



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 18980

HEARING DATE: SEPTEMBER 26, 2013

Date: September 19, 2013
Case No.: **2013.0022 C**
Project Address: **2630 BAYSHORE BOULEVARD**
Zoning: NC-3 (Moderate-Scale, Neighborhood Commercial)
 55-X Height and Bulk District
 Visitacion Valley / Schlage Lock SUD
Block/Lot: 6309B/018
Project Sponsor: Abbye Atkinson
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 157, 303, AND 703.4(B) OF THE PLANNING CODE TO ESTABLISH A NEW FORMULA RETAIL USE (D.B.A. GROCERY OUTLET) IN A BUILDING THAT IS CURRENTLY OCCUPIED BY A RETAIL USE (D.B.A. A. SILVESTRI CO.), AN EXPANSION OF USE SIZE LIMITS, AND PARKING IN EXCESS OF ACCESSORY AMOUNTS WITHIN AN NC-3 (MODERATE-SCALE, NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT, A 55-X HEIGHT AND BULK DISTRICT, AND THE VISITACION VALLEY / SCHLAGE LOCK SPECIAL USE DISTRICT.

PREAMBLE

On January 24, 2013, Abbye Atkinson (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization pursuant to Sections 121.2, 157, 303, and 703.4(b) of the Planning Code to establish a new formula retail use (d.b.a. Grocery Outlet) building that is currently occupied by a retail use (d.b.a. A. Silvestri Co.), an expansion of use size limits, and parking in excess of accessory amounts within an NC-3 (Moderate-Scale, Neighborhood Commercial) Zoning District, a 55-X Height and Bulk District, and the Visitacion Valley / Schlage Lock Special Use District.

On September 26, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0022C.

On January 8, 2013 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0022C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the northern side of Bayshore Boulevard and the western side of Sunnydale Avenue. Although the project is not directly on the corner of Bayshore Boulevard and Sunnydale Avenue, it has frontage along both streets. The property is located on Lot 018 of Assessor's Block 6309B. The property is located within the NC-3 (Moderate Scale, Neighborhood Commercial) District, a 55-X height and bulk district, and the Visitacion Valley / Schlage Lock Special Use District. The 25,445 square foot lot is developed with a 13,624 square foot retail building occupied by A. Silvestri Company, which sells bulky stone garden statues and furniture. There is also an accessory surface parking lot that provides 15 off-street parking spaces and one off-street loading space. The rest of the property is occupied by outdoor display of bulky merchandise for sale. The subject property has approximately 250 feet of frontage on Bayshore Boulevard and approximately 100 feet of frontage on Sunnydale Avenue. There are 2 driveways along Sunnydale Avenue and 3 driveways along Bayshore Boulevard. Additionally, the lot is located within the City and County of San Francisco, the City of Daly City, and the County of San Mateo. Although the property is located partially within 2 jurisdictions, the property is completely within the purview of the City and County of San Francisco because the address is assigned to San Francisco.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Bayshore Boulevard and Sunnydale Avenue. The Project is situated on the northern side of Bayshore Boulevard and the western side of Sunnydale Avenue, and is in the Visitacion Valley Neighborhood. On the corner adjacent to the project site is a donut shop and a community center. To the north and west of the subject property are dwelling units. To the south of the subject

property are industrial uses located within the City of Daly City. To the east of the subject lot is a car wash, retail, and a vacant site. The Project is located within a NC-3 Zoning District but is surrounded by RH-1 and M-1 Zoning Districts. The uses within this Neighborhood Commercial District include a range of non-residential ground floor uses such as restaurants, personal and professional services, a specialty-food grocery, auto repair shops, self-storage, a 7-11, and a bank. Additionally, this area is well-served by local and regional public transit. Connections to CalTrain and Muni streetcar and bus routes within a quarter mile of the project site.

