



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 16, 2010

Date: September 9, 2010
Case No.: 2010.0072C
Project Address: 627 VALLEJO STREET
Zoning: North Beach Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 0146/017
Project Sponsor: Moshe Dinar
Dinar and Associates, Architects
P.O. Box 70601
Oakland, CA 94612
Staff Contact: Rick Crawford (415) 558-6358
rick.crawford@sfgov.org
Recommendation: **Disapproval**

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PROJECT DESCRIPTION

On August 30, 2007 in case 2007.0668C the Planning Commission adopted Motion 17479 authorizing a conditional use to allow (1) the establishment of a small self-service restaurant of approximately 950 square feet inside a principally permitted retail grocery store (dba "Piazza Market") of approximately 5,940 square feet and (2) the addition of a Type 20 ABC license (off-sale beer and wine) to the retail grocery store at 627 Vallejo Street.

The applicant now proposes to (1) discontinue the grocery store use (2) legalize the establishment of a stand alone liquor store for wine sales by expanding the wine sales portion of the store to include the entire floor area and (3) maintain the small fast food restaurant as a stand alone use.

SITE DESCRIPTION AND PRESENT USE

The project is located at the southwest corner of Vallejo Street and Columbus Avenue. The Project Site is occupied by a one-story commercial building containing a 5,940 square foot grocery store (dba "Piazza Market") with a 940-square-foot space inside the grocery store occupied by a small self-service restaurant as an accessory use to the grocery store. The restaurant space and an area for beer and wine sales accessory to the grocery store were approved by the Planning Commission in 2007 (case 2007.0668C, motion 17479). In that case the Commission allowed the accessory restaurant with a size limit of 950 square feet and no more than 25 seats. The motion also required the owner to restore the building's exterior and return it to its original appearance by painting the building, restoring transparency to exterior glazing, retaining the historic fenestration pattern and materials, and installing new awnings that replicate the appearance of those of the historic building. The owner has not made the required

restoration but has developed a plan, approved by the Department, to begin restoration after the consideration of this present request. The subject building covers the entire lot.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding development is a variety of multi-story mixed-use buildings featuring residential uses above ground-floor commercial establishments. Columbus Avenue is home to some of the most popular dining establishments in San Francisco. Washington Square is two blocks north of the Project Site. Other uses in the area include the Church of Saints Peter and Paul and the former Pagoda Theater. The scale of development in the area consists of low- and mid-rise buildings (one- to four-story structures). The height limit in the area is 40 feet.

ENVIRONMENTAL REVIEW

The project is categorically exempt from environmental review under class 1(a)

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 27, 2010	August 25, 2010	22 days
Posted Notice	20 days	August 27, 2010	August 25, 2010	22 days
Mailed Notice	10 days	August 17, 2010	August 25, 2010	22 days

PUBLIC COMMENT

- The Department received a phone call from Telegraph Hill Dwellers objecting to the project and three letters of support.

ISSUES AND OTHER CONSIDERATIONS

- The proposed change of use from grocery store to liquor store and small self-service restaurant would not comply with the Planning Code and eliminates a development that provides substantial net benefits and replaces it with a less desirable use that could have undesirable consequences for the neighborhood.
- The existing grocery store is a basic neighborhood serving use and it would be replaced by food service and liquor store uses which do not provide the neighborhood with basic neighborhood oriented goods and services as does the grocery store.
- An additional liquor store in the North Beach neighborhood is less desirable than a grocery store and the grocery store would provide more employment opportunities than a liquor store.
- The store is currently in violation of the Planning Code and Planning Commission Motion 17479 in that the wine sales aspect of the use has expanded to cover more than the accessory amount of floor area and the building façade has not been restored as required by the Commission in Motion 17479.

REQUIRED COMMISSION ACTION

In order for the project to be disapproved, the Commission must do the following:

1. Make findings that the proposed project is not necessary and desirable under Section 303.
2. Make findings that the project does not meet the criteria for the requested elimination of the grocery store under Section 218.2 and
3. Make findings that the grocery store proposed for elimination is a Basic Neighborhood Sale or Service use under Section 780.3.

BASIS FOR RECOMMENDATION

The Department believes this project is not desirable under Section 303 of the Planning Code for the following reasons:

- Per Section 780.3 b, a stand alone self-service restaurant is not permitted to occupy a commercial space previously occupied by a basic neighborhood sale or service use such as a general grocery store.
- The project would eliminate a neighborhood serving grocery store which is not justified under the provisions of Section 218.2.
- Grocery stores significantly enhance the quality of life of neighborhood residents providing benefits and shopping convenience for goods to surrounding residential and commercial uses. The loss of the grocery store would lead to the loss of these advantages to the North Beach.
- The proposed Project does not meet all applicable requirements of the Planning Code and is not consistent with objectives and policies of the General Plan.

RECOMMENDATION: Disapproval

Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photograph
- Site Photograph
- Reduced Plans

