

### SAN FRANCISCO PLANNING DEPARTMENT

### Executive Summary Conditional Use

HEARING DATE: JUNE 23, 2016

Date:	June 13, 2016
Case No.:	2016-002830CUA
Project Address:	1266 9 <sup>th</sup> Avenue
Zoning:	Inner Sunset NCD (Neighborhood Commercial District)
	40-X Height and Bulk District
Block/Lot:	1742/043
Project Sponsor:	Nancy Crane
	442 Post Street, 6 <sup>th</sup> Floor
	San Francisco, CA 94102
Staff Contact:	Wayne Farrens – (415) 575-9172
	wayne.farrens @sfgov.org

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Planning Information: **415.558.6377** 

#### **PROJECT DESCRIPTION**

The Project Sponsor proposes an approximately 2,910 square-foot Formula Retail Restaurant (dba "Lemonade") in the existing tenant space. Lemonade is a casual Restaurant use specializing in fresh and healthy California-style cuisine. Lemonade is based in Southern California and currently operates 22 locations, including one in San Francisco at 781 Mission Street, on the border of the Financial District and South of Market neighborhoods. A second San Francisco location at 16 West Portal Avenue in the West Portal neighborhood was approved by the Planning Commission on April 14, 2016.

The proposal requires a Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1, 703.3, and 703.4 to establish a Formula Retail use within the Inner Sunset NCD (Neighborhood Commercial District) Zoning District.

#### SITE DESCRIPTION AND PRESENT USE

The project is located on east side of 9<sup>th</sup> Avenue between Irving Street and Lincoln Way in the Inner Sunset neighborhood, Assessor's Block 1742, Lot 043. The parcel is approximately 11,996 square feet in area and is occupied by a four-story mixed use building constructed in 2013. The subject tenant space on the ground floor is approximately 2,910 square feet and was last occupied by a Formula Retail Restaurant (dba "La Boulange"), which closed in 2015.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located on the east side of 9<sup>th</sup> Avenue, adjacent to the Irving Street commercial corridor. The Inner Sunset NCD covers approximately 14 blocks of Irving Street between 5<sup>th</sup> Avenue in the east and 19<sup>th</sup> Avenue in the west. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of two- to four-story structures mostly built in the early 1900s. The Inner Sunset NCD provides convenience goods and services to local Inner Sunset residents as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. The surrounding zoning is primarily RH-2 (Residential, House, Two-Family).

There are 262 commercial storefronts within the district, 23 of which are Formula Retail establishments, amounting to a concentration of approximately 9%. The proposed establishment replaces an existing Formula Retail use, resulting in no net change in concentration.

LAND USE TYPE	TOTAL STREET FRONTAGE IN INNER SUNSET NCD (FT)	PERCENTAGE OF DISTRICT	TOTAL STREET FRONTAGE IN ¼ MILE VICINITY	PERCENTAGE OF VICINITY
Animal Hospital	102	1.2%	75	1.0%
Auto Sales and Service	225	2.6%	207	2.7%
Bar	186	2.2%	156	2.0%
Financial Services (incl. Limited)	517	6.0%	457	5.9%
Personal Service	1,443	16.8%	1,255	16.2%
Professional Service	1,411	16.4%	1,127	14.6%
Restaurant (incl. Limited)	2,663	30.1%	2,612	33.8%
Retail, Other	1,813	21.1%	1,645	21.3%
Vacant	244	2.8%	197	2.6%
Total	8,604	100%	7,731	100%

Table 1. District and Vicinity Ground Floor Frontage Breakdown per	r Land Use <sup>1</sup>
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These calculations do not include non-retail establishments, such as institutions, parking, or public services.

#### ENVIRONMENTAL REVIEW

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

<sup>&</sup>lt;sup>1</sup> The District and Vicinity Ground Floor Frontage Breakdown per Land Use table was developed using data collected by the project sponsor and reviewed by Planning Department Staff in 2016.

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 3, 2016	June 1, 2016	22 days
Posted Notice	20 days	June 3, 2016	June 3, 2016	20 days
Mailed Notice	30 days	May 24, 2016	May 24, 2016	30 days

#### HEARING NOTIFICATION REQUIREMENTS

#### PUBLIC COMMENT

• The Planning Department has received one letter in support of the proposal from the Inner Sunset Park Neighbors neighborhood association. The Planning Department has not received any public comment in opposition to the proposal.