4. **Project Description.** The Project is seeking a Conditional Use authorization to establish a formula retail grocery store (d.b.a. Grocery Outlet) in an existing 13,624 square foot building. The Project includes a 690 square foot building addition. The Project will also reconfigure the existing accessory parking lot to provide an additional 38 off-street parking spaces (resulting in a total of 53 off-street parking spaces), additional landscaping, the closure of one driveway along Sunnydale Avenue, and new bicycle parking. The changes to the parking area will also improve circulation conditions. Alterations to the façade are also proposed in an effort to upgrade the design and appearance of the existing building.

Grocery Outlet offers frozen, deli and refrigerated groceries, produce, fresh meat, and general merchandise, including seasonal products, housewares, toys, and gifts. The store proposes to open from 8:00am to 9:00pm Monday through Sunday. With respect to alcohol sales, Grocery Outlet proposes to sell only beer and wine. In addition, Grocery Outlet offers brand name products at up to 50% off conventional retail prices.

5. **Public Comment.** The Department has received four emails and one phone call in support of the Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Formula Retail Use.** Planning Code Section 703.3 states that a Conditional Use Authorization is required for retail uses within an NC-3 (Moderate Scale, Neighborhood Commercial) zoning district. The proposed tenant, Grocery Outlet, is a national chain establishment with more than eleven stores. Section 303(i) requires that, with respect to an application for Conditional Use Authorization for a formula retail use, the Planning Commission shall consider the following criteria:

- i. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

The subject property was developed in 1960 with a single story grocery store, first occupied by Safeway, a formula retail use, then later by MacFrugals, another formula retail use, which vacated in late 2001. Since 2001, the building has been occupied by A. Silvestri Co., a retailer of bulky stone garden statues, furniture, and fountains. The subject property is located on the southern corner of an NC-3 Zoning District along Bayshore Boulevard that runs from the subject lot to

Arleta Avenue. Staff conducted a survey of both districts and found a total of one existing formula retail use within this district – a 7-11 on the corner of Arleta Avenue at the northern edge of the district. In this district, the number of independently owned establishments far outnumbers formula retail uses.

- ii. Availability of other similar retail uses within the Neighborhood Commercial District.

There are two other similar retail uses located within this NC-3 Zoning District – a 7-11 at the corner of Arleta Avenue and a small specialty food market on the corner of Leland Avenue. The nearest general grocery stores are a Foods Co. at Williams Avenue and Phelps Street (approximately 2.0 miles away), and a Safeway at Mission Street and France Avenue (approximately 2.6 miles away).

The Project site has been occupied by a grocery store since the construction of the existing commercial structure in 1960 until 2001. Its location is integral in serving a neighborhood whose residents must travel outside the community to buy groceries. Although smaller specialty grocery stores exist within a half-mile from the subject property, the scale of goods and services offered by such uses is inconsistent with the demand from residents within the immediate area. A grocery store at this location continues to be both necessary and desirable, especially given that surrounding zoning encourages walkable, bikeable, and transit-friendly communities.

- iii. Compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

Developed in 1960, the structure and use pre-date the adoption of the applicable provisions of the San Francisco Planning Code. Although the proposal does not include any changes to diminish the volume of the building, changes to the façade will also assist in making the structure's design more compatible with adjacent properties. The addition of landscaping in the accessory parking lot and along the street frontages will improve the aesthetics of the site and walkability of Bayshore Boulevard.

- iv. Existing retail vacancy rates within the Neighborhood Commercial District.

A survey of the NC-3 Zoning District along Bayshore Boulevard revealed 5 vacant or inactive retail spaces. These vacancies represent a sizeable portion of the available retail space in the district. In addition, the existing retail vacancy rate in the greater Visitacion Valley neighborhood is high.

- v. Existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

A limited variety of goods and services are found within the subject site's NC-3 zoning district. The district only has 2 similar retail uses. No general grocery store that is large enough to meet the demand of the existing and growing population is present.