Attachment Checklist

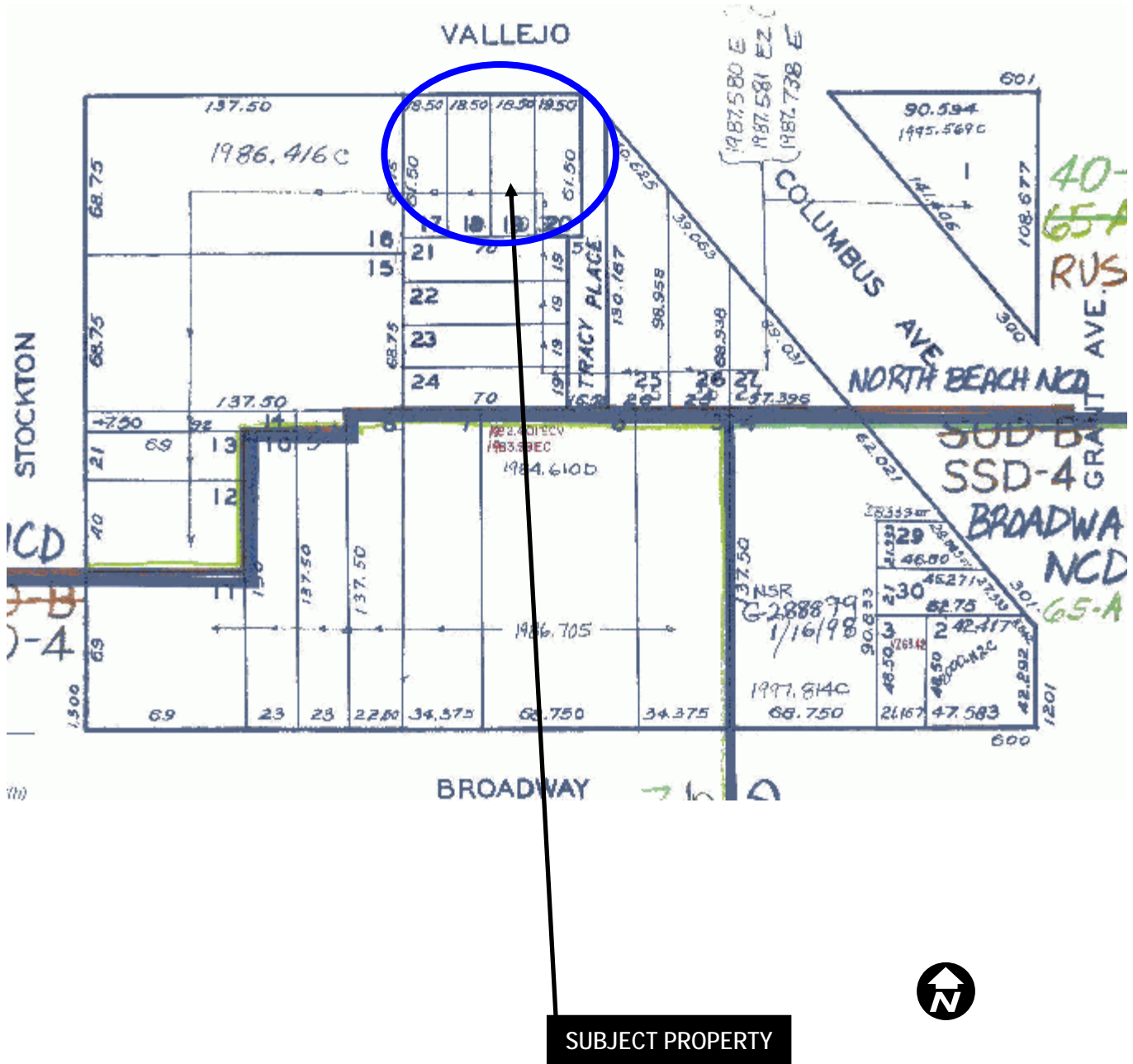
- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked=""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

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

RC
Planner's Initials

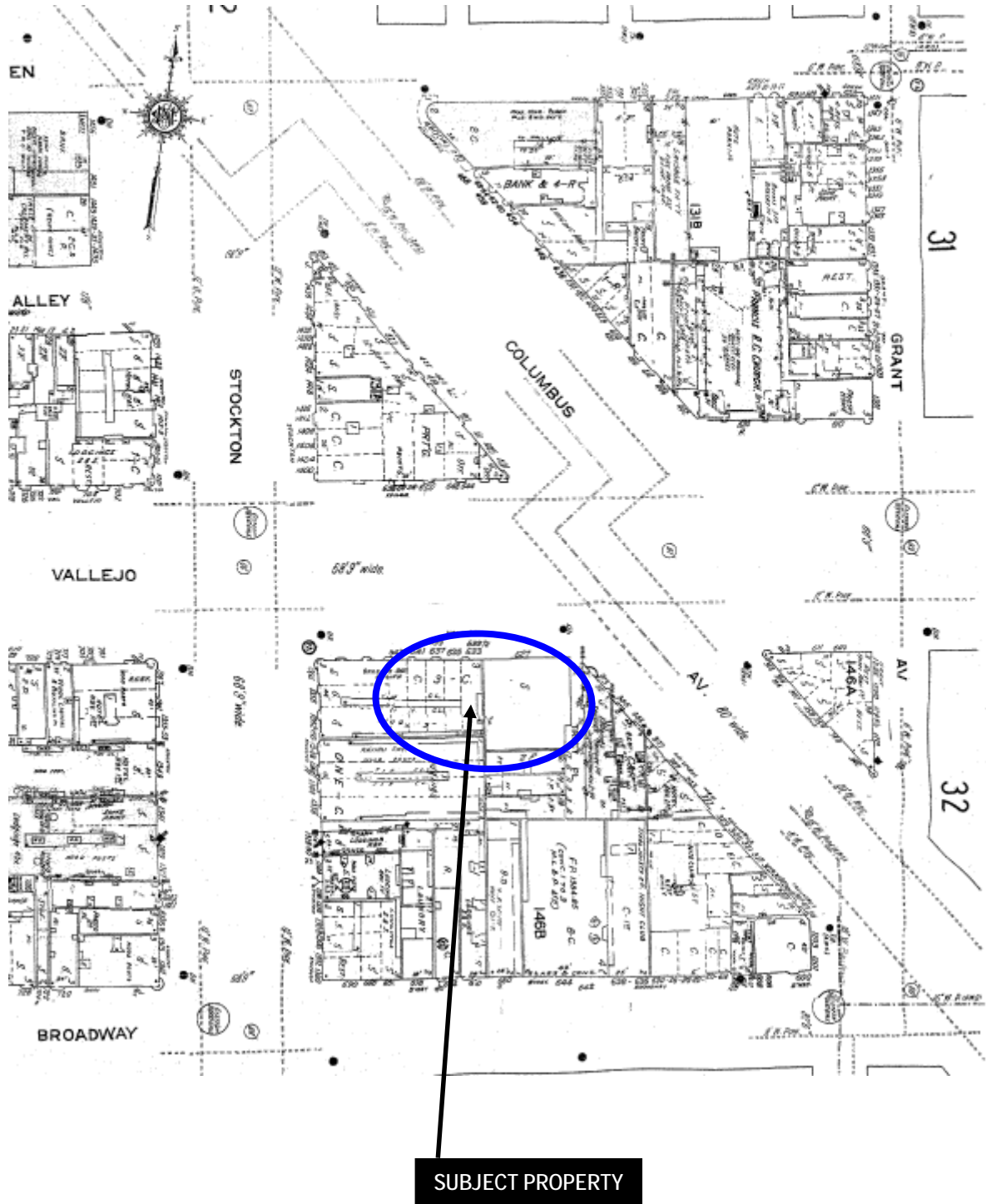
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Parcel Map



