

LIQUOR LICENSE REVIEW

TO: Planning Department
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

File: 150558

TO: Police Department
Lieutenant Dave Falzon
Inspector Nelly Gordon
Fax No.: 553-1463

DATE: June 12, 2015

This item is tentatively scheduled to be heard in four to six weeks.

PLEASE EMAIL YOUR RESPONSE BY: July 24, 2015, to Derek Evans, Clerk,
Public Safety and Neighborhood Services Committee.

Derek.Evans@sfgov.org - Fax No: 554-7714

Applicant Name: Beth Aboulaflia
and Business Name: Gus's Community Market
(2111 Harrison Street)

Applicant Address: 260 California Street, Suite 700
San Francisco, CA 94111
and Phone No. (415) 362-1215

PLANNING COMMENTS: Approval Denial

POLICE COMMENTS: Approval Denial



June 10, 2015

By Hand-Delivery

Derek Evans
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Re: Request for Resolution of Public Convenience or Necessity
Gus's Community Market LLC
2111 Harrison Street, San Francisco, California 94110

Dear Derek,

Enclosed please find a request for a resolution of public convenience or necessity on behalf Gus's Community Market LLC ("Gus's Market").

The Type 21 license that is being transferred to Gus's Market is License Number 21-219691 and is within the Mission Alcoholic Beverage Special Use District.

If you have questions or need additional information, please don't hesitate to call or email me.

Regards,

A handwritten signature in cursive script that reads "Beth Aboulafia".

Beth Aboulafia
Hinman & Carmichael LLP

Encl.

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June 10, 2015

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Re: Request for Resolution of Public Convenience or Necessity
Gus's Community Market LLC
2111 Harrison St., San Francisco 94110

Dear Ms. Calvillo,

Gus's Community Market LLC ("Gus's Community Market") has applied to the Department of Alcoholic Beverage Control for a person-to-person, premises-to-premises transfer of a Type 21 Off-Sale General license and an original Type 41 Beer and Wine Public Eating Place license for its new market/café in the Mission District. Because the census tract has an "undue concentration" of off-sale licenses under Section 23958.4 of the Business and Professions Code, we are requesting a determination by the Board of Supervisors that public convenience or necessity will be served by issuance of the Type 21 license.

Gus's Community Market is part of a local, family-owned business that operates two similar grocery stores in the Haight Ashbury and Outer Sunset neighborhoods. Haight Street Market, located at 1530 Haight Street was established in 1981, and Noriega Produce at 3821 Noriega Street was established in 1985. We were recently honored to receive the District 4 Small Business of Year award by the Board of Supervisors for Noriega Produce. The new market is named Gus's after our father who started the business and who is still involved in the day-to-day operations.

The market will occupy approximately 10,000 sq. feet on the ground floor of a 55,000 square foot, two-story building at the corner of Harrison Street and 17th St. The new store will also have dedicated on-site parking and bicycle spaces. The space that we will occupying has been vacate for over a year.

The market will offer a full-service deli, butcher department, full line of produce and dry goods and a 450 sq. foot café that provides seating for customers to consume food that is prepared and purchased on-site. As with our other stores, we would like to offer a selection of alcoholic beverages to compliment the full-service grocery. The Type 21 license that we are transferring to the new market is an existing license from within the Mission Alcoholic Beverage Special Use District. We are not bringing a new license into the District.



We received unanimous approval for the new market, including the transfer of the Type 21 license from within the District, from the Planning Commission. The Commission found that we would be providing a much needed-neighborhood serving grocery store that would contribute positively to the Mission neighborhood.

For the reasons set forth above, we respectfully request that the Board of Supervisors make a finding that issuance of the Type 21 license to Gus's Community Market will serve public convenience or necessity.

