



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: NOVEMBER 29, 2018

CONSENT CALENDAR

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

Reception:
415.558.6378

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Planning
Information:
415.558.6377

Case No.: 2016-000378CUAVAR
Project Address: 1600 Jackson Street
Zoning: Polk Street Neighborhood Commercial Zoning District
65-A Height and Bulk District
Block/Lot: 0595/002, 003
Project Sponsor: Jody Knight on behalf of Whole Foods Market
Reuben, Junius & Rose, LLP
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **Disapproval**

PROJECT DESCRIPTION

The proposed project ("Project") would establish a new general grocery store operating as a Formula Retail Use (d.b.a. "365 by Whole Foods") on the first and second floors and add eight (8) Dwelling Units on the second floor of the subject property. The Dwelling Units would be comprised of four (4) two-bedroom units, three (3) one-bedroom units, and one (1) studio unit, resulting in 50 percent of the total number of Dwelling Units of at least two-bedrooms. The Project would involve both interior and exterior tenant improvements to the existing two-story-over-garage building, with no expansion of the gross square footage contained within the existing structure. The existing structure contains 43,898 gross square feet, and the general grocery store would occupy the entirety of the first floor, or approximately 22,000 gross square feet, and approximately one-half of the second floor, or approximately 11,000 gross square feet. The first floor would function as the primary sales floor for the general grocery store, with an area dedicated for prepared foods for on- or off-site consumption, and the second floor would contain additional retail floor area, and accessory office space. With respect to alcohol sales, 365 by Whole Foods proposes to hold a Type 20 alcohol license (beer and wine only). The exterior tenant improvements include a horizontal extension of the existing parapet, new paint, and new store signage.

REQUIRED COMMISSION ACTION BASIS FOR RECOMMENDATION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303, 303.1, 703(d), 703.4, and 723, to permit a new General Grocery store (a Retail Sales and Service Use) operating as a Formula Retail Use (d.b.a. "365 by Whole Foods") at the subject property.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Department has received 209 letters of support from residents of the neighborhood and 76 letters in opposition from both individuals as well as neighborhood organizations including: Cathedral Hill Neighbors Association; Chinatown Community Development Center; Local 2; Lower Polk Neighbors, Middle Polk Neighborhood Association; North Beach Business Association; Pacific Avenue Neighborhood Association; San Francisco Council of District Merchants Associations; Sierra Club; Telegraph Hill Dwellers; and Van Ness Corridor Neighborhoods Council.

The Project Sponsor conducted one official Pre-Application Meeting and a total of 9 community meetings, plus additional community outreach to introduce to the Project to neighbors and neighborhood organizations. The feedback has generally been mixed; numerous area residents have commented about their strong desire to introduce a grocery store to the Project Site, while numerous neighborhood organizations commenting about the desire to keep Formula Retail Uses out of the Polk Street Corridor, with a preference for a mixed-use project at the subject property that contains housing (including below-market rate units).

- **Variance.** With the introduction of residential uses, the Project now requires a variance from the rear yard requirements of the Planning Code. The subject property is required to maintain a rear yard of approximately 41 feet. As the existing structure covers 100% of the lot and Planning Code requires a rear at the lowest story containing a Dwelling Unit, the project requires a variance. The Project Sponsor submitted a variance application and that request will be heard concurrently with the Conditional Use Authorization request.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, inconsistent with the Objectives and Policies of the General Plan. Although the project would add a daily needs-serving retail use (grocery store) at the subject property, the Project only proposes the addition of eight dwelling units and does not maximize the allowable residential density of the subject property in a time when San Francisco is facing a severe housing shortage. Moreover, the introduction of a Formula Retail Use (d.b.a. "365 by Whole Foods") with the Polk Street NCD may result in a negative impact on existing retailers within the vicinity, reducing business for existing, non-Formula Retail merchants selling, comparable goods and services. The Department does not find the project to be necessary, desirable, and compatible with the surrounding neighborhood, and finds that it may be potentially detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Disapproval Motion



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

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Case No.: **2016-000378CUA VAR**
Project Address: **1600 Jackson Street**
Zoning: Polk Street Neighborhood Commercial Zoning District
65-A Height and Bulk District
Block/Lot: 0595/002, 003
Project Sponsor: Jody Knight on behalf of Whole Foods Market
Reuben, Junius & Rose, LLP
San Francisco, CA 94104
Property Owner: 1600 Jackson Street 76%, LLC; 1600 Jackson 24%, LLC &
1616 Jackson Street, LLC
San Francisco, CA 94109
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 303.1, 703(d), 703.4, AND 723 OF THE PLANNING CODE TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE FOR A GENERAL GROCERY STORE (RETAIL SALES AND SERVICE USE) (D.B.A. "365 BY WHOLE FOODS") WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 8, 2016, Melinda Sarjapur of Reuben, Junius & Rose, LLP, on behalf of Whole Foods Market, LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 303.1, 703(d), 703.4, and 723 to allow the establishment of General grocery store (Retail Sales and Service Use) for a Formula Retail Use (d.b.a. "365 by Whole Foods") within the Polk Street Neighborhood Commercial Zoning District and a 65-A Height and Bulk District.

