

File No. 211171

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: March 10, 2022

Board of Supervisors Meeting:

Date: _____

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- Introduction Form
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OTHER

- Public Convenience or Necessity Request Letter, dtd 10/26/21
- Public Convenience or Necessity Referral, dtd 110821
- Planning Department Recommendation, dtd 3/4/22
- Police Department Recommendation, dtd 3/3/22
- _____

Prepared by: Alisa Somera

Date: March 4, 2022

Prepared by: _____

Date: _____

Khaled Mashal
260 King Street unit 1605
San Francisco CA 94107
October

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2021 OCT 26 PM 3:21
BY CM

To whom it may concern, I would like to file a PCN for a liquor license premises to premises transfer from 498 O'Farrell Street to 453 O'Farrell St.

1) Applicant's name and contact information, including a daytime phone number and email address;

- **Khaled Mashal**
- **415.202.3965**
- **Mashalh@yahoo.com**

2) The name and address for the applicant's business

- **Xpress Market Inc DBA Wally's Community Market and Deli**
- **453 O'Farrell Street**

3) The applicant's mailing address (if different from the above)

- **260 King Street Unit 1605 San Francisco CA 94107**

4) The license type the applicant is seeking from the California Department of Alcoholic Beverage Control, and whether the license will be a new issuance or a transfer of an existing license

- **Type 21**
- **This is a premises to premises transfer from 498 O'Farrell St o 453 O'Farrell Street for an existing license**

5) The proposed business hours of operation;

- **6AM to 2AM daily**

6) When and how the applicant filed the application for the liquor license with the California Department of Alcoholic Beverage Control

- **In person at ABC San Francisco Office on Sept 13, 2021 for a premises to premises transfer.**

7) When and how the applicant completed the noticing requirements for the liquor license, pursuant to state law

- **ABC Poster on window 10/26/2021**
- **500 Foot radius Mailer to be sent out on 10/29/2021**

8) An explanation for how the license will serve the public convenience or necessity in the neighborhood and city-wide.

This community market and deli at 453 O'Farrell Street will be one stop shopping for many residents in the surrounding area with the added benefit of live nutrition from the deli, fruits and vegetables that will be offered. Such nutrition is rarely found in tenderloin stores as most stores simply serve frozen and/or processed and prepackaged goods. Furthermore, SF Planning has revealed a large housing project across the street from this location at 450 O'Farrell Street. This influx of people to the neighborhood will only further the need for such a community market. Also, after these unprecedented times, Covid 19 has claimed many retail businesses in this wake. The city of San Francisco is going through what some supervisors have called retail death. This can only be remedied by allowing new business to open.

Previously this license was four doors down at 498 O'Farrell street since the early 1980's as Xpress Market. With a sparkling track record with the ABC and SFPD (please see attached

commendation from SFPD) our services have been an integral part of the community in this corridor of the tenderloin. Everyone in this neighborhood knows me and my family by name and I would simply like the opportunity to move 40 feet away and move my business to a space where the rent is more reasonable, and I can continue to serve the same community.



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

December 18, 2019

XPRESS MARKET INC
C/O XPRESS MARKET
498 O'FARRELL ST
SAN FRANCISCO CA 94102
ABC LICENSE: 21-510609

Dear ABC Licensee/Owner,

On December 14, 2019 an alcohol minor decoy program was conducted at your business. The operation consisted of a decoy (a minor, 20 years old or younger) entering your business and purchasing or attempting to purchase an alcoholic beverage.

Your location refused the sale of an alcoholic beverage to a minor. We commend you on your diligence!

- OR -

You or your employee sold an alcoholic beverage to a minor. You or your employee was cited and the alcoholic beverage or sample of said was seized as evidence.

The San Francisco Police Department in conjunction with the California Department of Alcoholic Beverage Control (ABC) operates this program.

If you or your employee was cited, the citation will be reviewed by the District Attorney's Office. It should be noted that regardless of how the cited individual is processed by the District Attorney's Office, the California Department of Alcoholic Beverage Control (ABC) may contact the business owner and may require the business owner to appear before them.

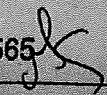
In the event you or your employee refused the sale of an alcoholic beverage to a minor, we would like to congratulate you on your effort. Further, we suggest that you remind your employees that this is an on-going program.

Questions regarding this incident may be referred to the SFPD ABC Liaison Unit at (415) 553 1190.