Sincerely,

Dimitri Vardakastanis
Gus's Community Market
Dimitri.gcm@gmail.com

ATTACHMENTS:

Exhibit A: Noriega Produce 2015 Small Business of the Year Certificate of Honor from the Board of Supervisors

Exhibit B: Planning Commission Motion No. 19318 – Approval of Conditional Use Authorization for a Change of Use to Establish a General Grocery that Includes an Off-Sale Liquor License Transferred from Within the Mission Alcoholic Beverage Special Use District and Accessory Restaurant (d.b.a. Gus's Community Market)

Certificate of Honor

BOARD OF SUPERVISORS
City and County of San Francisco

The Board of Supervisors of the City and County of San Francisco hereby issues, and authorizes the execution of, this Certificate of Honor in appreciative public recognition of distinction and merit for outstanding service to a significant portion of the people of the City and County of San Francisco by:

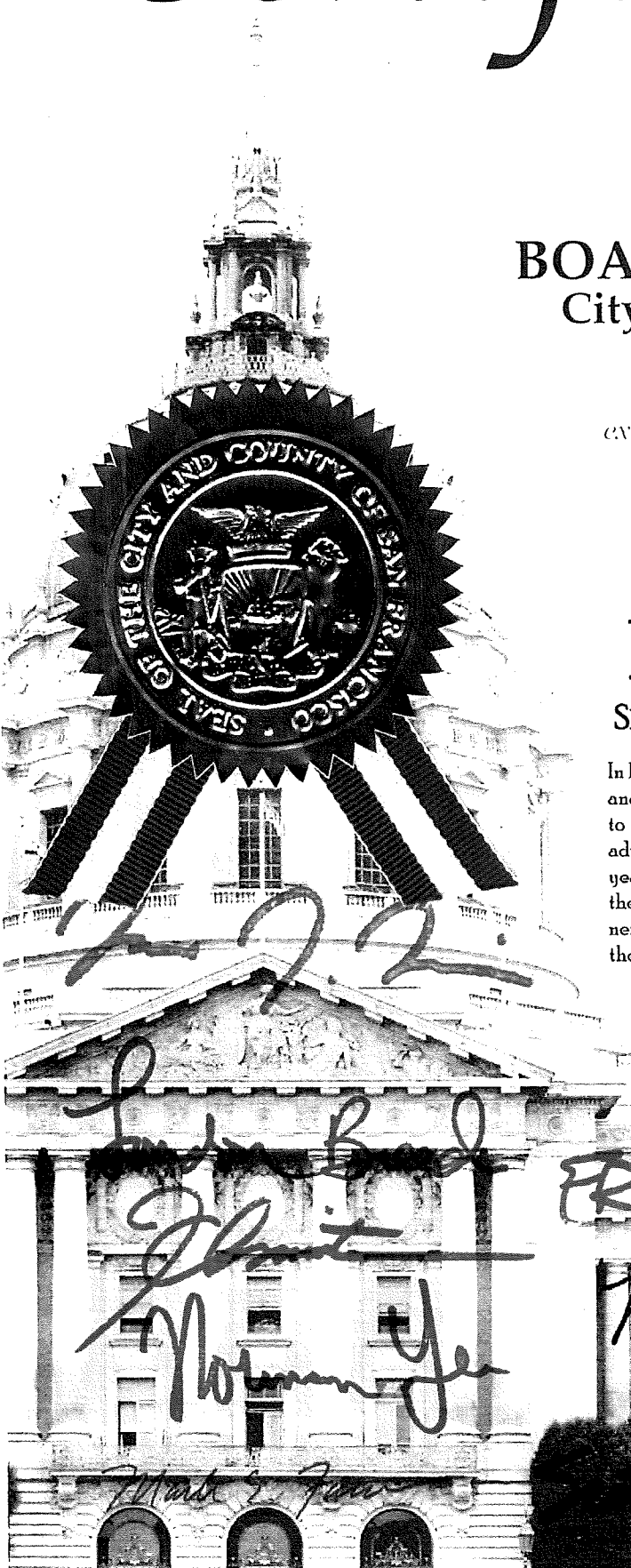
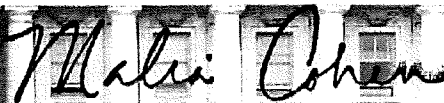
NORIEGA PRODUCE

SMALL BUSINESS OF THE YEAR DISTRICT 4 HONOREE

In honor of Small Business Month, we celebrate your outstanding contributions and dedication to improving the Sunset neighborhood. You add life and energy to our community by working collaboratively with other merchants, advocating for neighborhood beautification, and hosting annual events. For 30 years, you have offered healthy food along with good service and friendship to the families of the Outer Sunset. Your spirit and enthusiasm are vital to our neighborhood and your work inspires others, and the Board of Supervisors of the City and County of San Francisco extends to you its highest commendation.