On May 24, 2016, the Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on May 24, 2016 and assigned Case No. 2016-000378ENV.

On May 22, 2017, the Department issued a Notification of Project Receiving Environmental Review to owners and occupants of properties within a 300-foot radius of the project site, and other interested parties. The notification period was open through June 5, 2017; however, public comments were accepted throughout the environmental review process.

On April 24, 2018, the Project was issued a Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15322). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

On April 26, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-000378CUA.

On April 26, 2018, after hearing the item, the Commission voted 4-2 (Commissioners Moore and Richards against) to continue the item to the July 26, 2018 hearing date. The Commission directed the Project Sponsor to explore a modified project that included housing as part of the overall project.

On July 26, 2018, before hearing the item, the Commission voted 6-0 to continue the item to the September 27, 2018 hearing date.

On September 27, 2018, before hearing the item, the Commission voted 6-0 to continue the item to the October 4, 2018 hearing date.

On October 4, 2018, after hearing the item, the Commission voted 4-1 (Commissioner Moore against) to continue the item to the November 8, 2018 hearing date. The Commission directed the Project Sponsor to consider adding additional housing as part of the overall project.

On October 23, 2018, the Project Sponsor submitted a Variance Application. The application packet was accepted on October 23, 2018 and assigned Case No. 2016-000378VAR.

On November 8, 2018, after hearing the item, the Commission voted 5-1 (Commissioner Hillis against; Commissioner Moore absent) to adopt a motion of intent to disapprove and continue the item to the November 29, 2018 hearing date. While making a motion of intent to disapprove the Project, the Commission added language to the motion supporting a change to Planning Code Section 121.2 to exempt General Grocery (Retail Sales and Service Uses) from the use size limits as they are considered daily needs-serving uses.

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 does not authorize the Conditional Use requested in Application No. 2016-000378CUA, 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. **Project Description.** The proposed project ("Project") would establish a new general grocery store operating as a Formula Retail Use (d.b.a. "365 by Whole Foods") on the first and second floors and add eight (8) Dwelling Units on the second floor of the subject property. The Project would involve both interior and exterior tenant improvements to the existing two-story-over-garage building, with no expansion of the gross square footage contained within the existing structure. The existing structure contains 43,898 gross square feet, and the general grocery store would occupy the entirety of the first floor, or approximately 22,000 gross square feet, and approximately one-half of the second floor, or approximately 11,000 gross square feet. The first floor would function as the primary sales floor for the general grocery store, with an area dedicated for prepared foods for on- or off-site consumption, and the second floor would contain additional retail floor area, and accessory office space. With respect to alcohol sales, 365 by Whole Foods proposes to hold a Type 20 alcohol license (beer and wine only).

The conversion of approximately one-half of the second floor to residential use would constitute a change of use, however, the establishment of a general grocery store does not constitute a change of use as the previous use (d.b.a. "Lombardi Sports") and the proposed general grocery store are both considered Retail Sales and Service Uses under the Planning Code. The subject building has been vacant since December of 2014, when Lombardi Sports ceased operations. The exterior tenant improvements include a horizontal extension of the existing parapet, new paint, and new store signage.

The Project Sponsor has prepared a Transportation Management Plan (TMP) for the proposed Project. The TMP includes detailed information on the store's operations, truck routing, passenger loading operations, required SFMTA approvals, store operations, loading operations and schedule, the parking management plan, education program, monitoring activities, and transportation demand management measures. The TMP was informed by a loading analysis prepared for the Project. The Project Sponsor is responsible for implementing this TMP.

3. **Site Description and Present Use.** The 22,471-square-foot project site ("Site") (Assessors Block 0595, Lots 002 and 003) (District 3) is located on the block bounded by Polk Street to the east, Jackson Street to the south, Van Ness Avenue to the west, and Pacific Avenue to the north. The Site contains two downsloping lots (as measured from Jackson Street) and contains 146'-5" feet of street frontage along Jackson Street and 165'-4" of street frontage along Polk Street. The Site is occupied by two existing structures that have functioned as one structure serving commercial uses. The larger structure (1600-1604 Jackson Street, located at the corner of Jackson and Polk Streets) is a 2-story-over-garage commercial building, constructed in 1908. The garage area contains 70 parking spaces and is accessible only from Polk Street. The smaller structure (1616 Jackson Street) is a 2-story commercial building constructed in 1900. The smaller structure has served as the loading and receiving area for the former commercial uses and is internally connected to the larger corner structure. The Site previously contained an apparel store (Retail Sales and Services Use) (dba "Lombardi Sports"); that establishment ceased operations in December of 2014.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the western portion of the Nob Hill Neighborhood, within the Polk Street Neighborhood Commercial (NCD) Zoning District, and the 65-A Height and Bulk District. The vicinity contains a mix of land uses with

