



SAN FRANCISCO PLANNING DEPARTMENT

June 17, 2015

Ms. Angela Calvillo, Clerk
Honorable Supervisor Christensen
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: Transmittal of Planning Department Case Number 2014.0835T:
Amending the North Beach Special Use District
Board File No. *TBD*
Planning Commission Recommendation: *Approval***

Dear Ms. Calvillo and Supervisor Christensen,

On June 4, 2015, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance that would amend the regulations of the North Beach Special Use District (SUD) contained in Planning Code Section 780.3.

At the hearing, the Planning Commission recommended approval of the proposed amendment.

The proposed Planning Code amendment was initiated by the sponsor of a related request for Conditional Use authorization to establish a new restaurant (d.b.a. "Mama's") with a specialty grocery component (d.b.a. "Lil' Mama's") within a vacant commercial space located at 627 Vallejo Street. Within the North Beach SUD, Restaurant uses may not occupy a commercial space that was last occupied by a "Basic Neighborhood Sale or Service", defined as a use that "...provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods." The Piazza Market which previously occupied the space at 627 Vallejo Street is considered to be a Basic Neighborhood Sale or Service. Therefore, the proposed Restaurant use would not be permitted under the current controls of the North Beach SUD.

The Project Sponsor is proposing an amendment to the North Beach SUD that would allow an existing restaurant or bar within the North Beach SUD to open a second location in a space previously occupied by a Basic Neighborhood Sale or Service, subject to Conditional Use authorization and compliance with the specific criteria outlined in the ordinance

The proposed amendment has been determined to be considered "not a project" under the California Environmental Quality Act, pursuant to Sections 15060(b)(2) and 15378.

The Department understands that Supervisor Christensen would like to take over sponsorship of this ordinance. Supervisor, please advise the Clerk of the Board at your earliest convenience if you wish to take over sponsorship.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Starr", with a long horizontal flourish extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc:

Judith Boyajian, Deputy City Attorney
Kanishka Burns, Aide to Supervisor Christensen
Andrea Ausberry, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution 19385
Planning Department Executive Summary
Planning Commission Motion No 19386



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Resolution 19385 Planning Code Text Amendment

HEARING DATE: JUNE 4, 2015

Date: May 28, 2015
Case No.: **2014.0835CT**
Project Address: **North Beach Special Use District**
Zoning: North Beach Neighborhood Commercial District
 North Beach Special Use District
 40-X Height and Bulk District
Block/Lot: Multiple
Project Sponsor: Dana Merker
 Pier 54, 569 Terry A. Francois Blvd.
 San Francisco, CA 94158
Staff Contact: Kevin Guy
kevin.guy@sfgov.org

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND PLANNING CODE SECTION 780.3 (NORTH BEACH SPECIAL USE DISTRICT) TO ALLOW A RESTAURANT OR BAR USE TO OCCUPY A VACANT RETAIL SPACE THAT WAS LAST OCCUPIED BY A BASIC NEIGHBORHOOD SALE OR SERVICE, SUBJECT TO CONDITIONAL USE AUTHORIZATION AND BASED ON CERTAIN PROPOSED CRITERIA, AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO THE PLANNING CODE IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE PLANNING CODE, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECITALS

1. **WHEREAS**, On August 13, 2014, Dana Merker ("Project Sponsor") filed an application with the Department for a Legislative Amendment to amend Planning Code Section 780.3 (the North Beach Special Use District) to allow a Restaurant or Bar use to occupy a vacant retail space that was last occupied by a Basic Neighborhood Sale or Service Use, subject to Conditional Use Authorization and based on certain proposed criteria (Application No. 2014.0835T).

2. **WHEREAS**, The proposed legislation would establish a process by which the Planning Commission may consider allowing certain larger, vacant commercial spaces to be occupied by second locations of Restaurant or Bar uses that are already established within the North Beach Special Use District. Through the Conditional Use process, the Planning Commission would exercise its discretion to determine whether a proposed Restaurant or Bar use meets the criteria set forth in the proposed legislation, including whether the proposed use provides a "substantial net benefit" to the neighborhood.
3. **WHEREAS**, The Project Sponsor filed an application with the Planning Department ("Department") for Conditional Use Authorization under Planning Code Sections ("Sections") 121.2, 303, and 722.44 to allow a Restaurant (d.b.a. "Mama's") with a specialty grocery component (d.b.a. "Li'l Mama's"), and to allow a non-residential use exceeding 2,000 square feet, within the North Beach Neighborhood Commercial District, the North Beach Special Use District, and the 40-X Height And Bulk District (Application No. 2014.0835C, "Project").
4. **WHEREAS**, Within the North Beach SUD, Restaurant Uses may not occupy a commercial space that was last occupied by a "Basic Neighborhood Sale or Service", defined as a use that "...provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods." The Project is proposed in a location which was previously occupied by a use that is considered to be a Basic Neighborhood Sale or Service, Therefore, the proposed Restaurant use would not be permitted under the current controls of the North Beach SUD.
5. **WHEREAS**, The proposed legislation would enable the establishment of a second outlet of an existing, family-owned business that has been established within the North Beach neighborhood for over 50 years.
6. **WHEREAS**, the proposed legislation would establish a process for consideration of additional restaurant uses, only under limited circumstances. This process could only be sought for spaces larger than 5,000 square feet, and could only be used in instances where a restaurant or bar that is already established in the North Beach SUD wishes to open a second location. In addition, the new business would need to set aside a minimum of 40 percent of the space for Basic Neighborhood Sale or Service uses. Approval through this process would require Conditional Use authorization from the Planning Commission, therefore, the Planning Commission would retain discretion to determine if the new restaurant would be appropriate for its location.
7. **WHEREAS**, Pursuant to CEQA Guidelines Sections 15060(b)(2) and 15378, the proposed Planning Code Text Amendment is not a project under CEQA, because it would not result in a physical change to the environment. Any subsequent project that is approved under this legislation would require its own separate CEQA review.
8. **WHEREAS**, The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies, for the reasons set forth set

