

File No. 190839 Committee Item No. 2
 Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS
 AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date October 21, 2019

Board of Supervisors Meeting Date NOVEMBER 5 2019
 Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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Completed by: Erica Major Date October 18, 2019
 Completed by: Erica Major Date 10/24/2019

1 [Planning Code - Fulton Street Grocery Store Special Use District]

2
3 Ordinance amending the Planning Code to allow a grocery store use that is a formula
4 retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton
5 Street between Laguna and Octavia Streets, subject to conditional use authorization,
6 and adding criteria for such authorization; clarify the definition of a grocery store use
7 within the District; eliminate square footage requirements for commercial uses in the
8 District other than a grocery store and for subsequent uses in a location previously
9 approved for a grocery store; extend the time period for effectiveness of controls for
10 the District to five years from the effective date of the Ordinance; and making
11 environmental findings, findings of consistency with the General Plan and the eight
12 priority policies of Planning Code, Section 101.1, and findings of public necessity,
13 convenience, and welfare under Planning Code, Section 302.

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

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 190839 and is incorporated herein by reference. The Board affirms

1 this determination.

2 (b) On October 17, 2019, the Planning Commission, in Resolution No. 20546, adopted
3 findings that the actions contemplated in this ordinance are consistent, on balance, with the
4 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
5 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
6 Board of Supervisors in File No. 190839, and is incorporated herein by reference.

7 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
8 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
9 in Planning Commission Resolution No. 20546 and the Board incorporates such reasons
10 herein by reference. A copy of Planning Commission Resolution No. 20546 is on file with the
11 Clerk of the Board of Supervisors in File No. 190839.

12
13 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
14 249.35A, to read as follows:

15 **SEC. 249.35A. FULTON STREET GROCERY STORE SPECIAL USE DISTRICT.**

16 (a) **Purpose.** In order to provide for the consideration of a neighborhood-serving
17 grocery store of moderate size in a location accessible to the Hayes Valley and Western
18 Addition neighborhoods, there shall be a Fulton Street Grocery Store Special Use District,
19 consisting of Lots 001 and 058 through 198, inclusive, ~~015, and 028~~ of Assessor's Block 0794,
20 between Laguna and Octavia Streets, as designated on Sectional Map 2SU of the Zoning Map.
21 This Special Use District would enable the consideration of a project containing a grocery
22 store in a district that does not permit such uses ~~and of a building height not permitted by the~~
23 ~~established height limitations in the surrounding NCT district.~~ This Special Use District would
24 conditionally permit a grocery store that is a formula retail use, in order to allow consideration of a
25 grocery store that is affordable to the neighborhood. ~~A non-formula retail grocery store may be~~

1 less-affordable, and This one-time lift of the ban on formula retail is intended to support an
2 affordable grocery store that is committed to serving and hiring from the neighborhood. According to
3 the U.S. Census Bureau's 2017 American Community Survey, the median household income in the
4 surrounding neighborhood is \$24,041, and over one-third of residents in the neighborhood live below
5 the poverty line.

6 (b) **Definition.** "Grocery Store" shall mean a retail use that provides fresh produce and
7 other unprepared perishable food products (such as dairy, fish, grains), in addition to other
8 general groceries, personal items, household goods, and similar goods. The term "Grocery
9 Store" includes General Grocery and Specialty Grocery uses.

10 (c) **Application.** This ~~sSpecial~~ ~~Use~~ ~~dDistrict~~ shall apply only to projects that meet all
11 of the following standards:

12 (1) The pProject is mixed-use, with both commercial and residential uses;

13 (2) Commercial uses include a gGrocery sStore larger than 15,000 square feet
14 of gross occupied floor area; and

15 (3) Residential uses achieve a density of not less than 1 unit per 600 square
16 feet of lot area.

17 (d) **Controls.** The following controls apply to projects meeting the criteria of
18 subsection (c) and to any subsequent alterations or changes of use in a building approved
19 under this Section 249.35A.

20 (1) The controls of the Hayes-Gough NCT apply in their entirety, except as
21 specified in this Section.

22 (2) Any commercial uses in addition to the grocery store may not exceed 3,000 square
23 feet of occupied floor area per use. All formula retail uses are prohibited, except for a Grocery Store,
24 which may be permitted as a formula retail use, as defined in Section 303.1, through Conditional Use
25 Authorization pursuant to Section 303.1. Pursuant to the Planning Code, any such formula retail

1 Grocery Store shall be subject to all provisions of Section 303.1, including but not limited to subsection
2 (i) of Section 303.1.

3 (3) Accessory off-street parking shall not be permitted for any commercial use
4 except the gGrocery sStore.

5 (4) All subsequent changes of use shall require Conditional Use authorization
6 from the Planning Commission. The only Non-Residential Uses that may be permitted in the
7 space initially approved for a gGrocery sStore shall include Trade Shop, and Institutional Uses,
8 excluding Medical Cannabis Dispensaries, Hospitals, and Philanthropic Administrative
9 Services, except that General Retail Sales and Services, Pharmacy, or General or Specialty
10 Grocery uses may be permitted provided that no individual tenant occupies more than 3,000 square
11 feet of Gross Floor Area.

12 (5) In addition to the standard criteria for Conditional Use authorization, as set forth in
13 Sections 303 and, if applicable, 303.1, a project sponsor proposing a Grocery Store shall also present
14 information about the affordability of food for the Commission's consideration. The Commission shall
15 consider such information, as well as whether the project sponsor can demonstrate that the proposed
16 Grocery Store will accept payment assistance, as set forth below.

17 (A) Acceptance of Payment Assistance. The project sponsor shall describe the
18 proposed Grocery Store's commitment to accept payment from individuals through assistance
19 programs including but not limited to the United States Department of Agriculture's (USDA)
20 Supplemental Nutritional Assistance Program (SNAP), the Special Supplemental Nutrition Program for
21 Women, Infants, and Children (WIC), and other similar public assistance programs.

22 (B) Food Affordability Projection. The project sponsor shall prepare a
23 projection of food affordability at the proposed location and submit it for review by the Planning
24 Commission. The projection shall consist of current retail pricing for a sampling of everyday grocery
25 items that represent all categories within the market basket of foods maintained by the USDA's Center

1 for Nutrition Policy and Promotion for their Official USDA Food Plans.

2 (C) ~~Periodic Reporting Requirement.~~ In addition to the other
3 requirements of this subsection (d)(5), a project sponsor shall submit for review by the
4 Commission the information required in subsections (A) and (B) of this subsection (d)(5),
5 updated to reflect current conditions, within five years after the last submission of such
6 information, upon a change of ownership of the Grocery Store site, or upon the operation of a
7 new Grocery Store at the site, whichever is earliest.

8 (50). Signs shall be subject to the requirements of Article 6 of this Code, except
9 that allowable business signs for the ~~g~~Grocery ~~s~~Store shall be limited to the following:

10 (A) **Window Signs.** The total area of all window signs, as set forth in
11 Section 602.1(b), shall not exceed 10% of the area of the window on or in which the signs are
12 located. Such signs may be non-illuminated.

13 (B) **Wall Signs.** The total area of all wall signs shall not exceed 40
14 square feet on the Fulton Street frontage occupied by the use, and 40 square feet on the
15 Laguna Street frontage occupied by the use. The height of any wall sign shall not exceed 24
16 feet, or the height of the wall to which it is attached, or the height of the lowest of any
17 residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs
18 may be non-illuminated or indirectly illuminated.

