

File No. 150558

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety & Neighborhood Services Date September 17, 2015

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|---------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>ICN Request Letter</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Derek Evans Date 9/11/15

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.



San Francisco Police Department
ABC Liaison Unit



Alcoholic Beverage License -
*Public Convenience and
Necessity Recommendation*

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

Supervisor Eric Mar
Supervisor David Campos
Supervisor Julie Christensen

From: Lieutenant Dave Falzon
Officer in Charge
ABC Liaison Unit (ALU) 553-1049

Date: August 4, 2015

Subject: P.C.N. Investigation Regarding: Gus's Community Market, LLC
DBA: Gus's Community Market
2111 Harrison Street
Ms. Beth Aboulafia

Ms. Beth Aboulafia on behalf of Gus's Community Market has filed an application with the California Department of Alcoholic Beverage Control seeking a -Type 21 (Off-Sale General) and Type 41 (On- Sale Beer and Wine Eating Place) for 2111 Harrison Street (located between 17th Street and Alabama Street).

Hours of Operation:

Daily 8 a.m. - 12 a.m.

Digest:

Gus's Market is introducing a new business to family- based business that already has two similar business located in the Haight Ashbury and the Outer Sunset neighborhoods. This new location will offer full service deli, butcher department, produce, dry goods and a café. If approved this license will allow the applicant to sell off-sale beer, wine and distilled spirits along with on sale beer and wine in the café area.

Letters of Protest:

No Record

Letters of Support:

No Record

Police Calls for Service:

From April 2014 to April 2015

0

Police Reports:

From April 2014 to April 2015

0

San Francisco Plot Information:

This premise is located in Plot **424**

A High Crime area is defined as **98** or more police reports in a plot for the year of **2014**.

This plot had **54** police reports for **2014**, which is **44** less than the **Citywide "High Crime"** average.

State Census Tract Information:

This premise is located in Census Tract **228.01**

Population for this tract is: **5,078**

On-sale license authorized by census tract: **17**

Active on-sale licenses: **26** with **0** pending

Off-sale licenses authorized by census tract: **4**

Active off-sale licenses: **6** with **0** pending

Departmental Recommendation:

Points of consideration: **None**

No opposition from **Mission Station**

Applicant premise **is** located in a "**Low Crime**" area.

Applicant premise is located in an "**undue concentration**" area.

0 - Record of protest.

0 - Record of support.