residential, commercial, and mixed-use developments located throughout the Zoning District. The immediate site context includes a range of development intensities, from single-story buildings containing auto repair uses along Jackson Street, to 4+ story buildings with residential above ground-floor retail uses along Polk Street. The two buildings abutting the subject property contain residential uses, including 70 Dwelling Units at 1650 Jackson Street (immediately to the west of the subject property), and 17 Dwelling Units at 1601 Pacific Avenue (immediately to the north of the subject property). With some exceptions, the larger floorplate buildings tend to be sited nearest to major intersections (e.g. Polk and Pacific Streets). There exists a mix of fine-grained small commercial storefronts along Polk Street, with large development lots containing single commercial uses (such as the subject property) and mixed-use developments containing both residential and non-residential uses. Other zoning districts in the vicinity of the Project Site include: Pacific Avenue Neighborhood Commercial District (NCD); RC-4 (Residential-Commercial, High Density); and RM-1 through RM-3 (Residential-Mixed, Low to Medium Density) Zoning Districts.

5. **Public Outreach and Comments.** The Department has received 209 letters of support from residents of the neighborhood and 76 letters in opposition from both individuals as well as neighborhood organizations including: Cathedral Hill Neighbors Association; Chinatown Community Development Center; Local 2; Lower Polk Neighbors, Middle Polk Neighborhood Association; North Beach Business Association; Pacific Avenue Neighborhood Association; San Francisco Council of District Merchants Associations; Sierra Club; Telegraph Hill Dwellers; and Van Ness Corridor Neighborhoods Council.

The Project Sponsor conducted one official Pre-Application Meeting and a total of 9 community meetings, plus additional community outreach to introduce to the Project to neighbors and neighborhood organizations. The feedback has generally been mixed; numerous area residents have commented about their strong desire to introduce a grocery store to the Project Site, while numerous neighborhood organizations commenting about the desire to keep Formula Retail Uses out of the Polk Street Corridor, with a preference for a mixed-use project at the subject property that contains housing (including below-market rate units).

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. **Use (Section 723).** The Planning Code lists Retail Sales and Service Uses as principally permitted at the first and second floors, and Residential Uses as principally permitted at and above the first floor, within the Polk Street NCD.

The proposed Project would establish a new general grocery store (d.b.a. "365 by Whole Foods") on the first and second floors of the subject property. General grocery is listed as a Retail Sales and Service Use under Planning Code Section 102. In addition, the Project would add eight (8) Dwelling Units on the second floor. Both uses are considered principally permitted uses at the floors specified.

With an aggregate Site Area of 22,471 square feet, the subject lots could contain a maximum of 56 Dwelling Units. The proposed Project would create a total of 8 Dwelling Units where 56 Dwelling Units would be allowed per Code. Therefore, the Project does not maximize the allowable residential

density. Given the severe housing crisis within San Francisco, the Project does not balance the current needs of the city whereas a mixed-use development, with maximum allowable residential density on a large development lot, could better serve the current needs of the city.

- B. Formula Retail Use (Sections 303.1, 723).** The Planning Code requires Conditional Use Authorization for the establishment of Formula Retail Uses within the Polk Street NCD.

The proposed Project would establish a new general grocery store (a Retail Sales and Services Use) operating as a Formula Retail Use (d.b.a. "365 by Whole Foods") at the subject property. The Project Sponsor filed Conditional Use Authorization Case No. 2016-00378CUA to allow the Formula Retail Use.

The introduction of a Formula Retail Use (d.b.a. "365 by Whole Foods") with the Polk Street NCD may result in a negative impact on existing retailers within the vicinity, reducing business for existing, non-Formula Retail merchants selling, comparable goods and services.

- C. Accessory Use (Sections 703, 723, 102).** The Planning Code lists Retail Sales and Service Uses as a principally permitted use with the Polk Street NCD at the first and second stories.

The proposed Project would establish a new general grocery store at the subject property; general grocery store is listed as a Retail Sales and Service Use under Planning Code Section 102. The Project also includes an area on the first floor where prepared foods (e.g. hot foods, salad bar, etc.) would be available to patrons for immediate consumption. The food preparation area is considered part of the Principal Use since the definition of general grocery store permits minor amounts of food on site for immediate consumption, per Planning Code Section 102. In addition, the Project includes approximately 2,839 square feet of Accessory Office Use on Floor 2. The Accessory Office Use would be utilized by the general grocery store tenant (dba "365 by Whole Foods") and the use is considered to be necessary to the operation of the lawful Principal or Conditional Use. At only approximately 15 percent of the total occupied floor area, the Accessory Office Use is below the 1/3 of total floor area threshold for Accessory Uses. Therefore, the proposed Project conforms with Planning Code Sections 703, 732, and 102.