- B. **Parking Screening and Greening.** Planning Code Section 142 requires all vehicle use areas that are greater than 25-feet and adjacent to the public right-of-way to provide a screening feature if a proposal increases the existing parking by 20% or by 4 spaces, whichever is greater. Such screening and landscaping features are acceptable if they include ornamental fencing or a solid wall that is four-feet in height. Also required is a five-foot deep permeable surface with landscaping along the portion of the lot's perimeter adjacent to a public right-of-way. Planning Code Section 159 requires 1 tree per 5 off-street parking spaces. Such landscaping must be compliant with the applicable water use requirements of Administrative Code Chapter 63.

The project site has a perimeter greater than 25-feet along the adjacent public rights-of-way. Additionally, the proposal includes the addition of 38 off-street parking spaces within previously paved area on the subject lot. Therefore, the Project includes screening and greening treatments to the site that comply with the requirements of Section 142 and 159. A five-foot deep permeable landscaping area buffers the edge of the parking perimeter that is adjacent to any public right-of-way, with the exception of areas devoted to ingress and egress. This is in addition to landscaping islands within the interior of the lot. The Project also includes decorative screen walls that are a minimum of four-feet tall along the portions of the parking lot's perimeter that are adjacent to public rights-of-way.

- C. **Parking.** Per Planning Code Section 151, the maximum number of parking spaces for a retail use is calculated at a ratio of 1 per 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet. Based on our calculations, the maximum number of parking spaces permitted is 29 spaces for 14,314 square feet. Per Planning Code Section 204.5, accessory parking facilities shall include only those facilities which do not exceed 150 percent of the required number of spaces where three or more spaces are required by this Code, or in this case 44 parking spaces.

When the building was constructed in 1960, the original tenant had an occupied floor area of 13,624 square-feet and provided 66 off-street parking spaces where a maximum of 27 (1 per 500 square feet for retail) would be allowed under the current Code. The current tenant, which moved into the site in 2001, has an occupied floor area of 13,624 square feet and provides 15 off-street parking spaces when a maximum of 14 (1 per 1,000 square feet for bulky merchandise retail) would be allowed. It appears as if the all but 15 of the original 66 off-street parking spaces were removed sometime between the summer of 2002 and the summer of 2004, which were converted into outdoor retail space for storage of the bulky merchandise. Because the bulky merchandise retail use was only required to provide 14 off-street parking spaces, the non-conforming parking was abandoned in the early 2000's per Planning Code Section 183, which states that once a nonconforming use is abandoned or discontinued for more than 3 years, it cannot be reestablished without complying with the requirements of the current Code. The Project proposal increases the total occupied floor area to approximately 14,314 square feet. The maximum number of parking spaces permitted is 29 spaces for 14,314 square feet of retail space (1 per 500 square feet). Per Planning Code Section 204.5, accessory parking facilities shall include only those facilities which do not exceed 150 percent of the required number of spaces where three or more spaces are required by this Code, or in this case 44 parking spaces. Therefore, the addition of 38 off-street

parking spaces, bringing the total on site to 53 off-street parking spaces, requires a Conditional Use Authorization under Planning Code Section 157.

- D. **Loading.** For retail uses larger than 10,000 square-feet and less than 60,000 square-feet, Planning Code Section 152 requires one off-street freight loading space.

The site has one existing off-street freight loading space. The existing off-street loading dock will remain in its current configuration. The loading area will also be upgraded with a new concrete platform and metal canopy, as well as a new portable ramp.

- E. **Signage.** The Project Sponsor has submitted a sign program for the project. The proposed signage complies with the limitations of the Planning Code and individual signs are subject to the review and approval of the Planning Department.

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

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

The Project is necessary and desirable because it will provide a readily accessible grocery store for Visitacion Valley residents that was lost upon closure of MacFrugals in 2001. Prior to conversion to MacFrugals, the site was occupied by Safeway, a formula retail use. The nearest alternative general grocery store, Foods Co., is approximately 2 miles from the subject site.