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

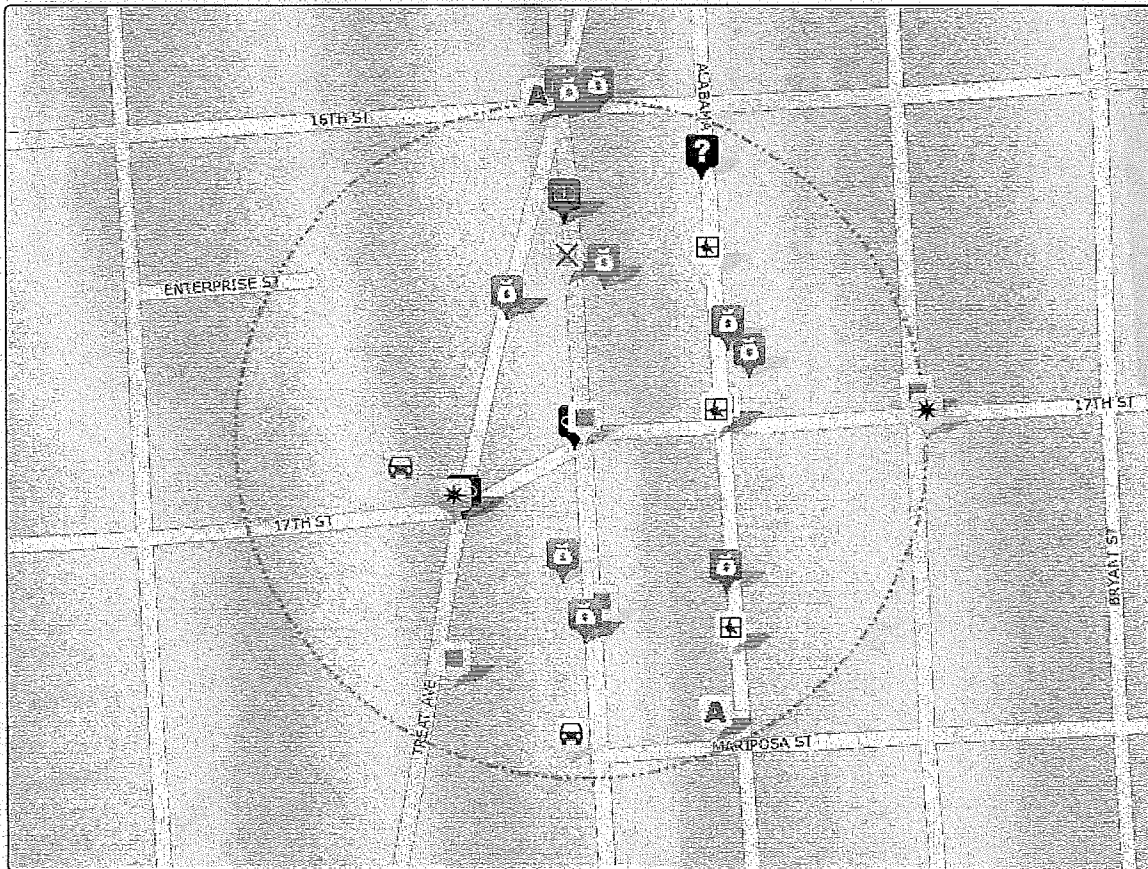
Conditions for Type 21 Off-Sale General and Type 41- On Sale Beer and Wine

1. Sales of alcoholic beverages shall be permitted between the hours of 8:00 am to **Midnight** each day of the week.
2. No more than 5% of the square footage of the public retail space (not including the storage area) of the premises will be used for the display of alcoholic beverages.
3. Beer, malt beverages, and wine coolers in containers of 16oz. or less cannot be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities
4. No pre-package beer or malt beverages shall be sold as single units.
5. No wine shall be sold with an alcoholic content of great than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
6. Wine shall not be sold in bottles or containers smaller than 375 ml.
7. No noise shall be audible beyond the area under control of the license.
8. The sale, service and consumption of powder alcohol or like non-liquid alcoholic beverage based product is prohibited
9. The sale of distilled spirits in sizes smaller than 375 ml is strictly prohibited

End

2111 Harrison St
4/22/14 - 4/21/15

San Francisco Police Department 



Map Legend	
	Incidents (100)
	Larceny/Theft (25)
	Other Offenses (20)
	Burglary (9)
	Vehicle Theft (8)
	Warrants (7)
	Non-Criminal (7)
	Warrants (7)
	Assault (4)
	Vandalism (3)
	Fraud (2)
	Drug/Narcotic (2)
	Suspicious Occurrence (2)
	Robbery (2)
	Kidnapping (1)
	Sex Offenses, Forcible (1)