19 (C) **Projecting Signs.** The number of projecting signs shall not exceed
20 one per business. The area of such sign, as set forth in Section 602.1(a), shall not exceed 24
21 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which
22 it is attached, or the height of the lowest of any residential windowsill on the wall to which the
23 sign is attached, whichever is lower. No part of the sign shall project more than 75% percent of
24 the horizontal distance from the street property line to the curblin, or six feet six inches,
25 whichever is less. Such signs may be non-illuminated or indirectly illuminated.

1 (D) **Signs on Awnings and Marquees.** Sign copy may be located on
2 permitted awnings or marquees in lieu of wall signs. The area of such sign copy as set forth in
3 Section 602.1(c) shall not exceed 40 square feet on the Fulton Street frontage occupied by
4 the use, and 40 square feet on the Laguna Street frontage occupied by the use. Such sign
5 copy may be non-illuminated or indirectly illuminated.

6 (E) **Freestanding Signs and Sign Towers.** Freestanding signs or sign
7 towers per lot shall not be permitted.

8 (e) **Effectiveness of Controls in this ~~Ordinance~~ Special Use District.** The controls of
9 this Section 249.35A shall apply only to a ~~g~~Grocery ~~s~~Store that the Planning Commission
10 approves pursuant to the requirements of this Section 249.35A *between May 4, 2008 and*
11 *January 1, 2019* within 5 years of the effective date of the ordinance in Board File No. 480939190839,
12 amending this Section.

13
14 Section 3. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

23 ///

24 ///

25 ///

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6
7 By:


8 VICTORIA WONG
9 Deputy City Attorney
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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 10/21/2019)

[Planning Code - Fulton Street Grocery Store Special Use District]

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District (“District”), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Grocery stores are permitted in the Fulton Street Grocery Store Special Use District (SUD), pursuant to Planning Code Section 249.35A, but existing law does not allow for a formula retail grocery store. Section 249.35A also requires that any commercial use in the SUD in addition to the grocery store, and any use that replaces the grocery store, occupy a maximum of 3000 square feet of floor area.

Amendments to Current Law

This ordinance would allow conditional use authorization for a formula retail grocery store in the SUD, and would clarify the definition of a Grocery Store within the SUD. It would also require, as part of the conditional use authorization requirement, that the project sponsor of a formula retail grocery store provide information to the Planning Commission regarding its commitment to accept payments from individuals through assistance programs such as the U.S. Department of Agriculture’s Supplemental Nutritional Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and other similar assistance programs. The ordinance would also require the project sponsor to prepare a projection of food affordability at the proposed location and submit it for review by the Planning Commission as part of the conditional use authorization.

In addition, the ordinance would eliminate the maximum square foot requirement for other commercial uses in the SUD, including those that may be subsequent to the grocery store use.

FILE NO. 190839

The ordinance would also limit applicability of the SUD controls to a grocery store approved by the Planning Commission within 5 years of the effective date of the ordinance.

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SAN FRANCISCO PLANNING DEPARTMENT

October 17, 2019

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number 2019-014960PCA:
Fulton Street Grocery Store Special Use District
Board File No. 190839
Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Brown,

On October 17, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Brown that would amend Planning Code Section 249.35A. At the hearing the Planning Commission recommended approval with modifications. The Commission's proposed modifications were as follows:

1. Remove the periodic reporting requirement.
2. Remove sunset clause.
3. Clerical amendments:
 - a. Amend Lot references.
 - b. Correct Board File No. reference.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

Transmittal Materials

CASE NO. 2019-014960PCA
Fulton Street Grocery Store Special Use District

cc:

Victoria Wong, Deputy City Attorney
Shakirah Simley, Aide to Supervisor Brown
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20546

HEARING DATE OCTOBER 17, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Fulton Street Grocery Store Special Use District
Case Number: 2019-014960PCA [Board File No. 190839]
Initiated by: Supervisor Brown/ Introduced July 30, 2019
Staff Contact: Veronica Flores, Legislative Affairs
 Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW A GROCERY STORE USE THAT IS A FORMULA RETAIL USE IN THE FULTON STREET GROCERY STORE SPECIAL USE DISTRICT ("DISTRICT"), ON FULTON STREET BETWEEN LAGUNA AND OCTAVIA STREETS, SUBJECT TO CONDITIONAL USE AUTHORIZATION, AND ADDING CRITERIA FOR SUCH AUTHORIZATION; CLARIFY THE DEFINITION OF A GROCERY STORE USE WITHIN THE DISTRICT; ELIMINATE SQUARE FOOTAGE REQUIREMENTS FOR COMMERCIAL USES IN THE DISTRICT OTHER THAN A GROCERY STORE AND FOR SUBSEQUENT USES IN A LOCATION PREVIOUSLY APPROVED FOR A GROCERY STORE; EXTEND THE TIME PERIOD FOR EFFECTIVENESS OF CONTROLS FOR THE DISTRICT TO FIVE YEARS FROM THE EFFECTIVE DATE OF THE ORDINANCE; AND MAKING ENVIRONMENTAL FINDINGS, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302

WHEREAS, on July 30, 2019 Supervisor Brown introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190839, which would amend the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 17, 2019; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed modifications are as follows:

1. Remove the periodic reporting requirement.
2. Remove sunset clause.
3. Clerical amendments:
 - a. Amend Lot references.
 - b. Correct Board File No. reference.

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. Commission finds the proposed Ordinance will provide the neighborhood with access for affordable food because Formula Retail Grocery Stores are more affordable because of their ability to purchase items in bulk and pass these savings onto the consumer.
2. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

MARKET OCTAVIA AREA PLAN

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.2

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

The proposed Ordinance would allow a wider range of Grocery Stores to locate in the SUD in an area that is well served by public transportation. The amendment will allow formula retail grocery stores that meet the

affordability requirements to locate in a dense urban neighborhood with few options for full-service Grocery Stores.

COMMERCE AND INDUSTRY ELEMENT

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 which has substantial undesirable consequences that cannot be mitigated.

The proposed Ordinance will facilitate the establishment of a Formula Retail Grocery Store at the border of the Western Addition and Hayes Valley neighborhoods. This will allow low-income households to have access to affordable foods.

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 proposed Ordinance would allow more flexibility in the types of grocery stores allowed in the SUD and help ensure that grocery stores provide a wide range of goods that are affordable to all economic levels of the community.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed Ordinance would allow a Formula Retail Grocery Store within a transit-accessible neighborhood. This will provide easier access to affordable foods.

Policy 6.4

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

The proposed Ordinance would help attract a wider range of Grocery Stores and ensure that the Grocery Store provides a variety of products that are affordable for all residents in the vicinity of the SUD. Given that the median income levels in the area are well below the City's average, providing affordable healthy food options are crucial to ensuring food security for all residents.

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

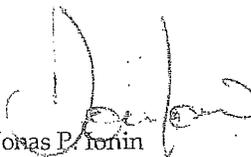
8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 17, 2019.