Supervisor Katy Tang
San Francisco Board of Supervisors
May 19, 2015





SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|---|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Transit Impact Development Fee (Sec. 411) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Eastern Neighborhoods Impact Fee (Sec. 423) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19318

HEARING DATE: FEBRUARY 5, 2015

Date: January 8, 2015
Case No.: 2014.0703C
Project Address: 400 Alabama Street
Zoning: Production, Distribution, and Repair - General (PDR-1-G) District
 Mission Alcoholic Beverage Special Use District
 68-X Height and Bulk District
Block/Lot: 3968/001
Project Sponsor: Gus's Community Market LLC
 1530 Haight Street
 San Francisco, CA 94117
Staff Contact: Doug Vu – (415) 575-9120
Doug.Vu@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 218(a), 249.60(b) AND 303 OF THE PLANNING CODE FOR A CHANGE OF USE TO ESTABLISH A GENERAL GROCERY STORE THAT INCLUDES AN OFF-SALE LIQUOR LICENSE TRANSFERRED FROM WITHIN THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT AND ACCESSORY RESTAURANT (D.B.A. GUS'S COMMUNITY MARKET) WITHIN A PDR-1-G (PRODUCTION, DISTRIBUTION, AND REPAIR - GENERAL) DISTRICT, MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT AND A 68-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 8, 2014, Gregg Miller on behalf of Gus's Community Market LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 218(a), 249.60(b) and 303 for a change of use to establish a general grocery store and accessory restaurant (d.b.a. Gus's Community Market) within a PDR-1-G (Production, Distribution, and Repair - General) District, Mission Alcoholic Beverage Special Use District and a 68-X Height and Bulk District.

On January 15, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0703C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption under CEQA.

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. 2014.0703C, 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 at the southwest corner of Alabama and 17th Streets within the Production, Distribution, and Repair - General (PDR-1-G) Zoning District and a 68-X Height and Bulk District. The 24,900 square foot rectangular lot is developed with a 51,270 sq. ft. industrial building including the aforementioned garage, and has frontage along Alabama, 17th and Harrison Streets. The ground floor of this 1946 building is currently vacant, and was last occupied approximately six months ago by a company that distributed and sold adult-oriented merchandise. The second floor is currently occupied with office and light industrial uses by two separate tenants.
3. **Surrounding Properties and Neighborhood.** The surrounding neighborhood within this area of the Mission District is moderately mixed in character, and improved with industrial buildings on PDR-1-G zoned lots that provide business services, storage, distribution, and light manufacturing/processing. Ground floor retail uses are also present within the buildings that support these businesses, in addition to the live/work units located on the surrounding Urban Mixed Use (UMU) zoned lots. To a lesser extent, small clusters of properties that are zoned multi-family residential (RH-2 and RH-3) are scattered throughout this area, whereas the majority of the properties located south of 20th Street are residentially zoned. MUNI Bus Lines 33 and 27 are routed two blocks from the subject property, and lines 9, 14, 33, 49 are routed five blocks away in various directions. Franklin Square Park is located two blocks east of the project site, and a block-long storage and maintenance facility operated by the Metropolitan Transportation Authority is located one block north of the site. The Mission Street NCT is located approximately five blocks west, and the elevated US 101 Central Freeway is four blocks north of the project site.

4. **Project Description.** The Project Sponsor seeks a Conditional Use Authorization pursuant to Planning Code Sections 218(a), 249.60(b) and 303, for a change of use to establish a general grocery store and accessory restaurant (dba Gus's Community Market) in a portion of the ground floor of an existing industrial building located at 400 Alabama Street. The grocery store would offer a combination of food and non-food commodities, including prepared foods. The Sponsor intends to seek ABC licenses for beer and wine sales for on-site, as well as beer, wine and distilled spirits for off-site consumption. The proposed hours of operation would be from 7:00 a.m. to 10 p.m., daily.

The proposed neighborhood-serving grocery store and accessory restaurant would occupy 9,975 gross sq. ft. at the ground floor, and 20 parking spaces within an existing 11,800 sq. ft. garage on the subject property would be provided for customer use. The 430 sq. ft. accessory restaurant within the store would provide seating for customers to consume food that is prepared and purchased on-site. The Project would not result in any expansion of the existing building, although interior improvements and the installation of new windows, awnings and signage would be completed at the primary facades near the entrance on Harrison Street.

Gus's Community Market will be part of a local, family-based business that operates two similar grocery stores in the Haight Ashbury and Outer Sunset neighborhoods. Haight Street Market, located at 1530 Haight Street was established in 1981, and Noriega Produce at 3821 Noriega Street was established in 1985.