The Project will provide fresh groceries at a high turnover rate that will accommodate the moderate density of the immediate area. The Project will also provide an anchor for other retail uses along Bayshore Boulevard, as well as the nearby Neighborhood Commercial district on Leland Avenue. Grocery stores are known to serve as a retail anchor to commercial districts, attracting more customers to surrounding neighborhood-serving business such as bookstores, hardware shops, and professional services. Further, grocery stores generate new jobs and increase local property values. The proposed store will provide approximately 28 new employment opportunities.

The City of San Francisco adopted policies supportive of maintaining grocery store uses in the City. For example, a change in use or demolition of a general grocery store use that exceeds 5,000 square-feet requires Conditional Use authorization under the Planning Code. The Office of Economic and Workforce Development has specifically targeted and encouraged grocery stores to open in San Francisco through various economic incentive programs, such as Enterprise Zone (EZ) Tax Credits, EZ Payroll Tax Credits, EZ Loan Programs, and Expedited Planning Review for grocery stores that exceed 15,000 square-feet.

- B. The proposed project will not be detrimental to the health, safety, convenience or general

welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The height and bulk of the existing building will remain the same, although alterations to the appearance of the built form will bring the structure into greater conformity with the overall character of the neighborhood.

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

The subject site has been occupied by a general grocery store in the past. The continuation of a retail use will not result in any changes to existing traffic patterns. New landscaping is incorporated into the new parking arrangement.

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

The proposed use, by the nature of the business, should not produce noxious or offensive emissions such as noise, glare, dust, and odor. The proposed use is subject to the standard conditions of approval for a Formula Retail Use as outlined in Exhibit A.

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

The Project includes required landscape treatments that will increase the overall permeability of the site's surface and screen any vehicular areas. Furthermore, of the retained parking spaces, a total of four will be reserved as handicap/accessible spaces. All of these reserved spaces will be located in close proximity to the store's entrance. A total of 8 bicycle parking spaces will also be provided in an area specifically dedicated to bike racks near the front of the store.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of the NC-3 (Moderate Scale, Neighborhood

Commercial) District in that the intended commercial use is located at the ground floor, and will provide a compatible convenience service for a population that includes, and extends beyond, the immediate neighborhood.

8. **Use Size.** Planning Code Section 121.2 requires a Conditional Use Authorization for a non-residential use that is larger than 6,000 square feet within an NC-3 Zoning District. The Proposed Project is approximately 14,314 square feet. Planning Code Section 121.2 sets forth additional criteria which the Commission shall consider in addition to those of Section 303 when reviewing an application for a non-residential use size in excess of that which is permitted as-of-right:

- a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The NC-3 Zoning District along Bayshore Avenue suffers from a high retail vacancy rate. In relation to the general availability of commercial space in the district, the proposed non-residential expansion is comparatively minor. Other neighborhood serving uses would continue to locate in the NC-3 Zoning District; approval of the Proposed Project would not preclude this. The proposal supports the intention of the neighborhood commercial zoning districts in that it would promote the growth of an existing small business. Furthermore, historically this site has contained large retail uses. As mentioned previously, grocery stores are known to serve as a retail anchor to commercial districts, attracting more customers to surrounding neighborhood-serving business such as bookstores, hardware shops, and professional services.

- b. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

Given that the proposed Grocery Outlet will be the primary general grocery option for the residents of Visitacion Valley, a larger use size is appropriate to accommodate demand. Furthermore, the closest large grocery store is located 2 miles from the subject site.

- c. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The Project does not include any significant changes to the existing building footprint or volume. The existing building is not out of scale with other development in the district.

9. **Parking Exceeding Accessory Amounts.** In considering any application for a conditional use for parking for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the Planning Commission shall apply the following criteria in addition to those stated in Section 303(c) and elsewhere in this Code:

- a. Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street

parking available in the area, and by other means.