Joias P. Tonin
Commission Secretary

AYES: Fung, Johnson, Melgar, Moore, Richards

NOES: None

ABSENT: None

ADOPTED: October 17, 2019



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment HEARING DATE: OCTOBER 17, 2019 90-DAY DEADLINE: NOVEMBER 3, 2019

1650 Mission St.
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Planning
Information:
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Project Name: Fulton Street Grocery Store Special Use District
Case Number: 2019-014960PCA [Board File No. 190839]
Initiated by: Supervisor Brown / Introduced July 30, 2019
Staff Contact: Veronica Flores, Legislative Affairs
 Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 415-558-6362
Recommendation: Approval with Modifications

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to allow a grocery store use that is a Formula Retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance.

THE WAY IT IS NOW:

THE WAY IT WOULD BE:

1.	Formula Retail Grocery Stores are not permitted within the Fulton Street Grocery Store Special Use District (SUD).	Formula Retail Grocery Stores would be conditionally permitted within the Fulton Street Grocery Store SUD.
2.	The SUD permits a building height not permitted by the established height limitations in the surrounding Neighborhood Commercial Transit (NCT) Zoning District.	The SUD would remove this height exception.
3.	The SUD does not allow any individual tenant to occupy more than 3,000 square feet of Gross Floor Area.	The maximum of 3,000 square feet per individual tenant would be eliminated.
4.	Project sponsors proposing a Grocery Store in the SUD are required to comply with the	In addition to the standard criterion for Conditional Use Authorization, project sponsors

	standard criterion for Conditional Use Authorization.	would also be required to present information of food affordability to the Commission. This information shall be submitted with the entitlement application. A subsequent report would need to be submitted to the Commission every five years, upon a change of ownership of the Grocery Store site, or upon the operation of a new Grocery Store at the site, whichever is earliest.
5.	The SUD sunsetted on January 1, 2019.	The SUD would sunset within 5 years of the effective date of the Ordinance in Board File No. 190839.

BACKGROUND

The Fulton Street Grocery Store Special Use District (SUD) was originally established to permit Grocery Stores that are not otherwise permitted in the Hayes-Gough Neighborhood Commercial Transit (NCT) Zoning District. The planning code amendment would allow a Formula Retail Grocery Store in the SUD through the Conditional Use Authorization process. The Hayes-Gough NCT is one of only three districts that completely prohibit Formula Retail. Restrictions on Formula Retail were created to encourage locally owned and independent retailers; however, an unintended consequence of these restrictions are retail stores with higher price points. Non-Formula Retail Grocery Stores are generally perceived to be more expensive and more focused on specialty goods as opposed to their chain store counterparts. Chain stores can leverage large bulk purchasing to lower costs which can then be passed on to the end consumer.

ISSUES AND CONSIDERATIONS

Food Access

While the project is within the Hayes-Gough NCT, it is also located in a unique location on the border of the Western Addition and Hayes Valley neighborhoods (see Figure A) where median income levels are well below the City as a whole. According to the 2017 American Community Survey, the median income for the site's zip code (94102) is \$24,041, and over one-third of the households lived below the poverty line in the prior 12 months. Because of this challenging economic landscape, food affordability takes on a higher priority than it would otherwise.

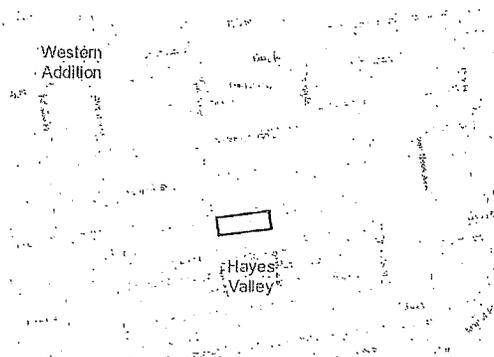


Figure A: Fulton Street Grocery Special Use District boundaries

Food Affordability

To that end, the proposed Ordinance would remove the restrictions on Formula Retail for Grocery Stores within the SUD and create criteria by which the Commission would evaluate a Conditional Use application. In addition to the standard criteria for a Conditional Use, a project sponsor proposing either a grocery store or a specialty grocery would need to provide information for the Commission to determine the store's affordability. The two criteria for that determination are 1) acceptance of payment assistance through Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), or other comparable programs; and 2) an analysis of the sponsor's food affordability projection that consists of current retail pricing for everyday grocery items.

Criterion one would require that the Formula Retail grocery store accepts payments through assistance programs. Government authorized supplemental nutritional programs provide crucial assistance to vulnerable populations. The SNAP and WIC programs review resource and income limits when determining program eligibility. These programs allow qualifying households to purchase food for the household such as fruits and vegetables; meat, poultry, and fish; dairy products; and breads and cereals. The Department is supportive of including this requirement in the proposed ordinance as it will facilitate the first grocery store in the district that would accept SNAP and WIC benefits.

The second criterion requires the project sponsor to prepare a food affordability projection that the Commission would review to determine the store's level of affordability. The proposed ordinance requires that such a projection consist of retail pricing of "everyday grocery items" for a basket of foods as maintained by the United States Department of Agriculture's (USDA's) Center for Nutrition Policy and Promotion for their official USDA Food Plans. The USDA food plans provide representative healthful market baskets at three different cost levels. The plans provide for balanced nutrition needs at each cost level (thrifty, low-cost, moderate, and liberal). The proposed ordinance does not provide any standards for pricing of the basket nor does it establish a specific cost plan that should be provided. Rather, the Ordinance requires the Project Sponsor to provide this information. Interpreting this information is left to the Commission's general discretion of "necessary or desirable" as authorized under Planning Code Section 303.

General Plan Compliance

The proposed Ordinance will allow a Formula Retail Grocery Store within the Fulton Street Grocery SUD, aligning with the Market and Octavia Area Plan and the Commerce and Industry Element of the General Plan. The proposed Ordinance would allow more flexibility in the types of Grocery Stores allowed in the SUD and help ensure that Grocery Stores provide a wide range of goods that are affordable to all economic levels of the community. The proposed Ordinance will facilitate the establishment of a Formula Retail Grocery Store at the border of the Western Addition and Hayes Valley neighborhoods. This will allow low-income households to have access to affordable foods.

Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the forthcoming Office of Racial Equity, which will require all Departments to conduct this analysis.

The proposed Ordinance responds to the need for access to affordable foods by requiring Formula Retail Grocery Stores within the Fulton Street Grocery SUD to accept payment assistance and also requiring Project Sponsors to provide food affordability projections. By accepting SNAP and WIC programs, the Formula Retail Grocery Store ensures that low-income community members have access to the fresh produce. The Ordinance extends this further by requiring food affordability projections that represent all categories within the market basket of foods maintained by the USDA's Center for Nutrition Policy and Promotion as part of their USDA Food Plans. The Ordinance allows access to basic necessities for low-income households.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

RECOMMENDATION

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Remove the periodic reporting requirement.
2. Remove sunset clause.
3. Clerical amendments:
 - a. Amend Lot references.
 - b. Correct Board File No. reference.

BASIS FOR RECOMMENDATION

The Department supports the proposed Ordinance because it would allow more affordable grocery option in an underserved area of the city. A Formula Retail Grocery Store is more affordable because of their ability to purchase items in bulk and pass these savings onto the consumer. This is important to best meet the needs of the varying income levels in the vicinity of the SUD. Additionally, the City and the neighborhood could be certain that the Grocery Store will continue to accept SNAP and WIC as a condition of approval. The Department supports the overall Ordinance, additional policy recommendations will further enhance the benefits of the proposed amendments.

