved by the Commission on February 11, 2010.

2. A Retail Full Service Restaurant, as defined in Planning Code Section 790.92, is described as a retail eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.

It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.

It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food restaurant, as defined in Sections 790.90 and 790.91 of this Code.

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

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 \$500 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 sweeping and litter pickup and disposal as well as washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.

6. Until removal by a waste disposal service, all garbage and/or waste containers shall be either (1) kept within the subject building or (2) kept in a sealed enclosure which prevents the emission of any noxious odors.
7. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
8. The Project Sponsor shall operate the proposed restaurant such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
9. The Project Sponsor shall maintain an attractive storefront providing visibility of the restaurant interior through the storefront windows.
10. Signs for the business shall be reviewed and approved by the Planning Department before they are installed.
11. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
12. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued within three (3) years of the date of the Motion approving the project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization if a permit for the project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. 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.



LOCAL
mission
EATERY



OUR NAME

Local will be, in every way, a product of its place, local in every sense. The year-round bounty of San Francisco's farmer's markets will inspire, source, and determine our menu. The culture and flavors of the Mission will entwine with a modern look and artisanal creations. Reclaimed redwood from our walls and salvaged fixtures will mix with shiny zinc and handcrafted tiles. We will support local businesses and provide food for our homeless neighbors. Respectful of the land we harvest, the air we breathe, and the streets we tread, Local will be more than a beloved eatery. It will be a model business—profitable, scalable, ethical, and philanthropic.

OUR LOCATION

The Mission District is diverse and gentrified, hip and traditional. Artists, doctors, day-laborers, and day-traders share the sidewalk. And it is where Local's founder lives. In the Mission, California cuisine and high-end fare are the norm. As Madeiline Blair wrote for *Mission Local*, the Mission is an "incubator for new restaurants" and the "confluence of affordability, accessibility and diversity has given rise to an impressive number of dining successes, arguably making the neighborhood of destination restaurants one of Northern California's greatest test kitchens."

Yet 24th Street still has extremely limited options. Amidst the many taquerias, one can find a few coffee shops and a donut shop, an ice cream parlor, and a sushi restaurant (All are thriving). This a moment of great opportunity, in which overhead remains low and demand is high and increasing. Our neighbors await the next great taste.

Located in an ideal storefront at 3111 24th St (at Folsom), Local will be the only local, seasonal, and eco-green shop or eatery on 24th Street. It will attract our immediate neighbors and far-away foodies. There is heavy and consistent pedestrian traffic on 24th Street and our central location will pull eaters from every part of the Mission. For those who do not have the good fortune of living in the Mission, seven bus lines run nearby (9, 12, 14, 26, 27, 33, 48, 49, 67), BART stops just blocks away, and the 101 and 280 freeways are within minutes of our door.

OUR COMMUNITY

This great opportunity is indicative of a larger shift in the neighborhood. Unlike many other new businesses, we value the localness of our neighbors even greater than our food. Our community must feel welcome: Our menu will be in English and Spanish and a bilingual cook will take orders. We will partner with our neighborhood organizations—like the free farm stand at Parque de Ninos Unidos. Our sandwiches will be plated with side of radishes, as taco trucks do (but with our own twist). Our daily housemade soda may be sweet lime and spicy jalapeno. We hope those who have lived here for years and new immigrants—whether from the New York or El Salvador—will feel at home.

But we must do more. As much as the neighborhood—street by street—changes, certain stark realities remain: There are the needy, hungry, and homeless. With our lofty food and labor goals, we cannot forget those most in need, particularly as we are well-situated to help. Local will pioneer a new form of civic engagement.

Once a month, we will collaborate with a local non-profit for dinner, but only for our needy and hungry neighbors. As during the day, the food will be prepared from local and artisanal ingredients. Unlike our daytime operations, we will offer a multi-course meal and table service. How can we do it?

We will maximize on the goodwill of our sheltered and employed neighbors. The day of our free meal, a percentage of our proceeds will fund that evening's event. We are certain that the cause will draw greater traffic and thus we can fund the event with no loss of revenue (Additionally, we will look for sponsors and apply for grants to underwrite the event). We will enlist our neighbors as line-cooks (and teach them as we cook), servers, and bussers. As a community, led by a sandwich shop, we can help—and feed—those who need it most.