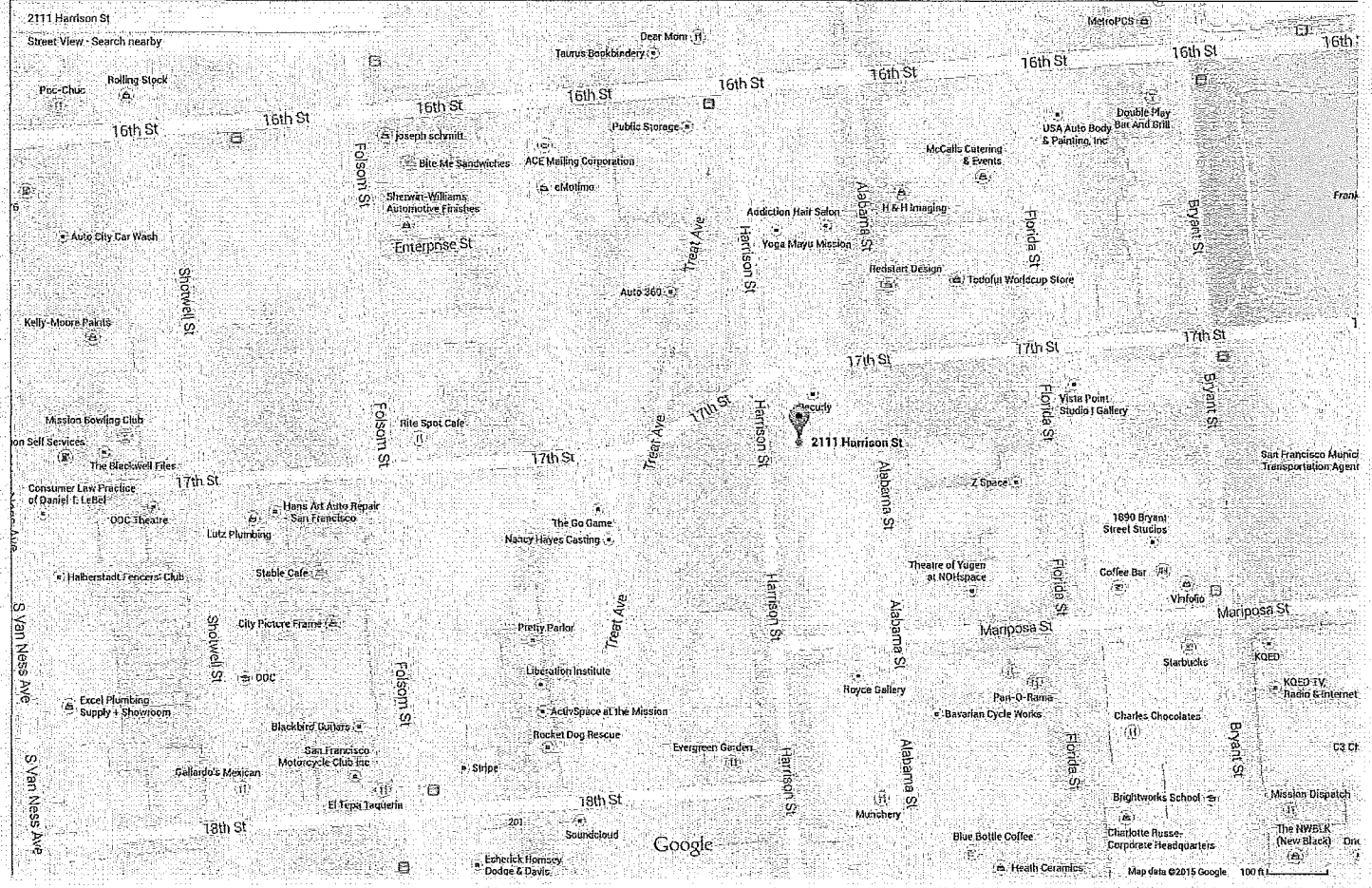
All representations on this map are distributed and transmitted "AS IS" without warranties of any kind, either expressed or implied including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. In no event shall San Francisco Police Department become liable to users of these data for any loss or damages, consequential or otherwise, including but not limited to time, money, goodwill, arising from the use, operation or modification of the data. The visual presentation of data is being provided strictly as a courtesy, not as an obligation to its users.

WARNING: This map does not meet the national map accuracy standards.