Recommendation 1: Remove periodic reporting clause. Staff recommends amending Section 249.35A(d)(5) by removing the periodic reporting requirement because there are too many economic variables and it is unknown what would be considered "affordable" in the future. One concern is if one of the future reports determines that the existing tenant is not actually "affordable" per this criterion. As written, the tenant would no longer be compliant with the SUD requirements and may eventually need to cease operation if they are unable to adjust their business plan accordingly. This risks losing a much-needed grocery store in this neighborhood, and further risks a large retail space standing vacant at the property. Rather, staff recommends that any new subsequent grocery store provide such food affordability information to the Commission at the time of their application review.

Recommendation 2: Remove sunset clause. Section 249.35A(e) outlines a sunset clause for this SUD. This discounts the efforts to provide a much-needed amenity in this neighborhood. If there is a successful Formula Retail tenant within the SUD, they would become legal non-complying once this SUD sunsets. This poses two major concerns if the successful grocery store tenant were to vacate the property within the SUD: 1) only grocery stores with fewer worldwide locations would be permitted since it would be considered a less intensive use than the successful grocery store, and 2) the former grocery store may remain vacant if no other tenant or use operates at the property. These potential scenarios go against the intent of this Ordinance in order to provide an affordable grocery store to this neighborhood. Therefore, the Department recommends removing such sunset clause from the SUD.

Recommendation 3: Clerical Amendments.

Recommendation 3(a): Amend Lot references. Section 249.35A(a) describes the boundaries of the Fulton Street Grocery Store SUD consisting of Lots 001, 015, and 028 of Assessor's Block 0794. Lots 015 and 028 have been since merged and subdivided to Lots 058-198. While the Lots have changes, the SUD boundaries remain the same and the Ordinance should capture these changes accordingly.

Recommendation 3(b): Correct Board File No. reference. Section 249(e) references Board File No. 180939. This should be corrected to 190839 instead.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 190839

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution HEARING DATE OCTOBER 17, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Fulton Street Grocery Store Special Use District
Case Number: 2019-014960PCA [Board File No. 190839]
Initiated by: Supervisor Brown/ Introduced July 30, 2019
Staff Contact: Veronica Flores, Legislative Affairs
 Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW A GROCERY STORE USE THAT IS A FORMULA RETAIL USE IN THE FULTON STREET GROCERY STORE SPECIAL USE DISTRICT ("DISTRICT"), ON FULTON STREET BETWEEN LAGUNA AND OCTAVIA STREETS, SUBJECT TO CONDITIONAL USE AUTHORIZATION, AND ADDING CRITERIA FOR SUCH AUTHORIZATION; CLARIFY THE DEFINITION OF A GROCERY STORE USE WITHIN THE DISTRICT; ELIMINATE SQUARE FOOTAGE REQUIREMENTS FOR COMMERCIAL USES IN THE DISTRICT OTHER THAN A GROCERY STORE AND FOR SUBSEQUENT USES IN A LOCATION PREVIOUSLY APPROVED FOR A GROCERY STORE; EXTEND THE TIME PERIOD FOR EFFECTIVENESS OF CONTROLS FOR THE DISTRICT TO FIVE YEARS FROM THE EFFECTIVE DATE OF THE ORDINANCE; AND MAKING ENVIRONMENTAL FINDINGS, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302

WHEREAS, on July 30, 2019 Supervisor Brown introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190839, which would amend the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 17, 2019; and

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Commission's proposed modifications are as follows:

1. Remove the periodic reporting requirement.
2. Remove sunset clause.
3. Clerical amendments:
 - a. Amend Lot references.
 - b. Correct Board File No. reference.

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. Commission finds the proposed Ordinance will provide the neighborhood with access for affordable food because Formula Retail Grocery Stores are more affordable because of their ability to purchase items in bulk and pass these savings onto the consumer.
2. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

MARKET OCTAVIA AREA PLAN

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.2

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

The proposed Ordinance would allow a wider range of Grocery Stores to locate in the SUD in an area that is well served by public transportation. The amendment will allow formula retail grocery stores that meet

the affordability requirements to locate in a dense urban neighborhood with few options for full-service Grocery Stores.

COMMERCE AND INDUSTRY ELEMENT

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 which has substantial undesirable consequences that cannot be mitigated.

The proposed Ordinance will facilitate the establishment of a Formula Retail Grocery Store at the border of the Western Addition and Hayes Valley neighborhoods. This will allow low-income households to have access to affordable foods.

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 proposed Ordinance would allow more flexibility in the types of grocery stores allowed in the SUD and help ensure that grocery stores provide a wide range of goods that are affordable to all economic levels of the community.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed Ordinance would allow a Formula Retail Grocery Store within a transit-accessible neighborhood. This will provide easier access to affordable foods.

Policy 6.4

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

The proposed Ordinance would help attract a wider range of Grocery Stores and ensure that the Grocery Store provides a variety of products that are affordable for all residents in the vicinity of the SUD. Given that the median income levels in the area are well below the City's average, providing affordable healthy food options are crucial to ensuring food security for all residents.

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 17, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: October 17, 2019

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1 [Planning Code - Fulton Street Grocery Store Special Use District]

2
3 Ordinance amending the Planning Code to allow a grocery store use that is a formula
4 retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton
5 Street between Laguna and Octavia Streets, subject to conditional use authorization,
6 and adding criteria for such authorization; clarify the definition of a grocery store use
7 within the District; eliminate square footage requirements for commercial uses in the
8 District other than a grocery store and for subsequent uses in a location previously
9 approved for a grocery store; extend the time period for effectiveness of controls for
10 the District to five years from the effective date of the Ordinance; and making
11 environmental findings, findings of consistency with the General Plan, and the eight
12 priority policies of Planning Code, Section 101.1, and findings of public necessity,
13 convenience, and welfare under Planning Code, Section 302.

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

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

22 Section 1. Environmental and Land Use Findings.

23 (a) The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
2 determination.

3 (b) On _____, the Planning Commission, in Resolution No. _____,
4 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
5 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
6 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
7 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
9 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
10 in Planning Commission Resolution No. _____ and the Board incorporates such reasons
11 herein by reference. A copy of Planning Commission Resolution No. _____ is on file with
12 the Clerk of the Board of Supervisors in File No. _____.

13
14 Section 2. Article 2 of the Planning Code is hereby amended by revising Section
15 249.35A, to read as follows:

16 **SEC. 249.35A. FULTON STREET GROCERY STORE SPECIAL USE DISTRICT.**

17 (a) **Purpose.** In order to provide for the consideration of a neighborhood-serving
18 grocery store of moderate size in a location accessible to the Hayes Valley and Western
19 Addition neighborhoods, there shall be a Fulton Street Grocery Store Special Use District,
20 consisting of Lots 001, 015, and 028 of Assessor's Block 0794, between Laguna and Octavia
21 Streets, as designated on Sectional Map 2SU of the Zoning Map. This Special Use District
22 would enable the consideration of a project containing a grocery store in a district that does
23 not permit such uses ~~and of a building height not permitted by the established height limitations in~~
24 ~~the surrounding NCT district.~~ This Special Use District would conditionally permit a grocery store
25 that is a formula retail use, in order to allow consideration of a grocery store that is affordable to the

1 neighborhood. A non-formula retail grocery store may be less affordable, and this one-time lift of the
2 ban on formula retail is intended to support an affordable grocery store that is committed to serving
3 and hiring from the neighborhood. According to the U.S. Census Bureau's 2017 American Community
4 Survey, the median household income in the surrounding neighborhood is \$24,041, and over one-third
5 of residents in the neighborhood live below the poverty line.