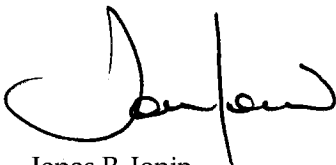
forth in Item #8 of Motion No. 19386, Case No. 2014.0835C, which are incorporated herein as though fully set forth.

9. **WHEREAS**, The Project complies with the eight priority policies of Planning Code Section 101.1, for the reasons set forth set forth in Item #9 of Motion No. 19386, Case No. 2014.0835C, which are incorporated herein as though fully set forth.
10. **WHEREAS**, A proposed ordinance, attached hereto as Exhibit A, has been prepared in order to make the amendment to Planning Code Section 780.3 (North Beach Special Use District).
11. **WHEREAS**, the Office of the City Attorney has approved the proposed ordinance as to form.
12. **WHEREAS**, Section 4.105 of the San Francisco Charter and Section 302 of the Planning Code require that the Commission consider any proposed amendments to the City's Zoning Maps or Planning Code, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.
13. **WHEREAS**, On June 4, 2015, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed Zoning Map Amendment and Zoning Text Amendment.
14. **WHEREAS**, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Planning Code Section 780.3 to allow a Restaurant or Bar use to occupy a vacant retail space that was last occupied by a Basic Neighborhood Sale or Service Use, subject to Conditional Use Authorization and based on certain proposed criteria, as proposed in Application No. 2014.0835T; and,

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed Zoning Map Amendment and Planning Code Text Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on June 4, 2015.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Antonini, Hillis, Wu

NOES: Johnson, Moore, Richards

ABSENT:

ADOPTED: June 4, 2015

FILE NO.

LEGISLATIVE DIGEST

[Planning Code - North Beach Special Use District]

Ordinance amending the Planning Code to allow an existing restaurant and/or bar in the North Beach Special Use District to open a second location in the District with a conditional use authorization provided that it meets certain criteria; and affirming the Planning Department's California Environmental Quality Act determination and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 780.3 establishes the North Beach Special Use District. It allows the establishment of a new restaurant or bar in that Special Use District with a conditional use and only if the Planning Commission finds that the restaurant or bar does not occupy (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3, or a permitted principal use or (2) a vacant space last occupied by a nonconforming use or a permitted conditional use.

Amendments to Current Law

Section 780.3 is proposed to be amended to allow the Planning Commission to authorize an existing restaurant and/or bar in the North Beach Special Use District to expand to a second location within the District if it meets the conditional use criteria and the Commission further finds that: (1) the existing restaurant and/or bar has been in continuous operation within the District for at least one year, (2) the proposed second location is a ground-level space of 5,000 square feet or more that has been vacant for at least 15 months, (3) the second location will use at least 40 percent of the space for a Basic Neighborhood Sales or Service use, (4) the expansion of the existing restaurant into a second location is consistent with the General Plan and the priority policies of Section 101.1, will provide a desirable new service or addition to the surrounding neighborhood and the District as a whole and will not conflict with the purpose and intent of Section 780.3.

Background Information

The proposed legislation would establish a process by which the Planning Commission may consider allowing certain larger, vacant commercial spaces to be occupied by second locations of Restaurant or Bar uses that are already established within the North Beach Special Use District. Through the Conditional Use process, the Planning Commission would exercise its discretion to determine whether a proposed Restaurant or Bar use meets the criteria set forth in the proposed legislation, including whether the proposed use provides a "substantial net benefit" to the neighborhood.

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1 [Planning Code - North Beach Special Use District]

2
3 **Ordinance amending the Planning Code to allow an existing restaurant and/or bar in**
4 **the North Beach Special Use District to open a second location in the District with a**
5 **conditional use authorization provided that it meets certain criteria; and affirming the**
6 **Planning Department's California Environmental Quality Act determination and making**
7 **findings of consistency with the General Plan and the eight priority policies of Planning**
8 **Code, Section 101.1.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms said determination.
21 Said determination is on file with the Clerk of the Board of Supervisors in File No. _____
22 and is incorporated herein by reference.