OUR SPACE

Atelier KS's principal architects Seth Paré-Mayer and Kelli Franz have designed an elegant and functional space, fitting to the ethics of the store at-large and taking visual cues from the colors and materials of the Mission. Sterling Tougas of Sterling Design, a LEED certified builder and U.S. Green Building Member, is executing Atelier KS's plans with incredible precision, details, and efficiency.

We commissioned Jon Fischer, a Mission artist, to create an authoritative work on 24th St, which will also reference the rich mural and Mexican tile tradition of the Mission. With silkscreens on wood, Jon will represent each of the twenty-four intersections of the Inner Mission, from Valencia to Vermont. The installation will run the length of the counter wall

We restored two brick chimneys, painstakingly salvaged over a hundred redwood slats to be repurposed for the ceiling design, and wire brushed Douglas fir for the communal table. Our sinks are salvaged Victorian basins. Our new materials are of the highest quality. Our storefront will be clad with Heath Ceramics tiles. Based in Sausalito, the renowned tile maker continues to handcraft every piece. Our wallpaper, a vintage Damask print, is hand-printed produced by Bradbury & Bradbury in Bencia. For materials, we used only low-impact materials, like non-VOC paint, zinc, and sustainable wood.

Local will have seating for forty-one, split between five café tables, counter seating (with electric outlets) for eleven, a communal table for ten, and a kitchen bar for eight. Everyone will have free WiFi. The walls will our lending cookbook library, pickled fruits and vegetables. Our wall-menu will be LED, flat-panel, glass lightboxes with replaceable transparencies. Our kitchen will be open, for the pleasure of our eaters and cooks. Two ADA bathrooms will be available for customers. The space will understated and styled, hip and comfortable. It will be the gem of 24th St.

OUR SANDWICHES

First and foremost, we are about our food. And Local's food will build on the best ingredients. All of our fruits and vegetables will be sourced directly from San Francisco's farmer's markets, mostly the Heart of the City Farmer's Market, from stands Yaron already visits twice a week. These are the people who get it started: Rosa, who immigrated from Italy with her grandmother's citrus and olive seeds; or Sylvia, who each season further perfects her cauliflower harvest. The produce of these farms may be sliced raw or cooked slowly to express the deep essence and full potential of each ingredient.

Yet we will reap even more from these farms. We will handcraft every condiment, spread, and preserve: Fall's cabbage harvest—kimchi. Winter's citrus harvest—Meyer lemon and Seville orange marmalades. Spring's onions—onion preserves. Summer's tomatoes—ketchup. Even more, we will not buy any processed foods. We will turn vegetables and bones into stock. Our mayonnaise will be made of farm-fresh eggs and local oils, our mustard from mustard seeds, vinegar, and wine. (Not only tastier and healthier, this will also steeply decrease our garbage output—We aim to send only 10% of our waste to landfill, which discounts our waste removal fee.)

The seasonal vegetables, fruits, and condiments will accompany year-round ingredients: Artisanal California cheeses, purchased directly from the creameries; organic milk and cream from Straus Family Farms; pasture-raised meat from Marin; and sustainable, local fish from Monterey and Half-Moon Bay.

Of course, a sandwich is nothing without the bread. We will source our bread from the Mission's Panorama Bread, whose daily breads express the incredible range of flour, water, and yeast. Our sandwiches must taste profoundly delicious and fulfill of our commitment to local farmers and purveyors who embody an ecologically responsible and sustainable engagement with our world.



Carefully sourced and the freshest ingredients demand fitting preparation. Way beyond the deli counter or the corner café, we will use the tools and techniques of haute cuisine and elevate the sandwich to a new level. Our meat will achieve an impossible richness and tenderness with an overnight sous vide braise. Pureed in Vita Mix and passed through a chinois, our soup will be texturally perfect. Green vegetables will be blanched and shocked for full flavor and color. Long-simmered stocks will carry an enriching depth. Every day, we will juice fruit and vegetables for freshly infused soda.

The best raw ingredients. The finest purveyors. Classic and cutting-edge preparations. All of this makes a first-rate sandwich.

OUR DAY-TIME MENU

Local's menu will be straightforward in its selective options and exciting for the originality of the compositions, flavor profiles, and preparations. Each day, Local will serve five sandwiches, to change with the season. More precisely, the primary component of the dish will stay the same: sous vide goat, housemade charcuterie, forty-minute egg, escarole, and seasonal smoked fish. With each season and each year, the accompaniments will nuance the main ingredient: For example, escarole sandwich will include fig in the summer and pear in the winter; the egg will top pickled chanterelles in the fall and asparagus in the spring.