Working together, San Francisco will be an unwelcome place for underage drinkers.

Sincerely,

William Scott
Chief of Police

By: LT. GEORGIA SAWYER #1565 
Lieutenant Georgia Sawyer
Officer in Charge
ABC Liaison/Permits Unit




San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on Public Safety
and Neighborhood Services

Supervisor Gordon Mar
Supervisor Catherine Stefani
Supervisor Matt Haney

From: Lt. Steve Jonas #79 
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: March 3, 2022

Subject: P.C.N. Investigation Regarding: Xpress Market, Inc.
DBA: Xpress Market, Inc.
453 Ofarrell St.
San Francisco, CA. 94102-2009

Xpress Market, Inc. has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 21 (Off-Sale General) license to be located at 453 Ofarrell St. (located Jones St. and Taylor St.)

Hours of Operation:

6:00 a.m. to 2:00 a.m. each day of the week.

Digest:

Xpress Market would like to operate a community market and deli at 453 Ofarrell St. If approved, this license will allow them to sell Beer, Wine and Distilled Spirits.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From October 2020 to October 2021

2 calls for service

Police Reports:

From October 2020 to October 2021

2 police reports

San Francisco Plot Information:

This premise is located in Plot: **172**

A High Crime area is defined as **84** or more police reports in a plot for the year of **2020**.

This plot had 272 police reports for **2020**, which is **100 higher** than the **Citywide "High Crime"** average

State Census Tract Information:

This premise is located in Census Tract: **123.01**

Population for this tract is: **2,734**

On-sale license authorized by census tract: **9**

Active on-sale licenses: 39 with 0 pending

Off-sale licenses authorized by census tract: **2**

Active off-sale licenses: 8 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Tenderloin Station**.

Applicant premise **is** located in a “**High Crime**” area.

Applicant premise **is** located in a “**High Concentration**” area.

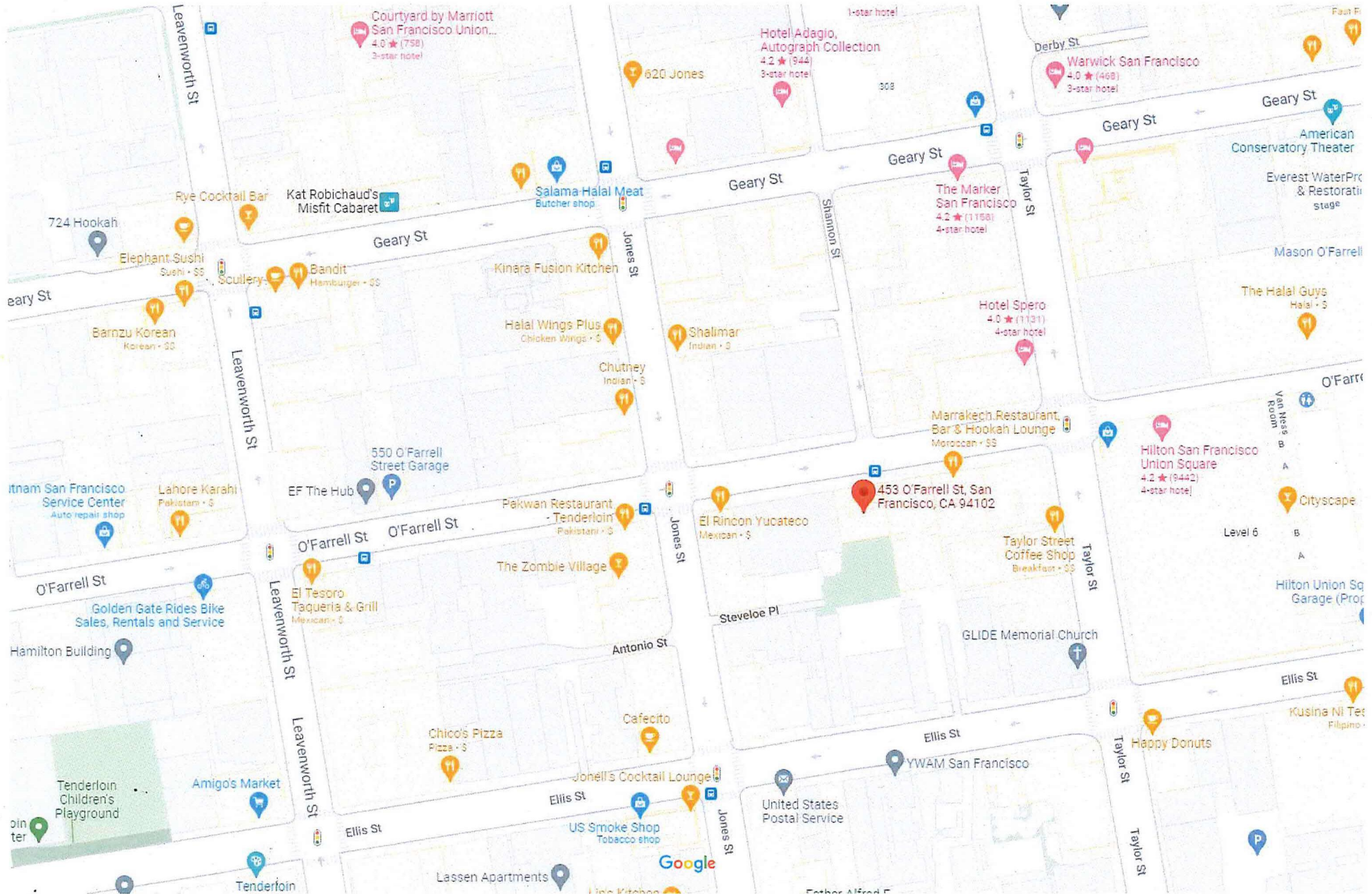
0 - Protest.