23 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
24 Planning Code amendments will serve the public necessity, convenience, and welfare for the
25 reasons set forth in Planning Commission Resolution No. _____. The Board adopts these

1 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of
2 Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) On _____, the Planning Commission, in Resolution No. _____, adopted
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the
5 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
6 adopts these findings as its own.

7
8 Section 2. The Planning Code is hereby amended by revising Section 780.30, to read
9 as follows:

10 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

11 In order to preserve and maintain the mix and variety of neighborhood-serving retail
12 sales and personal services of a type which supplies commodities or offers personal services
13 to residents of North Beach and nearby neighborhoods, there shall be a North Beach Special
14 Use District applicable to the North Beach Neighborhood Commercial District, as designated
15 on the Sectional Map SU01 of the Zoning Maps *of the City and County of San Francisco*. The
16 following provisions shall apply within such district:

17 (a) Restaurants as defined in Section 790.91 of this Code and Bars as defined in
18 Section 790.22 of this Code may be permitted as a conditional use on the ground level if, in
19 addition to the criteria set forth in Section 303 *of this Code*, the Planning Commission finds that
20 the Restaurant or Bar does not occupy:

21 (1) a space that is currently or was last occupied by a Basic Neighborhood Sale
22 or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722
23 (North Beach Controls); or
24
25

1 (2) a vacant space last occupied by a nonconforming use or a permitted
2 conditional use under Section 722 (North Beach Controls) that has been discontinued or
3 abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

4 (b) For purposes of this Section, a Basic Neighborhood Sale or Service shall mean a
5 use within the North Beach Neighborhood Commercial District that provides goods and/or
6 services which are needed by residents and workers in North Beach and surrounding
7 neighborhoods. Basic Neighborhood Sales or Services shall be considered to include, but not
8 be limited to the following goods and/or services: Other Retail Sales and Services as defined
9 in Section 790.102, Personal Services as defined in Section 790.116, Medical Services as
10 defined in Section 790.114, Liquor Stores as defined in Section 790.55, Trade Shops as
11 defined in Section 790.124, Animal Hospitals as defined in Section 790.6, and Limited-
12 Restaurants as defined in Section 790.90.

13 (c) Notwithstanding subsection (a) above, and notwithstanding the nonresidential use size
14 limitations of the North Beach Neighborhood Commercial District specified in Section 121.2 of this
15 Code, the Planning Commission may authorize an existing Restaurant and/or Bar in the District to
16 expand to a second location within the District if, in addition to the criteria in Section 303, the
17 Commission finds that:

18 (1) the existing Restaurant and/or Bar has been in continuous operation within the
19 District for at least one year;

20 (2) the proposed second location is a ground-level space of 5,000 square feet or more
21 that has been vacant for at least 15 months;

22 (3) the Restaurant and/or Bar project at the proposed second location will use at least
23 40 percent of the space for a Basic Neighborhood Sales or Service use, as defined in subsection (b)
24 above;

1 (4) the expansion of the existing Restaurant and/or Bar into a second location is
2 consistent with the General Plan and the eight priority policies of Section 101.1 of this Code; and

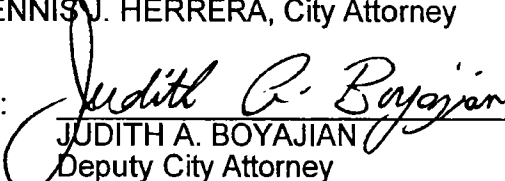
3 (5) the expansion of the existing Restaurant and/or Bar into a second location will
4 provide a net substantial benefit to the District. For purposes of this subsection (c), a “net substantial
5 benefit” means that, on balance, the proposed second location will provide a desirable new service or
6 addition to the surrounding neighborhood and to the District as a whole and will not conflict with the
7 purpose and intent of this Section 780.3.

8
9 Section 3. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

13
14 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the “Note” that appears under
19 the official title of the ordinance.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:


24 JUDITH A. BOYAJIAN
Deputy City Attorney

25 n:\legana\as2014\1500321\00975153.doc



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use/Planning Code Text Amendment

HEARING DATE: JUNE 4, 2015

Date: May 28, 2015
Case No.: **2014.0835CT**
Project Address: **627 VALLEJO STREET/
NORTH BEACH SPECIAL USE DISTRICT**
Zoning: North Beach Neighborhood Commercial District (NCD)
North Beach Special Use District (SUD)
40-X Height and Bulk District
Block/Lot: 0146/017-012
Project Sponsor: Dana Merker
Pier 54, 569 Terry A. Francois Blvd.
San Francisco, CA 94158
Staff Contact: Kevin Guy
kevin.guy@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
San Francisco,
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PROJECT DESCRIPTION

The Project would establish a new restaurant (d.b.a. "Mama's") with a specialty grocery component (d.b.a. "Lil' Mama's") within a vacant commercial space. The restaurant would occupy approximately 2,215 square feet of the space, and would be a second outlet of the Mama's restaurant located three blocks to the north of the Project Site at 1701 Stockton Street. The restaurant would focus on breakfast, lunch, and brunch service, operating from 7:00am to 3:00pm. The specialty grocery store would occupy approximately 2,121 square feet, located within the same building but within a physically demised space with entrances from Mama's Restaurant, as well as direct access from the sidewalk. The specialty grocery store would operate from 7:00am to 8:00pm, and would include a juice/coffee bar, a self-service hot food bar, baked goods, Mama's logo merchandise, and other items. The two uses would share common areas for food preparation, dishwashing, and restrooms, totaling approximately 1,604 square feet. The proposed uses are neighborhood-serving uses. The operator estimates that the business will generate approximately 60 full- and part-time jobs.