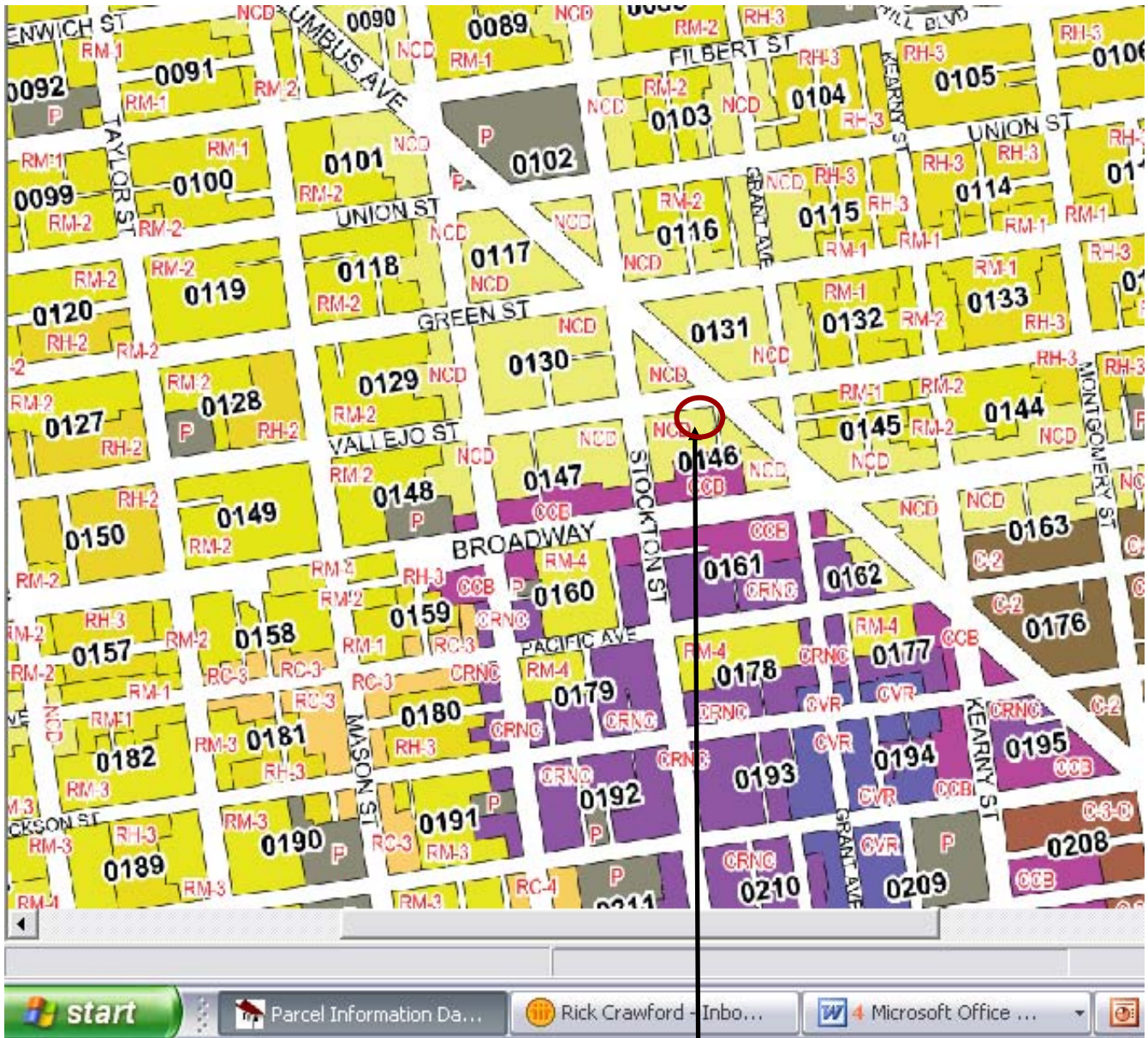
Conditional Use Hearing
 Case Number 2010.0072C
 627 Vallejo Street

