



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: AUGUST 8, 2013

*Date:* October 3, 2013  
*Case No.:* **2012.1225 C**  
*Project Address:* **4555 CALIFORNIA STREET**  
*Zoning:* RM-1 (Residential, Mixed, Low Density)  
40-X Height and Bulk District  
*Block/Lot:* 1426/041A  
*Project Sponsor:* Reza Kamron Beikzadeh  
4555 California Street  
San Francisco, CA 94118  
*Staff Contact:* Sharon Lai – (415) 575-9087  
[sharon.w.lai@sfgov.org](mailto:sharon.w.lai@sfgov.org)  
*Recommendation:* **Approve with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project sponsor proposes to add a restaurant use to the existing retail grocery (d.b.a. Village Market) under the same operator, which will allow on-site beer, wine and/or liquor sales for drinking on the premises. The Sponsor will apply for ABC license types 41, 47, 49, 59 or 75. The business will operate as a Bona Fide Eating Establishment as defined in Planning Code Section 790.142. The proposed restaurant component will serve food items such as sandwiches and coffee and will continue to operate the grocery component to offer general groceries and fresh produce. The proposed restaurant use will provide approximately 15 seats. The project does not include any exterior alterations. The business is independently-owned and is not considered a formula retail restaurant.

The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use authorization process.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the southeast corner of California and 8<sup>th</sup> Avenue, Block 1426, Lot 041A. The property is located within the RM-1 (Residential, Mixed, Low Density) District with a 40-X height and bulk district. The property is developed with a ground floor commercial use and a dwelling unit on the second floor. The subject two-story building was constructed circa 1908. The ground floor is occupied by the project sponsor as a retail grocery store (d.b.a. Village Market), since 1992. The subject commercial space is a Limited Commercial Use (LCU) that has existed circa 1919. The LCU was originally a grocery store and continues to operate as a retail grocery store by the project sponsor. A limited-restaurant use was illegally added to the existing grocery store in 2010, as the sponsor was not aware of the additional review requirements. The subject property is a corner lot, with approximately 25 feet of frontage on California Street and 70 feet of frontage on 8<sup>th</sup> Avenue.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located at the intersection of California Street and 8<sup>th</sup> Avenue, within the Inner Richmond Neighborhood. It is located within ¼ Mile of the Inner Clement Street Neighborhood Commercial District (NCD). To the west is the Park Presidio California Highway-1. One block to the east along California Street is an NC-1 District (Neighborhood Commercial, Cluster) with a variety of neighborhood-serving uses. The subject block contains properties zoned RM-1, including the subject, with properties at the south side of the block along Clement Street zoned Inner Clement Street NCD.

The RM-1 district is characterized by a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The subject district contains a pattern of 25-foot to 35-foot building widths with a maximum building height of 40 feet. Buildings within the subject district span from two to four-stories with the predominant pattern of three-story buildings and four-story corner buildings along California Street. Several nonresidential uses are present, including the subject establishment, to provide for the needs of residents. A mixture of food establishments, personal services, financial establishments and small retail establishments defines the nearby Inner Clement Street NCD.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	September 20, 2013	September 20, 2013	20 days
Posted Notice	20 days	September 20, 2013	September 20, 2013	20 days
Mailed Notice	20 days	September 20, 2013	September 20, 2013	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## **PUBLIC COMMENT**

- The Department has received a petition with approximately 341 signatures in support, and no opposition has been received to date.

## **ISSUES AND OTHER CONSIDERATIONS**

- The subject commercial space has operated as a retail grocery store that is a Limited Commercial Use in this residentially zoned property, circa 1919.
- The site is located within ¼ mile of the Inner Clement Street NCD.

- The existing tenant, project sponsor, added a limited-restaurant component illegally in 2010 to serve food items. The sponsor would like to further expand the use to also serve alcohol on-site in form of a restaurant use.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization to allow the addition of a restaurant use, pursuant to Planning Code Sections 182, 186, 303, 716.44 and 790.91.

## **BASIS FOR RECOMMENDATION**

- The project will retain an existing LCU while providing additional goods and services to the neighborhood.
- There are no physical expansions proposed and therefore will not impact the character of the neighborhood.
- The illegal addition of a limited-restaurant was unintended and the subject application will rectify the illegal condition.
- There is neighborhood support and the Department is not aware of any opposition.
- The Restaurant use will add additional employment opportunities.
- The project meets all applicable requirements of the Planning Code, including the restricted LCU hours of operation.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b> <b>Approve with Conditions</b>
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### **Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Site Photo  
Reduced Plans

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>   |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input type="checkbox"/> Parcel Map                     | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

Exhibits above marked with an "X" are included in this packet

SL

Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

1650 Mission St.  
Suite 400  
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CA 94103-2479

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**415.558.6378**

Fax:  
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## Planning Commission Draft Motion