0 - Support

ALU Recommendation: **Approval with following conditions:**

Conditions for Type 21- Off-Sale General

1. Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on ABC-253.



**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

TO: Planning Department
Phone No. (415) 558-6371
Attn: Michelle Langlie

DATE: November 8, 2021
AP Block/Lot Nos.: 0324 / 020
Zoning: RC-4
Quad: _____
Record No.: _____

TO: Police Department
Phone No. (415) 553-1115
Attn: Joel Salmonson

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in January of 2022.

PLEASE EMAIL YOUR RESPONSE BY December 31, 2021, to Alisa Somera, Public Safety and Neighborhood Services Committee Clerk.

alisa.somera@sfgov.org - Phone No: (415) 554-7711

Applicant name: Khaled Mashal

Business name: Xpress Market Inc

Application address: 453 O'Farrell Street
San Francisco, CA 94102

Applicant contact info: 260 King Street, Unit 1605
San Francisco, CA 94107
mashalh@yahoo.com ~ (415) 202-3965

PLANNING REVIEW: Approval Denial

Planning Staff Contact: Michelle Langlie 628.652.7410

Please print review comments on a trailing page.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.



PLANNING COMMISSION MOTION NO. 21064

HEARING DATE: FEBRUARY 3, 2022

Record No.: 2021-009937CUA
Project Address: 451-453 O'Farrell Street
Zoning: RC-4 (Residential-Commercial, High Density) Zoning District
80-T Height and Bulk District
North of Market Residential Special Use District
Block/Lot: 0324/020
Project Sponsor: Khaled Mashal
260 King Street, Unit 1605
San Francisco, CA 94107
Property Owner: 440 O'Farrell Street, LLC
1 Bush Street, Suite 900, San Francisco, CA 94104
Staff Contact: Jonathan Vimr – (628) 652-7319
jonathan.vimr@sfgov.org

ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.3, 249.5, AND 303 TO ALLOW THE RELOCATION OF AN EXISTING OFF-SALE LIQUOR LICENSE FROM 498 O'FARRELL (AKA 500 JONES) TO THE PROPERTY LOCATED AT 451-453 O'FARRELL STREET, LOT 020 IN ASSESSOR'S BLOCK 0324, WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) ZONING DISTRICT, NORTH OF MARKET RESIDENTIAL SUD (SPECIAL USE DISTRICT) AND 80-T HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 29, 2021, Khaled Mashal (hereinafter "Project Sponsor") filed Application No. 2021-009937CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization for a general grocery operator to relocate an off-sale liquor license from 498 O'Farrell (aka 500 Jones) to 451-453 O'Farrell Street (hereinafter "Project"), Block 0324, Lot 020 (hereinafter "Project Site").

The proposal is not defined as a project under CEQA guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

On February 3, 2022, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-009937CUA.