#### ISSUES AND OTHER CONSIDERATIONS

- The proposed establishment is considered a Formula Retail use with approximately 22 locations worldwide. Formula Retail findings are included in the Draft Motion for the Commission to consider.
- There are 23 existing Formula Retail establishments out of 262 commercial uses within the Inner Sunset NCD, amounting to a total concentration of approximately 9%. The proposed location replaces an existing Formula Retail use, resulting in no net change in concentration.
- Of the 262 commercial uses within the Inner Sunset NCD, 83 are Restaurant uses, four of which are Formula Retail.

#### REQUIRED COMMISSION ACTION

For the project to proceed, the Commission must grant Conditional Use authorization to establish a Formula Retail use (dba "Lemonade") in the Inner Sunset NCD, pursuant to Planning Code Sections 303, 303.1, 703.3, and 703.4.

#### BASIS FOR RECOMMENDATION

- The subject tenant space has been vacant since 2015.
- The proposed use would continue the historic use of the subject tenant space as a Formula Retail Restaurant.
- The proposed use would not have any effect on the Formula Retail concentration in the Inner Sunset NCD or <sup>1</sup>/<sub>4</sub>-mile vicinity.
- The subject site is within close access to public transit, including Muni lines 6, 7, 7R, 7X, 43, 44, 66, and the N-Judah.
- The project meets all applicable requirements of the Planning Code.
- The project meets the requirements of the Planning Commission's Performance-Based Design Guidelines.

• The project is desirable for and compatible with the surrounding neighborhood.

#### **RECOMMENDATION:** Approval with Conditions

#### Attachments:

Block Book Map Sanborn Map Zoning Map Aerial Photograph Site Photograph Map of Formula Retail Locations in the Vicinity Environmental Determination Support Letter Reduced Plans

### **Exhibit Checklist**

$\square$	Executive Summary	$\square$	Project sponsor submittal
$\square$	Draft Motion		Drawings: Existing Conditions
$\square$	Environmental Determination		Check for legibility
$\square$	Zoning District Map		Drawings: Proposed Project
	Height & Bulk Map		Check for legibility
$\square$	Block Book Map		Health Dept. review of RF levels
$\square$	Sanborn Map		RF Report
$\square$	Aerial Photos		Community Meeting Notice
	Context Photo		Public Correspondence
$\square$	Site Photo		

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

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Planner's Initials



### SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

## Planning Commission Draft Motion

HEARING DATE: JUNE 23, 2016

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	San Francisco, CA 94102
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 303.1, 703.3, AND 703.4 OF THE PLANNING CODE TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE (DBA "LEMONADE"), WITHIN THE INNER SUNSET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING DISTRICT AND THE 40-X AND HEIGHT AND BULK DISTRICT.

#### PREAMBLE

On March 2, 2016, Nancy Crane (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 303.1 to allow the establishment of a Formula Retail use (dba "Lemonade"), located within the Inner Sunset NCD (Neighborhood Commercial District) Zoning District and the 40-X Height and Bulk District.

On June 23, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-002830CUA.

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

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377 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. 2016-002830CUA, 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. The project is located on east side of 9<sup>th</sup> Avenue between Irving Street and Lincoln Way in the Inner Sunset neighborhood, Assessor's Block 1742, Lot 043. The parcel is approximately 11,996 square feet in area and is occupied by a four-story mixed use building constructed in 2013. The subject tenant space on the ground floor is approximately 2,910 square feet and was last occupied by a Formula Retail Restaurant (dba "La Boulange"), which closed in 2015.
- 3. Surrounding Neighborhood. The project site is located on the east side of 9<sup>th</sup> Avenue, adjacent to the Irving Street commercial corridor. The Inner Sunset NCD covers approximately 14 blocks of Irving Street between 5<sup>th</sup> Avenue in the east and 19<sup>th</sup> Avenue in the west. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of two- to four-story structures mostly built in the early 1900s. The Inner Sunset NCD provides convenience goods and services to local Inner Sunset residents as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. The surrounding zoning is primarily RH-2 (Residential, House, Two-Family).
- 4. **Project Description.** The Project Sponsor proposes an approximately 2,910 square-foot Formula Retail Restaurant (dba "Lemonade") in the existing tenant space. Lemonade is a casual Restaurant use specializing in fresh and healthy California-style cuisine. Lemonade is based in Southern California and currently operates 22 locations, including one in San Francisco at 781 Mission Street, on the border of the Financial District and South of Market neighborhoods. A second San Francisco location at 16 West Portal Avenue in the West Portal neighborhood was approved by the Planning Commission on April 14, 2016.