- D. Use Size (Sections 723, 121.2).** The Planning Code permits non-residential uses up to 1,999 square feet and requires Conditional Use Authorization for 2,000 square feet or above. The use size limit (maximum) in the Polk Street NCD is 4,000 square feet.

The proposed Project would establish a new general grocery store on the first and second floor and add eight (8) Dwelling Units on the second floor of the subject property; General grocery store (use) is listed as a Retail Sales and Service Use under Planning Code Section 102. The Project would utilize the entirety of the existing 43,898 gross square foot building, with no expansion or increase in gross floor area proposed. The last legal use was a sporting goods/apparel store (Retail Sales and Service Use under Planning Code Section 102), and the Project would maintain the last legal use at the first floor and approximately one-half of the second floor, with a conversion to residential uses on the second floor. While no record of Conditional Use Authorization approval was found for the subject property for the last legal use, a Planning Code interpretation regarding use size in the NC Districts, effective October 1993, states that per Section 121.2, "a conforming use which was over the threshold but which predated the use size limit requirement could change to a different use occupying the same floor area without a

conditional use authorization as long as there was no significant increase in the floor area.” Based upon available information, it appears that the current use size of the subject property was legally established according to the applicable zoning and building laws of the time and predated the current use size controls. As the existing use size of the property does not conform to the current Code, the last legal use would be considered non-conforming with regard to use size limits. Given these facts, the proposed continuation of the same use category (Retail Sales and Service Use) as an existing, non-conforming use (related to use size) at the subject property would not require Conditional Use Approval for Use Size. Additionally, residential uses are not subject to the use size limitations of Section 121.2. Therefore, the proposed Project conforms with Planning Code Sections 723 and 121.2.

While making a motion of intent to disapprove the Project, the Commission added language to the motion supporting a change to Planning Code Section 121.2 to exempt General Grocery (Retail Sales and Service Uses) from the use size limits as they are considered daily needs-serving uses.

- E. Floor Area Ratio (Sections 723, 123).** The Planning Code permits a maximum Floor Area Ratio (FAR) of 2.5:1 in the Polk Street NCD.

The proposed Project would utilize the entirety of the existing 43,898 gross square foot building, with no expansion or increase in gross floor area proposed. With an aggregate Site Area of 22,471 square feet, and 33,015 gross square feet of non-residential use subject to FAR limits, the FAR for the subject property is 1.47:1, below the maximum FAR limit for the Polk Street NCD. Therefore, the proposed Project conforms with Planning Code Sections 723 and 123.

- F. Hours of Operation (Section 723).** The Planning Code states that the principally permitted hours of operation are from 6:00 a.m. to 2 a.m., with Conditional Use Authorization required for maintaining hours of operation from 2 a.m. to 6 a.m., as defined by Planning Code Section 102.

The proposed Project would establish a new General grocery store at the subject property with hours of operation from 8 a.m. to 10 p.m. daily. Per the Project Sponsor, business hours may be extended in advance of major holidays but the General grocery store would not open prior to 6 a.m. Inventory, restocking, and other similar store operations activities would occur at any time during a 24-hour period, during non-business hours. Therefore, the proposed Project conforms with Planning Code Section 723.

- G. Rear Yard (Section 134).** The Planning Code states that the minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

The subject property is required to maintain a rear yard of approximately 41 feet. The existing structure covers 100% of the lot and Section 134(a)(1) requires a rear at the lowest story containing a Dwelling Unit; therefore, the project requires a variance from the rear yard requirements of the Planning Code. The Project Sponsor submitted a variance application and that request will be heard concurrently with the Conditional Use Authorization request.

- H. **Useable Open Space (Section 135).** The Planning Code states that 60 square feet of useable open space is required per unit if such space is private, and each square foot of private open space may be substituted with 80 square foot of common open space. Planning Code Section 135(f)(2)(B) requires that the open space must face a street, face or be within a rear yard, or face some over space which meets the minimum dimension and area requirements of Planning Code Section 135(d)(2).

The Project proposes adding eight (8) Dwelling Units on the second floor of an existing building, requiring either 480 square feet of open space if provided as private useable open space, or, 640 square feet of open space if provided as common useable open space. The existing building does not contain any private or common useable open space, however, the Project Sponsor proposes adding a 640 square foot roof deck meeting the dimensional requirements of the Code. Therefore, the proposed Project conforms with Planning Code Section 135.

- I. **Dwelling Unit Exposure (Section 140).** The Planning Code requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

The proposed Project would add 8 Dwelling Units on the second floor, with all units facing onto either Polk Street or Jackson Street. Both streets meet the minimum dimensional requirements of the Code; therefore, the Project is compliant with Code Section 140.

- J. **Street Frontage in Neighborhood Commercial Districts (Section 145.1).** The Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must 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. 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 facade.