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.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-009937CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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 approves the Conditional Use Authorization as requested in Application No. 2021-009937CUA, 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. Project Description.** The Project proposes to relocate an off-sale liquor license (ABC license type 21) from 498 O'Farrell to 451-453 O'Farrell Street. This would allow the operator of a general grocery use to continue beer, wine, and/or liquor sales when relocating their business within the North of Market Residential Special Use District ("SUD").
- 3. Site Description and Present Use.** The Project site, 451-453 O'Farrell Street, consists of an existing retail space occupying two storefronts along the ground floor of an existing mixed-use building. While the request for Conditional Use Authorization is specific to the relocation of an off-sale liquor license, the Project Sponsor has already obtained a building permit to convert the previous limited restaurant use at 451-453 O'Farrell Street to a general grocery use, both of which are defined by the Planning Code as retail sales and service uses. General groceries are principally permitted within the subject Zoning District and SUD; it is only transfer of the off-sale liquor license that necessitates Conditional Use Authorization.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the RC-4 Zoning District and North of Market Residential SUD. Beyond the contemporary residential tower adjacent to the project site and the church directly across the street, the immediate context largely consists of older, mixed-use buildings with ground floor and lower-level commercial use with residential above. Union Square lies several blocks northeast, with Market Street four blocks to the south. 451-453 O'Farrell is contributory to the Uptown Tenderloin Historic District, included on the national and state registers of historic resources, and falls within the Compton's Transgender Cultural District. Other zoning districts in the vicinity of the project site include P (Public) and C-3-G (Downtown General Commercial).

5. **Public Outreach and Comments.** The Department has not received any correspondence expressing support of or opposition to the proposal.
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. **Use.** The use of the subject retail space at the ground floor of the existing building is a general grocery occupying 1,865 square feet, which is principally permitted within the subject Zoning District and SUD.
 - B. **Liquor Establishments.** Planning Code Section 249.5(d) prohibits the creation of any *new* off-sale liquor uses within the North of Market Residential SUD. However, Subsection 249.5(d)(4)(C) stipulates that an established off-sale liquor license can be transferred to another location within the SUD via Conditional Use Authorization provided that: (i) the type of California liquor license does not change; (ii) the square footage used for the display and sale of alcoholic beverages does not increase; (iii) the original premises will not be occupied by another off-sale liquor use; and (iv) that the transfer location abides by the good neighbor policies listed in Subsection 249.5(d)(6).

The Project Sponsor seeks to transfer an established off-sale liquor license to accompany the relocation of their general grocery use from 498 O'Farrell (aka 500 Jones) to 451-453 O'Farrell Street, which is across the street and partway down (easterly) the same block. Both locations are within the North of Market Residential SUD, the type of liquor license—type 21—will go unchanged, the square footage used for display and sale will not be increased, the original premises will be occupied by a cannabis dispensary rather than another off-sale liquor use, and the Project Sponsor understands and has agreed to comply with the good neighbor policies listed in Subsection 249.5(d)(6). These policies are comparable to the measures required by the California Department of Alcoholic Beverage Control and have also been included as Condition of Approval No. 11. They are listed out in said Condition, but broadly address regular monitoring and maintenance of the premises and limits on signage. Also see Condition of Approval No. 6 pertaining to signage.

The proposed relocation of the off-sale liquor license would not result in any intensification of these licenses within the SUD and would allow the operator of an established neighborhood-serving use to continue to sell the same selection of items as they did at their previous location within the area. The sale of alcoholic beverages is also significant for the continued operation of this neighborhood-serving retail use as they constitute a substantial portion of revenue.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The size of the proposed use is unchanged from the previous retail use that occupied the ground floor of 451-453 O'Farrell Street. Relocation of the off-sale liquor license will allow the business operator to continue to sell the same selection of items as they previously did when located across the street at 498

O'Farrell Street (aka 500 Jones).

- 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:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures;

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope in any way.

- (2) 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 is replacing an existing retail space with a new operator/business. It will have no negative effects on the accessibility and traffic patterns for persons and vehicles.

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

The proposed use would be a general grocery with sale of food and miscellaneous items as well as beer, wine, and/or liquor. Given the nature of the store, that people will cycle in and out as they purchase items, and the good neighbor policies required by Planning Code Section 249.5 there is no risk for noxious or offensive emissions like noise, glare, dust, and odor.