- 5. **Public Comment**. The Planning Department has received one letter in support of the proposal from the Inner Sunset Park Neighbors neighborhood association. The Planning Department has not received any public comment in opposition to the proposal.
- 6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:
  - **A. Formula Retail.** Planning Code Section 703.3 provides additional criteria for the Planning Commission to consider when considering any discretionary review pursuant to Section 703.3, Formula Retail Uses:
    - a. The existing concentrations of Formula Retail uses within the district.

There are 23 existing ground story Formula Retail establishments out of 262 commercial establishments within the district. The existing intensity of Formula Retail uses is approximately 9% of all businesses within the district, and 16% of the total commercial retail street frontage. The proposed establishment replaces an existing Formula Retail use, resulting in no net change in concentration.

Based on an evaluation of the linear frontage of all retail locations located within a ¼ mile of the subject property, 18 of 220 commercial establishments are Formula Retail. This comprises approximately 8% of the businesses and 16% of the commercial street frontage at the ground floor. The proposed establishment replaces an existing Formula Retail use, resulting in no net change in concentration.

b. The availability of other similar retail uses within the district.

Within the district there are 83 Restaurant uses, four of which are considered Formula Retail. These figures are similar within the ¼ mile vicinity, with 79 Restaurant uses, four of which are Formula Retail. The proposed establishment replaces an existing Formula Retail Restaurant use, resulting in no net change in concentration.

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

The project will occupy an existing tenant space and proposes only minor façade changes. The proposed signage is compatible with that of other commercial tenants in the Inner Sunset NCD.

d. The existing retail vacancy rates within the district.

*There are currently 11 vacancies out of 262 commercial locations within the district, equating to a vacancy rate of approximately 4%. These figures do not include the subject tenant space which has been vacant since the closure of La Boulange in 2015.* 

e. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district.

Approximately 49% (129 locations) of the ground floor commercial uses in the district are "Daily-Needs," or neighborhood-serving; of these, 12 are Formula Retail. Approximately 47% (129 locations) of ground floor commercial uses in the district are considered "Citywide-Serving." The proposed use is considered a Citywide-Serving use. The previous tenant also provided a Citywide-Serving use, resulting in no net change to the existing mix of Daily-Needs and Citywide-Serving uses.

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

The proposed use is consistent with the existing character of the district which is composed of many retailers who specialize in a variety of goods and services.

LAND USE TYPE	TOTAL STREET FRONTAGE OF DISTRICT (IN FEET)	PERCENTAGE OF DISTRICT
Animal Hospital	102	1.2%
Auto Sales and Service	225	2.6%
Bar	186	2.2%
Financial Services (incl. Limited)	517	6.0%
Personal Service	1,443	16.8%
Professional Service	1,411	16.4%
Restaurant (incl. Limited)	2,663	31.0%
Other Retail	1,813	21.1%
Vacant	244	2.8%
Total	8,604	100%

#### Table 1. Inner Sunset NCD Ground Floor Frontage Breakdown per Land Use<sup>1</sup>

The use mix is varied in the district. Restaurants and Limited Restaurants, the land use category of the proposed business, make up the largest percentage of the district at approximately 31%. These calculations do not include non-retail establishments, such as institutions, parking, or public services.

<sup>&</sup>lt;sup>1</sup> The Inner Sunset NCD Ground Floor Frontage Breakdown per Land Use table was developed using data collected by the Project Sponsor and reviewed by Planning Department Staff in 2016.

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

*As the subject retail use is less than 20,000 square feet, an economic impact study is not required for this project.* 

**B.** Street Frontage in Neighborhood Commercial Districts. Planning Code Section 145.1 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 first 25' of building depth on the ground floor is devoted to an active retail use and the primary façade of the subject storefront is glazed and the proposed storefront design would respect the existing storefront transparency. No obscured glazing or other elements that would reduce the level of transparency at the ground floor will be used. The project proposes to retain a security gate composed of open grillwork installed by the previous tenant.

**C. Off-Street Parking.** Section 151 requires retail uses to provide one parking space for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

*The project does not occupy more than 5,000 square feet of floor area, and therefore does not require the provision of off-street parking.* 

**D.** Loading. Section 152 requires off-street freight loading for uses above a certain size. Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

The project is less than 10,000 square feet in gross floor area and is therefore not required to provide off-street freight loading.