The proposed Project would establish a new general grocery store at the subject property at the first and second floors, with residential uses located on the second floor. General grocery is listed as an "Active Commercial Use" under Section 145.4. As such, the Project would support active, pedestrian-oriented commercial uses at the Project Site. The Project would occupy both of the existing floors, and would maintain the existing fenestration pattern, which, allows for ample transparency into the storefront. The previous tenant (d.b.a. "Lombardi Sports") maintained a mural along both the Polk and Jackson Street frontages that partially obscured the existing windows. While the Project does not currently propose any new windows, the Project would remove the existing mural to increase transparency for the existing

storefront. In-kind window replacement is proposed as part of the tenant improvements. Such improvements are subject to general conformity with the Commission Guide for Formula Retail (Performance-Based Design Guidelines) as well as the Department's Standards for Storefront Transparency. Therefore, the proposed Project conforms with Planning Code Section 145.1.

- K. **Off-Street Parking (Sections 723, 150, 151, 151.1).** The Planning Code does not require off-street parking for any use in the Polk Street NCD. Instead, parking maximums apply to the Project Site. Per Planning Code Section 151.1, up to one space for each 500 square feet of Occupied Floor Area up to 20,000 square feet, plus one car for each 250 square feet of Occupied Floor Area in excess of 20,000 square feet is permitted.

The existing below-grade parking garage contains 70 independently-accessible parking spaces. At 28,844 square feet of Occupied Floor Area, up to a maximum of 44 parking spaces would otherwise be permitted for the Project, since there are no minimum parking requirements within the Polk Street NCD. The proposed Project is not proposing to add or remove any additional parking beyond the existing 70 spaces. Per Section 150(d) ("Spaces to be Retained"), once any off-street parking or loading space has been provided which wholly or partially meets the requirements of this Code, such off-street parking or loading space shall not thereafter be reduced, eliminated or made unusable in any manner. Therefore, the Project is permitted to utilize the existing 70 off-street parking spaces. As such, the Project is in compliance with Code Sections 723, 150, 151, and 151.1.

- L. **Off-Street Freight Loading (Sections 723, 152).** The Planning Code requires one off-street freight loading space for non-residential uses exceeding 10,000 square feet and two spaces for non-residential uses exceeding 60,000 square feet.

The Project proposes 33,008 gross square feet of non-residential use, and 10,890 gross square feet of residential use, requiring one off-street loading space. While the existing building contains a loading and receiving area along the Jackson Street frontage, the existing building does not contain any off-street loading space that would allow larger trucks to access, allowing trucks to remain completely outside of the public right-of-way. Therefore, per Planning Code Section 150(c)(1), any lawful deficiency in off-street parking or loading spaces existing on such effective date may be carried forward for the structure or use, apart from such major addition. As the Project does not constitute a major addition, as defined by the Code, the Project is able to carry the lawful deficiency of off-street loading forward. While the Project does not propose adding an off-street loading space, the Project proposes on-street loading along the Jackson Street frontage, adjacent the existing loading and receiving area. Currently, there exists an approximately 20' commercial loading zone along the Jackson Street frontage, directly in front of the subject property. The Project would extend that commercial loading zone to approximately 100'. In addition, there exists a 24' curb cut located directly in front of the loading/receiving area serving the subject property that delivery trucks could utilize to pull away from the commercial loading zone. The Project Sponsor has agreed to execute a Transportation Management Plan (TMP) to actively manage curbside loading to reduce any potential congestion that may occur from queuing trucks delivering goods to the building. See the Transportation Management Plan (TMP) for more information. Therefore, the proposed Project conforms with Planning Code Sections 723 and 152.

- M. **Bicycle Parking (Section 155.1).** The Planning Code requires one Class 1 bicycle parking space for every 7,500 square feet of Occupied Floor Area, and one Class 2 bicycle parking space for every 2,500 sq. ft. of Occupied Floor Area (minimum two spaces).

The existing building contained 25,089 square feet of Occupied Floor Area, with no Class 1 or Class 2 bicycle parking spaces provided. The proposed Project would add Class 1 and Class 2 bicycle parking spaces in the amounts required per Code, with a minimum of 14 Class 1 bicycle parking spaces and 16 Class 2 bicycle parking spaces. Therefore, the proposed Project conforms with Planning Code Section 155.1.

- N. **Dwelling Unit Mix (Sections 207.6, 723).** The Planning Code requires new residential construction include a minimum percentage of units of at least two bedrooms. Within the Polk Street NCD, no less than 40 percent of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30 percent of the total number of proposed Dwelling Units shall contain at least three bedrooms.

The proposed Project would add eight (8) Dwelling Units, comprised of four (4) two-bedroom units, three (3) one-bedroom units, and one (1) studio unit, resulting in 50 percent of the total number of Dwelling Units of at least two-bedrooms. Therefore, the proposed Project conforms with Planning Code Sections 207.6 and 723.

- O. **Dwelling Unit Density Limits (Sections 207, 723).** The Planning Code allows a residential density within the Polk Street NCD of one unit per 400 square foot lot area; or the density permitted in the nearest Residential District, whichever is greater.