6 (b) **Definition.** "Grocery Store" shall mean a retail use that provides fresh produce and
7 other unprepared perishable food products (such as dairy, fish, grains), in addition to other
8 general groceries, personal items, household goods, and similar goods. The term "Grocery
9 Store" includes General Grocery and Specialty Grocery uses.

10 (c) **Application.** This ~~s~~Special ~~u~~Use ~~d~~District shall apply only to projects that meet all
11 of the following standards:

12 (1) The pProject is mixed-use, with both commercial and residential uses;

13 (2) Commercial uses include a ~~g~~Grocery ~~s~~Store larger than 15,000 square feet
14 of gross occupied floor area; and

15 (3) Residential uses achieve a density of not less than 1 unit per 600 square
16 feet of lot area.

17 (d) **Controls.** The following controls apply to projects meeting the criteria of
18 subsection (c) and to any subsequent alterations or changes of use in a building approved
19 under this Section 249.35A.

20 (1) The controls of the Hayes-Gough NCT apply in their entirety, except as
21 specified in this Section.

22 (2) Any commercial uses in addition to the grocery store may not exceed 3,000 square
23 feet of occupied floor area per use. All formula retail uses are prohibited, except for a Grocery Store,
24 which may be permitted as a formula retail use, as defined in Section 303.1, through Conditional Use
25 Authorization pursuant to Section 303.1. Pursuant to the Planning Code, any such formula retail

1 Grocery Store shall be subject to all provisions of Section 303.1, including but not limited to subsection
2 (i) of Section 303.1.

3 (3) Accessory off-street parking shall not be permitted for any commercial use
4 except the ~~g~~Grocery ~~s~~Store.

5 (4) All subsequent changes of use shall require Conditional Use authorization
6 from the Planning Commission. The only Non-Residential Uses that may be permitted in the
7 space initially approved for a ~~g~~Grocery ~~s~~Store shall include Trade Shop, and Institutional Uses,
8 excluding Medical Cannabis Dispensaries, Hospitals, and Philanthropic Administrative
9 Services, except that General Retail Sales and Services, Pharmacy, or General or Specialty
10 Grocery uses may be permitted ~~provided that no individual tenant occupies more than 3,000 square~~
11 ~~feet of Gross Floor Area.~~

12 (5) In addition to the standard criteria for Conditional Use authorization, as set forth in
13 Sections 303 and, if applicable, 303.1, a project sponsor proposing a Grocery Store shall also present
14 information about the affordability of food for the Commission's consideration. The Commission shall
15 consider such information, as well as whether the project sponsor can demonstrate that the proposed
16 Grocery Store will accept payment assistance, as set forth below.

17 (A) Acceptance of Payment Assistance. The project sponsor shall describe the
18 proposed Grocery Store's commitment to accept payment from individuals through assistance
19 programs including but not limited to the United States Department of Agriculture's (USDA)
20 Supplemental Nutritional Assistance Program (SNAP), the Special Supplemental Nutrition Program for
21 Women, Infants, and Children (WIC), and other similar public assistance programs.

22 (B) Food Affordability Projection. The project sponsor shall prepare a
23 projection of food affordability at the proposed location and submit it for review by the Planning
24 Commission. The projection shall consist of current retail pricing for a sampling of everyday grocery
25

1 items that represent all categories within the market basket of foods maintained by the USDA's Center
2 for Nutrition Policy and Promotion for their Official USDA Food Plans.

3 (C) **Periodic Reporting Requirement.** In addition to the other requirements of
4 this subsection (d)(5), a project sponsor shall submit for review by the Commission the information
5 required in subsections (A) and (B) of this subsection (d)(5), updated to reflect current conditions,
6 within five years after the last submission of such information, upon a change of ownership of the
7 Grocery Store site, or upon the operation of a new Grocery Store at the site, whichever is earliest.

8 (56) Signs shall be subject to the requirements of Article 6 of this Code, except
9 that allowable business signs for the ~~g~~Grocery ~~s~~Store shall be limited to the following:

10 (A) **Window Signs.** The total area of all window signs, as set forth in
11 Section 602.1(b), shall not exceed 10% of the area of the window on or in which the signs are
12 located. Such signs may be non-illuminated.

13 (B) **Wall Signs.** The total area of all wall signs shall not exceed 40
14 square feet on the Fulton Street frontage occupied by the use, and 40 square feet on the
15 Laguna Street frontage occupied by the use. The height of any wall sign shall not exceed 24
16 feet, or the height of the wall to which it is attached, or the height of the lowest of any
17 residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs
18 may be non-illuminated or indirectly illuminated.

19 (C) **Projecting Signs.** The number of projecting signs shall not exceed
20 one per business. The area of such sign, as set forth in Section 602.1(a), shall not exceed 24
21 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which
22 it is attached, or the height of the lowest of any residential windowsill on the wall to which the
23 sign is attached, whichever is lower. No part of the sign shall project more than 75% percent of
24 the horizontal distance from the street property line to the curblin, or six feet six inches,
25 whichever is less. Such signs may be non-illuminated or indirectly illuminated.

1 (D) **Signs on Awnings and Marquees.** Sign copy may be located on
2 permitted awnings or marquees in lieu of wall signs. The area of such sign copy as set forth in
3 Section 602.1(c) shall not exceed 40 square feet on the Fulton Street frontage occupied by
4 the use, and 40 square feet on the Laguna Street frontage occupied by the use. Such sign
5 copy may be non-illuminated or indirectly illuminated.

6 (E) **Freestanding Signs and Sign Towers.** Freestanding signs or sign
7 towers per lot shall not be permitted.

8 (e) **Effectiveness of Controls in this ~~Ordinance~~ Special Use District.** The controls of
9 this Section 249.35A shall apply only to a ~~g~~Grocery ~~s~~Store that the Planning Commission
10 approves pursuant to the requirements of this Section 249.35A *between May 4, 2008 and*
11 *January 1, 2019* within 5 years of the effective date of the ordinance in Board File No. 180939,
12 amending this Section.

13
14 Section 3. **Effective Date.** This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19 Section 4. **Scope of Ordinance.** In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

23 //

24 //

25 //

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 VICTORIA WONG
8 Deputy City Attorney

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 5, 2019

File No. 190839

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 30, 2019, Supervisor Brown submitted the proposed legislation:

File No. 190839

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

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

Joy Navarrete 10/15/2019

Remski, Derek (BOS)

From: [redacted]@com>
Sent: [redacted]
To: [redacted]
Subject: [redacted]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Myrna and Vallie,

I fully support Trader Joes at 555 Fulton. We in the neighborhood could use a lower cost grocery store like Trader Joes. Right now, we're forced to often buy expensive, lower-quality groceries at the corner liquor store. Safeway could use some competition too.

Thank you.