**E.** Use Size. Section 730.21 establishes size limits on nonresidential uses in the Inner Sunset NCD. Within the district, conditional use authorization is required for any nonresidential use that exceeds 2,499 square feet.

The subject tenant space was granted Conditional Use authorization through Motion No. 17718 to allow any one ground floor tenant a use size of up to 4,999 square feet of occupied floor area. The proposed project will occupy approximately 2,910 of floor area, which is within the authorized use size granted in Motion No. 17718.

**F. Hours of Operation**. Pursuant to Planning Code Section 730.27, hours of operation between 6:00 am and 2:00 am are principally permitted in the Inner Sunset NCD. Conditional Use authorization is required to operate between the hours of 2:00 am and 6:00 am.

The proposed hours of operation are between 7:00 am and 9:00 pm, seven days per week.

- **G.** Conditional Use Authorization. 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 proposed project is desirable because it will fill an existing vacancy and retain the existing mixture of Daily-Need and Citywide-Serving uses.

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:

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

The size and shape of the site and the size, shape and arrangement of the building will not be altered as part of this project. The proposed work will not affect the building envelope.

c. 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 project will not affect public transit or overburden the existing supply of parking in the neighborhood. The project may attract residents and visitors from outside of the neighborhood; however, this area is well serviced by transit, including Muni lines 6, 7, 7R, 7X, 43, 44, 66, and the N-Judah.

d. 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.

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

The project would not alter the site's landscaping, open spaces, parking and loading areas, service areas, and lighting. Any new signage will be required to comply with the requirements of the Planning Code.

f. 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.

g. That the use as proposed would provide development that is in conformity with the purpose of the applicable Zoning District.

The proposed project is consistent with the stated purpose of the Inner Sunset NCD in that the intended use will provide a compatible retail use and is compliant with the limitations on certain uses within the district.

8. **General Plan Compliance.** The project is consistent with the 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 WORKINIG 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 project will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

#### **OBJECTIVE 2:**

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

#### Policy 2.1:

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

*The proposed Lemonade café will replace a similar commercial activity to that which vacated the property when La Boulange closed in 2015.* 

- 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 will result in no net change to the ratio of Neighborhood-Serving versus Citywide-Serving uses.

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

The project would not affect the character or diversity of the neighborhood. The project replaces a Formula Retail use of similar size, scale, and menu offerings.

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

The project would not have any effect on the City's supply of affordable housing.

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

The project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is well-served by public transit, including Muni lines 6, 7, 7R, 7X, 43, 44, 66, and the N-Judah.

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. 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.

This proposal will not affect the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The existing building is not a landmark. Exterior improvements are not proposed other than new signage.

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

The project will have no effect on existing parks and 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. 2016-002830CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 2, 2016, 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. xxxx. 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 June 23, 2016.

Jonas Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 23, 2016

## **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for a conditional use to establish a Formula Retail use (dba "Lemonade") located at 1266 9<sup>th</sup> Avenue, Block 1742, Lot 043 pursuant to Planning Code Sections 303, 303.1, 703.3, and 703.4 within the **Inner Sunset NCD (Neighborhood Commercial District) Zoning District**, and the **40-X** Height and Bulk District; in general conformance with plans, dated **March 2, 2016** and stamped "EXHIBIT B" included in the docket for Case No. **2016-002830CUA** and subject to conditions of approval reviewed and approved by the Commission on **June 23, 2016** under Motion No. **xxxxx**. 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 **June 23, 2016** under Motion No. xxxxx.

#### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **xxxxx** 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 and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

#### DESIGN

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

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

#### MONITORING

4. 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* 

#### **OPERATION**

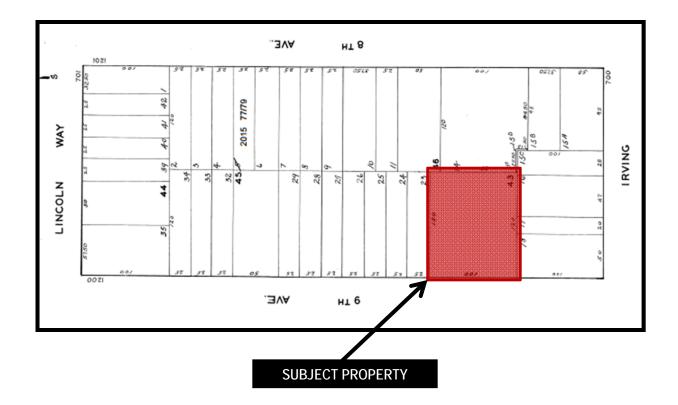
5. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the tenant space and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017,.<u>http://sfdpw.org/</u> For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

#### **MONITORING - AFTER ENTITLEMENT**

- 6. 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*
- 7. **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.