The proposed use is an independent locally-owned business, which has been encouraged throughout San Francisco. In 1951, the Sanchez family (operators of the existing Mama's restaurant) first opened a confection shop named "Herbert Sherbet Shoppe" at 1701 Stockton Street. The business sold ice cream, candy, hamburgers, and several breakfast items. In 1964, the business shifted to a traditional restaurant model, and became Mama's Restaurant.

Within the North Beach SUD, Restaurant Uses may not occupy a commercial space that was last occupied by a “Basic Neighborhood Sale or Service”, defined as a use that “...provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods.” The Piazza Market which previously occupied the site is considered to be a Basic Neighborhood Sale or Service. Therefore, the proposed Restaurant use would not be permitted under the current controls of the North Beach SUD. The Project Sponsor is therefore proposing an amendment to the North Beach SUD that would allow an existing restaurant or bar within the North Beach SUD to open a second location in a space previously occupied by a Basic Neighborhood Sale or Service, subject to Conditional Use authorization and compliance with the following criteria:

- i. The existing Restaurant and/or Bar has been in continuous operation within the District for at least one year.*
- ii. The proposed second location is a ground-level space of 5,000 square feet or more that has been vacant for at least 15 months.*
- iii. The Restaurant and/or Bar project at the proposed second location will use at least 40 percent of the space for a Basic Neighborhood Sales or Service use.*
- iv. The expansion of the existing Restaurant and/or Bar into a second location is consistent with the General Plan and the eight priority policies of Section 101.1 of this Code.*
- v. The expansion of the existing Restaurant and/or Bar into a second location will provide a net substantial benefit to the District. For purposes of this subsection, a “net substantial benefit” means that, on balance, the proposed second location will provide a desirable new service or addition to the surrounding neighborhood and to the District as a whole and will not conflict with the purpose and intent of this Section 780.3.*

The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process.

The existing building was constructed in 1932, and is considered an Historic Resource under CEQA. However, the sponsor proposes no exterior changes to the building, aside from new business signage and replacement of the existing deteriorated awning fabric.

SITE DESCRIPTION AND PRESENT USE

The project is located on the south of Vallejo Street, on the southwest corner of the intersection with Columbus Avenue, Block 0146, Lots 017-021. The property is located within the North Beach Neighborhood Commercial District (NCD), the North Beach Special Use District (SUD), and the 40-X Height and Bulk District. A narrow alley (Kenneth Rexroth Place) is situated immediately to the east of the subject property. The alley is currently gated.

The property is developed with a vacant, one-story building that spans the entirety of five lots, measuring approximately 5,940 square feet. The space was previously occupied by “Piazza Market”, a specialty grocery store which included a small restaurant function. The building hosted “Rossi Market” for approximately 50 years before closing in 2004.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The North Beach NCD is a generally linear district situated along Columbus Avenue between Grant Avenue and Francisco Street. The District hosts a mixture of commercial establishments, but is heavily oriented toward restaurants, including a number of larger restaurants. The surrounding area is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the vicinity, including restaurants, financial institutions, apparel stores, and other types of retailers. Upper floors of buildings are generally occupied by offices, residential units, or tourist-hotels. Other nearby uses include the Church of Saint Peter and Paul and the Saint Francis of Assisi Church.

ENVIRONMENTAL REVIEW

The request for Conditional Use authorization to establish the proposed business is exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 categorical exemption. Pursuant to CEQA Guidelines Sections 15060(b)(2) and 15378, the proposed Planning Code Text Amendment is not a project under CEQA, because it would not result in a physical change to the environment. Any subsequent project that is approved under this legislation would require its own separate CEQA review.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 15, 2015	May 15, 2015	20 days
Posted Notice	20 days	May 15, 2015	May 15, 2015	20 days
Mailed Notice	20 days	May 15, 2015	May 15, 2015	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

The Department has received multiple communications in support of the project. These communications cite the quality of the current Mama’s operation on Stockton Street, as well as the desire to see the vacant storefront be activated by an operating business. The Department has also received several communications in opposition to the proposal. These communications cite concerns with the Planning Code amendments that would be needed for the project to proceed, and express a desire to have a hardware store, grocery store, or other type of retailer within the space.