Sanborn Map*



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

Zoning Map



ZONING USE DISTRICTS

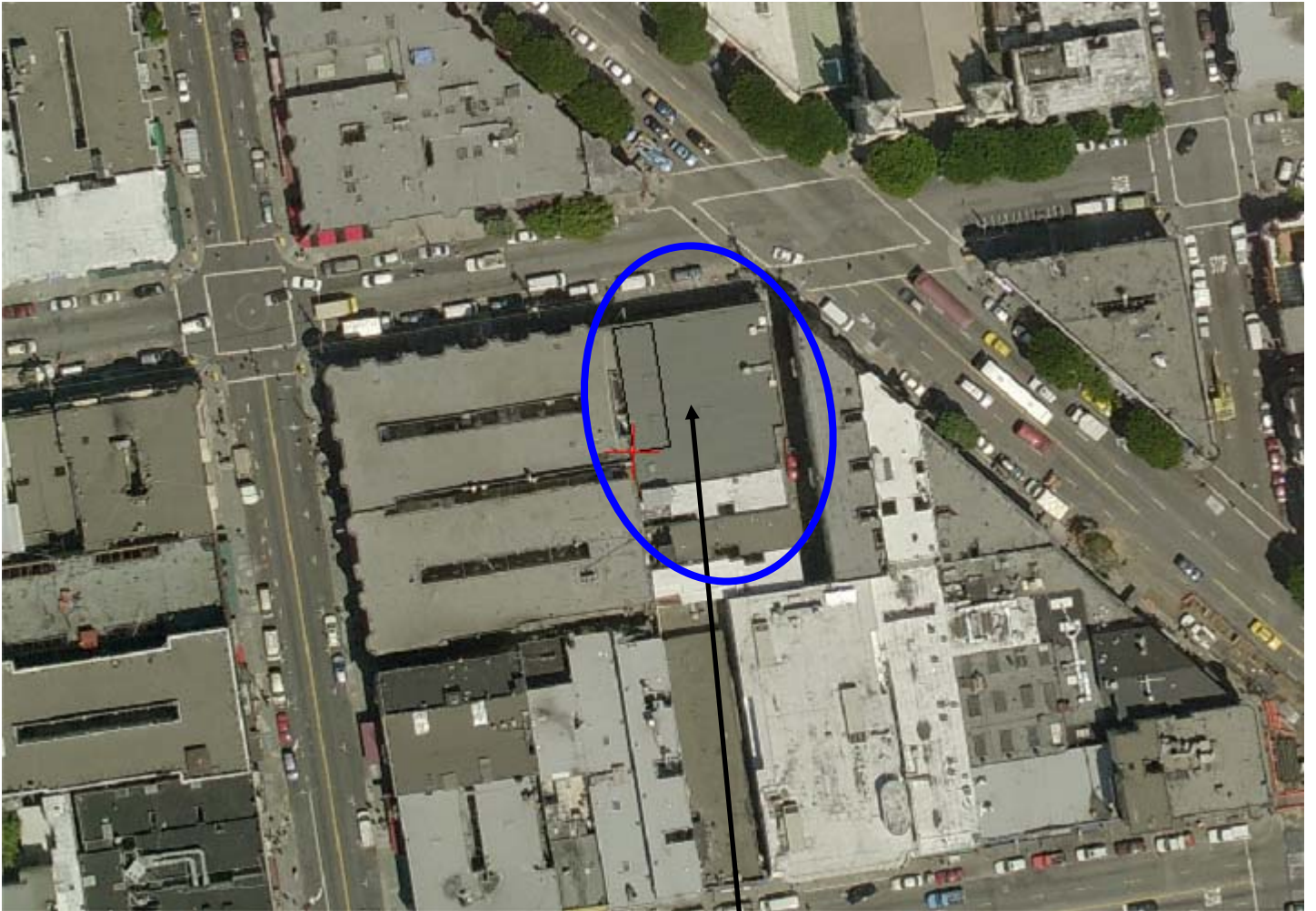
RESIDENTIAL HOUSE DISTRICTS					
RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	
RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS					
RM-1	RM-2	RM-3	RM-4		
NEIGHBORHOOD COMMERCIAL DISTRICTS					
NC-1	NC-2	NC-3	NCD	NC-S	
SOUTH OF MARKET MIXED USE DISTRICTS					
SPD	RED	RSD	SLR	SLI	SSO
COMMERCIAL DISTRICTS					
C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-O(SD)
INDUSTRIAL DISTRICTS					
C-M	M-1	M-2			

SUBJECT PROPERTY



Conditional Use Hearing
 Case Number 2010.0072C
 627 Vallejo Street

Aerial Photo



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0072C
627 Vallejo Street

Site Photos, Historic



Conditional Use Hearing
Case Number 2010.0072C
627 Vallejo Street

Site Photo, Current



Conditional Use Hearing
Case Number 2010.0072C
627 Vallejo Street

Context Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2010.0072C
627 Vallejo 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 Draft Motion

HEARING DATE: SEPTEMBER 16, 2010

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Project Address: **627 VALLEJO STREET**
Zoning: North Beach Neighborhood Commercial District, North Beach Special Use District
 40-X Height and Bulk District
Block/Lot: 0146/017
Project Sponsor: Moshe Dinar
 Dinar and Associates, Architects
 P.O. Box 70601
 Oakland, CA 94612
Staff Contact: Rick Crawford (415) 558-6358
 rick.crawford@sfgov.org
Recommendation: **Disapproval**

ADOPTING FINDINGS RELATED TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION TO CHANGE THE USE OF A GROCERY STORE TO A LIQUOR STORE (WINE SALES) AND CREATION OF A STAND ALONE SMALL SELF-SERVICE RESTAURANT AND A FINDING THAT THE GROCERY STORE IS A BASIC NEIGHBORHOOD SALE OR SERVICE USE UNDER PLANNING CODE SECTION 780.3(B) WITHIN AN EXISTING BUILDING AT 627 VALLEJO STREET WITHIN ASSESSOR'S BLOCK 0146, LOTS 017-021, LOCATED WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, NORTH BEACH SPECIAL USE DISTRICT AND, THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 3, 2010, Moshe Dinar ("Project Sponsor") submitted a request with the City and County of San Francisco Planning Department ("Department") for a Conditional Use authorization, Application No. 2010.0072C, to legalize the change in use from a grocery store to a liquor store (wine shop) and creation of a stand alone Small Self-Service Restaurant as provided in Planning Code Section ("Section") 218.2, Section 722.45 and Section 722.44, in an existing building located at 627 Vallejo Street ("Project Site"), within the North Beach Neighborhood Commercial District and North Beach Special Use District (collectively, "Project"). This authorization was requested to allow the Sponsor to change the use of the grocery store with a food service component, to a liquor store (wine sales). The Small Self-Service

Restaurant that is accessory to the grocery store would remain but would become a stand alone use, replacing a Basic Neighborhood Sale or Service use as defined in Section 780.3.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from environmental review under class 1(a). The Commission has reviewed and concurs with said determination.

On September 16, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0072C.

The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby disapproves the Conditional Use Authorization requested in Application No. 2010.0072C, 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 at the southwest corner of Vallejo Street and Columbus Avenue. The Project Site is occupied by a one-story commercial building containing a 5,940 square foot grocery store (dba "Piazza Market") with a 940-square-foot space inside the grocery store occupied by a small self-service restaurant as an accessory use to the grocery store. The restaurant space and an area for beer and wine sales accessory to the grocery store were approved by the Planning Commission in 2007 (case 2007.0668C, motion 17479). In that case the Commission allowed the accessory restaurant with a size limit of 950 square feet and no more than 25 seats. The motion also required the owner to restore the building's exterior and return it to its original appearance by painting the building, restoring transparency to exterior glazing, retaining the historic fenestration pattern and materials, and installing new awnings that replicate the appearance of those of the historic building. The owner has not made the required restoration but has developed a plan, approved by the Department, to begin restoration after the consideration of this present request. The subject building covers the entire lot.
3. **Surrounding Properties and Neighborhood.** The surrounding development is a variety of multi-story mixed-use buildings featuring residential uses above ground-floor commercial establishments. Columbus Avenue is home to some of the most popular dining establishments in San Francisco. Washington Square is two blocks north of the Project Site. Other uses in the area include the Church of Saints Peter and Paul and the former Pagoda Theater. The scale of

development in the area consists of low- and mid-rise buildings (one- to four-story structures). The height limit in the area is 40 feet.