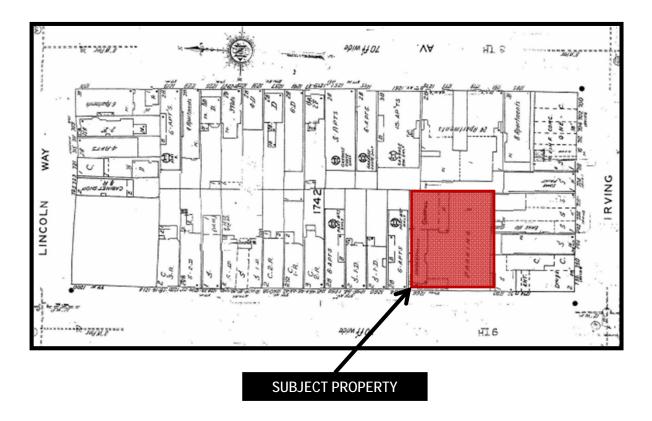
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

# **Block Book Map**



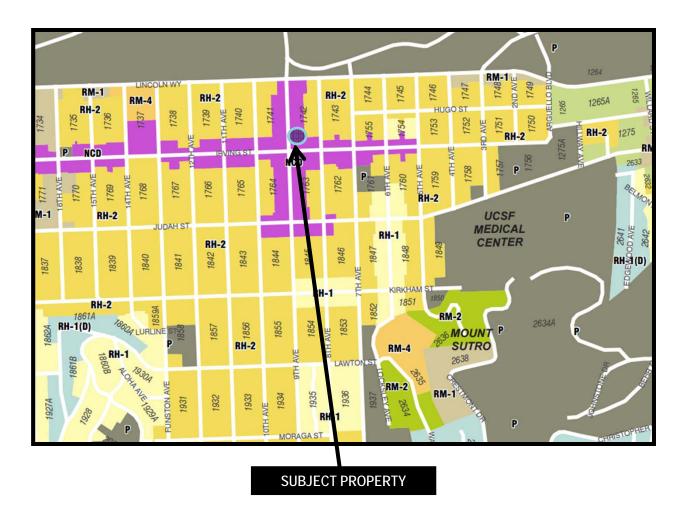


# Sanborn Map





# **Zoning Map**





# **Aerial Photo**



SUBJECT PROPERTY

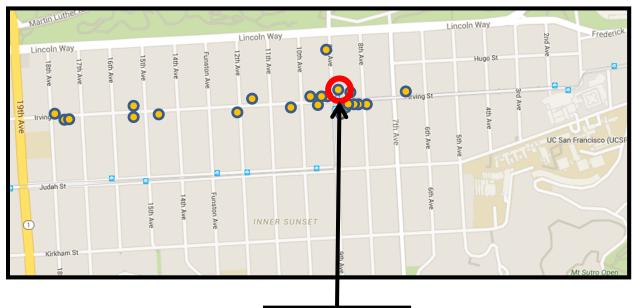


# **Site Photo**





# Formula Retail Locations Within NCD



SUBJECT PROPERTY





### SAN FRANCISCO PLANNING DEPARTMENT

### **CEQA Categorical Exemption Determination**

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
1266 9th Avenue		1742/043	
Case No.	Permit No.	Plans Dated	
2016-002830CUA	n/a		3/2/2016
Addition/	Demolition	New	Project Modification
Alteration	(requires HRER if over 45 years old)	Construction	(GO TO STEP 7)
Project description for	Project description for Planning Department approval.		
Intensification of existing Formula Retail use.			

#### STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

*Note: If n	either class applies, an Environmental Evaluation Application is required.*
$\checkmark$	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.; .; change of use under 10,000 sq. ft. if principally permitted or with a CU. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
	Class

#### STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollutant Exposure Zone)</i>
<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).
	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety
	(hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area</i> )
	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> )
	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> ) <b>If box is checked, a geotechnical report is required.</b>
	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion
	greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or
	more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard
	Zones) If box is checked, a geotechnical report is required.
	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage
	expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50
	cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers >
	Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes	are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an <i>Environmental</i></u>
	Application is required, unless reviewed by an Environmental Planner.
	Project can proceed with categorical exemption review. The project does not trigger any of the
$\checkmark$	CEQA impacts listed above.
Comments a	and Planner Signature (optional):

#### STEP 3: PROPERTY STATUS – HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)		
	Category A: Known Historical Resource. GO TO STEP 5.	
	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.	
$\checkmark$	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.	

#### STEP 4: PROPOSED WORK CHECKLIST TO BE COMPLETED BY PROJECT PLANNER

Che	Check all that apply to the project.		
	1. Change of use and new construction. Tenant improvements not included.		
	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.		
	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.		
	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts,</i> and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.		
	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.		
	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of- way.		
	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .		
	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.		
Note	Note: Project Planner must check box below before proceeding.		
	Project is not listed. <b>GO TO STEP 5.</b>		
	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5</b> .		
	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5</b> .		
	Project involves less than four work descriptions. GO TO STEP 6.		

## STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PRESERVATION PLANNER

Check a	Check all that apply to the project.		
	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.		
	2. Interior alterations to publicly accessible spaces.		
	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.		
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.		
	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.		
	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.		
	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .		
	8. <b>Other work consistent</b> with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):		

9. Other work that would not materially impair a historic district (specify or add comments):		
(Requires approval by Senior Preservation Planner/Preservation Coordinator)		
10. <b>Reclassification of property status</b> . ( <i>Requires approval by Senior Preservation Planner/Preservation Coordinator</i> )		
Reclassify to Category A Reclassify to Category C		
a. Per HRER dated: (attach HRER)		
b. Other ( <i>specify</i> ):		
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.		
<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>		
<b>Project can proceed with categorical exemption review</b> . The project has been reviewed by the		
Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>		
Comments (optional):		
Preservation Planner Signature:		
STEP 6: CATEGORICAL EXEMPTION DETERMINATION		
TO BE COMPLETED BY PROJECT PLANNER		
<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either ( <i>check all that apply</i> ):		
Step 2 – CEQA Impacts		
Step 5 – Advanced Historical Review		
STOP! Must file an Environmental Evaluation Application.		
<b>√</b> No further environmental review is required. The project is categorically exempt under CEQA.		

Planner Name: Wayne Farrens	Signature:		
Project Approval Action:	Wayne	Digitally signed by Wayne A. Farrens DN: dc=org, dc=sfgov,	
Planning Commission Hearing	A.	dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Wayne A. Farrens,	
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Farrens	email=Wayne.Farrens@sfgov.o rg Date: 2016.06.13 15:26:44 -07'00'	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.			
In accordance with Chapter 31 of the San Francisco Administrative Cod within 30 days of the project receiving the first approval action.	e, an appeal of an exemption	determination can only be filed	

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than
		front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

#### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

1		
	Result in expansion of the building envelope, as defined in the Planning Code;	
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;	
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?	
	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?	
If at least one of the shows have is checked, further any incomparison is required. ATEX FOR		

If at least one of the above boxes is checked, further environmental review is required. ATEX FORM

#### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

	The proposed modifi	ification would not result in any of the above changes.		
If this box is	If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project			
approval ar	approval and no additional environmental review is required. This determination shall be posted on the Planning			
Departmen	Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.			
Planner Name:				
Planner N	Name:	Signature or Stamp:		
Planner N	Name:	Signature or Stamp:		
Planner N	Name:	Signature or Stamp:		

June 10, 2016



INNER SUNSET PARK NEIGHBORS 1032 Irving St. PMB 511 San Francisco, CA 94122

San Francisco Planning Commission 1650 Mission St. Suite 400 San Francisco, CA 94103

Re: Case 2016-002830CUA ("Lemonade")

Dear President Fong, and commissioners Richards, Antonini, Hillis, Johnson, Moore and Wu,

We, the members of the Board of Directors of Inner Sunset Park Neighbors, having met together and severally over the past few months with members of the "Lemonade" leadership team, wish to register our support for their Conditional Use application to locate a restaurant in the vacant space at 1266 9<sup>th</sup> Ave.

The Lemonade team has been assiduous and forthcoming in meeting with neighborhood groups and merchants, as well as members of the community to explain their philosophy and format and to show their intent to be an asset for the neighborhood and a good neighbor as well as a unique and affordable addition to the Inner Sunset eating scene.