While the sandwiches will change seasonally, everything else will change daily—Updated every morning on the website, e-mail list, Twitter, and RSS feed.

Each day, we will serve one soup, one soda, one dessert, and one ice cream. Everything, of course, will be housemade.

The soup will most often be a pure and always to highlight one or two seasonal ingredients. In the winter, Sunday might be fennel vichyssoise, Monday sunchoke, and Tuesday celeriac and pear.

Local's soda will be CO² charged at service, which results in a fresher and crisper drink. Every soda will be based on fruits and vegetables juiced on-site and infusions from fresh herbs. Beside fresh juice and herbs, we will sometimes add sugar and water. The sodas, too, will change seasonally. In the spring, Sunday might be Moro blood orange and wild fennel, Monday cherry and tarragon, and Tuesday rhubarb and basil.

Local's seasonal and daily menu changes will guarantee return customers, always hungry for a new ingredient, a unique taste, and a delicious treat.

OUR DINNERS

With the same passion and commitments, but with a refined restaurant feel, we will re-open a few times weekly for a four-course, set-menu dinner (We will begin with one seating on one night and expand to two seatings on three or four nights). The evening will begin with mingling and snacks, as the diners watch the chefs at work. After they are seated, each course will be served and introduced by the chefs. The dishes will be sophisticated and composed, the atmosphere warm and intimate. This will further establish Local as a serious eatery in the landscape of San Francisco's diverse restaurant industry, raise our profile on the food scene, and expand our customer base. In an unprecedented partnership, Terroir, an esteemed wine store in SOMA will curate our wine selections, which will offer at their retail price.

OUR CLASSES

Local will serve our customers in another, unique way—We will offer classes that espouse our housemade approach to our ingredients. Taught by our chef, founder, purveyors, or guest chefs (Ryan Farr of 4505 Meats, Charlie Kleinman of Wexler's and Michael Black of Sebo are on the calendar), we will host classes on marmalades, sauces, soups, preserves, pickling, ice cream making, and more. We aspire for an educated customer base, who understand what we do, and appreciate the difference.

OUR LIBRARY

Lastly, Local will establish a lending, cookbook library—Local Library. For the price of a cookbook, members will have access to a diverse and comprehensive selection of



cookbooks and gastronomical writing—works of local chefs, highly-valued tomes, food journal, chef memoirs, food journalism, and more.

OUR COOKS

As we not only promote local food, but also local communities, so too is sustainable food not possible without sustainable labor. At Local, we will break the mold of the food service world. Cooks expect long hours without overtime pay and low wages. With, at least, a six-day workweek, they rarely see friends or family. Cooks, unlike servers and table-bussers, earn no more when they serve three-hundred diners than when thirty. And, most ironically, cooks—burned-out on time in the kitchen—do not eat healthfully.

At Local, our staff will live, sleep, and eat healthfully (or, at least, we will make it possible). Everyone will earn a living wage, with benefits (even though not required by Healthy San Francisco). No one will work more than nine-hour shifts, six days a week. And, as we will close at six o'clock, our cooks—unlike their colleagues—will be off most evenings. Generally, cooks cannot prepare high-quality food and not work the dinner shift, but Local has reimagined sandwiches and the life of those who make them.

OUR CHEF

To join this venture, Jacob Des Voignes left his position as Executive Chef of Fish and Farm—a Chronicle two-and-a-half star restaurant, which served refined and approachable local fare. Prior to Fish and Farm, he was Co-Executive Chef at Fifth Floor during its Michelin star tenure. He trained with some of the best chefs of New York and California, including Tom Colicchio at Craft. Jake has long-standing relationships with the Bay Area's finest purveyors and close ties with its greatest culinary talents. He is a dedicated chef, a skilled butcher, an upright and friendly individual, and, in September, married Shauna, a pastry chef.

OUR FOUNDER

Every night of his childhood, Yaron's family gathered for family dinners, carefully cooked and plated by his father. On Jewish holidays, Yaron ate from recipes of his great-great-grandmother. In short, he ate well. Nonetheless, through his teenage years, Yaron was mostly attracted to street food: pizza, tacos, falafels, sandwiches, and the like. And he almost never cooked more than eggs and toast.