4. **Project Description.** On August 30, 2007 in case 2007.0668C the Planning Commission adopted Motion 17479 authorizing a conditional use to allow (1) the establishment of a small self-service restaurant of approximately 950 square feet inside a principally permitted retail grocery store (dba "Piazza Market") of approximately 5,940 square feet and (2) the addition of a Type 20 ABC license (off-sale beer and wine) to the retail grocery store at 627 Vallejo Street.

The applicant now proposes to (1) discontinue the grocery store use (2) legalize the establishment of a stand alone liquor store for wine sales by expanding the wine sales portion of the store to include the entire floor area and (3) maintain the small fast food restaurant as a stand alone use.

5. **Public Comment.** The Department received a phone call from Telegraph Hill Dwellers objecting to the project and three letters of support.
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. **Nonresidential Use Size.** Section 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the North Beach NCD, conditional use authorization is required for any nonresidential use that exceeds 1,999 square feet. Section 121.2(b) prohibits nonresidential uses exceeding 4,000 square feet within the North Beach NCD.

The provisions of Section 121.2 are not applicable to the Project. While the subject use is 5,940 square feet in area, the size predates the current Code provisions requiring conditional use authorization for uses exceeding 1,999 square feet, and therefore does not require conditional use authorization for use size.

- B. **Parking.** Section 151 requires retail establishments to provide one parking space for every 500 square feet of occupied floor area where the occupied floor area exceeds 5,000 square feet and restaurants to provide one parking space for every 200 square feet of occupied floor area where the occupied floor area exceeds 5,000 square feet.

The existing building, which was constructed in 1932, does not have any off-street parking. The existing grocery store and small self-service restaurant has a legal parking deficit of 15 spaces. An existing commercial parking deficit can be carried forward and applied to a new commercial use. Since the proposed liquor store and small self-service restaurant will be the same size as the previous uses, there is no additional parking requirement.

- C. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Retail establishments of up to 10,000 square feet in gross floor area and restaurants of up to 100,000 square feet in gross floor area are not required to provide off-street freight loading.

With a total floor area of approximately 5,940 square feet, the Project is not required to provide off-street loading. There are nearby yellow zones along Columbus Avenue and Vallejo Street that can be used for deliveries.

- D. **Small Self-Service Restaurant.** Section 722.44 requires Conditional Use authorization for a small self-service restaurant in the North Beach NCD. Section 780.3 states that a small self-service restaurant cannot occupy a space that is currently or was last occupied by a Basic Neighborhood Sale or Service use. Section 780.3(b) defines Basic Neighborhood Sale or Service to include Other Retail Sales and Services as defined in Section 790.102, a definition that includes grocery stores.

The project would legalize the change of use of the building from a grocery store with accessory food service to a liquor store and a small self-service restaurant. In Motion 17479 in case 2007.0668C, adopted on August 30, 2007 the Planning Commission authorized a conditional use to allow (1) the establishment of a small self-service restaurant of approximately 950 square feet inside a principally permitted retail grocery store of approximately 5,940 square feet and (2) the addition of a Type 20 ABC license (off-sale beer and wine) to the retail grocery store at 627 Vallejo Street. The conditions placed on the authorization stated that the small self-service restaurant must be operated in conjunction with a retail grocery store. The two uses shall not be operated as separate businesses, shall not be separated by interior walls, gates or other barriers, and shall be owned, operated, and controlled by a single party and shall have the same hours of operation. If the retail grocery store is eliminated, conditional use authorization shall be required to establish a stand-alone small self-service restaurant as defined in Section 790.91.

In the North Beach Special Use District a small self-service restaurant cannot occupy a space that is currently or was last occupied by a Basic Neighborhood Sale or Service use. This project proposes to eliminate the grocery store and in the process create a stand alone small self-service restaurant contrary to the provisions of Section 722.44 and 780.3.

- E. **Change in Use or Demolition of General Grocery Store.** Section 218.2 requires that a change in use or demolition of a general grocery store which exceeds 5,000 square feet shall require conditional use authorization pursuant to Section 303. The Section does not authorize a change in use if the new use or uses are otherwise prohibited.

The existing subject grocery store is 5,940 square feet in area thus this Section applies to the project. The project would change the use of the grocery store to a liquor store (wine shop) and a stand alone small self-service restaurant. A stand alone self-service restaurant is not permitted to occupy a commercial space previously occupied by a Basic Neighborhood Sale or Service use such as a general grocery store.

- F. **General Grocery Store Uses.** Section 303(m) requires that the Planning Commission, when considering the change in use or demolition of a grocery store, shall make findings in addition to those required under Planning Code Section 303 (c), based on the following criteria:

1. Preservation of a general grocery store use is no longer economically viable and cannot affect a reasonable economic return to the property owner. The Commission may disregard the above finding if it finds that the change in use or replacement structure in the case of demolition will contain a general grocery store that is of a sufficient size to serve the shopping needs of nearby residents and offers comparable services to the former general grocery store. For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

Section 228.4(a) requires a party seeking a change in use or demolition of a grocery store to demonstrate that they are not earning a fair return on investment in the grocery store. The Section requires an applicant to submit a property appraisal and financial records for the previous 24 months of the grocery store's operations. The project sponsor has submitted some information required under the Section but the financial records do not cover the full 24 month period. The sponsor contends that business has not been in operation for 24 months.

The financial information submitted indicates that the grocery store as operated is experiencing financial losses; however the store may not have been open for a long enough period to recover their initial start up costs. In addition the plans for the grocery store include a large open "piazza" area of approximately 1,600 square feet in the middle of the store featuring a fountain. This open area occupies over 25% of the total floor area of the building. Perhaps were the owners of the grocery store to revise their plans to maximize the use of their floor area, the store would become more profitable.

2. The change in use or demolition of the general grocery store use will not undermine the economic diversity and vitality of the surrounding neighborhood.