CrimeView Server
Printed: 8/7/2015 2:59:44 PM

4/23/2015

2111 Harrison St - Google Maps



<https://www.google.com/maps/place/2111+Harrison+St,+San+Francisco,+CA+94110/@37.7638349,-122.4122213,18z/data=!4m2!3m1!1s0x808f7e3aa774d61d:0x125398a1fe32c8f8>

4/23/2015

2111 Harrison St - Google Maps



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

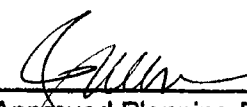
DATE: June 12, 2015

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 Aboulafia
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


Approved Planning Dept.

9.10.15
Doug Vu

Denial

APPROVED CONDITIONAL USE - CPC MOTION 19318

POLICE COMMENTS:

Approval

Denial

Member, Board of Supervisors
District 1
市參議員、第一區



City and County of San Francisco

COB, PSNS,
LJ
DP

ERIC MAR
馬兆光

RECORDED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 SEP 11 PM 1:23

DATE: September 11, 2015
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Eric Mar
RE: Public Safety & Neighborhood Services Committee
COMMITTEE REPORT

A large, stylized handwritten signature in black ink that reads "ERIC MAR".

Pursuant to Board Rule 4.20, as Chair of the Public Safety & Neighborhood Services Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on September 22, 2015, as a Committee Report:

150558 Liquor License Transfer - 2111 Harrison Street

TO BE PREPARED IN COMMITTEE AS A RESOLUTION

Resolution determining that the transfer of a Type 21 off-sale general license from 2887 Bryant Street to 2111 Harrison Street (District 9), to Beth Aboulafia, for Gus's Community Market, LLC, dba Gus's Market, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.

This matter will be heard in the Public Safety & Neighborhood Services Committee Regular Meeting on September 17, 2015, at 2:00 p.m.

Evans, Derek

From: Beth Aboulaflia <aboulaflia@beveragelaw.com>
Sent: Friday, August 14, 2015 12:54 PM
To: Evans, Derek
Cc: Falzon, Dave (POL)
Subject: Gus's Community Market - PCN
Attachments: Support letters.pdf; Dear Neighbor letter.pdf; Gus's Market - Article.pdf

Derek,

Attached are some additional materials we are submitting in support of the PCN request for Gus's Community Market:

- 1) Community letters of support
- 2) A letter that was sent to neighboring residents along with the ABC mailing
- 3) An article about Gus's Community Market and the family behind it

Please include these materials in the file.

Thank you,

Beth Aboulaflia
Partner | Hinman & Carmichael LLP
260 California Street, Suite 700, San Francisco, CA 94111
P: 415.362.1215 x104 | F: 415.362.1494 | E: aboulaflia@beveragelaw.com

This electronic mail message contains privileged and confidential information intended solely for the use of the individual or entity to whom it is addressed. If the reader is not the intended addressee, any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this electronic mail message in error, please notify us immediately via reply email.

[Mission Creek Merchants Association Letterhead]

Nov. 6, 2014

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attention: Doug Vu, Planner

Re: Case No. 2014.0703C for 400 Alabama Street

Dear Mr. Vu:

Members of the Mission Creek Merchants Association ("MCMA") have recently met with the Vardakastanis Family and their team regarding the proposed new market at 400 Alabama Street. We understand that the Planning Department and Planning Commission will be required to approve a Conditional Use Permit to allow the store at the proposed location and we want to add our support for the approval of the required permits. A market at this location will provide a much needed neighborhood amenity as well as opportunities for much needed local employment.

Potrero Hill and the Mission Creek neighborhood is home to an eclectic and growing mix of eateries, bars, salons, spas, healers, shopping, schools, business services, theaters, artists, entertainment and more. Merchants and residents are excited to continue building a sense of community in this area, through the promotion of events and the cultivation of green and communal spaces. MCMA believes that the addition of the proposed market will not only add a much needed supermarket to the area, but will also create a space for the community to gather, network and exchange ideas.