HEARING DATE: OCTOBER 10, 2013

*Date:* October 3, 2013  
*Case No.:* **2012.1225C**  
*Project Address:* **4555 CALIFORNIA STREET**  
*Zoning:* RM-1 (Residential, Mixed, Low Density)  
40-X Height and Bulk District  
*Block/Lot:* 1426/041A  
*Project Sponsor:* Reza Kamron Beikzadeh  
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[sharon.w.lai@sfgov.org](mailto:sharon.w.lai@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 182, 186, 303, 716.44 AND 790.91 OF THE PLANNING CODE TO ALLOW THE LEGALIZATION OF ADDING A RESTAURANT USE TO AN EXISTING RETAIL GROCERY STORE THAT IS A LIMITED COMMERCIAL USE (DBA VILLAGE MARKET) WITHIN THE RM-1 (RESIDENTIAL, MIXED, LOW DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On September 25, 2012, Reza Kamron Beikzadeh (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 182, 186, 303, 716.44, and 790.91 to legalize the addition of a restaurant use to the existing retail grocery store that is considered a limited commercial use (d.b.a. Village Market) within the RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.

On October 10, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1225C.

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

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. 2012.1225C, 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 southeast corner of California and 8<sup>th</sup> Avenue, Block 1426, Lot 041A. The property is located within the RM-1 (Residential, Mixed, Low Density) District with a 40-X height and bulk district. The property is developed with a ground floor commercial use and a dwelling unit on the second floor. The subject two-story building was constructed circa 1908. The ground floor is occupied by the project sponsor as a retail grocery store (d.b.a. Village Market), since 1992. The subject commercial space is a Limited Commercial Use (LCU) that has existed circa 1919. The LCU was originally a grocery store and continues to operate as a retail grocery store by the project sponsor. A limited-restaurant use was illegally added to the existing grocery store in 2010, as the sponsor was not aware of the additional review requirements. The subject property is a corner lot, with approximately 25 feet of frontage on California Street and 70 feet of frontage on 8<sup>th</sup> Avenue.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of California Street and 8<sup>th</sup> Avenue, within the Inner Richmond Neighborhood. It is located within ¼ Mile of the Inner Clement Street Neighborhood Commercial District (NCD). To the west is the Park Presidio California Highway-1. One block to the east along California Street is an NC-1 District (Neighborhood Commercial, Cluster) with a variety of neighborhood-serving uses. The subject block contains properties zoned RM-1, including the subject, with properties at the south side of the block along Clement Street zoned Inner Clement Street NCD.

The RM-1 district is characterized by a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The subject district contains a pattern of 25-foot to 35-foot building widths with a maximum building height of 40 feet. Buildings within the subject district span from two to four-stories with the predominant pattern of three-story buildings and four-story corner buildings along California Street. Several nonresidential uses are present, including the subject establishment, to provide for the needs of residents. A mixture of food establishments,

personal services, financial establishments and small retail establishments defines the nearby Inner Clement Street NCD.

4. **Project Description.** The project sponsor proposes to add a restaurant use to the existing retail grocery (d.b.a. Village Market) under the same operator, which will allow on-site beer, wine and/or liquor sales for drinking on the premises. The Sponsor will apply for ABC license types 41, 47, 49, 59 or 75. The business will operate as a Bona Fide Eating Establishment as defined in Planning Code Section 790.142. The proposed restaurant component will serve food items such as sandwiches and coffee and will continue to operate the grocery component to offer general groceries and fresh produce. The proposed restaurant use will provide approximately 15 seats. The project does not include any exterior alterations. The business is independently-owned and is not considered a formula retail restaurant.

The proposal requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use authorization process.

5. **Public Comment.** A petition of support with approximately 341 signatures has been submitted, and no comments in opposition.
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. **Nonconforming Uses: Changes of Use.** Planning Code Sections 182 and 186 states that if a nonconforming use is located within  $\frac{1}{4}$  mile from any Individual Area Neighborhood Commercial District or Restricted Use Subdistrict, the nonconforming use may change to another use which is permitted as a Conditional Use in the Individual Area Neighborhood Commercial District or Districts within  $\frac{1}{4}$  mile of the use only upon approval of a Conditional Use application. Furthermore, the following conditions on Limited Nonconforming Uses shall apply:
    1. The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
    2. Any signs on the property shall be made to comply with the requirements of [Article 6](#) of this Code applying to nonconforming uses;
    3. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
    4. Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by this Municipal Code;
    5. Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;
    6. Noise, odors and other nuisance factors shall be adequately controlled; and
    7. All other applicable provisions of this Code shall be complied with.