Grocery stores are essential components of livable and well-functioning communities and enhance the neighborhood's broader economic and social health. Eliminating the neighborhood serving grocery store would force some shoppers, particularly lower income residents of the neighborhood to settle for convenience stores that don't offer fresh fruits and vegetables and other items found in a general grocery store. In addition grocery stores generally have more employees than liquor stores and the change of use could decrease employment opportunities in the neighborhood. Grocery stores serve as important anchors in neighborhood commercial districts and are critical for the economic vitality of surrounding retail stores, restaurants and small businesses. Grocery stores also significantly enhance the quality of life of neighborhood residents providing benefits and shopping convenience for goods to surrounding residential and commercial uses. The loss of the grocery store would lead to the loss of these advantages to the North Beach.

- G. Liquor Store.** Section 722.45 requires Conditional Use authorization for liquor stores in the North Beach NCD.

Section 790.55 defines a liquor store as a retail use that sells beer, wine, or distilled spirits for off premise consumption. The project would legalize the conversion of existing grocery store to sales of primarily wine.

H. **Formula Retail.** Section 703.3 places notification requirements and other restrictions on formula retail uses.

The proposed business is not formula retail.

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 not 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 project is not desirable as the elimination of the grocery store is not justified under the provisions of Section 218.2 and the proposed stand alone small self-service restaurant use does not comply with the restrictions of the North Beach Special Use District.

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 size and shape of the site and the size, shape, and the arrangement of the structures on the site are adequate for the Project. There will be no physical expansion of the subject building or commercial space.

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

The Project will not adversely impact public transit or overburden the existing supply of parking in the neighborhood. Many of the patrons will be able to walk from their residences or places of employment, and the Project Site is well-served by public transportation (the 12 Folsom, 30 Stockton, 41 Union, and 45 Union-Stockton MUNI lines).

Off-street parking is not required for the Project. Those who drive will be able to utilize one of several parking facilities in the immediate neighborhood. There are approximately ten parking facilities within two blocks of the Project Site.

Off-street loading is not required for the Project. There are nearby yellow zones along Columbus Avenue and Vallejo Street that can be used for deliveries.

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

The conditions of approval imposed on the existing use under Case 2007.0668C and Motion 17479 require the Project Sponsor to ensure that noise and odors are contained within the premises so as not to be a nuisance to nearby businesses or residents.

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

Case 2007.0668C and Motion 17479 required the owner to restore the building exterior and return it to its original appearance by painting the building, restoring transparency to exterior glazing, retaining the historic fenestration pattern and materials, and installing new awnings that replicate the appearance of those of the historic building. The owner has not made the required restoration.

- 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 does not comply with all relevant requirements and standards of the Planning Code and is not 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 not consistent with the stated purposes of the North Beach Neighborhood Commercial District and the North Beach Special Use District in that it eliminates a neighborhood serving and desirable grocery store and replaces it with a less desirable liquor store and small self-service restaurant. Grocery stores serve as important anchors in neighborhood commercial districts and are critical for the economic vitality of surrounding retail stores, restaurants and small businesses. Grocery stores also significantly enhance the quality of life of neighborhood residents providing benefits and shopping convenience for goods to surrounding residential and commercial uses. The loss of the grocery store would lead to the loss of these advantages to North Beach.

- 8. **General Plan Compliance.** The Project is, on balance, not 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 change of use from grocery store to liquor store and small self-service restaurant would not comply with the Planning Code as described above and eliminates a development that provides substantial net benefits and replaces it with a less desirable use that could have undesirable consequences for the neighborhood. Grocery stores are essential components of livable and well-functioning communities and enhance the neighborhood's broader economic and social health. Eliminating the neighborhood serving grocery store would force some shoppers, particularly lower income residents of the neighborhood to settle for convenience stores that don't offer fresh fruits and vegetables and other items found in a general grocery store. In addition grocery stores generally have more employees than liquor stores and the change of use could decrease employment opportunities in the neighborhood. Grocery stores serve as important anchors in neighborhood commercial districts and are critical for the economic vitality of surrounding retail stores, restaurants and small businesses. Grocery stores also significantly enhance the quality of life of neighborhood residents providing benefits and shopping convenience for goods to surrounding residential and commercial uses. The loss of the grocery store would lead to the loss of these advantages to North Beach.

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.

Grocery stores are essential components of livable and well-functioning communities and enhance the neighborhood's broader economic and social health. Eliminating the neighborhood serving grocery store would force some shoppers, particularly lower income residents of the neighborhood to settle for convenience stores that don't offer fresh fruits and vegetables and other items found in a general grocery store. In addition grocery stores generally have more employees than liquor stores and the change of use could decrease employment opportunities in the neighborhood. Grocery stores serve as important anchors in neighborhood commercial districts and are critical for the economic vitality of surrounding retail stores, restaurants and small businesses. Grocery stores also significantly enhance the quality of life of

neighborhood residents providing benefits and shopping convenience for goods to surrounding residential and commercial uses. The loss of the grocery store would lead to the loss of these advantages to North Beach.

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 not comply with said policies in that:

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

The proposal removes a neighborhood-serving general grocery store and replaces it with a liquor store and a small-self service restaurant that would be oriented more to tourists and visitors to the neighborhood. Grocery stores serve as important anchors in neighborhood commercial districts and are critical for the economic vitality of surrounding retail stores, restaurants and small businesses. Grocery stores also significantly enhance the quality of life of neighborhood residents providing benefits and shopping convenience for goods to surrounding residential and commercial uses. The loss of the grocery store would lead to the loss of these advantages to North Beach.

- 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 will have an adverse impact on neighborhood character or the cultural and economic diversity of the neighborhood. Grocery stores are essential components of livable and well-functioning communities and enhance the neighborhood's broader economic and social health. Eliminating the neighborhood serving grocery store would force some shoppers, particularly lower income residents of the neighborhood to settle for convenience stores that don't offer fresh fruits and vegetables and other items found in a general grocery store.

- 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 Project will not adversely impact public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is well-served by public transportation.

- 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.

There is no commercial office development associated with the Project. No industrial or service sector uses would be displaced. However, grocery stores are essential components of livable and well-

functioning communities and enhance the neighborhood's broader economic and social health. Eliminating the neighborhood serving grocery store would force some shoppers, particularly lower income residents of the neighborhood to settle for convenience stores that don't offer fresh fruits and vegetables and other items found in a general grocery store. In addition grocery stores generally have more employees than liquor stores and the change of use could decrease employment opportunities in the neighborhood. Grocery stores serve as important anchors in neighborhood commercial districts and are critical for the economic vitality of surrounding retail stores, restaurants and small businesses. Grocery stores also significantly enhance the quality of life of neighborhood residents providing benefits and shopping convenience for goods to surrounding residential and commercial uses. The loss of the grocery store would lead to the loss of these advantages to the North Beach.