MCMA values itself as a nascent merchant association and encourages residents to think about the manifold advantages of supporting the various local, small businesses that make the Mission Creek area unique, while providing advocacy, networking and information to assist these companies. We look forward to the addition of the market at 400 Alabama Street and encourage you to move forward with approval of the permits as soon as possible.

Sincerely,



Name: Candace Condos
Title: MCMA President



NEMBA

North East Mission Business Association

2757 16th St., San Francisco, CA 94103 • Tel 415.863.4223 • Fax 415.863.8265
nemba@acomailingsf.com

October 27, 2014

Doug Vu, Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Support for 400 Alabama Street Market
(Case No. 2014.0703C)

Dear Mr. Vu:

On behalf of the members of the North East Mission Business Association (“NEMBA”) we submit the following comments in support of the proposed supermarket use proposed for the above referenced location in the Mission. We understand and support the owners of the Haight Street Market bringing their unique mom ‘n’ pop character to the area and believe their buy-local philosophy and competitive prices are the right fit for the North East Mission’s unique character. In addition, the proposed location will provide much needed services both to the local residents and area workers in the North East Mission, thereby enhancing the desirability of the area for those types of businesses.

The North East Mission is a unique, complex and primarily light industrial neighborhood located in the heart of San Francisco between the Inner Mission, SOMA, and Potrero Hill neighborhoods. This vibrant blue-collar neighborhood is home to many production, distribution and repair businesses as well as a large art and high-tech community. NEMBA’s goal is to provide both large and small businesses within its boundaries with a strong, unified voice to affect positive change within the neighborhood and at City Hall. For over 20 years NEMBA members have been working with the city to help protect and improve the neighborhood and to preserve the endangered manufacturing and industrial type businesses of the North East Mission.

Sincerely,

Gwen Kaplan
North East Mission Business Association
Vice President and Founder



October 27, 2014

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attention: Doug Vu, Planner

Re: Case No. 2014.0703C for 400 Alabama Street

Dear Mr. Vu:

We write to express our support for the proposed supermarket project at 400 Alabama Street in San Francisco's Mission District. Our third generation San Francisco family mailing and direct marketing business has been located in the Mission District for nearly 30 years and we understand the unique mix of residential, retail and production facilities in the neighborhood.

The proposed supermarket will provide a much needed neighborhood serving grocery, offering a variety of locally sourced, healthy, fresh and prepared foods and other non-food commodities to the neighborhood residents, workers and visitors. In addition, the market will provide employment opportunities for a variety of workers ranging from skilled meat and seafood personnel; deli and food preparation workers; along with front of house cashiers and other staff. Few businesses offer such a range of employment opportunities.

Sincerely,

A handwritten signature in black ink that reads "Gwen Kaplan". The signature is written in a cursive style and is positioned above a horizontal line.

Gwen Kaplan
Ace Mailing Corporation
CEO

2757 16th Street • San Francisco, CA 94103 • 415.8634223 • www.acemailingsf.com



October 29, 2014

Doug Vu, Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 2014.0703C – Support for 400 Alabama Street Supermarket

Dear Mr. Vu:

At Heath Ceramics we make, gather, and sell enduring objects that enhance the way people eat, live, and connect. For over 60 years Heath Ceramics has remained a small and privately owned local manufacturer. We strive to become a model for US manufacturing — inspiring designers' domestic production and US manufacturers to think creatively about their business models, placing financial profit as the means, rather than the end. Heath Ceramics is proud of our newest retail space located in the heart of San Francisco's Northeast Mission neighborhood, at the center of a creative campus that houses our Heath retail showroom, Blue Bottle Coffee kiosk and viewing court area of our tile factory.

We believe the owners of the proposed supermarket at 400 Alabama Street share the spirit and values of Heath which can be seen in their 30 years of success at the Haight Street Market. Their commitment to local employment, support of local vendors, and competitive prices are traits not found at similar stores. The addition of their supermarket at 17th and Alabama Streets will be a welcome addition to the neighborhood and will continue and expand the opportunities for area employment and local vendors. We look forward to your approval of the supermarket use as quickly as possible.