ISSUES AND OTHER CONSIDERATIONS

- There is a concern with the potential over-concentration of food-service establishments in the North Beach NCD. The North Beach SUD was adopted in 2008 to address this issue, prohibiting Restaurant or Bar uses from occupying a commercial space that was last occupied by a “Basic Neighborhood Sale or Service”. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines

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 staff has performed a survey of the storefronts within the North Beach NCD located within 300 feet of the project site. Approximately 63% of the frontage in this sample area is attributed to eating and drinking establishments.

While the proposed restaurant would contribute to an additional concentration of eating and drinking uses in the area, the restaurant would operate as a second outlet of the existing Mama’s Restaurant located three blocks to the north. The current location of Mama’s Restaurant is very popular, leading to long wait times for patrons on the weekends. The Project would provide a second outlet of Mama’s Restaurant to serve a greater number of patrons. In addition, the specialty grocery portion of the business would offer convenience take-out food options and unique grocery offerings that will diversify the overall retail mix in the area and will serve local residents. The division of the business will also contribute to a more granular storefront, and the functions of each portion of the business will read distinctly as viewed from the sidewalk.

The Project would occupy a larger commercial space that is currently vacant. Due to its size, it may not be suitable for the types of smaller, boutique retail businesses that are prevalent in the neighborhood on Grant Avenue and Columbus Avenue. However, the space is too small to host a full-service grocery store. While the space may be suitable for larger, national retailers, Formula Retail uses are prohibited within the North Beach NCD. The proposed Project is suitable for the space, and would operate in a manner that serves the local population.

- The proposed legislation would establish a process for consideration of additional restaurant uses within the North Beach SUD, only under limited circumstances. This process could only be sought for spaces larger than 5,000 square feet, and could only be used in instances where a restaurant or bar that is already established in the North Beach SUD wishes to open a second location. In addition, the new business would need to set aside a minimum of 40 percent of the space for Basic Neighborhood Sale or Service uses. Approval through this process would require Conditional Use authorization from the Planning Commission, therefore, the Planning Commission would retain the discretion to determine if the a restaurant or bar would be appropriate for its location.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow a Restaurant use with a specialty grocery component, and to allow a non-residential use exceeding 2,000 square feet, pursuant to Planning Code Sections 121.2, 303, and 722.44. In addition, the Commission must recommend that the Board of Supervisors approve the Planning Code Text Amendment to amend the regulations of the North Beach SUD, as described under “Project Description” above. The Board of Supervisors would then need to approve the proposed legislation in order for the conditional use authorization to become effective.

BASIS FOR RECOMMENDATION

- The project promotes the expansion operation of an established, locally-owned business and contributes to the viability of the overall North Beach NCD.
- The project would not displace an existing retail tenant, and would include a specialty grocery component that will complement the restaurant use, and diversifying the offerings of goods and services to the neighborhood.
- The hybrid nature of the business will activate the area from 7:00am to 8:00pm.
- The project meets all applicable requirements of the Planning Code, including the proposed amendments to the North Beach SUD.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Draft Conditional Use Authorization Motion
- Draft Planning Code Text Amendment Resolution
- Draft Planning Code Text Amendment Ordinance
- Block Book Map
- Sanborn Map
- Aerial Photograph
- Site Photo
- Zoning District Map
- Special Use District Map
- Public Correspondence
- Project 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 checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Motion 19386 Conditional Use Authorization

HEARING DATE: JUNE 4, 2015

Date: May 28, 2015
Case No.: **2014.0835CT**
Project Address: **627 VALLEJO STREET**
Zoning: North Beach Neighborhood Commercial District
 North Beach Special Use District
 40-X Height and Bulk District
Block/Lot: 0146/017-012
Project Sponsor: Dana Merker
 Pier 54, 569 Terry A. Francois Blvd.
 San Francisco, CA 94158
Staff Contact: Kevin Guy
kevin.guy@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 303, AND 722.44 OF THE PLANNING CODE TO ALLOW A RESTAURANT (D.B.A. "MAMA'S") WITH A SPECIALTY GROCERY COMPONENT (D.B.A. "LIL' MAMA'S"), AND TO ALLOW A NON-RESIDENTIAL USE EXCEEDING 2,000 SQUARE FEET, WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, THE NORTH BEACH SPECIAL USE DISTRICT, AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 4, 2014, Dana Merker ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization under Planning Code Sections ("Sections") 121.2, 303, and 722.44 to allow a Restaurant (d.b.a. "Mama's") with a specialty grocery component (d.b.a. "Lil' Mama's"), and to allow a non-residential use exceeding 2,000 square feet, within the North Beach Neighborhood Commercial District, the North Beach Special Use District, and the 40-X Height And Bulk District (Application No. 2014.0835C, "Project").

On August 13, 2014, the Project Sponsor filed an application with the Department for a Legislative Amendment to amend Planning Code Section 780.3 (the North Beach Special Use District) to allow a Restaurant or Bar use to occupy a vacant retail space that was last occupied by a Basic Neighborhood Sale or Service Use, subject to Conditional Use Authorization and based on certain proposed criteria (Application No. 2014.0835T).