Dan Bowremaster
Oak Street

Remski, Derek (BOS)

From:
Sent:
To:
Cc:
Subject:

am a Duboce Triangle resident

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi –

Several years ago, Trader Joe's was regrettably denied a store in the Castro/Duboce Triangle because the Duboce Triangle Neighborhood Association did not want increased car traffic. I attended the public meetings. Some of the most outspoken critics of the proposed store were selfishly worried that their personal street parking would be affected. This goes to the heart of the matter: the stores (like the 4th Street location) should be ideally be designed around access for people who walk, take public transit, or bicycle. We're worried too much about car people.

Trader Joe's was willing to make all kinds of concessions, but the neighborhood association's alarming arrogance shut down any prospect of a great store within walking distance of my apartment.

The DTNA (primarily) kept Trader Joe's out, and now look at the Castro... it's a wasteland.

Non-car people such as myself have to travel long distances to get to any Trader Joe's. We have a Whole Foods, but it's not the same (and the Safeway at Church & Market is Hell on Earth—it should be razed).

Trader Joe's is good for Hayes Valley. It won't be in my neighborhood, but at least I can walk to it (and their employees are happy, unlike WFM!).

Anyway—I'm all in for TJ's in Hayes Valley.

Mark
Duboce Triangle

Remski, Derek (BOS)

From: E
Sent: S
To: E
Subject: S /alley

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Supervisor Brown,

I'm a local resident in Hayes Valley at 456 Fell Street writing in strong support of the exemption to allow Trader Joe's to bring a grocer to 555 Fulton.

We understand the reason for not allowing other chains and agree that it enables Hayes Valley to uniquely stand out in the city. However, there are no local markets that are affordable in the area for our family and having the selection and pricing of Trader Joe's would open up a lot of good for us and our neighborhood. I think we need to make an exception for the grocer category.

I believe that supporting this exemption would allow an affordable option while continuing to support the small local merchants that help Hayes Valley thrive.

Thank you. Please reach out if you have any questions or if there is more I can do to support this exemption.

Best,
Brandon McGraw

--
Brandon McGraw |

Subject: FW: Hello from Trader Joe's

From: majeid crawford [mailto: [REDACTED]]

Sent: Wednesday, October 2, 2019 10:15 AM

To: Stephanie Mesa-Wise <SMesa-Wise@traderjoes.com>

Cc: Gloria Berry < [REDACTED] >

Subject: Re: Hello from Trader Joe's

Dear Stephanie Mesa-Wise,

It was really a pleasure to meet with you and thank you again for reaching out to the New Community Leadership Foundation.

We are excited about the possibility of Trader Joe's coming to the community. Please let us know if there is anything we can do to support this effort.

Yours truly,

Majeid

Associate Director

NCLF

www.NewCommunityLeadershipFoundation.com

Dear Supervisor Brown,

My name is Martha Knutzen I live at 601 Van Ness Avenue in District 5 with my spouse, Fran Kipnis. We are in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD).

Currently, Trader Joe's is interested in moving into 555 Fulton Street; I especially want Trader Joe's because we currently shop at their store on California between Larkin and Hyde Street, which is over a mile away from our home.

We love Trader Joe's because it is healthy and affordable and because the service is so friendly and supportive to everyone who shops there. There is currently NO other grocery store that we can shop at within at least a mile of our home and it has been this way since I moved to Civic Center in 2001.

Since we do not own a car, we have to walk, bus or take a hired car to do our grocery shopping, which is expensive, time-consuming and physically exhausting. Due to the BRT project on Van Ness, we know that the nearest stop to the California street Trader Joe's has been moved to at least 5 blocks from the store. That means that most people are walking to the store or taking a bus, and then hiring a taxi or other car service to bring their groceries home.

Thanks so much for your efforts to finally get a good grocery store for people who live in the Civic Center/Hayes Valley area. I hope the Planning Commissioners allow the formula retail store.

Martha Knutzen
Fran Kipnis

BrownStaff

Subject:

RE: Support for Trader Joes Grocery Store at 555 Fulton Street

rg>

gov.org>; BrownStaff <brownstaff@sfgov.org>; Krywenko, Caleb (BOS)
) <joel.koppel@sfgov.org>; CPC-Commissions Secretary

at 555 Fulton Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Brown,

My name is Ana Canillas. My partner and I live in District 5 and are active voters who have invested our lives here since buying a home in the Western Addition in the 1990's. One of the attractions back then was the richly diverse community and affordability. I had the honor of working with activists and leaders like Patricia Walkup, who inspired and believed in this vision of community.

One of the items battled for was Formula retail legislation - hard fought.

But, in this case, having affordable grocery store with fresh produce to the Western Addition is worthwhile.

I, and many of my neighbors who are aging and with mobility challenges too, are in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD).

I understand this formula retail grocery store would be conditionally permitted within the Fulton Street Grocery Store SUD. The exemption only applies to the potential grocery store. If this legislation passes, the retailer will still have to go through a conditional use authorization process, which will include time to discuss and address community concerns.

I understand, currently, Trader Joe's is interested in moving into 555 Fulton Street; ***I and many of my neighbors support this new grocery retail option***, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Thank you for your leadership and time!

Ana Canillas

District 5 Resident and active voter since 1998

From: [REDACTED]
To: 555FultonSt
Subject: Yes to Trader Joe's @ 555 Fulton
Date: Monday, October 14, 2019 8:27:01 AM

Dear TJ Development Coordinator,

As a 25 year resident & property owner on Hayes Street I share you I fully endorse a trader Joe's Grocery store to be established in the large retailer space at 555 Fulton! When I learned such a large space for a retailer like a grocery store was part of the development plan 4 years ago I immediately thought of TJ! I commit to attend the HVNA meeting this evening at 215 Haight Street. I have been informed a spokesperson for the TJ plan at 555 Fulton will be there to describe the plan. I feel a Trader's Joes in that venue space would meet the needs of people in Hayes Valley, Western Addition & the Civic Center area!

Peace be with you,

John Alex Lowell

Email address: [REDACTED]

Cell phone: [REDACTED]

Krywenko, Caleb (BOS)

From: District 05 Contact Us Google Form <sfbdsupvrs@gmail.com>
Sent: Thursday, October 17, 2019 2:35 PM
To: Brown, Vallie (BOS); BrownStaff; Cañcino, Juan Carlos (BOS); Remski, Derek (BOS); Simley, Shakirah (BOS); Krywenko, Caleb (BOS); Tse, John (BOS)
Subject: Contact Us Submission - Supervisor Brown
Attachments: 396.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

A constituent has submitted a request via the Contact Us web page.

Copy and paste the following email address if you wish to reply to the original sender: roshanvyas@gmail.com

***** DO NOT REPLY TO THIS EMAIL FORM..!!! *****

THIS MAILBOX sfbdsupvrs@gmail.com IS NOT MONITORED.

Here are the results.

Roshan Vyas

Hi Supervisor Brown. I wanted to write in to show support for the proposed Trader Joes at 555 Fulton. I've lived in Hayes Valley for nearly a decade and we very much need a full service supermarket. While Nabilas and other smaller markets are nice to have, they are not replacements for a supermarket in terms of choices and prices. I've noticed the opposition pointing to Safeway and Whole Foods already being a mile away, but they are just far enough where a car is needed for most HV residents. In addition, the empty storefront on Fulton creates both an eyesore and presents a safety issue with the emptiness it creates on the street.