Best Regards,

Robin Petravac, Managing Director



October 23, 2014

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attention: Doug Vu, Planner

Re: Support for 400 Alabama Street

Dear Mr. Vu:

Joe Goode Performance Group (JPG) is happy to lend our support to the proposed grocery at 400 Alabama Street. We believe the grocery will provide much needed addition to the surrounding community as well as to our performers, audiences, and staff. The Project Sponsor has a reputation for using local vendors, offering healthy and organic products that the community will appreciate. At the same time the grocery will expand employment opportunities in the area. We urge the Planning Commission to quickly approve the permits.

In April 2011, JPG moved into its new home, the Joe Goode Annex, at Project Artaud in the heart of San Francisco's lively Mission District. The Annex houses the JPG administrative offices, is the primary rehearsal space for Joe Goode Performance Group, and the performance venue for the company's own small experimental performances. The Annex also serves as a multi-purpose community resource available to rent for classes, workshops, performances, and special events.

Our staff, audiences, and rental clients have all expressed excitement about the proposed project. This neighborhood is in vital need of a grocery store, and we couldn't be more thrilled to learn that a locally-owned and operated store might open here.

If you have any questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Archuletta', is written over a horizontal line.

Dave Archuletta
Executive Director
dave@joegoode.org



Dear Neighbor,

We are excited to be opening Gus's Community Market in the Mission. We would like to tell you, our new neighbors, a little about ourselves.

Gus's Community Market is 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. The new market is named Gus's after our father who started the business and is still involved in the day to day operations.

Our new market located at 2111 Harrison Street will offer a full service deli, butcher department, full line of produce, dry goods, and a cafe. We offer these items now at our current stores along with a selection of alcoholic beverages to compliment the full-service grocery. The new grocery store will also have dedicated parking on site.

The alcohol license that we are transferring to the new market is an existing license from the Mission District. We are not bringing a new license into the district.

Please feel free to contact me directly with any questions and/or concerns at dimitri.gcm@gmail.com. We are looking forward to joining and serving the neighborhood.

Sincerely,

The Vardakastanis Family

CONTACT

2111 HARRISON STREET
SAN FRANCISCO, CA 94110
GUSMARKET.COM

Charismatic Haight Street Market Family Expanding to the Mission



by [Lauren Sloss](#)
Mar 02 at 9am

You can't miss it walking down Haight Street. There, amid the smoke shops, vintage stores, and dreadlocked suburban kids sit cases of festively hued, amply stacked produce — the cases of vegetables that beckon you to come inside the Haight Street Market.

The market, which has held court on Haight Street since 1981, is the kind of family-run business that feels increasingly rare in a city flush with artisan boutiques and shiny, new real estate. But rather than crumple and downsize in the face of new competition, the Vardakastanis family has managed to grow.

Now the Vardakastanises are doubling down and opening their first new store in almost 30 years in the Mission at the corner of 17th and Harrison Streets in the 400 Alabama building late this summer, as [Socketsite first reported](#). In addition to taking on a brand-new market — in one of the hottest neighborhoods in town, no less — they'll be fully rebranding. Haight Street Market and Noriega Produce (which the family opened in 1985) will soon be called Gus's Community Market, named for the founding father, Gus Vardakastanis.

"It's always been about the families and the community in these neighborhoods," says Bobby Vardakastanis, one of Gus's sons, who, in addition to running the existing markets with his brother Dmitri, is spearheading the new project in the Mission. "That's what we want to bring to this new store as well."

The large-scale name change is part of that: he wants anyone who's been to the Haight Street Market and been psyched about the good-looking produce, the organic grocery products, and the delicious deli sandwiches to know that they can expect more of the same at the Vardakastanises' other markets.