With an aggregate Site Area of 22,471 square feet, the subject lots could contain a maximum of 56 Dwelling Units. The proposed Project would add a total of 8 Dwelling Units where 56 Dwelling Units would be allowed per Code. While adding 8 dwelling units to the Project Site, the Project does not maximize the allowable residential density. Given the severe housing crisis facing the city, the Project does not balance the current needs of the city whereas a mixed-use development, with maximum allowable residential density on a large development lot, could better serve the current needs of the city.

- P. **Signage (Section 607.1).** The Planning Code regulates the size and number of signs on buildings. The Code states that the number of projecting signs shall not exceed one per business. The area of such sign, as defined in Planning Code Section 602.1(a), shall not exceed 24 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be non-illuminated, indirectly, or directly illuminated. The Code does not otherwise limit the number of wall or window signs. The area of such sign, as defined in Planning Code Section 602.1(a), shall not exceed the lesser of 2 square feet/business street frontage or 100 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Further, Formula Retail Uses are subject to conformity with the *Planning Commission's Performance-Based Design Guidelines (Commission Guide for Formula Retail)*.

The signage program was reviewed by the Planning Department, and the sign program was found to be consistent with the Planning Commission's Performance-Based Design Guidelines (Commission Guide for Formula Retail). The proposed Project includes Code-compliant signs in the following amounts: 1 projecting sign and 2 wall signs along both street frontages (Jackson and Polk Streets).

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project does not 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 only proposes the addition of eight dwelling units and does not maximize the residential density of the subject property in a time when the city is facing a severe housing shortage. Moreover, the introduction of a Formula Retail Use (d.b.a. "365 by Whole Foods") with the Polk Street NCD may result in a negative impact on existing retailers within the vicinity, reducing business for existing, non-Formula Retail merchants selling, comparable goods and services. As such, the Department does not find the project to be necessary, desirable, and compatible with the surrounding neighborhood, and finds that it may be potentially detrimental to persons or adjacent properties in the vicinity.

- i. 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-servicing uses in the area;

The Project would introduce a large Formula Retail Use to the Polk Street NCD, which, may result in a negative impact on existing retailers within the vicinity, reducing business for existing, non-Formula Retail merchants selling, comparable goods and services.

- ii. 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;

The proposed Project would utilize the entirety of the existing 43,898 gross square foot building, with no expansion, increase in gross floor area. The large size of the proposed use may negatively impact business for existing, non-Formula Retail merchants selling, comparable goods and services who cannot compete with the variety or volume of products Whole Foods offers with benefit of a large commercial tenant space.

- iii. 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 proposed Project would utilize the entirety of the existing building, with no expansion, increase in gross floor area. However, the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many Formula Retail businesses can detract from the distinctive character and aesthetics of certain Neighborhood Commercial Districts.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The Project will involve interior and exterior tenant improvements to an existing, vacant retail building, as well as installation of new signage. However, the introduction of a Formula Retail Use may negatively impact existing non-Formula Retail businesses within the Polk Street NCD.

- 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 existing building previously contained a Retail Sales and Service Use (d.b.a. "Lombardi Sports") within the same envelope and included 70 parking spaces in a below-grade garage. The existing traffic pattern is not anticipated to be significantly impacted by the proposed Project. It is anticipated that new patrons of the grocery store would walk or bike to the store from the immediate vicinity, reinforcing the active, pedestrian-oriented, and continuous commercial frontage along Polk Street. Additionally, with no off-street parking provided for the proposed Dwelling Units, new tenants would benefit from new Class 1 bicycle parking spaces and the ample supply of existing public transit options.

While the Project does not propose adding an off-street loading space, the Project proposes to utilize an approximately 100' on-street loading along the Jackson Street frontage, adjacent to the existing loading and receiving area. The Project Sponsor has prepared a Transportation Management Plan (TMP) for the proposed Project to address any possible disruption to the neighborhood and congestion in front of the subject property. The TMP includes detailed information on the store's operations, truck routing, passenger loading operations, required SFMTA approvals, store operations, loading operations and schedule, the parking management plan, education program, monitoring activities, and transportation demand management measures.

The TMP will allow the Project Sponsor to actively manage curbside loading as a means to alleviate any potential congestion that may occur from queuing trucks delivering goods to the subject property.

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

The proposed Project includes interior tenant alterations to an existing building. The Project will not include any uses that would emit noxious or offensive emissions such as noise, glare, dust and odor, and will provide proper venting for the space in compliance with the San Francisco Building Code standards.

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

The proposed Project will upgrade the exterior of the existing building, including removing existing window screens and adding new, Code-compliant signage.

- 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 does not comply with all relevant requirements and standards of the Planning Code and is inconsistent 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 Project is inconsistent with the stated purpose of the Polk Street Neighborhood Commercial District in that the Project would detract from the mixed-use character of the District, consisting of buildings with residential units above ground-story commercial uses.