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

The proposed transfer of an off-sale liquor license and related general grocery use do not require any further tenant improvements. The Department shall review any signage related to the site.

- 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 use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The proposed project is consistent with the stated purposes of RC-4 Districts in that the intended use is located at the ground floor and will provide a compatible, neighborhood-serving convenience service for the immediately surrounding neighborhoods. There will be no intensification in the

number of off-sale liquor establishments, and the license would be relocated just across the street.

- 8. North of Market Residential SUD Purposes.** When considering applications for Conditional Use Authorization for uses located within the North of Market Residential SUD, the Planning Commission shall consider the purposes as set forth in Planning Code Subsection 249.5(b) in addition to the criteria of Subsection 303(c) discussed above.

These purposes, and the intent behind the SUD controls, are to accomplish the following: protect and enhance important housing resources in area near downtown; conserve and upgrade existing low and moderate income housing stock; preserve buildings of architectural and historic importance and preserve the existing scale of development; maintain sunlight in public spaces; encourage new infill housing at a compatible density; limit the development of tourist hotels and other commercial uses that could adversely impact the residential nature of the area; and limit the number of commercial establishments which are not intended primarily for customers who are residents of the area.

The existing general grocery use occupying 1,865 square feet at the ground floor of the subject property is principally permitted within the Zoning District/SUD and has obtained a building permit. With the proposed transfer of an off-sale liquor license from the business's previous location to its new one, it would continue to operate akin to what is commonly known as a corner store or liquor store, which are scattered across neighborhoods and largely serve residents of the area. The proposal would enhance the viability of a retail tenant operating on the ground floor of a historic building while having no effect on housing, sunlight, existing scale of development, or the development of tourist hotels.

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

COMMERCE & INDUSTRY ELEMENT

Neighborhood Commerce

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.

Policy 6.4

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

The Project would facilitate the retention of a neighborhood-serving use that is relocating to a new, nearby location within a Residential-Commercial Zoning District. The general grocery use paired with a liquor license is akin to a corner store and sells a variety of goods to area residents and visitors throughout much of the day. The proposed relocation of the off-sale liquor license would not result in any intensification of such licenses within the subject SUD and would allow the operator of an established neighborhood-serving use to continue to sell the same selection of items as they did at their previous location within the area. The sale of alcoholic beverages is also significant for the business's continued operation as they constitute a substantial portion of revenue.

10. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies 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 will allow a general grocery operator to continue to sell the same selection of items at their new location, which is across the street from their previous one.

- 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 results in no changes to the physical environment and will have no effect on existing housing.

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

The Project will have no effect on affordable housing.

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

The Project results in no changes to the physical environment and will have no effect on MUNI transit service or streets.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will allow an existing general grocery operator to continue to sell beer, wine, and/or liquor.

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

The Project will comply with all structural and seismic safety requirements of the Building Code.

- G. That landmarks and historic buildings be preserved.

The Project will not result in any changes to the physical environment.

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

The Project will have no effect on parks or open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2021-009937CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 26, 2021 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action, or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 3, 2022.



Jonas P Ionin - Digitally signed by Jonas P Ionin

Jonas P. Ionin
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Koppel, Moore, Tanner
NAYS: None
ABSENT: None
ADOPTED: February 3, 2022

EXHIBIT A

Authorization

This authorization is for a conditional use to allow the relocation of an off-sale liquor license from 498 O'Farrell (aka 500 Jones) to the property located at 451-453 O'Farrell Street, Block 0324, and Lot 020 pursuant to Planning Code Section(s) 209.3, 249.5, and 303 within the RC-4 (Residential-Commercial, High Density) Zoning District, North of Market Residential Special Use District, and a 80-T Height and Bulk District; in general conformance with plans, dated December 26, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 202-009937CUA and subject to conditions of approval reviewed and approved by the Commission on February 3, 2022 under Motion No. 21064. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions Of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 3, 2022 under Motion No. 21064.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 21064 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Design – Compliance at Plan Stage

- 6. Signage.** All sign permits shall be reviewed by the Planning Department, and all signage and advertising shall not occupy more than 33% of the square footage of windows and glazed doors. Signage shall be maintained and placed such that law enforcement personnel have a clear and unobstructed view of the interior, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Monitoring - After Entitlement

- 7. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 8. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