On June 4, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0835CT.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

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. 2014.0835CT, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the south of Vallejo Street, on the southwest corner of the intersection with Columbus Avenue, Block 0146, Lots 017-021. The property is located within the North Beach Neighborhood Commercial District (NCD), the North Beach Special Use District (SUD), and the 40-X Height and Bulk District. A narrow alley (Kenneth Rexroth Place) is situated immediately to the east of the subject property. The alley is currently gated.

The property is developed with a vacant, one-story building that spans the entirety of five lots, measuring approximately 5,940 square feet. The space was previously occupied by "Piazza Market", a specialty grocery store which included a small restaurant function. The building hosted "Rossi Market" for approximately 50 years before closing in 2004.

3. **Surrounding Properties and Neighborhood.** The District hosts a mixture of commercial establishments, but is heavily oriented toward restaurants, including a number of larger restaurants. The surrounding area is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the vicinity, including restaurants, financial institutions, apparel stores, and other types of retailers. Upper floors of buildings are

generally occupied by offices, residential units, or tourist-hotels. Other nearby uses include the Church of Saint Peter and Paul and the Saint Francis of Assisi Church.

4. **Project Description.** The Project would establish a new restaurant (d.b.a. "Mama's") with a specialty grocery component (d.b.a. "Lil' Mama's") within a vacant commercial space. The restaurant would occupy approximately 2,215 square feet of the space, and would be a second outlet of the Mama's restaurant located three blocks to the north of the Project Site at 1701 Stockton Street. The restaurant would focus on breakfast, lunch, and brunch service, operating from 7:00am to 3:00pm. The specialty grocery store would occupy approximately 2,121 square feet, located within the same building but within a physically demised space with entrances from Mama's Restaurant, as well as direct access from the sidewalk. The specialty grocery store would operate from 7:00am to 8:00pm, and would include a juice/coffee bar, a self-service hot food bar, baked goods, Mama's logo merchandise, and other items. The two uses would share common areas for food preparation, dishwashing, and restrooms, totaling approximately 1,604 square feet.

The proposed use is an independent and locally-owned business, which has been encouraged throughout San Francisco. In 1951, the Sanchez family (operators of the existing Mama's restaurant) first opened a confection shop named "Herbert Sherbet Shoppe" at 1701 Stockton Street. The business sold ice cream, candy, hamburgers, and several breakfast items. In 1964, the business shifted to a traditional restaurant model, and became Mama's Restaurant.

The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process. The proposed uses are neighborhood-serving uses. The operator estimates that the business will generate approximately 60 full- and part-time jobs.

The existing building was constructed in 1932, and is considered an Historic Resource under CEQA. However, the sponsor proposes no exterior changes to the building, aside from new business signage and replacement of the existing deteriorated awning fabric.

5. **Public Comment.** The Department has received multiple communications in support of the project. These communications cite the quality of the current Mama's operation on Stockton Street, as well as the desire to see the vacant storefront be activated by an operating business. The Department has also received several communications in opposition to the proposal. These communications cite concerns with the Planning Code amendments that would be needed for the project to proceed, and express a desire to have a hardware store, grocery store, or other type of retailer within the space.
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.** Within the North Beach NCD, Section 722.40 allows specialty grocery stores (within the category of "Other Retail Sales and Service") as a principally-permitted use at the first story. Section 722.44 allows Restaurant uses at the first story with Conditional Use Authorization.

Within the North Beach SUD, Restaurant Uses may not occupy a commercial space that was last occupied by a "Basic Neighborhood Sale or Service", defined as a use that "...provides goods and/or services which are needed by residents and workers in North Beach and surrounding neighborhoods."

The Piazza Market which previously occupied the site is considered to be a Basic Neighborhood Sale or Service. Therefore, the proposed Restaurant use would not be permitted under the current controls of the North Beach SUD. However, the Project Sponsor is proposing an amendment to the North Beach SUD that would allow an existing restaurant or bar within the North Beach SUD to open a second location in a space previously occupied by a Basic Neighborhood Sale or Service, subject to Conditional Use authorization and compliance with the following criteria:

- i. *The existing Restaurant and/or Bar has been in continuous operation within the District for at least one year.*
- ii. *The proposed second location is a ground-level space of 5,000 square feet or more that has been vacant for at least 15 months.*
- iii. *The Restaurant and/or Bar project at the proposed second location will use at least 40 percent of the space for a Basic Neighborhood Sales or Service use.*
- iv. *The expansion of the existing Restaurant and/or Bar into a second location is consistent with the General Plan and the eight priority policies of Section 101.1 of this Code.*
- v. *The expansion of the existing Restaurant and/or Bar into a second location will provide a net substantial benefit to the District. For purposes of this subsection, a "net substantial benefit" means that, on balance, the proposed second location will provide a desirable new service or addition to the surrounding neighborhood and to the District as a whole and will not conflict with the purpose and intent of this Section 780.3.*

The proposed restaurant would be a second location for Mama's Restaurant within the North Beach SUD. The existing Mama's Restaurant is a well-established business that has operated at 1701 Stockton Street for over 50 years. The proposed location at 627 Vallejo Street measures approximately 5,940 square feet, and has been vacant since early 2012. Approximately 49 percent of the proposed business (including a proportion of the common back-of-house facilities shared with the restaurant) would be occupied by a specialty grocery store use, which qualifies as a Basic Neighborhood Sale or Service use. The Project conforms with the Priority Policies of Section 101.1, as discussed under item #9 below. The current location of Mama's restaurant is very popular, leading to long wait times for patrons on the weekends. The Project would provide a second outlet of Mama's Restaurant to serve a greater number of patrons. In addition, the specialty grocery portion of the business would offer convenience take-out food options and unique grocery offerings that will diversify the overall retail mix in the area and will serve local residents. The new business will provide a net substantial benefit to the neighborhood, and will not conflict with the purpose and intent of the North Beach SUD.