- 8. **Formula Retail.** Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any conditional use pursuant Section 303.1, Formula Retail Uses:

- A. The existing concentrations of Formula Retail uses within the district.

The Project Sponsor conducted a Formula Retail survey in early 2018. Based on the survey, there are 296 commercial storefronts with retail uses subject to Formula Retail Controls within the Polk Street NCD. Of those 296 storefronts, 23 storefronts contain Formula Retail Uses, resulting in a concentration of formula retail uses within the Polk Street NCD of approximately 7.8%. As measured by linear feet, the concentration of formula retail uses within the Polk Street NCD is approximately 9.9%. Within an 1/4 mile vicinity ("Vicinity" includes areas within both Polk Street NCD and other Zoning Districts within 1/4 mile of the subject property), there are 240 commercial storefronts, with 36 storefronts containing Formula Retail Uses, leading to an existing concentration of formula retail uses within the vicinity of approximately 15.0%. As measured by linear feet, the concentration of formula retail uses within the Vicinity is approximately 19.7%. (See Tables 1 & 2 for additional information.)

Table No. 1: Ground-floor Commercial Frontage Survey within the Polk Street NCD (as measured in lineal feet and # storefronts).¹

1600 Jackson Street Formula Retail (Polk Street NCD Zoning District)

¹ Land Use Table was developed using data collected by the Project Sponsor and reviewed by Planning Department Staff in 2018.

Use Type	Total Commercial Frontage in NCD (feet)	Total Formula Retail Frontage in NCD (feet)	Formula Retail Frontage Concentration in NCD (feet)	Total Commercial Count in NCD (#)	Total Formula Retail Count in NCD (#)	Formula Retail Count Concentration in NCD (#)
Animal Hospital	32	0	0%	1	0	0%
Financial Services	77.5	77.5	100%	2	2	100%
Institutional	416.9	0	0%	8	0	0%
Limited-Restaurant	857.95	55.7	6.5%	24	3	12.5%
Liquor Store	142	0	0%	3	0	0%
Medical Service	375.79	0	0%	10	0	0%
Personal Service	1,390.14	63.5	4.6%	49	2	4.1%
Professional Service	1,625.00	72.2	4.4%	42	3	7.1%
Restaurant	3,143.42	22	0.7%	75	1	1.3%
Retail	3,924.00	900.7	23.0%	82	12	14.6%
Total	11,984.7	1,191.6	9.9%	296	23	7.8%
Vacant	1,569.65	0	0%	47	0	0%
City-wide Serving Retail Uses	5,300.1	714.1	13.8%	129	14	10.9%
Daily-Serving Retail Uses	6,684.6	477.5	7.1%	167	9	5.4 %

Table No. 2: Ground-floor Commercial Frontage Survey within 1/4 mile Vicinity (as measured in lineal feet and # storefronts).²

1600 Jackson Street Formula Retail (within ¼ mile vicinity)						
Use Type	Total Commercial Frontage in Vicinity (feet)	Total Formula Retail Frontage in Vicinity (feet)	Formula Retail Frontage Concentration in Vicinity (feet)	Total Commercial Count in Vicinity (#)	Total Formula Retail Count in Vicinity (#)	Formula Retail Count Concentration in Vicinity (#)
Animal Hospital	32	0	0%	1	0	0%
Financial Services	314.88	314.88	100%	5	5	100%
Institutional	810.90	0	0%	10	0	0%
Limited-Restaurant	728.45	80.7	11.1%	19	4	21.1%
Liquor Store	85.9	0	0%	2	0	0%
Medical Service	433.76	134.06	30.9%	7	1	14.3%
Personal Service	1,144.83	53.5	4.7%	28	1	3.6%
Professional Service	1,734.91	246.31	14.2%	39	6	15.4%
Restaurant	2,692.62	103.80	3.9%	53	2	3.8%
Retail	4,036.46	1,428.57	35.4%	76	17	22.4%
Total	12,014.71	2,361.82	19.7%	240	36	15.0%
Vacant	1,405.48	0	0%	35	0	0%
City-wide Serving Uses	6,137.77	1,580.86	25.8%	121	23	19.0%
Daily-Serving Uses	5,877.18	780.97	13.3%	119	13	10.9%

- B. The availability of other similar retail uses within the district and within the vicinity of the proposed project.

Within the Polk Street NCD, there are only two (2) locations with similar retail uses (Real Food Company, located at 2140 Polk Street; and Trader Joe's, located at 1095 Hyde Street). Within approximately 1/4 mile of the subject property (includes locations outside of the Polk Street NCD), there are two (2) locations with similar retail uses (Whole Foods Market, located at 1765 California Street; and Golden Veggie Market, located at 1475 Polk Street).

- C. The compatibility of the proposed Formula Retail use with the existing architectural and aesthetic character of the district.