- 9. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublishworks.org

- 10. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning

Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

11. Good Neighbor Policies. Throughout operation of the business, the Project Sponsor shall adhere to the good neighbor policies as listed in Planning Code Subsection 249.5(d)(6). These include the following measures:

(A) Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by patrons;

(B) The establishment shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing area residences;

(C) No alcoholic beverages shall be consumed on any outdoor property adjacent to the establishment and which is under the control of the establishment, excepting those areas of the property that are enclosed and not visible from the sidewalk, are intended for patron services, are supervised by the establishment, and are not located adjacent to any sidewalk areas;

(D) No more than 33% of the square footage of the windows and clear doors shall bear advertising or signage of any sort, and all advertising and signage shall be placed and maintained such that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises;

(E) No person under the age of 21 shall sell or package alcoholic beverages;

(F) Employees of the establishment shall regularly police the area under the control of the establishment in an effort to prevent loitering of persons about the premises; and

(G) The establishment shall promptly remove any graffiti from the exterior of the premises.

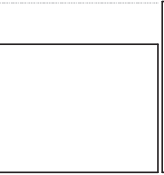
For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

TOPETCHER
ARCHITECTURE INC.
828 DIVISADERO
SAN FRANCISCO
CALIFORNIA 94117
TEL. 415 359 8957
FAX 415 359 8986
topetcher@topetcher.com