Sent via [Google Forms Email](#)

Krywenko, Caleb (BOS)

From: District 05 Contact Us Google Form <sfbdsupvrs@gmail.com>
Sent: Friday, October 11, 2019 3:20 PM
To: Brown, Vallie (BOS); BrownStaff; Cancino, Juan Carlos (BOS); Remski, Derek (BOS);
Simley, Shakirah (BOS); Krywenko, Caleb (BOS)
Subject: Contact Us Submission - Supervisor Brown
Attachments: 393.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

A constituent has submitted a request via the Contact Us web page.

Copy and paste the following email address if you wish to reply to the original sender: niharmadhavan@gmail.com

***** DO NOT REPLY TO THIS EMAIL FORM..!!! *****

THIS MAILBOX sfbdsupvrs@gmail.com IS NOT MONITORED.

Here are the results.

Nihar M Madhavan

I wanted to express support fro Trader Joes in Hayes Valley!

Sent via [Google Forms Email](#)

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is LeKesha Howard. I live/work at 310 Haight St (Hayes Valley) in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,

LeKesha Howard

Contact Information

Orga _____

Ema _____

Phor _____

Zip C _____

October 17, 2019

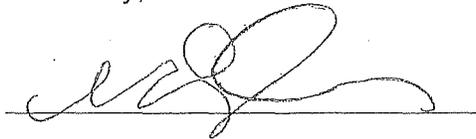
District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Nayansay Avel. I live/work at MD MAGIC / EIA & HILL Htch in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,



Contact Information

Organiza _____

Email: _____

Phone Ni _____

Zip Code _____

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Tamara Walker. I live/work at 1426 Fillmore Street in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally, and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,



Cc

Or _____

En _____

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October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is ANDREA HORDE. I live/work at Prince Hall Computer Learning
in District 5. I am in support of your legislation to allow a formula retail grocery store to CENTER
be conditionally permitted within the Fulton Street Grocery Store Special Use District
(SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support
this new grocery retail option, as our neighborhood has lacked a healthy, full-service,
and affordable grocery store for decades. Not only will Trader Joe's provide affordable
and fresh options, but they are committed to hiring and training workers locally and
directly from this community. I encourage you to pass this legislation to bring a healthier
and accessible grocery option to our neighborhood.

Sincerely,

Andrea Horde

Co

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Ph

Zip

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is AIAN ASKEW. I live/work at BOOKER T. WASHINGTON CSC
in District 5. I am in support of your legislation to allow a formula retail grocery store to
be conditionally permitted within the Fulton Street Grocery Store Special Use District
(SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support
this new grocery retail option, as our neighborhood has lacked a healthy, full-service,
and affordable grocery store for decades. Not only will Trader Joe's provide affordable
and fresh options, but they are committed to hiring and training workers locally and
directly from this community. I encourage you to pass this legislation to bring a healthier
and accessible grocery option to our neighborhood.

Sincerely,



Contact I

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ON

Email:

Phone N

Zip Code

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Brittany Ford. I live/work at Ella Hill Hatch 1050 McAllister St.
in District 5. I am in support of your legislation to allow a formula retail grocery store to
be conditionally permitted within the Fulton Street Grocery Store Special Use District
(SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support
this new grocery retail option, as our neighborhood has lacked a healthy, full-service,
and affordable grocery store for decades. Not only will Trader Joe's provide affordable
and fresh options, but they are committed to hiring and training workers locally and
directly from this community. I encourage you to pass this legislation to bring a healthier
and accessible grocery option to our neighborhood.

Sincerely,



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Zip

Subject: RE: Letter of Support - Affordable grocery store conditional formula retail use

>

>

> gov.org>; Krywenko, Caleb (BOS) <caleb.krywenko@sfgov.org>; Melgar,
> al, Joef (CPC) <joel.koppel@sfgov.org>; CPC-Commissions Secretary

store conditional formula retail use

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Brown;

My name is Dena Emmerson. My husband and I are residents in the 94102 zip code in District 5. I am in support of the amendment of the Planning Code and of your amendment to allow a conditionally permitted formula retail grocery store on Fulton Street between Laguna and Octavia Streets. While there are a few small boutique stores in the area to purchase food items, our neighborhood lacks a healthy, full-service, and above all, affordable, grocery store. The current Code has proven prohibitive to entice non-formula retail grocery stores into the neighborhood and the time has come to lift this ban, at least in this single case. This will make room for a larger company, who can afford to provide lower cost groceries, into the space. The current interest expressed by Trader Joe's is encouraging - they are committed to not only providing desperately needed low-cost food options, but they also will hire and train workers directly from this community.

Thank you for your efforts to move this forward and bring our neighborhood the resources it needs.

Dena Emmerson
District 5 Resident

Subject:

RE: Letter of support for Supervisor Brown's proposed ordinance

[gmail.com](#)>

[rg](#)>

[fgov.org](#)>; Krywenko, Caleb (BOS) <caleb.krywenko@sfgov.org>; Melgar,
Joel, Joel (CPC) <joel.koppel@sfgov.org>; CPC-Commissions Secretary

's proposed ordinance

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Brown,

My name is Rodney Earl Jackson Jr. and I live at 319 Buchanan st in District 5. I'm an artists and theatre educator - at the Harvey Milk center, Brava center for women in the arts and at the African American art and culture complex. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street, my/our community. There are several examples of people who look like me and don't feel welcomed in their own communities because of cost, including: availability to affordable housing, economics in education, or the lack there of of good healthy and nutritious food, to name a few examples. The ideological narrative for those like me is that we are not wanted and ultimately we leave or get pushed out; Increasing the racial equity gap. I highly support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. District 5 is one of the most diverse and dynamic districts in San Francisco, racially and economically; adding higher incentives to support those who deserve just as healthy affordable options as their neighbors. Not only will Trader Joe's provide affordable and fresh options in a neighborhood that has become infamous for its \$9 (8oz) juices, but they are committed to hiring and training workers locally and directly from this community. I highly encourage you to pass this legislation to bring a healthier and more accessible grocery option to our neighborhood. I've lived in this district for the majority of my life and there has never been talks about health the way there are now. This is personal to me because my grandmother passed of diabetes. She didn't have the accessibility to be healthy...financially, educationally, or socially. It's time to change that for the next generation so young ones like my niece (a 2 year old black girl growing up in public housing in San Francisco) can all reach their fullest potential. It all starts with What we put in our bodies and if we psychologically believe we can afford it and still make ends meet.

-Rodney Earl Jackson Jr.

BrownStaff

Subject: RE: Trader Joes Grocery Store Proposal

imley@sfgov.org; CPC-
@sfgov.org; Melgar,

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Brown,

I live in Hayes Valley in District 5 with my husband. We are fully in support of the legislation to allow Trader Joe's to be brought into the neighborhood through the conditional permit. A grocery store is the major thing this neighborhood lacks. Currently, we get our groceries once a week from the Civic Center Farmer's Market on Sundays, and while we like and will continue to support our local farmers, it is inconvenient that there are no other options for fresh food in the area. As was brought up in the community meeting, I also want to ensure that the grocery store is committed to hiring and training local workers and benefit the local community. I encourage the passing of this legislation to bring a grocery option to our neighborhood. Thank you for your work to improve the neighborhood!