In college, his wife-to-be, Miriam, introduced him to the culinary wonders of high cuisine. No, she was not a great cook, rather as they courted each other, Miriam occasionally treated Yaron to ethereal meals in New York City. His journey to culinary excellence is driven by a passion for great food and guided by bookishness and apprenticeships—from the study of fish at Sebo in San Francisco to over-a-year at Will Goldfarb's New York molecular gastronomy dessert bar, Room 4 Dessert.

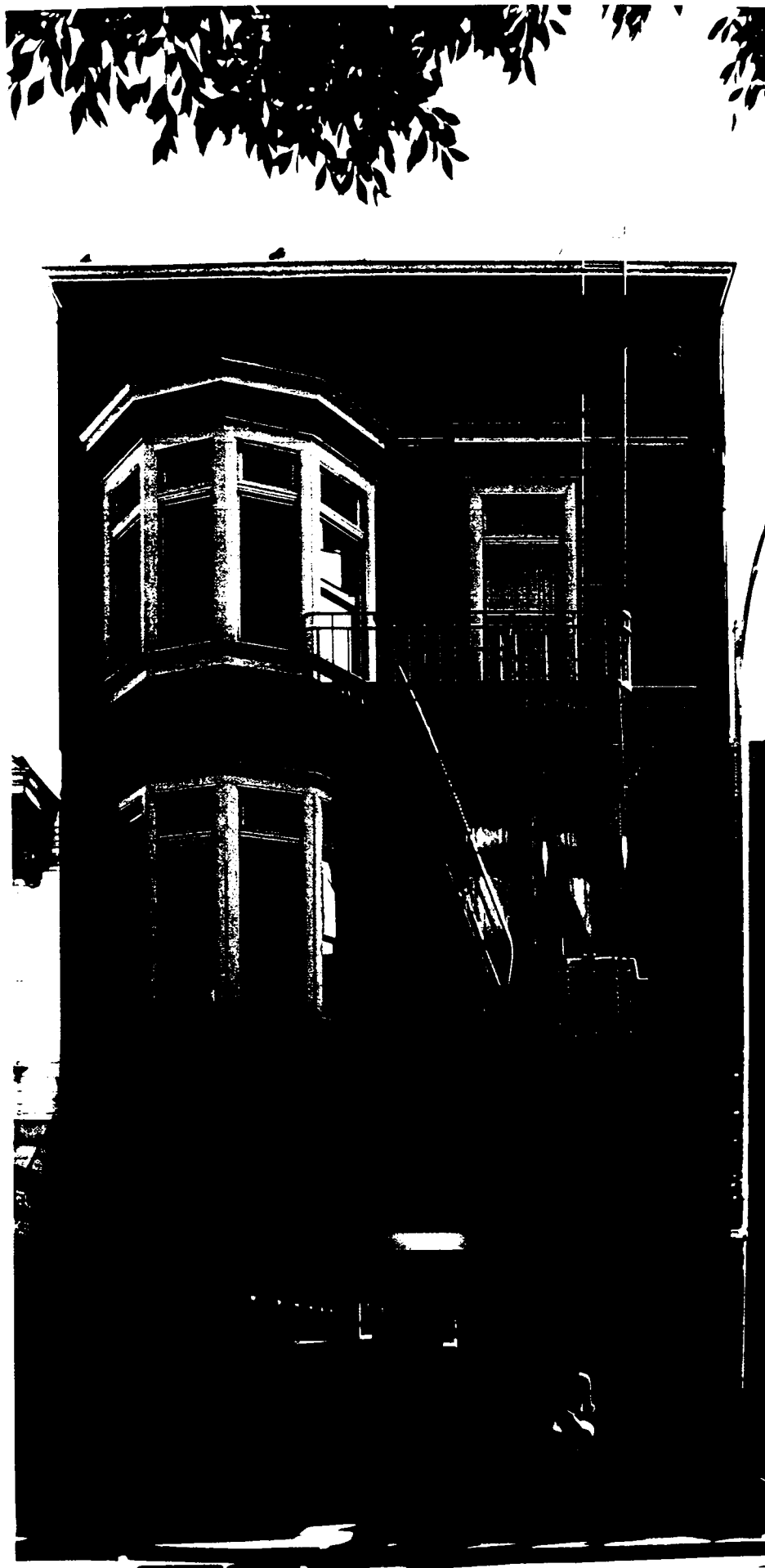
Throughout his culinary training, Yaron pursued a doctorate in Medieval Jewish Mysticism at New York University, for which he is now writing his dissertation. Every day, Yaron cooks for his wife and foodie toddler, Cruv (whose name means cabbage in Hebrew, as he was born in the winter).