*The Subject Property is located within  $\frac{1}{4}$  mile of the Inner Clement Street Neighborhood Commercial District. Planning Code Sections 716.44 and 790.91 allow the establishment of new restaurant uses within  $\frac{1}{4}$  mile of the Inner Clement Street NCD with Conditional Use authorization. The Project*

*Sponsor is requesting Conditional Use authorization, in compliance with the conditions under Planning Code Section 186, in order to allow the addition of a Restaurant component to the existing LCU, which is currently authorized as a grocery store. The Project Sponsor proposes to provide on-site beer and wine sales for drinking on the premises.*

- B. **Restaurant Use.** Planning Code Section 716.44 requires Conditional Use authorization for the establishment of new Restaurant uses. Planning Code Section 790.91 defines a Restaurant as, "A retail eating or eating and drinking use which serves foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food use as defined by Planning Code Section [790.122](#) as a minor and incidental use. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so it shall be required to operate as a Bona Fide Eating Place as defined in Section [790.142](#). It is distinct and separate from a Limited-Restaurant as defined in Section [790.90](#). This use must comply with the controls set forth in Section [703.5](#)."

*The proposed new use complies with the definition of a Restaurant use and intends to operate as a Bona Fide eating Place that will serve alcoholic beverages for on-site consumption. The Sponsor intends to apply for ABC license type 41, 47, 49, 59 or 75.*

- C. **Use Size.** Planning Code Section 181 states that nonconforming uses shall not be enlarged and Section 719.21 establishes size limits on nonresidential uses for the Inner Clement Street NCD. Nonresidential uses up to 2,499 square feet are principally permitted while uses 2,500 square feet and above require Conditional Use Authorization.

*The subject commercial space is approximately 1,750 square feet in size, which is principally permitted. No physical expansion is proposed to the existing LCU.*

- D. **Street Frontage.** Planning Code Section 186 states that in addition to the requirements of Section 144, the requirements of Section 145.1(c)(6) and (7) shall apply for limited commercial nonconforming uses. Section 144 requires that no less than one-third of the width of the ground story along the front lot line shall be devoted to windows, entrances for dwelling units, landscaping and other architectural features that provide visual relief and interest for the street frontage. Planning Code Section 145.1(c)(6) requires frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Planning Code Section 145.1(c)(7) requires that any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with the building façade.

*The subject commercial space has approximately 25-feet of frontage on California Street (front lot line) with approximately 23 feet devoted to either the restaurant entrance or window space, which is greater than one-third required by Section 144. The commercial space also has 70 feet of frontage along 8<sup>th</sup> Avenue with approximately 23 feet, 6 inches devoted to either entrances or window space. The windows are clear and unobstructed. Although the building does not meet the 1/3 transparency and fenestration requirement, it represents the building's existing condition, and the Project does not include any exterior alterations. The building is thus considered legal noncomplying, and the change of use to a Restaurant does not require exterior alterations to bring the building into compliance with this Section. There are no changes proposed to the commercial frontage.*

- E. **Parking.** Planning Code Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The Subject commercial space contains approximately 1,750 square-feet of occupied floor area and thus does not require any off-street parking.*

- F. **Hours of Operation.** Planning Code Section 186 states, hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.

*The hours of operation will be from 7:30 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on Saturday and Sunday.*

- G. **Formula Retail.** Planning Code Section 186 states that all uses meeting the definition of "formula retail" use shall not be permitted except by Conditional Use through the procedures of Planning Code Section 303.

*The Project does not qualify as a formula retail use.*

- H. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

7. **Planning Code Section 303(c)** 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 does not propose to alter the existing size of the use or storefront. The width of the commercial space is in keeping with the typical building width of the subject block face. The addition of the restaurant component to the existing grocery store will not impact traffic or parking in the District because it is not a destination restaurant. This will complement the mix of goods and services currently available in the district.*

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 size and shape of the Project Site is compatible with the patterns of development in the area, and the Project does not involve any alterations to the exterior of the subject building. The Project would not physically expand the existing building or tenant space, and therefore would not alter the existing appearance of character of the Project vicinity.*

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 Planning Code does not require parking or loading for a 1,750 square-foot grocery store and restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and is not expected to generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The Project would not adversely affect public transit or overburden the existing supply of parking in the neighborhood as the Project Site is well-served by public transit. The Project Site is served by six MUNI bus lines (1AX, 1BX, 28L, 1, 2, and 44) within a ¼ mile radius.*

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

*The Project will not produce noxious or offensive emissions related to noise, glare and dust or odor, and the restaurant will be subject to the Condition of Approval No. 11 regarding odor control.*

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

*The proposed restaurant component addition is located within the existing grocery store and will therefore require minimal tenant improvements. No exterior modifications are currently proposed and all exterior façade alterations will require further Planning Department review.*