Best,

Emily Sun

BrownStaff

From: Brown, Vallie (BOS)
Subject: RE: Trader Joe's at 555 Fulton

>> Simley, Shakirah (BOS) <shakirah.simley@sfgov.org>

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Brown and team:

Just wanted to write a note re: the TJ's -- as an HV resident, I unreservedly support the TJ's going in at Fulton & Laguna. I know there's some stuff around the margins to be thoughtful about (parking/etc) but I want to express uncomplicated support for the store. It's well beyond time we had a full service grocery within the walk-shed of Hayes Valley, and TJs as a company tends to do a very efficient job with smallish stores and has both full fresh produce as well as loads of decent and affordably priced premade stuff. It would be great to have them move in, and soon!

Thanks for your work on it.

Ben Zotto
HV.

PS Attached is a newspaper clipping I came across during some research from way back in 1881. They were already excited about this store then! ;)

Krywenko, Caleb (BOS)

From:

Sent:

To:

Cc:

Subject:

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Brown,

My name is Lyslynn Lacoste . I live in Hayes Valley in District 5 and I'm a loyal Trader Joe's customer. Currently, I have to travel to the SOMA, downtown SF or Nob Hill to access the great and affordable quality products from Trader Joe's. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Thank you for moving this legislation forward!

Lyslynn Lacoste

Krywenko, Caleb (BOS)

From:

Sent:

To:

Cc:

Subject:

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Brown,

My name is Rae Dinh. You visited me at my residence at 739 Webster St. in District 5 and told me about the plan to lift the retail ban to allow Trader Joe's to move into 555 Fulton, which is one block from my house. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD).

Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Thank you,

Rae

Krywenko, Caleb (BOS)

From:

Sent:

To:

Cc: ; Koppel, Joel (CPC); Melgar, Myrna (CPC);

Subject:

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Brown,

My name is B Freas. I work or at CommunityGrows in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD), per the support of Mo Magic and members of the community who have lived there long before I was born.

Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Thank you,

B Freas

BEET Educator

CommunityGrows

Planting seeds... empowering youth

[Website](#) / [Facebook](#) / [Instagram](#)

October 17, 2019

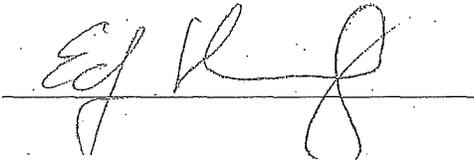
District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Edgardo Hernandez. I live/work at Western Addition Family Resource Cen
in District 5. I am in support of your legislation to allow a formula retail grocery store to
be conditionally permitted within the Fulton Street Grocery Store Special Use District
(SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support
this new grocery retail option, as our neighborhood has lacked a healthy, full-service,
and affordable grocery store for decades. Not only will Trader Joe's provide affordable
and fresh options, but they are committed to hiring and training workers locally and
directly from this community. I encourage you to pass this legislation to bring a healthier
and accessible grocery option to our neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Edgardo Hernandez", is written over a horizontal line. The signature is stylized and cursive.

October 17, 2019

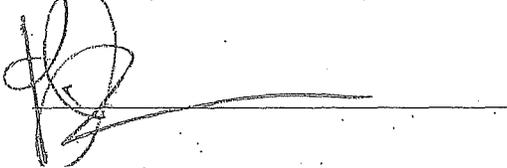
District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Kandi Jackson. I live/work at 510 Ellis Street
in District 5. I am in support of your legislation to allow a formula retail grocery store to
be conditionally permitted within the Fulton Street Grocery Store Special Use District
(SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support
this new grocery retail option, as our neighborhood has lacked a healthy, full-service,
and affordable grocery store for decades. Not only will Trader Joe's provide affordable
and fresh options, but they are committed to hiring and training workers locally and
directly from this community. I encourage you to pass this legislation to bring a healthier
and accessible grocery option to our neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kandi Jackson', followed by a long horizontal line extending to the right.

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Avery Klawell. I live/work at 701 oak street
in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,

Avery Klawell

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Chris Cole. I live/work at Success Center
in District 5. I am in support of your legislation to allow a formula retail grocery store to
be conditionally permitted within the Fulton Street Grocery Store Special Use District
(SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support
this new grocery retail option, as our neighborhood has lacked a healthy, full-service,
and affordable grocery store for decades. Not only will Trader Joe's provide affordable
and fresh options, but they are committed to hiring and training workers locally and
directly from this community. I encourage you to pass this legislation to bring a healthier
and accessible grocery option to our neighborhood.

Sincerely,

Chris Cole

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Renee Strong. I live/work at Hamilton Ave Ct in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,

Renee Strong

October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Darien Caine. I live/work at 762 Fulton St. (AARC) in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,



October 17, 2019

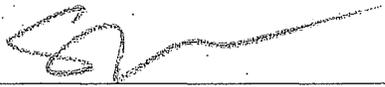
District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Sean Moler. I live/work at Jewish Community HS in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,



October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Leon Schmidt. I live/work at 1251 Turk St. - Rosa Parks Apartments in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,

Leon Schmidt

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October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Marianna Ribos. I live/work at Vestside Community Soc
in District 5. I am in support of your legislation to allow a formula retail grocery store to
be conditionally permitted within the Fulton Street Grocery Store Special Use District
(SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support
this new grocery retail option, as our neighborhood has lacked a healthy, full-service,
and affordable grocery store for decades. Not only will Trader Joe's provide affordable
and fresh options, but they are committed to hiring and training workers locally and
directly from this community. I encourage you to pass this legislation to bring a healthier
and accessible grocery option to our neighborhood.

Sincerely,



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October 17, 2019

District 5 Supervisor Vallie Brown
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689

RE: Support for BOS File No. 190839 / Fulton St Grocery Store SUD Exemption

Dear Supervisor Brown,

My name is Lauren Hager. I live/work at University of San Francisco
in District 5. I am in support of your legislation to allow a formula retail grocery store to be conditionally permitted within the Fulton Street Grocery Store Special Use District (SUD). Currently, Trader Joe's is interested in moving into 555 Fulton Street; I support this new grocery retail option, as our neighborhood has lacked a healthy, full-service, and affordable grocery store for decades. Not only will Trader Joe's provide affordable and fresh options, but they are committed to hiring and training workers locally and directly from this community. I encourage you to pass this legislation to bring a healthier and accessible grocery option to our neighborhood.

Sincerely,

Lauren Hager

Contact Information

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 5, 2019

File No. 190839

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On July 30, 2019, Supervisor Brown submitted the proposed legislation:

File No. 190839

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 5, 2019

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On July 30, 2019, Supervisor Brown submitted the following proposed legislation:

File No. 190839

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

- c: John Rahaim, Director
- Scott Sanchez, Acting Deputy Zoning Administrator
- Corey Teague, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- Devyani Jain, Deputy Environmental Review Officer
- AnMarie Rodgers, Director of Citywide Planning
- Dan Sider, Director of Executive Programs
- Aaron Starr, Manager of Legislative Affairs
- Joy Navarrete, Environmental Planning
- Don Lewis, Environmental Planning

Introduction Form

By a Member of the Board of Supervisors or Mayor

COAST COUNTY BOARD OF SUPERVISORS
2019 JUL 31 PM 2:00
Time stamp for meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Brown

Subject:

Planning Code - Fulton Street Grocery Store Special Use District

The text is listed:

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a Grocery Store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; and extend the time period for effectiveness of controls for the District to five years from the effective date of the ordinance.

Signature of Sponsoring Supervisor:

Vallie Brown

For Clerk's Use Only