YOUR SUPPORT

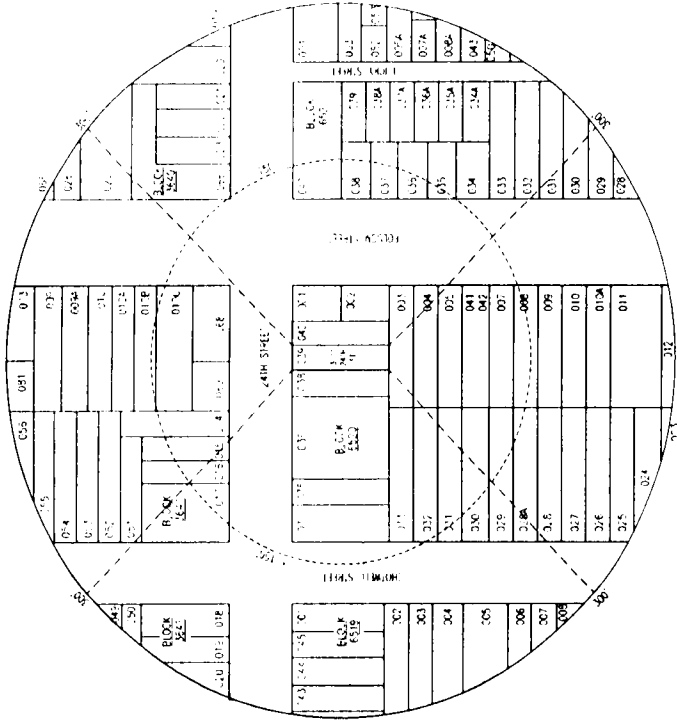
I have gathered a team of designers, builders, artists, and chefs dedicated to Local—the vision of a high-quality, affordable, healthy, and ethical eatery— and to 24th Street—colorful, dynamic, gritty, and charming. I have sought out my neighbors and ensured their support. Nonetheless, I have learned— maybe the hard way—that to realize this vision, one needs the support and commitment of intake clerks and planners, inspectors and supervisors. Great ideas and beautiful plans mean nothing if not applied to a storefront. As you also ensure the character of the city's streets and safety of its residents, you transform this vision into reality. Your stamps and signatures are not only part of the process, they are markers of faith—from you and the city—and the symbols that propel this hopeful plan into a real storefront.

Thank you for your support.





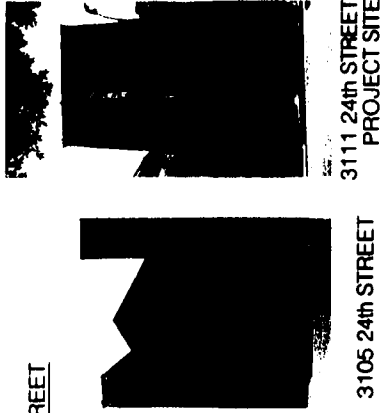
300' RADIUS MAP



○ BLOCK & LOT MAP
NT.S.