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.*

**Planning Code Section 303(p)** establishes additional criteria for the Planning Commission to consider when reviewing Conditional Use applications for Eating and Drinking uses in Neighborhood Commercial Districts. On balance, the project does comply with said criteria in that:

- D. The existing concentration of eating and drinking uses shall not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. The immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

*The subject property is not located within a Neighborhood Commercial district. The existing eating and drinking establishment uses occupy 0% of the total commercial frontage within the immediate area. The proposed restaurant use is located within the existing grocery store and no façade changes are proposed.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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

#### **Policy 1.2:**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

#### **Policy 1.3:**

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

*The proposed restaurant addition to the grocery store will provide desirable goods, services, and added convenience to the neighborhood and will continue to provide employment opportunities to those in the community.*

#### **OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The project is located within an existing historic LCU that has been in operation circa 1919. The Project will retain an existing commercial activity and will enhance the diverse economic base of the City.*

**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.

*No commercial tenant would be displaced as the project will be operated by the existing tenant. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

**Policy 6.2:**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

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

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

*The proposal would enhance the district by providing a restaurant use that will be operated by the existing small business owner that has been in the current location since 1992. The business currently employs 7 people and will increase to 9 with the addition of the Restaurant use. The proposed alterations are within the existing building footprint.*

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

*The existing units in the surrounding neighborhood would not be adversely affected.*

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

*No housing is removed for this Project.*

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

*The site fronts on California Street and is well served by transit. It is presumable that the employees would commute by transit. California Street served by six MUNI bus lines (1AX, 1BX, 28L, 1, 2, and 44) within ¼ mile radius.*

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

*The Project will not displace any service or industry establishment as it will retain the existing grocery store. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

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

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

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

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



## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.1225C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 25, 2012, 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. XXXXX. 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 October 10, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 10, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow the addition of a restaurant use to the existing retail grocery store that is a Limited Commercial Use (d.b.a. **Village Market**) located at [4555 California Street, Block 1426, and Lot 041A] pursuant to Planning Code Section(s) **182, 186, 303, 716.44 AND 790.91** within the **RM-1** District and a 40-X Height and Bulk District; in general conformance with plans, dated September 25, 2012, and stamped "EXHIBIT B" included in the docket for Case No. **2012.1225C** and subject to conditions of approval reviewed and approved by the Commission on October 10, 2013 under Motion No **XXXXXX**. 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 **October 10, 2013**, under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** 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](http://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](http://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](http://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](http://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](http://www.sf-planning.org)*

## DESIGN

4. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code applying to nonconforming uses.

## MONITORING – AFTER ENTITLEMENT

5. **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](http://www.sf-planning.org)*

6. **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](http://www.sf-planning.org)*

## OPERATION

7. **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](http://www.sf-planning.org)*

8. **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>*

9. **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/>*

10. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

11. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

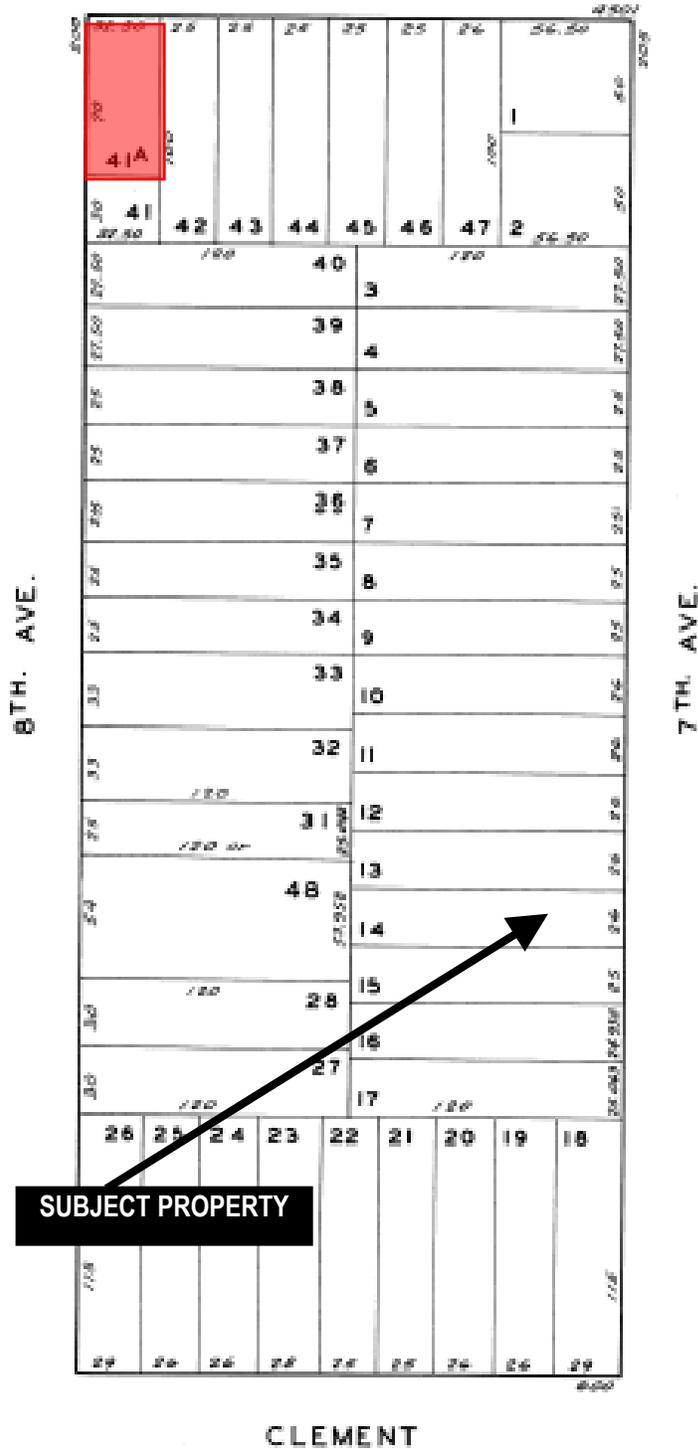
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00 a.m. to 10:00 p.m. daily.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Parcel Map