5. **Public Comment.** The Department has received five letters of support from nearby businesses and organizations including Heath Ceramics, Mission Creek Merchants Association, and the North East Mission Business Association. The letters identify a much needed neighborhood-serving use that Gus's Community Market would provide, and praise the Project Sponsor's responsible business practices and community support to the neighborhoods where they are located.
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. **Off-Street Parking.** Planning Code Section 151.1 allows one off-street parking space for each 500 sq. ft. of floor area for retail uses, including grocery stores.

The Project includes a 9,975 sq. ft. grocery store and proposes twenty (20) off-street parking spaces in a garage on the same property, which is permitted to have no more than twenty (20) spaces under the Code.

- B. **Bicycle Parking.** Planning Code Section 155.2.15 requires one Class 1 parking space for every 7,500 sq. ft., and one Class 2 space for every 2,500 sq. ft. of floor area.

The Project will provide six Class 1 and six Class 2 bicycle parking spaces, which exceeds the one Class 1 and four Class 2 spaces required under the Code.

- C. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Code. Any proposed signage will be subject to the review and approval of the Planning Department.

Any proposed signage shall be subject to the review of the Planning Department.

- D. **Diaper Changing Station.** Planning Code Section 168 requires any Public Serving Establishment that is 5,000 sq. ft. or more in size to provide a safe, sanitary and convenient baby diaper-changing station, deck table or similar amenity which is installed or placed in a separate, designated location. Such accommodations may include, but are not limited to, stations, decks and tables in women's and men's restrooms or unisex/family restrooms.

The Project is considered a Public Serving Establishment and will provide a diaper changing station required under the Planning Code.

- E. **Accessory Uses.** Planning Code Section 204.3(d) permits an accessory use to a principal or conditional use in any PDR District which does not involve or require the use of more than one-third (1/3) of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory retail, off-street parking, and loading. Multiple PDR uses within a single building or development may combine their accessory retail allotment into one or more shared retail spaces, provided that the total allotment of accessory retail space per use does not exceed what otherwise would be permitted by this Section.

The proposed restaurant will occupy approximately 430 sq. ft., which is equivalent to 4.3 percent of the 9,975 sq. ft. of total floor area occupied by the grocery store, and is considered an accessory use pursuant to Planning Code Section 204.3(d).

- F. **Grocery Store Use.** Planning Code Section 218(a) permits grocery stores within the PDR-1-G District subject to approval by the Planning Commission as a conditional use, as provided in Section 303 of the Code.

The Project Sponsor has applied for a Conditional Use Authorization to establish a grocery store in an existing building located in the PDR-1-G District.

- G. **Mission Alcohol Beverage Special Use District.** Planning Code Section 249.60(b)(2) requires grocery stores that are greater than 5,000 sq. ft. and sell alcohol for off-site consumption to obtain their liquor license from within the Special Use District (SUD), and comply with the limitations set forth in Section 790.55 of the Code. In addition, Section 249.60(b)(1) allows a restaurant operating as Bona Fide Eating Place, as defined by Code Sections 790.91 and 790.142, respectively, to serve alcoholic beverages with the required liquor license that is transferred from within or outside the SUD.

The Project will obtain the necessary liquor license from within the Special Use District to sell beer, wine, or distilled spirits in the grocery store for consumption off the premises. The area within the store that is devoted to the display and sale of alcoholic beverages will occupy less than 1,496 sq. ft., or fifteen percent of the gross square footage of the grocery store. In addition, the Project will also obtain

the necessary liquor license to serve alcoholic beverages for on-site consumption within the dedicated 430 sq. ft. portion of the store that is considered an accessory Bona Fide Eating Place or restaurant.

- H. **Transit Impact Development Fees.** The Project shall comply with the provisions of Planning Code Section 411, including payment of the Transit Impact Development Fee prior to the issuance of the first site or building permit.

The Project includes the conversion of 9,975 sq. ft. of PDR use to Retail use, and is subject to the Transit Impact Development Fee as outlined in Code Section 411, in which a credit shall be given for the eliminated PDR use on the site.

- I. **Eastern Neighborhoods Infrastructure Impact Fees.** The Project shall comply with the provisions of Planning Code Section 423, including payment of the Eastern Neighborhoods Impact Fee, or execution of an In-Kind Agreement with the Planning Department prior to issuance of the first site or building permit.