CONTEXT PHOTOS

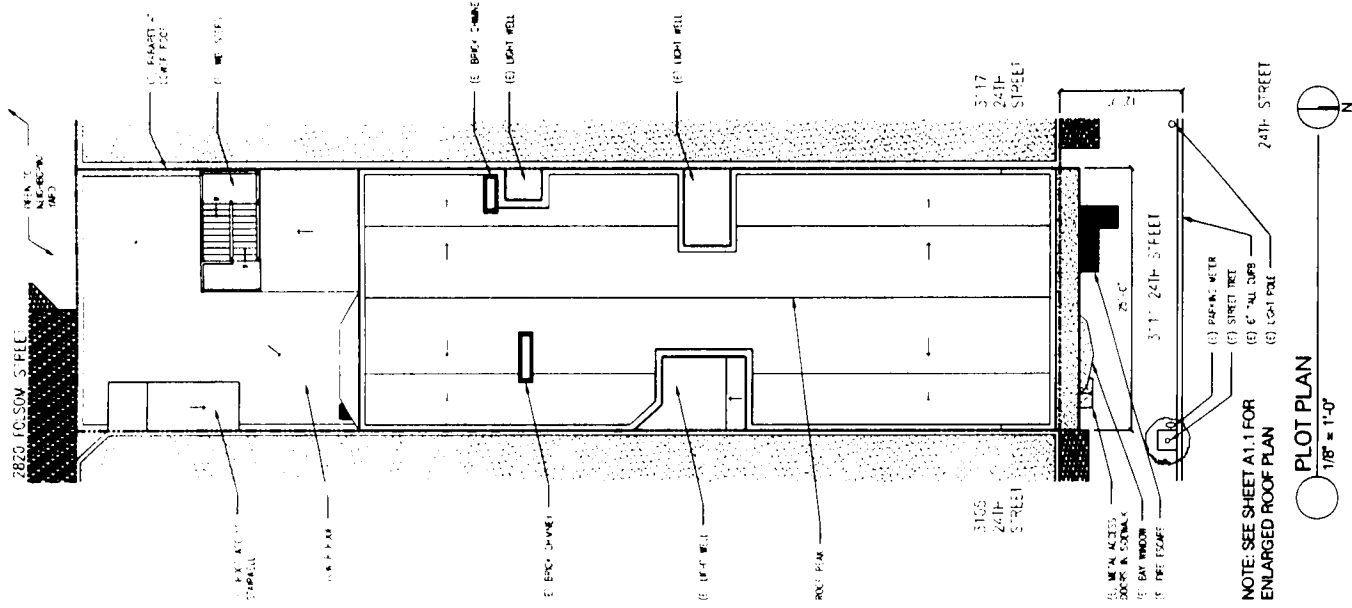
PROJECT SIDE OF STREET



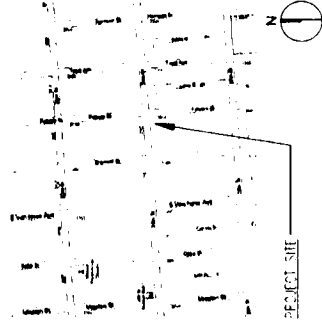
OPPOSITE SIDE OF STREET



PLOT PLAN



LOCATION MAP



INDEX OF DRAWINGS

ARCHITECTURAL
COVER SHEET, DATA MAP, PLOT PLAN
FLOOR PLAN
FRONT ELEVATION

PROJECT DATA

SITE LOCATION
3111 24TH ST
SAN FRANCISCO, CA 94110
ADJACENT PARCEL # BLOCK-6500 LOT-019
ZONING
C4H-MEDIUM DENSITY
49 OCCUPANTS - E OCCUPANCY
CURRENT OCCUPANT
FETAL SPECIALTY EXCISE
SECTION 750102
FRESH AIR FULL SERVICE
SECTION 75197
LOT WIDTH
25 FEET
LOT DEPTH
100 FEET
CONSTRUCTION TYPE
TYPE 4 WOOD FRAMED
AREA OF WORK
FLOOR AREA = 2003 SQ. FT.
CODE USED
2007 DEC WITH SAN FRANCISCO
AMENDMENTS
THIS APPLICATION FOR CHANGE OF USE, ADDITION OF
SEATING ONLY.

PREVIOUS BUILDING PERMIT ISSUED 11/23/05
CONSISTS OF
-RENOVATION OF (E) GROUND FLOOR SPACE
-REMOVE (E) ALUMINUM STOREFRONT DOOR/ WINDOW
SYSTEM AND (E) 1 1/2\"