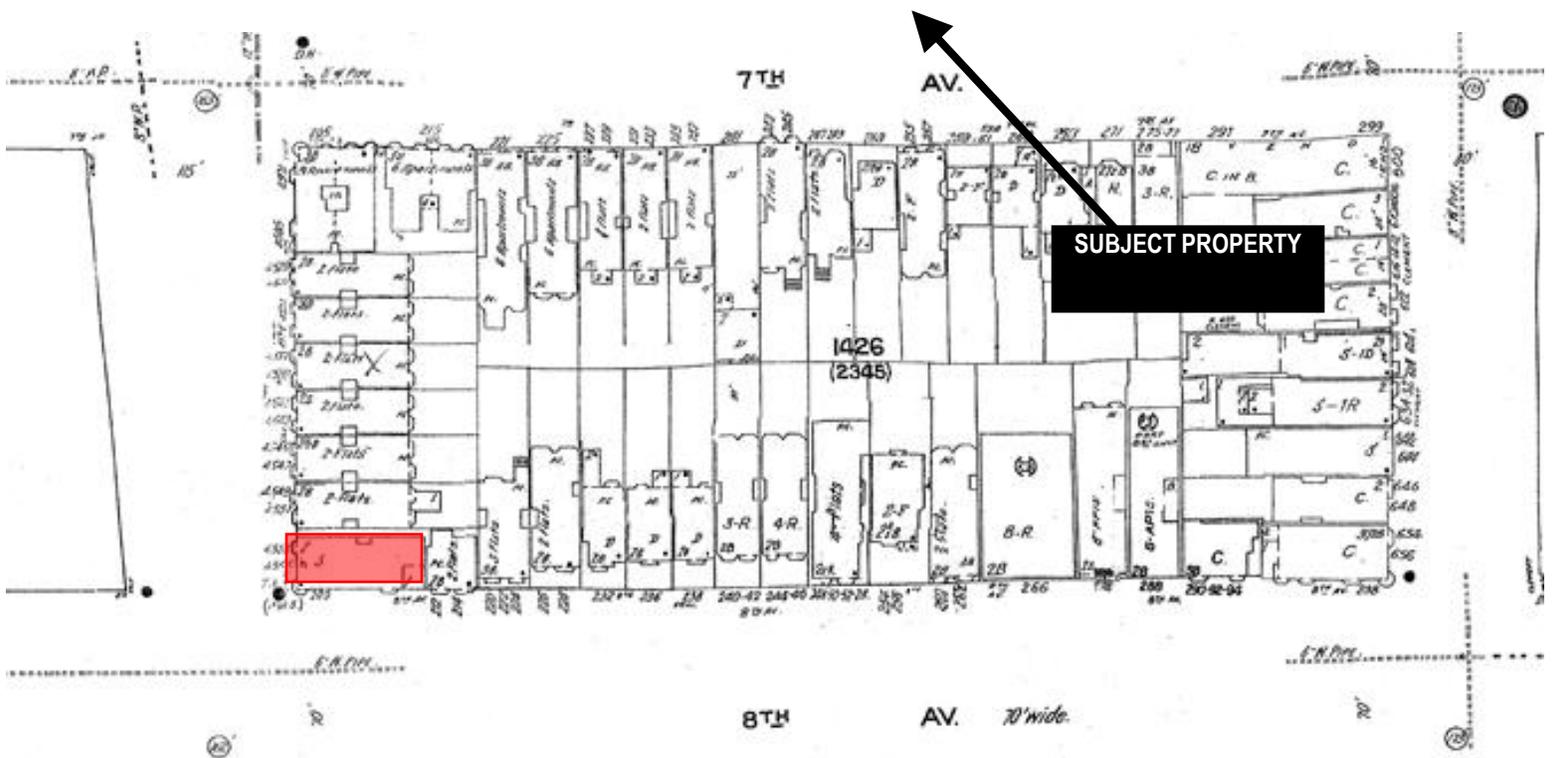
CALIFORNIA



**SUBJECT PROPERTY**

Conditional Use Authorization  
**Case Number 2012.1225C**  
 Limited Commercial Use – Village Market  
 4555 California Street

# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Authorization  
Case Number 2012.1225C  
Limited Commercial Use – Village Market  
4555 California Street

# Zoning Map



Conditional Use Authorization  
Case Number 2012.1225C  
Limited Commercial Use – Village Market  
4555 California Street

# Aerial Photo View to South



**SUBJECT PROPERTY**

Conditional Use Authorization  
**Case Number 2012.1225C**  
Limited Commercial Use – Village Market  
4555 California Street

# Aerial Photo View to East



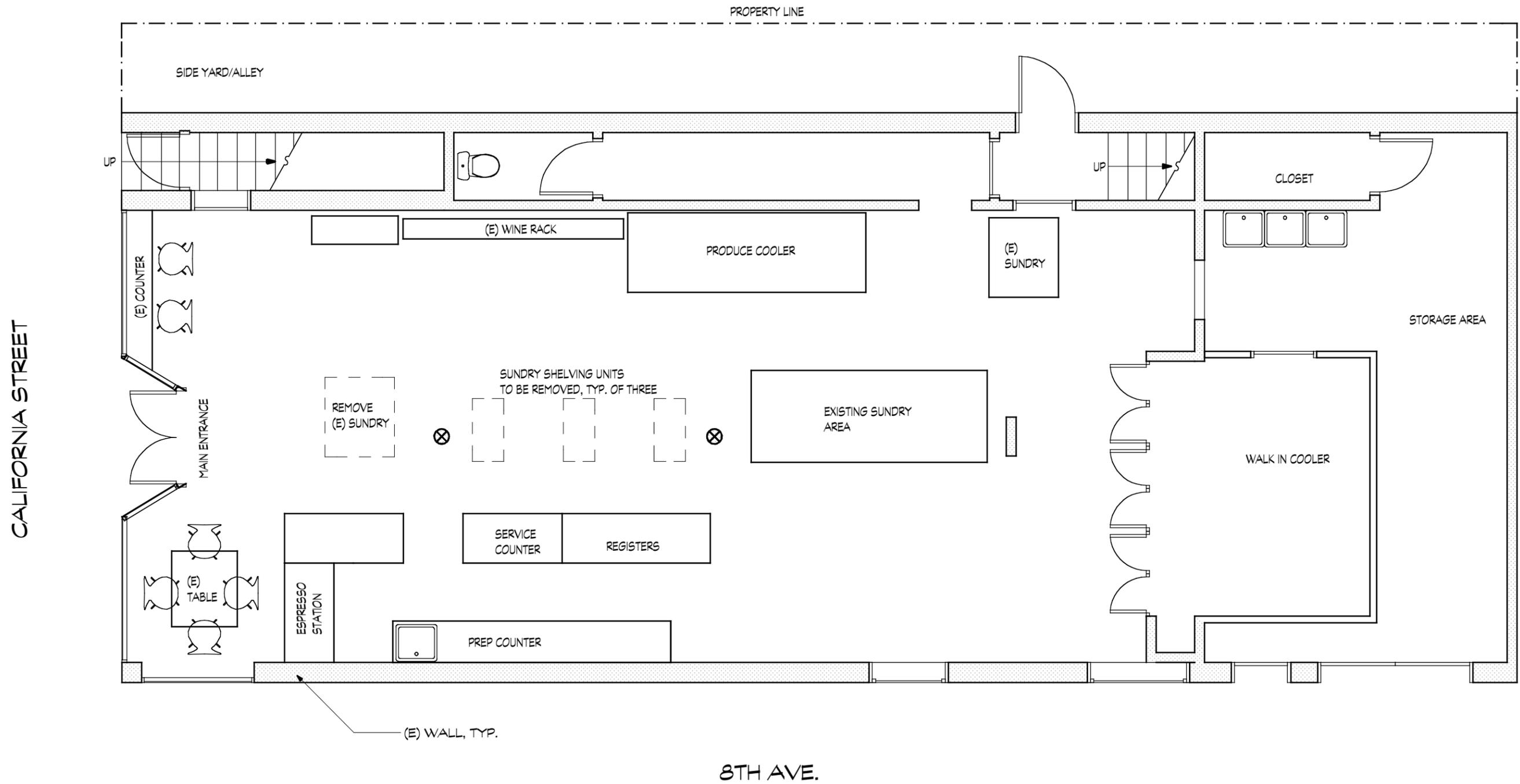
**SUBJECT PROPERTY**

Conditional Use Authorization  
**Case Number 2012.1225C**  
Limited Commercial Use – Village Market  
4555 California Street