"This is something that my brother and I have always wanted to do: build something from scratch," Bobby says. "We want the store to feel like it's a part of the neighborhood right off the bat." Being "a part of the neighborhood" has been one of the distinguishing factors of the Haight Street Market's presence on a street that's seen lots of change over the last three and a half decades.

“This is something that my brother and I have always wanted to do: build something from scratch,” Bobby says. “It’s nerve wracking. But we’re going into it 100%. We want the store to feel like it’s a part of the neighborhood right off the bat.”

Being “a part of the neighborhood” has been one of the distinguishing factors of the Haight Street Market’s presence on a street that’s seen lots of change over the last three and a half decades.

The market was opened in 1981 by Gus Vardakastanis and his father Dimitri after the family had immigrated to the US from Greece in the late ’70s.

“They had been farmers back in Greece and came here for a better life,” says Bobby of the family’s move. “They all lived together in one little apartment and worked in groceries and produce stores to save money.”

The Vardakastanises wanted to run their own business, though. And after saving for a few years, they found a space that was available for purchase — 1530 Haight Street.

“Back then, the Haight wasn’t the greatest neighborhood,” Bobby says. “Of course, it’s evolved. And the store had to evolve with it.”

Part of that evolution centered around the kinds of food and produce they were selling.

“Our customers, a lot of whom live in the neighborhood, started paying more attention to the products that were in the store. They were interested in whether or not they were non-GMO and whether or not they were local,” Bobby says. “People started really caring about where their food came from. We’d always had the ‘natural products,’ but we were never educated on it.”

So, he says, they got educated. Gus began purchasing more and more organic produce.

“It was so expensive!” says Bobby. “But people were responding to it.”

Gus took over the business in the mid-’90s when his father passed away. Bobby and Dimitri got increasingly involved in the business too.

“We also liked the stores and had always worked there as kids. We’d mop floors and stock shelves, and we worked our way up. When I was 21 or 22, I started working here full-time.”

Their focus on organic products grew, and their customer base remained steady. Then, in 2009, the market faced its biggest competition yet — the arrival of a massive Whole Foods Market just blocks away at Haight and Stanyan Streets. Instead of preparing for a major hit, the brothers decided to expand. They acquired the building next door and doubled the market in size, adding a full-service deli counter, prepared foods, and a butcher counter.

“Sure, it was competition. But competition makes you a better businessperson. So Whole Foods was coming. We thought, ‘What are we gonna do to counter this?’”

Same as they did with the influx of organic products: give the people what they wanted. Bobby believed that the neighborhood was in need of a full-service meat counter and deli, one stocked with similarly high-quality products (they currently have Mary’s Free Range Chicken, Marin Sun Farms meat, and fresh seafood on offer). But most importantly, they wanted to expand while maintaining the feel of a small community place — not a big-box store.

It’s a vibe you can’t miss when you go to the market now. Come lunch time, the deli counter is crowded with regulars greeting employees behind the cashiers by name; Haight Street tourists who have wandered in for a Golden Gate Park picnic lunch; and people like me who come back to the neighborhood to order a Gus’s Special (turkey, avocado, and provolone, and named after the man himself) and enjoy it in the sun while sitting at the well-appointed parklet right across from the produce bins.

The Mission market will be more of the same, Bobby says, but bigger. The additional space will allow them to offer more products and play with additions like a salad bar and a self-service hot-food buffet. They’ll have parking available too.

As they ramp up to open in late August, the family will begin rebranding efforts on Haight Street and at Noriega Produce. The mural reading “Haight Street Market” will remain, Bobby assures me, but the awning, bags, and labeling will all bear the name “Gus’s Community Market.”

“A lot of our regulars are already calling us ‘Gus’s.’ Our best-selling sandwich is the Gus Special!” he says of the switch. “My dad wasn’t happy about it at the beginning, but he likes it now. I was like, ‘Dude. It’s not an option. You built this. You worked your ass off for it. Let us pay tribute.’”