PROJECT DIRECTORY

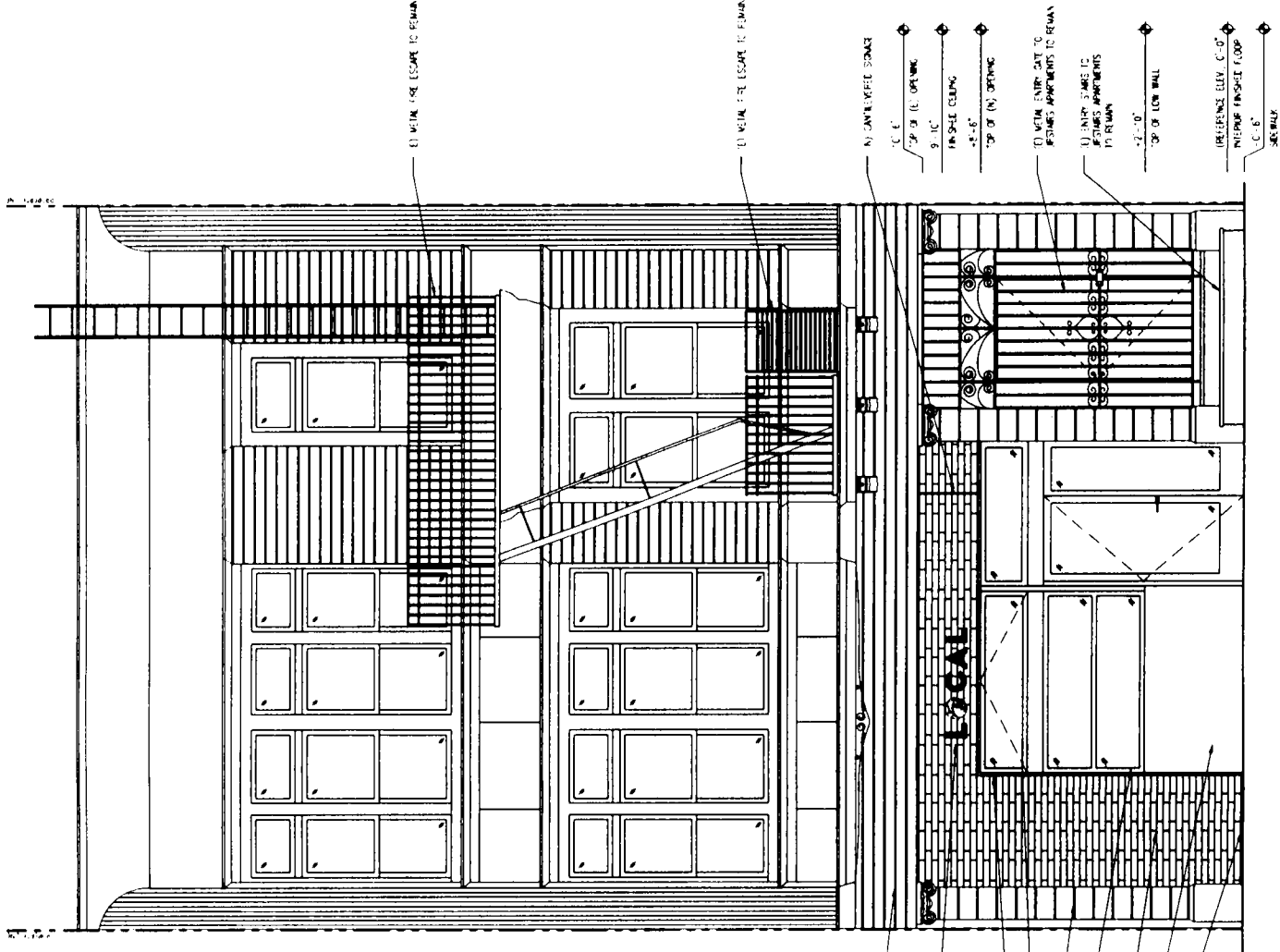
OWNER
YAPCOI M. OPOM-ELIOT
3111 24TH STREET
SAN FRANCISCO, CA 94110
914.774.3448

DESIGNER
OFFICE KS
932 VALLEJO STREET, #1B
SAN FRANCISCO, CA 94133
415.644.5203
INFO@ATELIER-KS.COM
ATTN: SETH PARE-MAYER
KELLI FRANK
LICENSE # 279664