- B. **Use Size.** Per Sections 121.2 and 722.21, non-residential uses within the North Beach NCD measuring between 2,000 square feet and 3,999 square feet require Conditional Use Authorization. Non-residential uses larger than 4,000 square feet are not permitted.

The combined square footage of the restaurant and specialty grocery uses in the Project measures 5,940 square feet, and would be prohibited under the current regulations of the North Beach NCD. However, the proposed amendments to the regulations of the North Beach SUD would allow consideration of larger Restaurant and Bar uses, subject to Conditional Use authorization and compliance with several specific criteria. See further discussion under item #6A above.

- C. **Hours of Operation.** Planning Code Section 722.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 2:00am to 6:00am, as defined by Planning Code Section 790.48.

The restaurant portion of the business would operate between 7:00am and 3:00pm, while the specialty grocery portion would operate between 7:00am and 8:00pm. The project does not propose to operate during the hours of 2:00am to 6:00am, therefore, no Conditional Use authorization is required for hours of operation.

- D. **Parking.** Per Section 151.1, no off-street parking is required for any use in the North Beach SUD, and up to one parking space is allowed for each 1,500 square feet of occupied floor area.

No off-street parking is required to serve the Project, and none is proposed. The Project complies with Section 151.1.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 75 feet of frontage on Vallejo Street. The Project would occupy an existing building, and would not alter the existing storefront. Aside from the structural columns along the storefront, the entirety of the storefront is glazed. Both the restaurant and the specialty grocery are considered active uses, and these uses will be readily visible from the sidewalk. The Project complies with the frontage requirements of Section 145.1

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

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

Many of the existing restaurants in the vicinity occupy larger retail spaces. The proposed business would be divided into two functions that will broaden the diversity of goods and services offered to the neighborhood. The restaurant portion of the business would be open from 7:00am to 3:00pm, and would focus on breakfast, lunch, and brunch service, similar to the existing Mama's Restaurant location at 1701 Stockton Street. The specialty grocery portion of the business would operate from 7:00am to 8:00pm, and will include a juice/coffee bar, a self-service hot food bar, baked goods, Mama's logo merchandise, and other items. The division of the business will also contribute to a more granular storefront, and the functions of each portion of the business will read distinctly as viewed from the sidewalk. The Project will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

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

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the 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 for any use within the North Beach NCD. The site is situated within a walkable, transit-rich context, so patrons would be able to arrive by means other than private automobile. The Project is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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 restaurants as outlined in Exhibit A. The Conditions specifically obligates the project sponsor to mitigate odor and noise 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;

The proposed Project does not propose any changes to the exterior, other than the addition of business signage and the replacement of the existing deteriorated awning fabric. The scope of the Project does not trigger Planning Code requirements for the addition of street trees. The sponsor proposed to add three small sidewalk planters adjacent to the storefront which will enhance the public realm. The Department shall review all lighting and signs proposed for the new business in accordance with the Conditions of Approval in Exhibit A.

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

As discussed in Item #6A and #6B above, the sponsor is proposing amendments to the regulations of the North Beach SUD (Section 780.3) that would allow an existing restaurant or bar within the North Beach SUD to open a second location in a space previously occupied by a Basic Neighborhood Sale or Service, subject to Conditional Use authorization and compliance with the certain criteria. The Project complies with all other applicable standards of the Planning Code, and would not adversely affect the 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.

Section 722 describes the purpose and intent of the North Beach NCD, stating in part that:

“North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. North Beach’s eating, drinking, and entertainment establishments remain open into the evening to serve a much wider trade area and attract many tourists. The balance between neighborhood-serving convenience stores and Citywide specialty businesses has shifted, as convenience stores have been replaced by restaurants and bars... Special controls are necessary because an over-concentration of food and beverage service establishments limits neighborhood-serving retail sales and personal services in an area that needs them to thrive as a neighborhood”

The Project proposes to establish a restaurant use as a portion of the overall business. However, the business would also include a specialty grocery store that will reinforce the stated goal of the North

Beach NCD to diversify the mix of goods and services available to local residents. The accompanying Planning Code amendment would establish a process for consideration of additional restaurant uses, under limited circumstances. This process could only be sought for spaces larger than 5,000 square feet, and could only be used in instances where a restaurant or bar that is already established in the North Beach SUD wishes to open a second location. In addition, the new business would need to set aside a minimum of 40 percent of the space for Basic Neighborhood Sale or Service uses. Approval through this process would require Conditional Use authorization from the Commission, therefore, the Commission would retain discretion to determine if the new restaurant would be appropriate for its location.