The Project includes the conversion of approximately 9,975 sq. ft. of existing PDR use to Non-Residential use, and is subject to the Eastern Neighborhoods Infrastructure Impact Fees as outlined in Planning Code Section 423. These fees must be paid by the Project Sponsor prior to the issuance of the building permit application.

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

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

The Project will occupy a vacant tenant space that will require interior tenant improvements and only minor alterations to the exterior of the existing building, including the installation of new windows and doors to convert the space into a functional storefront that will activate the surrounding area.

The Project will provide a needed neighborhood-serving grocery store within a portion of an under-utilized building. The grocery store will provide a variety of merchandise, including packaged foods, dairy products, fresh meats and produce, prepared foods, and non-food commodities that will serve both the local residents and workers within the area. The Project will also provide a marketplace for local food producers to sell their wares. The Project Sponsor intends to stock items that are manufactured locally, such as coffee, salumeri, preserves, pressed juices, breads, cheese, wine, baked goods, frozen foods and ice cream.

The Project will obtain the necessary liquor license from within the Special Use District to sell beer, wine, or distilled spirits in the grocery store for consumption off the premises. The area within the store that is devoted to the display and sale of alcoholic beverages will occupy less than 1,496 sq. ft., or fifteen percent of the gross square footage of the grocery store. In addition, the Project will also obtain the necessary liquor license to serve alcoholic beverages for on-site consumption within the dedicated 430 sq. ft. portion of the store that is considered an accessory Bona Fide Eating Place or restaurant.

The Project will create new employment opportunities. In addition to the temporary construction jobs created during build out, the store will also create 50-60 new permanent jobs and 20-30 part-time jobs. These positions include cashiers, baristas, production staff, grocery clerks, cooks, cleaning crew, butchers, seafood clerks, produce clerks, and department managers. These positions do not require specialized education, and would provide promotional opportunities within the business.

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 Project will occupy a vacant tenant space on the ground floor of an existing industrial building that is shared with two other tenants who occupy the second floor of the building. The building's envelope will not be altered, and only minor alterations including the installation of new windows, awnings and doors along the 17th and Harrison Street elevations will be completed to provide a storefront for the grocery store.

The Project will obtain the required off-sale liquor license from within the Special Use District to sell beer, wine, and distilled spirits in the grocery store for consumption off the premises, which will not result in a net additional liquor store within the Special Use District. The area within the store that is devoted to the display and sale of alcoholic beverages will occupy less than 1,496 sq. ft., or fifteen percent of the gross square footage of the grocery store. The Project will also obtain the required liquor license to serve alcoholic beverages for on-site consumption within the dedicated 430 sq. ft. portion of the store that is considered an accessory Bona Fide Eating Place or restaurant.

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

The Project will provide customers with the exclusive use of twenty parking spaces that are located in a garage within the building using the existing driveways for ingress and egress. However, the Project is scaled and designed to function as a neighborhood-serving grocery store and should not generate significant amounts of vehicular trips from the neighborhood or citywide. Therefore, traffic patterns will remain substantially unaltered as a result of the Project, as patrons will have ample walking, bicycling, taxi and public transit options. New bicycle parking will be provided at the store, MUNI bus lines 33 and 27 are routed two blocks from the Project, and lines 9, 14, 33, 49 are routed five blocks away in various directions.

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

The Project will include the installation of appropriate ventilation and filtration equipment to minimize noise, dust, vibration and odor emissions. In addition, Conditions of Approval will require compliance with applicable City codes to control noise, dust and odor associated with any construction activities and business operations including on-site food preparation.

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

The Project does not require any additional landscaping or screening, and any proposed signage shall be subject to review by the Planning Department and required to meet all applicable provisions set forth in Article 6.

- 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.

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

MISSION AREA PLAN

OBJECTIVE 1.1:

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

The Project will provide a needed neighborhood-serving amenity that would offer an extensive selection of goods, including fresh produce, meats and dairy products. The Project will also include a delicatessen and prepared foods that will help meet the demand of the area's workforce and residents for meal options. Local residents will also be able to shop at a full-service grocery store that is within walking distance of residences, live/work units and public transit.

OBJECTIVE 6.1:

SUPPORT THE ECONOMIC WELLBEING OF A VARIETY OF BUSINESSES IN THE EASTERN NEIGHBORHOODS.