# Site Photo

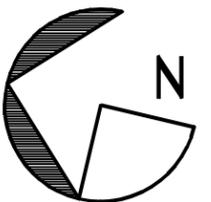


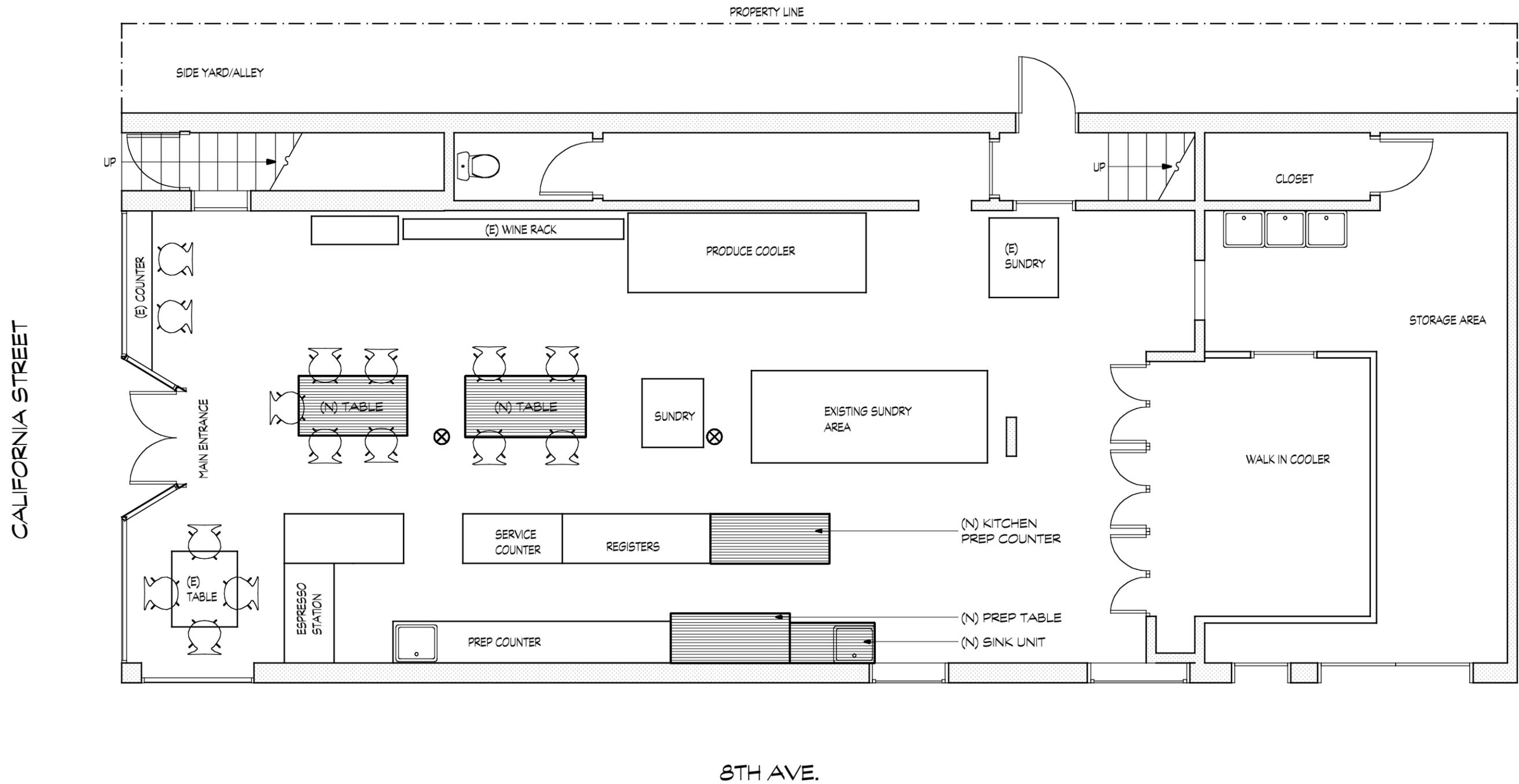
Conditional Use Authorization  
**Case Number 2012.1225C**  
Limited Commercial Use – Village Market  
4555 California Street



1 EXISTING FLOOR PLAN

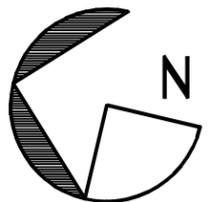
3/16"=1'-0"





1 PROPOSED FLOOR PLAN

3/16"=1'-0"



Our Produce is  
Organic, our  
meats are pasture  
raised.  
Everything  
is Local...  
and always  
made with  
Love..