The U.S. Department of Agriculture has designated the Visitacion Valley area as a food desert. The closest large grocery store is located 2 miles from the subject site. The addition of Grocery Outlet is much needed in this area and is certain to draw patrons from all of the communities immediately surrounding the location. The additional 9 off-street parking spaces beyond the 44 off-street parking spaces permitted by the accessory parking limits of Planning Code Section 204.5 are vital to accommodate the probable influx of vehicles of patrons of the location. Moreover, because Grocery Outlet will provide for full service grocery needs, including fresh produce, fresh meats, boxed items, canned items, and breads, public transit may not be the easiest way to accommodate patrons who do a full week's worth of shopping requiring several heavy bags of groceries. The additional 9 off-street parking spaces will allow Grocery Outlet to accommodate these patrons in order to meet their weekly grocery needs.

- b. Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code.

Planning Code Section 166 requires one car share space, however, given the likely demand for parking spaces at this location, the lack of other large grocery store options in the vicinity, and the feedback received from the neighborhood, it is unlikely that the car share space would be sufficient to meet the needs of the patrons.

- c. The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services.

The additional 9 off-street parking spaces will not cause detrimental effects to the surrounding area, either through the unnecessary demolition of sound structures, contribution of traffic congestion, or disruption of or conflict with transit services. There will be no demolition of sound structures to add the 9 off-street parking spaces. Additionally, the site has previously supported as many as 66 off-street parking spaces within the existing paved area on the site. The addition of the 9 off-street parking spaces will diminish the parking and traffic congestion in the immediate area, allowing for more parking spaces and circulation areas within the existing paved area on the site.

- d. In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees.

The parking lot, as proposed with the additional 9 parking spaces, is for the benefit of patrons of Grocery Outlet while they shop. This is a short-term occupancy, and patrons will come and go in short intervals typical of any grocery use. Grocery Outlet will not encourage its employees to park in the lot. Instead, part of Grocery Outlet's employee policy is to support the use of alternative means of transportation such as carpooling and public transit.

- e. Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

For security reasons, Grocery Outlet does not expect to make the parking lot available to the public during non-business hours.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those within the community. Additionally, the Project Site is an existing commercial space and is consistent with activities in the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The proposed formula retail use, Grocery Outlet, is a well-known name that strives to deliver fresh, wholesome food at affordable prices. The addition of this store will contribute to the overall diversity of general grocery store options within the City while enhancing the company's ability to distribute fresh foods throughout. Furthermore, by establishing a new commercial activity in a vacant space, the neighborhood retains a commercial use at this site and enables the project to enhance the economic base of the City and immediate area.

OBJECTIVE 3: PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

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

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The proposed project will provide approximately 28 employment opportunities. The retail grocery store will employ a high percentage of unskilled and semi-skilled employees. Local hiring is a priority for Grocery Outlet and the company intends and expects to fill those jobs with candidates from the surrounding neighborhood.

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.

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 project proposes to replace an existing retail use with a new formula retail grocery store, thus retaining the existing level of commercial activity in that location. The project is necessary and desirable for the immediate area as it provides a use to residents that is not presently available.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Policy 1.6:

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

Policy 1.7:

Assure expanded mobility for the disadvantaged.

The proposal enables patrons to make use of a variety of transit options when visiting the site which is readily accessible by CalTrain or Muni. Furthermore, activation of a general grocery store at this location also ensures immediate access to fresh food for those residents that cannot easily visit the nearest grocery store, 2 miles away, due to physical or economic constraints. Parking for automobiles is also available for those who prefer this mode of travel for mobility reasons.

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.2:

Reduce pollution, noise and energy consumption.

Policy 2.4:

Organize the transportation system to reinforce community identity, improve linkages among interrelated activities and provide focus for community activities.

The proposed site is centrally located to serve both patrons and employees through various means of transportation. The site is also located near crucial transport corridors (Bayshore Boulevard and U.S. Routes 101 and 280) that connect San Francisco to the broader region and enable a formula retail grocery store, such as Grocery Outlet, to provide sufficient distribution of goods and keep food affordable.

OBJECTIVE 29:

CITY GOVERNMENT SHOULD PLAY A LEADERSHIP ROLE IN INCREASING BICYCLE USE.

Policy 29.1:

Consider the needs of bicycling and the improvement of bicycle accommodations in all city decisions.