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 development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus 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 Project will create a second location for an established, family-owned restaurant which has operated in the neighborhood for more than 50 years. The specialty grocery function of the business will enhance the diverse economic base of the area.

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.

The existing commercial space is vacant, therefore, no tenant would be displaced. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines 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 staff has performed a site survey of the storefronts within the North Beach NCD located within 300 feet of the project site. Approximately 63% of the frontage in this sample area is attributed to eating and drinking establishments.

While the proposed restaurant would contribute to an additional concentration of eating and drinking uses in the area, the restaurant would operate as a second outlet of the existing Mama's Restaurant located three blocks to the north. The current location of Mama's Restaurant is very popular, leading to long wait times for patrons on the weekends. The Project would provide a second outlet of Mama's Restaurant to serve a greater number of patrons. In addition, the specialty grocery portion of the business would offer convenience take-out food options and unique grocery offerings that will diversify the overall retail mix in the area and will serve local residents.

The Project would occupy a larger commercial space that is currently vacant. Due to its size, it may not be suitable for the types of smaller, boutique retail businesses that are prevalent in the neighborhood on Grant Avenue and Columbus Avenue. However, the space is too small to host a full-service grocery store. While the space may be suitable for larger, national retailers, Formula Retail uses are prohibited within the North Beach NCD. The proposed Project is suitable for the space, and would operate in a manner that serves the local population.

Policy 6.2:

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

The Sanchez family has operated Mama's Restaurant at 1701 Stockton Street since 1964, and operated a prior iteration of the business in that location beginning in 1951. The proposed restaurant would be a second location of the business, therefore, this is not a Formula Retail use.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would allow a second location of an established business that has operated in the neighborhood for over 50 years. The business would be locally owned and would generate approximately 60 full- and part-time jobs.

- 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 site is an existing, vacant commercial building, and the Project would not displace any residential uses. The business would not operate late into the evening, and existing units in the surrounding neighborhood would not be adversely affected. The Project would enable the continued operation and expansion of a business that has been a part of the neighborhood for several decades, contributing to the character of locally-owned businesses.

- 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 site is situated within a walkable, transit-rich context. No parking is required for any use in the North Beach NCD, and the Project is not expected to generate substantial vehicular traffic.

- 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 create new restaurant and retail uses, and does not involve any office uses. The Project will enhance service sector employment opportunities, generating approximately 60 jobs.

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

Aside from tenant improvements for furniture and equipment, the Project would not alter the existing, vacant building. All tenant improvements will be designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing building was constructed in 1932, and is considered an Historic Resource under CEQA. However, the sponsor proposes no exterior changes to the building, aside from new business signage and replacement of the existing deteriorated awning fabric.

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

The project will not expand the building envelope, and will therefore have no negative impact on existing parks and open spaces or access to vistas.

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

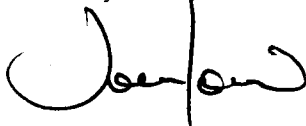
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014.0835C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 4, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19386. 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 June 4, 2015.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Antonini, Hillis, Johnson, Moore, Richards, Wu

NAYS:

ABSENT:

ADOPTED: June 4, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a to allow a Restaurant (d.b.a. "Mama's") with a specialty grocery component (d.b.a. "Lil' Mama's"), and to allow a non-residential use exceeding 2,000 square feet located at 627 Vallejo Street, Lots 017-021 in Assessor's Block 0146 pursuant to Planning Code Section(s) 121.2, 303, and 722.44 within the North Beach Neighborhood Commercial District, the North Beach Special Use District, and the 40-X Height and Bulk District; in general conformance with plans, dated June 4, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0835C and subject to conditions of approval reviewed and approved by the Commission on June 4, 2015 under Motion No 19386. 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 June 4, 2015 under Motion No 19386.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19386 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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.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 415-575-6863, www.sf-planning.org
6. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment. 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 415-575-6863, www.sf-planning.org

7. **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 415-575-6863, www.sf-planning.org

8. **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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **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 415-575-6863, www.sf-planning.org

10. **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 415-575-6863, www.sf-planning.org

11. **Additional Project Authorization.** The Project Sponsor must obtain a Planning Code Text Amendment allow an existing restaurant or bar within the North Beach SUD to open a second location in a space previously occupied by a Basic Neighborhood Sale or Service, subject to Conditional Use authorization and compliance with the certain criteria, as described in Application No. 2014.0835T, and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

12. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

13. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

14. **Roof Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

15. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

16. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

17. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans if applicable as determined by the project planner. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

18. **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 415-575-6863, www.sf-planning.org

19. **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 415-575-6863, www.sf-planning.org

OPERATION

20. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>

21. **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, 415-695-2017, <http://sfdpw.org>

22. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

23. **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 with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator 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 415-575-6863, www.sf-planning.org