² Land Use Table was developed using data collected by the Project Sponsor and reviewed by Planning Department Staff in 2018.

The proposal would active a previously-vacant space. Therefore, the proposal would adaptively reuse an underutilized space with two large street frontages (along Jackson and Polk Streets). The signage program was reviewed by the Planning Department, and the sign program was found to be consistent with the Planning Commission's Performance-Based Design Guidelines (Commission Guide for Formula Retail).

- D. The existing retail vacancy rates within the district and within the vicinity of the proposed project.

There are 47 other vacancies within the Polk Street NCD (13.7% vacancy rate) and 35 vacancy within the 1/4 mile vicinity (12.7% vacancy rate).

- E. The existing mix of Citywide-serving retail uses and daily needs-serving retail uses within the district and within the vicinity of the proposed project.

Based upon the survey, there are 167 daily need-serving retail uses (defined by the Planning Code as: Limited Restaurants; Other Retail, Sales and Services; Personal Services; Limited Financial Services; and Specific Trade Shops) and 129 city-wide serving retail uses (defined as all other uses) within the Polk Street NCD. The existing mix of daily needs-serving uses versus city-wide retail uses within the Polk Street NCD is tipped more towards daily needs-serving retail uses (56.3% to 43.7%, respectively). Within 1/4 mile of the subject property, the existing mix of daily needs-serving uses versus city-wide retail uses is fairly balanced (48.9% to 51.1%, respectively). The proposed use (General grocery store) would increase the concentration of daily needs-serving retails uses within the Polk Street NCD to 57.4% (and 50.2% within 1/4 mile of the subject property).

- F. Additional data and analysis set forth in the Performance-Based Design Guidelines adopted by the Planning Commission.

With the addition of one new formula retail use, the concentration of formula retail uses within the Polk Street NCD would only increase by approximately 2.6% (as measured by linear feet) or by 0.3% (as measured by number of commercial storefronts), while the concentration of formula retail uses within 1/4 mile of the subject property would only increase by approximately 2.6% (as measured by linear feet) or by 0.4% (as measured by number of commercial storefronts). Both of these increases are considered nominal. These calculations do not include non-retail establishments, such as residential uses, or parking lots.

- G. For Formula Retail uses of 20,000 gross square feet or more, except for General or Specialty Grocery stores as defined in Articles 2, 7 and 8 of this Code, the contents of an economic impact study prepared pursuant to Section 303(i) of this Code.

While the Project proposes more than 20,000 gross square feet of Formula Retail Use, as a general grocery store, as defined by the Code, the Project is therefore not required to prepare an economic impact study.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.10:

Support new housing projects, especially affordable housing where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.6:

Foster a sense of community through architectural design using features that propose community interaction.

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.1:

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

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.

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.

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.

NEIGHBORHOOD COMMERCE

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.

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 A MEANS OF ORIENTATION.

Policy 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

Policy 1.6:

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

On balance, the Project is inconsistent with the Objectives and Policies of the General Plan. While adding eight dwelling units to the Project Site, the Project does not maximize the allowable residential density. Given the severe housing crisis facing the city, the Project does not balance the current needs of the city whereas a mixed-use development, with maximum allowable residential density on a large development lot, could better serve the current needs of the city.

Moreover, the Project would introduce a Formula Retail Use within the Polk Street NCD, an established Neighborhood Commercial District. Broadly, the introduction of a Formula Retail Use within established Neighborhood Commercial Districts may hamper the City's goal of a diverse retail base with distinct neighborhood retailing personalities comprised of a mix of businesses.

10. **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 not comply with said policies in that:

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

The Project may unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of businesses towards formula retailers in lieu of unique or start-up retailers, thereby decreasing the diversity of merchandise available to residents and visitors and the diversity of purveyors of merchandise.

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

While the Project would conserve and protect existing housing, the introduction of a Formula Retail Use may detract from the unique community character of the Polk Street NCD.

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

The Project would create a total of 8 Dwelling Units where 56 Dwelling Units would be allowed per Code. Therefore, the Project does not maximize the allowable residential density. Given the severe housing crisis facing the city, the Project does not balance the current needs of the city whereas a mixed-use development, with maximum allowable residential density on a large development lot, could better serve the current needs of the city.

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

The Project would not impede MUNI transit service or overburden streets or neighborhood parking.

- 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 does not include commercial office development and helps to enhance service sector employment through the re-establishment of a Retail Sales and Service Use at the subject Property.

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

The Project will conform to all structural and seismic requirements of the San Francisco Building Code, and thus meet this requirement.

- G. That landmarks and historic buildings be preserved.

The Project will not adversely alter any landmarks or historic buildings.

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

The Project does not involve any expansion of the existing building and will therefore have no effect on parks or open space, or their access to sunlight and views.

11. The Project is inconsistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use Authorization would not 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 **DISAPPROVES Conditional Use Authorization Application No. 2016-000378CUA**.

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. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 29, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 29, 2018