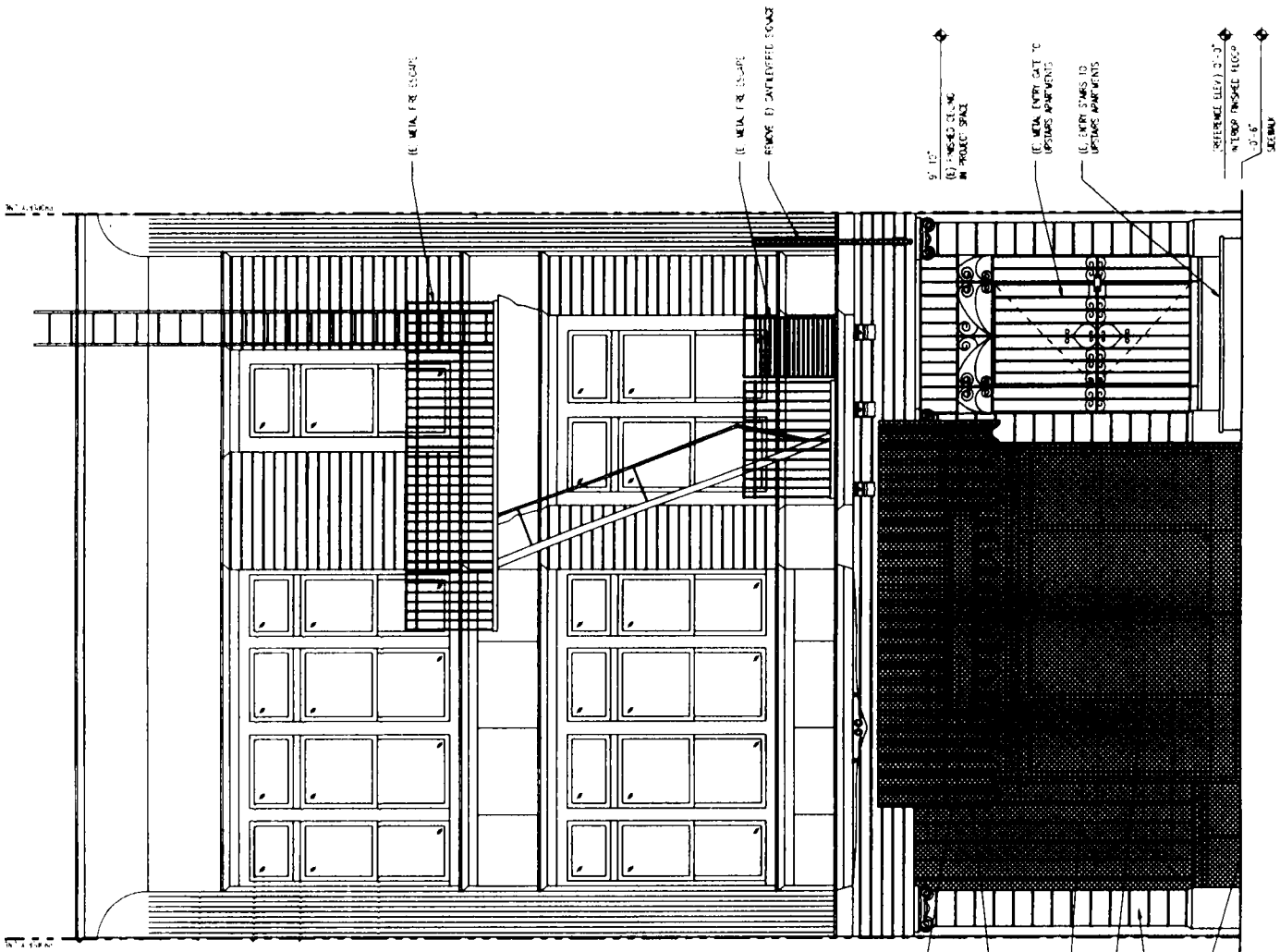
GENERAL CONTRACTOR
STERLING DESIGN
ATTN: STERLING TOLGAS
936 CORBETT AVE
SAN FRANCISCO, CA 94131
415.238.0458
LICENSE # 903408

MECHANICAL CONTRACTOR
ABCO MECH. CONTRACTORS
ATTN: MICHAEL RAJIMAN
475 BARKHILL AVE
SAN FRANCISCO, CA 94124
415.648.7735
LICENSE # 279664

STRUCTURAL ENGINEER
OPTIMA DESIGN GROUP
1700 BUSH STREET, #1A
SAN FRANCISCO, CA 94108
415.441.0809
VA.OPTIMA.DESIGNGROUP.COM
ATTN: VAL PARECHEV



1 (N) STREET ELEVATION
3/8" = 1'-0"



2 (E) STREET ELEVATION
3/8" = 1'-0"

DRAWING KEY
ITEM TO BE REMOVED