The Project will create new employment opportunities. In addition to the temporary construction jobs created during build out, the grocery store will also create 50-60 new permanent jobs and 20-30 part-time jobs. These positions include cashiers, baristas, production staff, grocery clerks, cooks, cleaning crew, butchers, seafood clerks, produce clerks, and department managers. These positions do not require specialized education, and would provide promotional opportunities within the business that would support the economic wellbeing in the Eastern Neighborhoods.

COMMERCE AND INDUSTRY

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 Project includes the establishment of a general grocery store within a vacant commercial space in an industrial building that is located in the PDR-1-G District, which is a compatible land use given the mixed use character of the surrounding area that includes other light industrial, commercial and residential uses. Food preparation, frequent deliveries and other activities associated with the operation of a 9,975 sq. ft. grocery store are compatible with this mix of uses, and the Project will provide substantial benefits to the neighborhood by establishing a business that will provide essential food and non-food commodities to nearby residents and workers. The Project is additionally beneficial because it will be operated by a local, independently-owned family company and will provide unskilled and semi-skilled employment opportunities for individuals in the community.

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 help to retain the existing commercial and industrial activity in the area by providing a vital neighborhood service. The portion of the Northeast Mission neighborhood in which the Project is located is underserved by neighborhood businesses that provide a variety of food choices, including prepared healthy foods. Having such an amenity would enhance the desirability of the area for nearby workers and also attract new business activity. This will contribute to the diverse economic base of the City.

OBJECTIVE 3:

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

Policy 3.1:

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

The Project will create employment opportunities for local unskilled and semi-skilled workers, including 50-60 full-time managerial, clerical, blue-collar, and production-type jobs, many of which will be entry-level that may lead to career opportunities. In addition, the Project will also create 20-30 part-time jobs.

OBJECTIVE 4:

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.2:

Promote and attract those economic activities with potential benefit to the City.

Policy 4.10:

Enhance the working environment within industrial areas.

The Project will enhance the working environment within an industrial area by providing a neighborhood-serving amenity for workers during the day, and would therefore promote the attractiveness and appeal of an industrial neighborhood. Since the Project will provide 50-60 full-time and 20-30 part-time jobs, many of which are entry-level and suitable for unskilled and semi-skilled workers, the City would realize long-term benefits.

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

The Project will not displace an existing retail use, and would enhance the neighborhood by occupying a vacant commercial space with a locally-owned neighborhood-serving grocery store that would provide new job opportunities for San Francisco residents.

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

The Project will occupy an existing vacant commercial space and will preserve the existing housing and industrial neighborhood character.

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

No housing will be removed for this Project.

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

The Project will provide customers with access to twenty existing parking spaces that are located in an adjacent garage using the existing driveways for ingress and egress. However, the Project is scaled and designed to function as a neighborhood-serving grocery store and will not generate significant amounts of vehicular trips. Therefore, traffic patterns will remain substantially unaltered as a result of the Project, as patrons will have ample walking, bicycling, taxi and public transit options. New bicycle parking will be provided at the store, MUNI bus lines 33 and 27 are routed two blocks from the Project, and lines 9, 14, 33, 49 are routed five blocks away in various directions.

- 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 not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The Project is 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.

A landmark or historic building does not occupy the Project site.

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

The Project does not include any changes to the existing building envelope and will have no negative impact on existing parks and open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2014.0703C subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 20, 2014, 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. 19318. 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 5, 2015.

Jonas P. Ionin
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: February 5, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a general grocery store with an off-sale liquor license that is transferred from within the Mission Alcoholic Beverage Special Use District and an accessory restaurant (d.b.a. Gus's Community Market) located at 400 Alabama Street, Block 3968, and Lot 001 pursuant to Planning Code Sections 218(a), 249.60(b) and 303 within a Production, Distribution, and Repair - General (PDR-1-G) Zoning District and a 68-X Height and Bulk District; in general conformance with plans, dated August 20, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0703C and subject to conditions of approval reviewed and approved by the Commission on February 5, 2015 under Motion No. 19318. 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 5, 2015 under Motion No. 19318.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19318 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

DESIGN

6. **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
7. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than one Class 1 and four Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
9. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than twenty (20) off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

10. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
11. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423, the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING – AFTER ENTITLEMENT

12. **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

13. **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

14. **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>

15. **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>

16. **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