Item	Price
Espresso	1.50
Latte	2.50
Cappuccino	2.50
Macchiato	2.00
Flat White	2.50
Dirty Chai	2.50
Hot Chocolate	2.00
Ice Cream	1.50
Donuts	1.00
Pastry	1.50
Small	1.00
Medium	1.50
Large	2.00



4555

PLANNING DEPARTMENT  
OFFICE OF PUBLIC HEARING  
Thursday, October 18, 2012  
10:00 AM - 12:00 PM (noon)  
Project: 12-0010 - Golden & Condit Park, Phase 4  
Location: 4555  
Title: Planning Commission  
Agenda Item: 12-0010 - Golden & Condit Park, Phase 4  
Project Description: 12-0010 - Golden & Condit Park, Phase 4  
Project Location: 4555  
Project Status: 12-0010 - Golden & Condit Park, Phase 4  
Project Contact: 12-0010 - Golden & Condit Park, Phase 4  
Project Phone: 12-0010 - Golden & Condit Park, Phase 4  
Project Email: 12-0010 - Golden & Condit Park, Phase 4  
Project Website: 12-0010 - Golden & Condit Park, Phase 4  
Project Address: 12-0010 - Golden & Condit Park, Phase 4  
Project City: 12-0010 - Golden & Condit Park, Phase 4  
Project State: 12-0010 - Golden & Condit Park, Phase 4  
Project Zip: 12-0010 - Golden & Condit Park, Phase 4  
Project County: 12-0010 - Golden & Condit Park, Phase 4  
Project District: 12-0010 - Golden & Condit Park, Phase 4  
Project Neighborhood: 12-0010 - Golden & Condit Park, Phase 4  
Project Subarea: 12-0010 - Golden & Condit Park, Phase 4  
Project Zoning: 12-0010 - Golden & Condit Park, Phase 4  
Project Use: 12-0010 - Golden & Condit Park, Phase 4  
Project Description: 12-0010 - Golden & Condit Park, Phase 4  
Project Location: 12-0010 - Golden & Condit Park, Phase 4  
Project Status: 12-0010 - Golden & Condit Park, Phase 4  
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Project District: 12-0010 - Golden & Condit Park, Phase 4  
Project Neighborhood: 12-0010 - Golden & Condit Park, Phase 4  
Project Subarea: 12-0010 - Golden & Condit Park, Phase 4  
Project Zoning: 12-0010 - Golden & Condit Park, Phase 4  
Project Use: 12-0010 - Golden & Condit Park, Phase 4

CRIME WATCH  
SECURITY  
8 415-282-7777

H. KORSS

Blue  
ottle  
Coffee Co





**SAN FRANCISCO  
PLANNING DEPARTMENT**

400 Market Street, Suite 400 • San Francisco, CA 94102 • Tel: (415) 558-6000

# NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, October 10, 2013**  
 Time: **Not before 12:00 PM (noon)**  
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**  
 Case Type: **Conditional Use**  
 Hearing Body: **Planning Commission**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: <b>4155 California Street</b>	Case No.: <b>2012-1229C</b>
Cross Street: <b>8<sup>th</sup> Avenue</b>	Building Permit: <b>N/A</b>
Block Lot No.: <b>1426/041A</b>	Applicant: <b>Kamron Baikzadeh</b>
County Parcel No.: <b>RM-1</b>	Telephone: <b>(415) 225-2985</b>
Lead File: <b>N/A</b>	E-Mail: <b>kbaikzadeh@yahoo.com</b>

**PROJECT DESCRIPTION**

The project is a Conditional Use submission to allow the legalization of adding a restaurant use to an existing, well-prosperous retail in a Licensed Commercial Use (LCA Village Market), pursuant to Planning Code Sections 162, 191, 312, 314-44 and 790-91.

**ADDITIONAL INFORMATION**

**PROFESSIONAL PLANS:** If you are interested in viewing the plans for the proposed project please contact the applicant listed below. The plans of the proposed project will also be available one week prior to the hearing through the Planning Commission agenda at: [sfpa.sfdph.org](http://sfpa.sfdph.org)

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including e-mail, personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

**FOR MORE INFORMATION PLEASE CONTACT PLANNING DEPARTMENT STAFF:**  
 Name: **Sharon Lee** Telephone: **(415) 575-4067** E-Mail: [sharon.lee@sfdph.org](mailto:sharon.lee@sfdph.org)

415-575-6000

For information on Department services: (415) 575-6000

RENOVATION PERMITS  
 SAN FRANCISCO  
 PLANNING DEPARTMENT

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