The Project includes 8 bicycle parking spaces. This component of the project will improve the overall bicycle infrastructure and encourage ridership amongst the residents in Visitacion Valley.

OBJECTIVE 35:

MEET SHORT-TERM PARKING NEEDS IN NEIGHBORHOOD SHOPPING DISTRICTS

CONSISTENT WITH PRESERVATION OF A DESIRABLE ENVIRONMENT FOR PEDESTRIANS AND RESIDENTS.

Policy 35.2:

Assure that new neighborhood shopping district parking facilities and other auto-oriented uses meet established guidelines.

While the proposed grocery store's location encourages use of public transportation, large grocery store trips can result in heavy loads not easily carried by customers. The parking spaces will provide ready access to such customers, while also maintaining a pedestrian-friendly environment with landscaping improvements.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND MEANS OF ORIENTATION.

Policy 1.6:

Make centers of activity more prominent through design of street features and by other means.

Policy 1.8:

Increase the visibility of major destination areas and other points for orientation.

The Project will serve as an anchor for the surrounding commercial districts and become an important destination for residents and visitors.

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationship and transitions between new and older buildings.

Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

The design changes included in the Project's scope of work serve to make the site a more attractive and inviting location. Contrast amongst the colors included in the design are complimentary and do not create extreme visual contrasts in tones that will detract from the details and integrity of the neighboring older structures.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.4:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

New lighting and street trees as well as physical improvements to the site and parking areas will make for a more comfortable and visually engaging walk to and from the site.

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

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

Grocery stores are a primary business draw in neighborhood commercial districts and support other retail activities by serving as a retail anchor of neighborhood commercial districts. The project is located within an NC-3 (Moderate Scale, Neighborhood Commercial) Zoning District. Grocery Outlet will employ approximately 28 new employees from the surrounding neighborhood.

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

The Project is a grocery store and the site has historically been occupied by a chain or formula retail grocery store. The proposal will have no direct effect on housing and will preserve the existing neighborhood character by occupying an existing building. No housing units exist on the property.

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

The project will have no effect on housing, as the project proposes a grocery store at the site of an existing retail store.

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

The Project area is well served by Muni and CalTrain, and proposes 53 off-street parking spaces.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for

resident employment and ownership in these sectors be enhanced.

The proposed project will not include any commercial office development and will not displace any industrial establishments. The proposal replaces one retail establishment with another. The Project will generate approximately 28 new employment opportunities.

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

The proposed project will comply with the City Codes to achieve the proper preparedness in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

There are no designated landmarks or historic buildings on the Project site.

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

The proposed project will not have a negative effect on existing parks and open space.

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0022C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 20, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18980. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 26, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: September 26, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Formula Retail (d.b.a. **Grocery Outlet**) located at 2630 Bayshore Boulevard, Lot 018, Block 6309B pursuant to Planning Code Section(s) **121.2, 157, 303, and 703.4(b)** within the **NC-3 Zoning** District and a **55-X** Height and Bulk District; in general conformance with plans, dated **May 20, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.0022C** and subject to conditions of approval reviewed and approved by the Commission on **September 26, 2013** under Motion No. **18980**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 26, 2013** under Motion No. **18980**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18980** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Landscaping, Permeability.** Pursuant to Planning Code Section 156, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit

application indicating that 20% of the parking lot shall be surfaced with permeable materials and further indicating that parking lot landscaping, at a ratio of one tree, of a size comparable to that required for a street tree and of an approved species, for every 5 parking stalls, shall be provided. Permeable surfaces shall be graded with less than a 5% slope. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

PARKING AND TRAFFIC

11. **Car Share.** Pursuant to Planning Code Section 166, no fewer than **one (1)** car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

12. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than **two (2)** Class 1 and **six (6)** Class 2 bicycle parking spaces.

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

13. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **fifty three (53)** off-street parking spaces.

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

14. **Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide **one** off-street loading spaces.

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

MONITORING - AFTER ENTITLEMENT

15. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

16. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the

specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

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

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

18. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

19. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

20. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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