Got a tip for The Bold Italic? Email tips@thebolditalic.com.

[h/t [Socketsite](#), image courtesy of the Haight Street Market]



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.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2015 JUN 10 PM 4:44
R



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2015 JUN 10 PM 4:44

05

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:

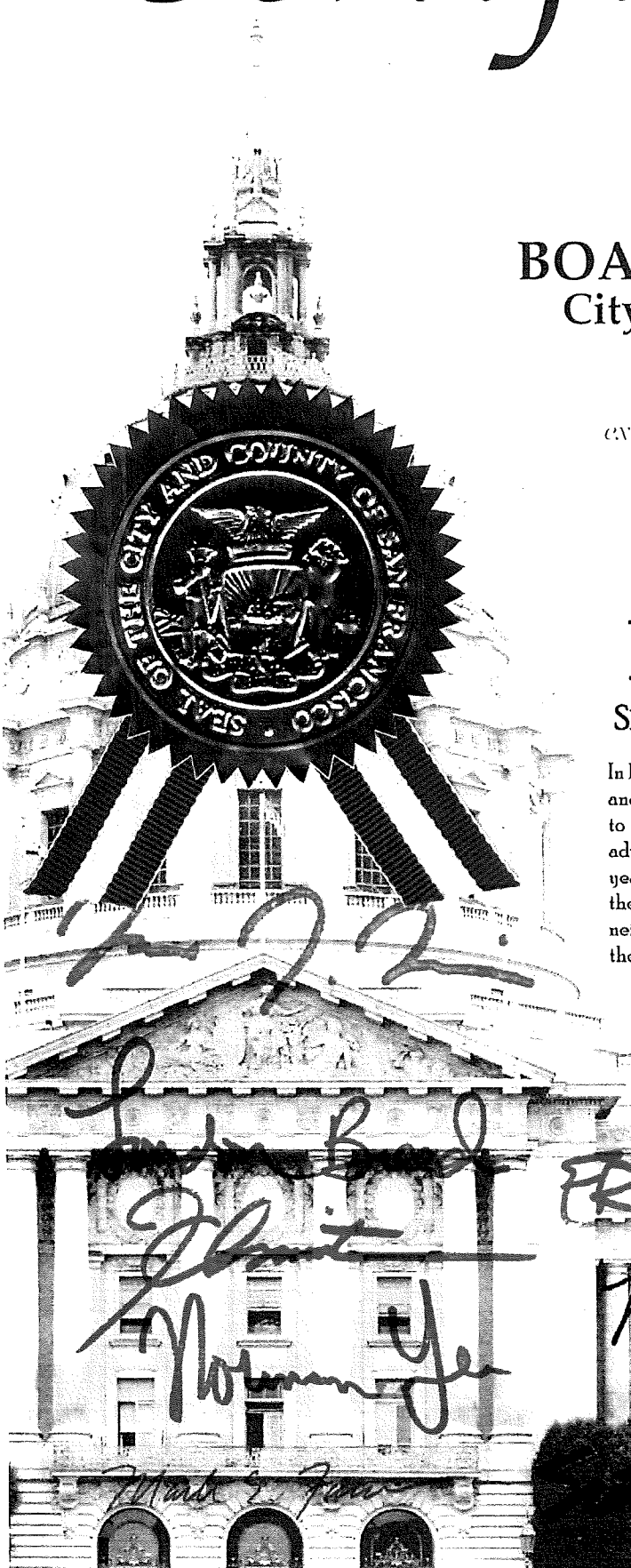
NORIEGA PRODUCE

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 A SA 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

LIQUOR LICENSE REVIEW

TO: Planning Department **File:** 150558
AnMarie Rodgers/CTYPLN/SFGOV
Georgia Powell/CTYPLN/SFGOV@SFGOV
Fax No.: 558-6409

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 Aboulafia
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