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

All proposed tenant improvements would comply with current Building Code standards for seismic safety.

- G. That landmarks and historic buildings be preserved.

The existing building has been identified as an historic resource under CEQA. The exterior of the building has been significantly modified. Case 2007.0668C and Motion 17479 required the owner to restore the building exterior and return it to its original appearance by painting the building, restoring transparency to exterior glazing, retaining the historic fenestration pattern and materials, and installing new awnings that replicate the appearance of those of the historic building. The owner has not made the required restoration.

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

The Project will not impact any parks or open spaces or their access to sunlight.

10. The Project is not consistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.
11. The Commission hereby finds that disapproval 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 **DISAPPROVES Conditional Use Application No. 2010.0072C.**

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 September 16, 2010.

Linda D. Avery
Commission Secretary

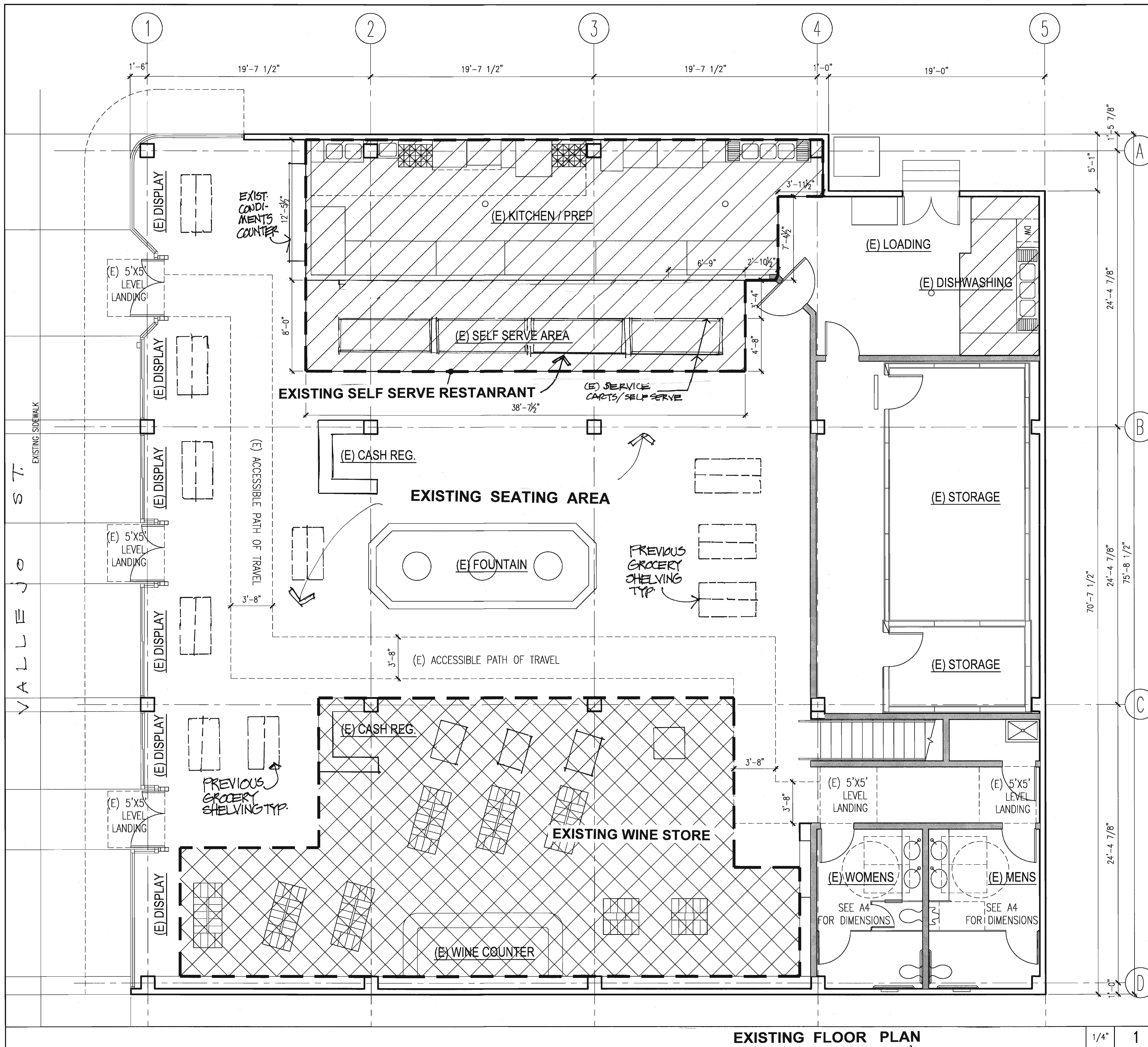
AYES:

NAYS:

ABSENT:

ADOPTED: September 16, 2010

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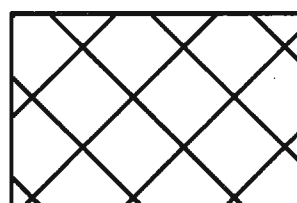
FLOOR AREA SUMMARY

SELF SERVE RESTAURANT AREAS

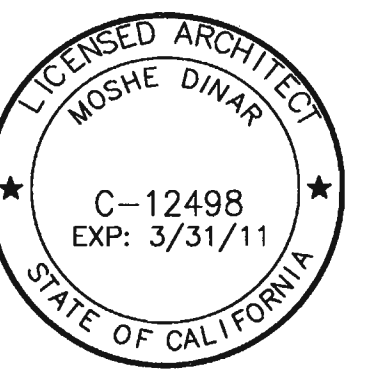
KITCHEN/PREP	537 S.F.
SERVE FOOD CART & WINE & BEER SERVING	23 S.F.
SEATING (25 SEATS MAX.)	286 S.F.
DISHWASHING	93 S.F.
TOTAL RESTAURANT	939 S.F.
TOTAL WINE STORE	745 S.F.

