



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Board of Supervisors

Date: September 11, 2019
Case No.: **2019-016402MIS**
Project Address: **1690 Folsom Street**
Zoning: WMUG (Western SoMa Mixed-Use General)
55-65-X Height and Bulk District
Block/Lot: 3515/015
Project Sponsor: c/o Beth Aboulafia
Hinman & Carmichael, LLP
260 California Street, Suite 700
San Francisco, CA 94111
Staff Contact: Michael Christensen – (415) 575-8742
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Recommendation: **Approval with Conditions**

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BACKGROUND

On October 4, 2018, the Planning Commission approved Motion No. 20303, which authorized three Formula Retail uses (dba Target, CVS, and Starbucks) totaling 40,247 square feet in size within the existing retail building located at 1690 Folsom Street. Subsequent to that approval, an application was submitted for a Type 21 license from the California Department of Alcoholic Beverage Control. Such license type would authorize the sale of beer, wine and distilled spirits for consumption off the premises where sold, and minors would be allowed on the premises. Because the store is located within a census tract that contains an undue concentration of such licenses, a determination of public convenience and necessity is required per Section 23958.4 of the California Business and Professions Code. The Planning Department's response to this request is limited to the permissibility of the land use and whether the sponsor has fulfilled the permit requirements for the use.

DEPARTMENT RECOMMENDATION

The operation of a Formula Retail general retailer was approved by the Planning Commission under Motion No. 20303. The general sale of beer, wine, and spirits at the premises does not constitute a 'liquor store' under the Planning Code as the definition of a liquor store in Planning Code Section 102 exempts uses which have both a Use Size of greater than 10,000 gross square feet and a gross floor area devoted to alcoholic beverages that is within accessory use limits as set forth in Section 703(d) of the Planning Code. Therefore, the Department recommends that the Board of Supervisors approve the requested determination of public convenience and necessity under the condition that the gross floor area devoted to alcoholic beverages that is within accessory use limits as set forth in Section 703(d) of the Planning Code.