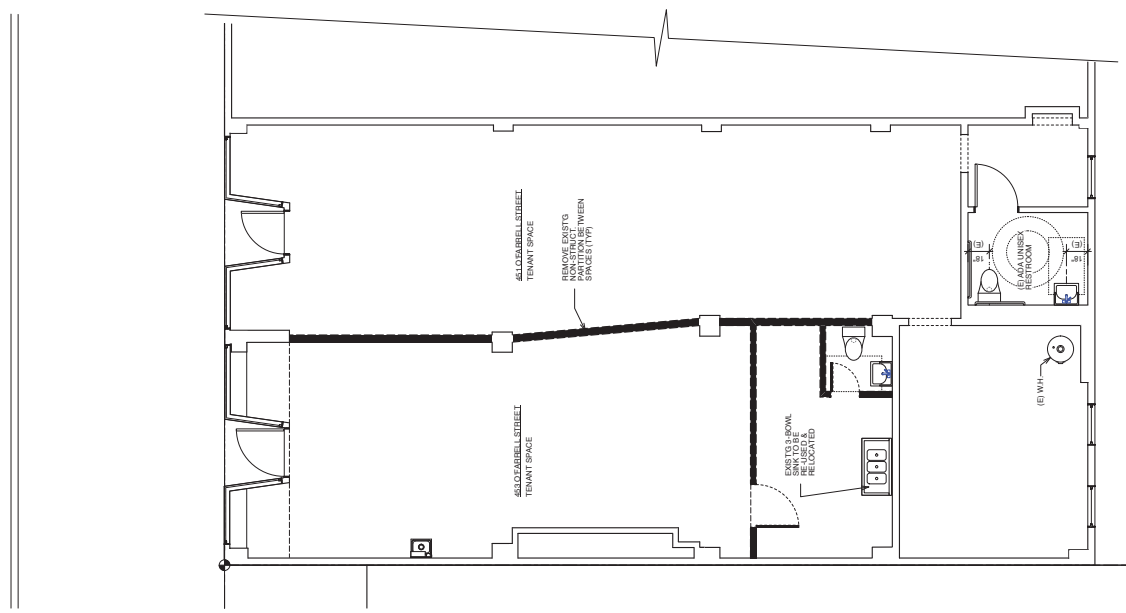
DATE	ACTION
NOV. 6, 2021	PRELIM SUBMITTAL
DEC. 28, 2021	SPH PLAN CHECK COMMENTS

XPRESS MARKET LLC
453 O'FARRELL STREET
SAN FRANCISCO, CA 94102
BLOCK # 0324 LOT # 020

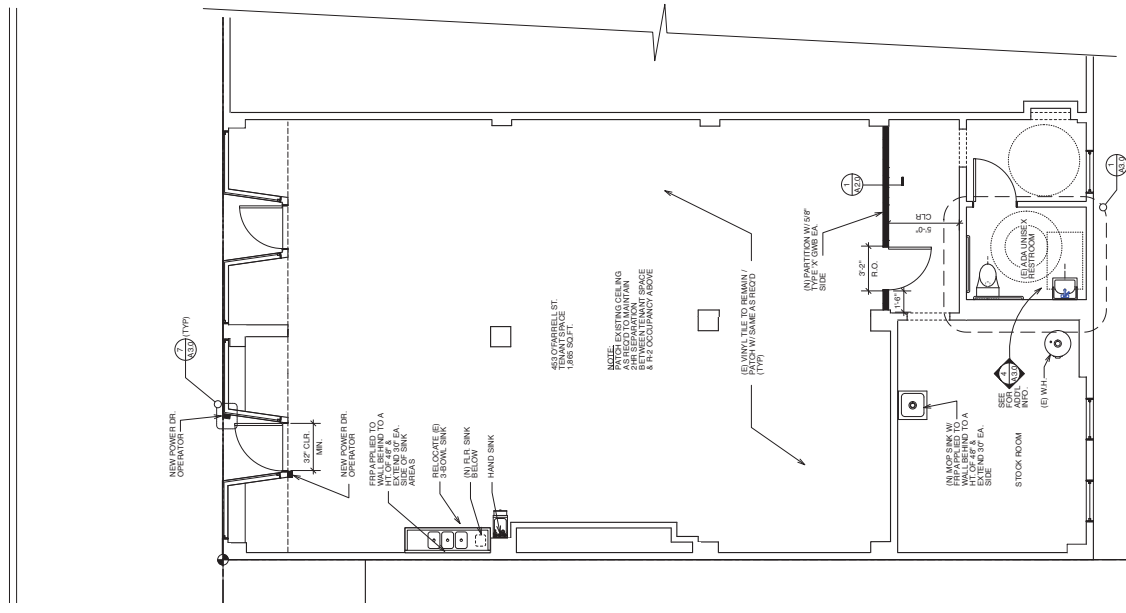
SHEET TITLE
EXIST. & PROP. PLANS
SCALE
1/4" = 1'-0"
DATE
C21.06



DATE PLOTTED: 11/17/2021 10:56:54 AM
PLOTTER: HP DesignJet T1200
SHEET: 1 OF 2
SCALE: 1/4" = 1'-0"
DATE: 11/17/2021 10:56:54 AM

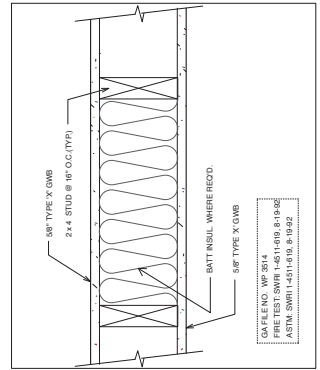


PARTIAL EXISTING FIRST FLOOR PLAN



PARTIAL PROPOSED FIRST FLOOR PLAN

NOTE: ALL NEW ELEMENTS SHALL BE OUTSIDE THE BUILDING SHALL COMPLY WITH ALL APPLICABLE CODES. PROVIDE SCREENS FOR ALLOPERNABLE WINDOWS



1 TYP. INT. PARTITION DETAIL
1/4" = 1'-0"

GA FILE NO. W2 3514
FIRE TEST: S978 1-851493-8-19-02
ASTM: D2091 1-451-813, 8-19-02

**LIQUOR LICENSE
PUBLIC CONVENIENCE OR
NECESSITY REFERRAL**

TO: Planning Department
Phone No. (415) 558-6371
Attn: Michelle Langlie

DATE: November 8, 2021
AP Block/Lot Nos.: 0324 / 020
Zoning: RC-4
Quad: _____
Record No.: _____

TO: Police Department
Phone No. (415) 553-1115
Attn: Joel Salmonson

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in January of 2022.

PLEASE EMAIL YOUR RESPONSE BY December 31, 2021, to Alisa Somera, Public Safety and Neighborhood Services Committee Clerk.

alisa.somera@sfgov.org - Phone No: (415) 554-7711

Applicant name: Khaled Mashal

Business name: Xpress Market Inc

Application address: 453 O'Farrell Street
San Francisco, CA 94102

Applicant contact info: 260 King Street, Unit 1605
San Francisco, CA 94107
mashalh@yahoo.com ~ (415) 202-3965

PLANNING REVIEW: Approval Denial

Planning Staff Contact: _____

Please print review comments on a trailing page.

POLICE REVIEW: Approval Denial

Please print review comments in a trailing report.