LEGEND

 DENOTES (E) SELF SERVICE RESTAURANT AREA

 DENOTES (E) WINE SALES AREA

PROPOSED AREA FOR CHANGE OF USE FROM GROCERY TO WINE SALES



ARCHITECT'S STAMP

CONSULTANT

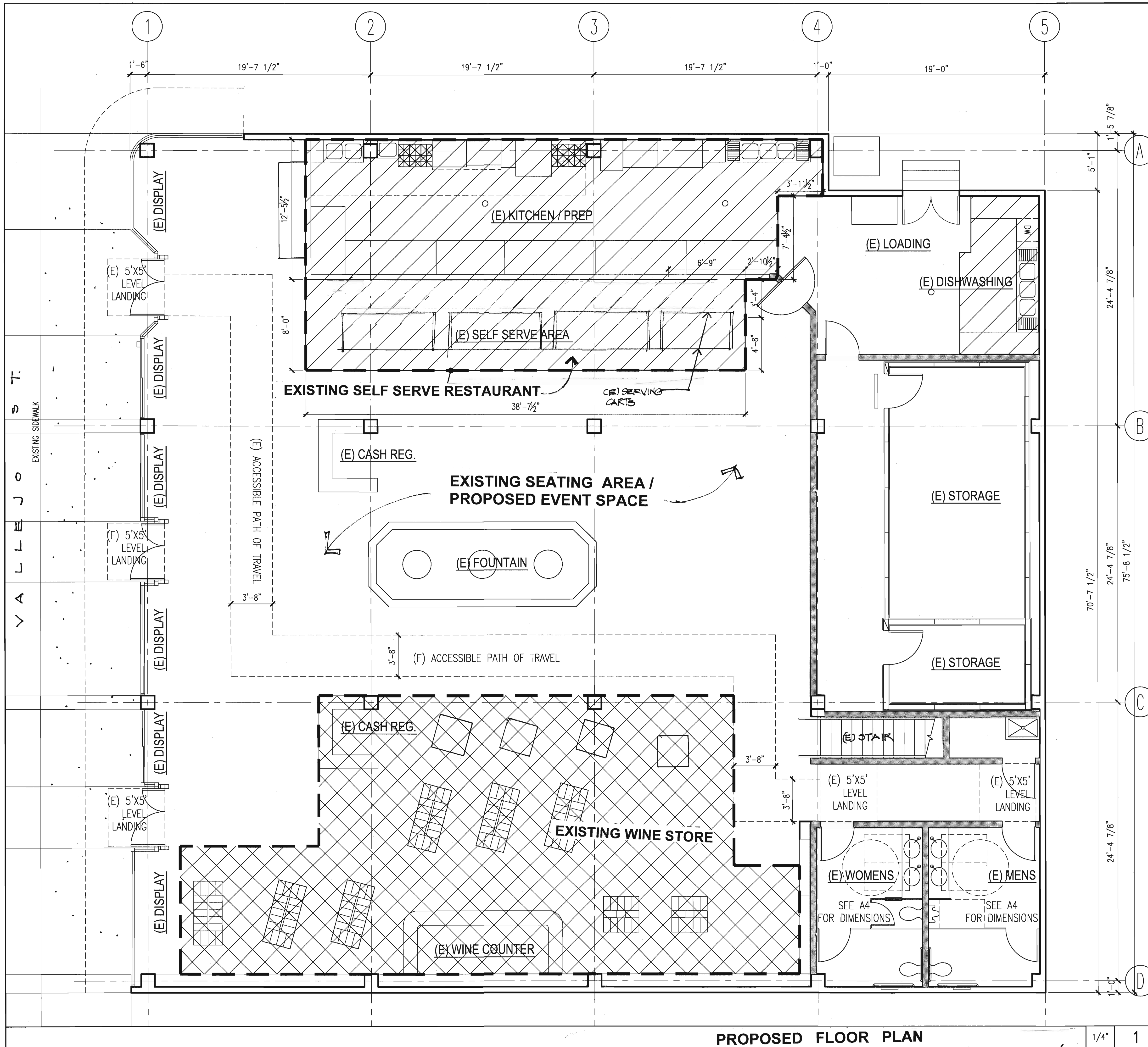
CONSULTANT'S STAMP

**PIAZZA MARKET
 627 VALLEJO ST.
 EXISTING CONDITIONS
 SUBMIT FOR CHANGE OF USE APPLICATION
 TO ABATE COMPLAINT #10058**

(E) GROUND FLOOR PLAN

DATE	ISSUE	REV.
2-01-10	PERMIT	
9-01-10	PLANNING SUBMISSION	

DRAWN BY: SC CHECKED BY: MD



FLOOR AREA SUMMARY

SELF SERVE RESTAURANT AREAS

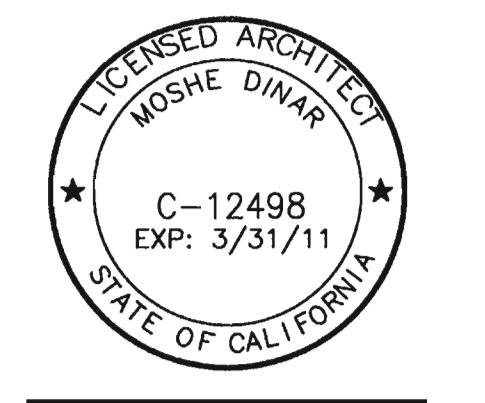
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LEGEND

 DENOTES (E) SELF SERVICE RESTAURANT AREA

 DENOTES (E) WINE SALES AREA

PROPOSED AREA FOR CHANGE OF USE FROM GROCERY TO WINE SALES



ARCHITECT'S STAMP

CONSULTANT

CONSULTANT'S STAMP

**PIAZZA MARKET
 627 VALLEJO ST.
 EXISTING CONDITIONS
 SUBMIT FOR CHANGE OF USE APPLICATION
 TO ABATE COMPLAINT #10058**

(E) GROUND FLOOR/PLAN (PROPOSED)

DATE	ISSUE	REV.
2-01-10	PERMIT	
9-01-10	PLANNING SUBMISSION	

DRAWN BY: SC CHECKED BY: MD

A2

JOB NO: _____ OF SHEETS

PROPOSED FLOOR PLAN

1/4" 1