The ground floor commercial space at 1266 9<sup>th</sup> Ave. requires and deserves a business like Lemonade. The previous occupant, La Boulange, was a popular meeting place for residents and visitors until its untimely closure. We are confident that Lemonade will satisfy a broader range of culinary needs for the community and be an even more welcoming place for its neighbors.

Please vote to approve this Conditional Use application.

Respectfully,

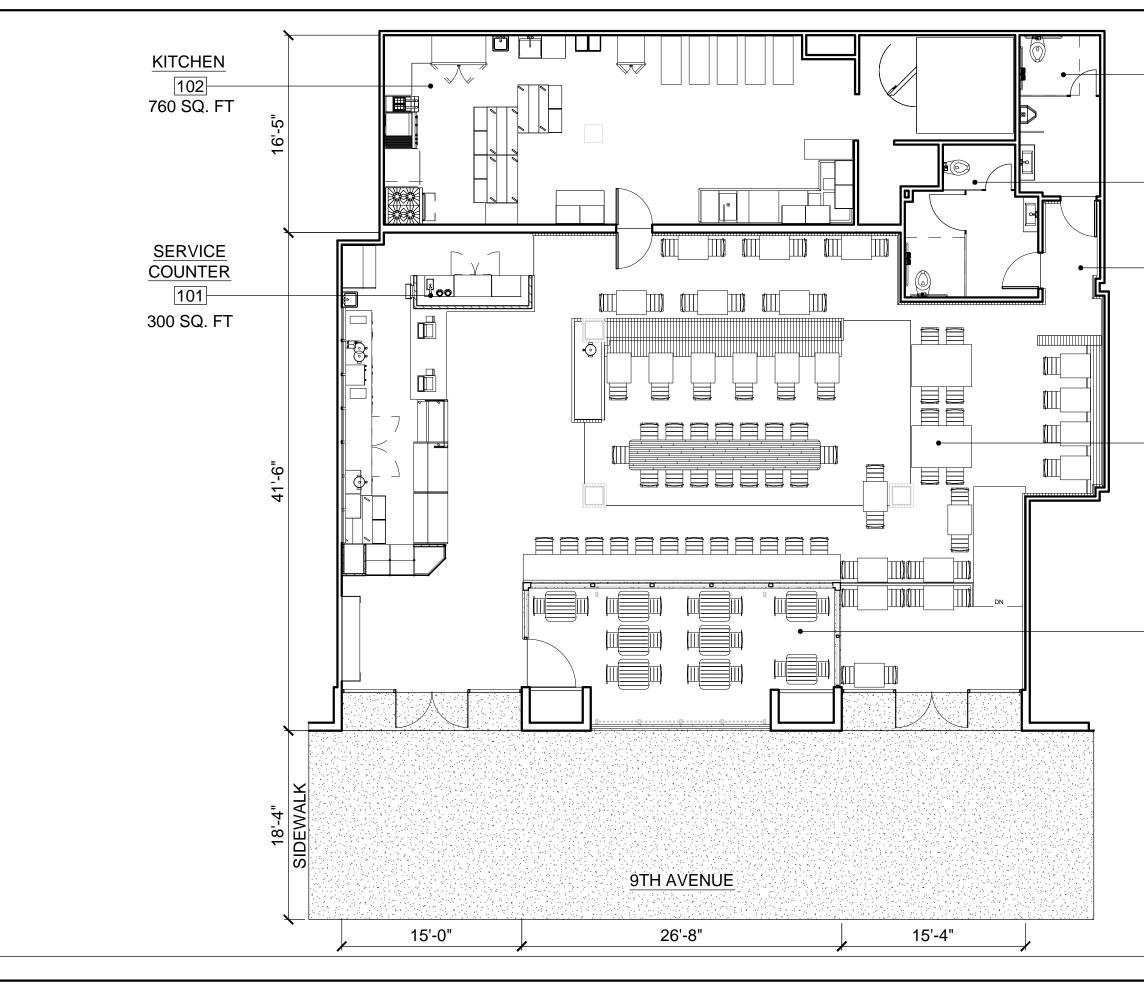
For the board of Inner Sunset Park Neighbors: Martha Ehrenfeld Chris Duderstadt John Bouvier Adam Greenfield Craig Dawson Nima Afshar

Lawrence Rosenfeld Secretary and Treasurer Inner Sunset Park Neighbors

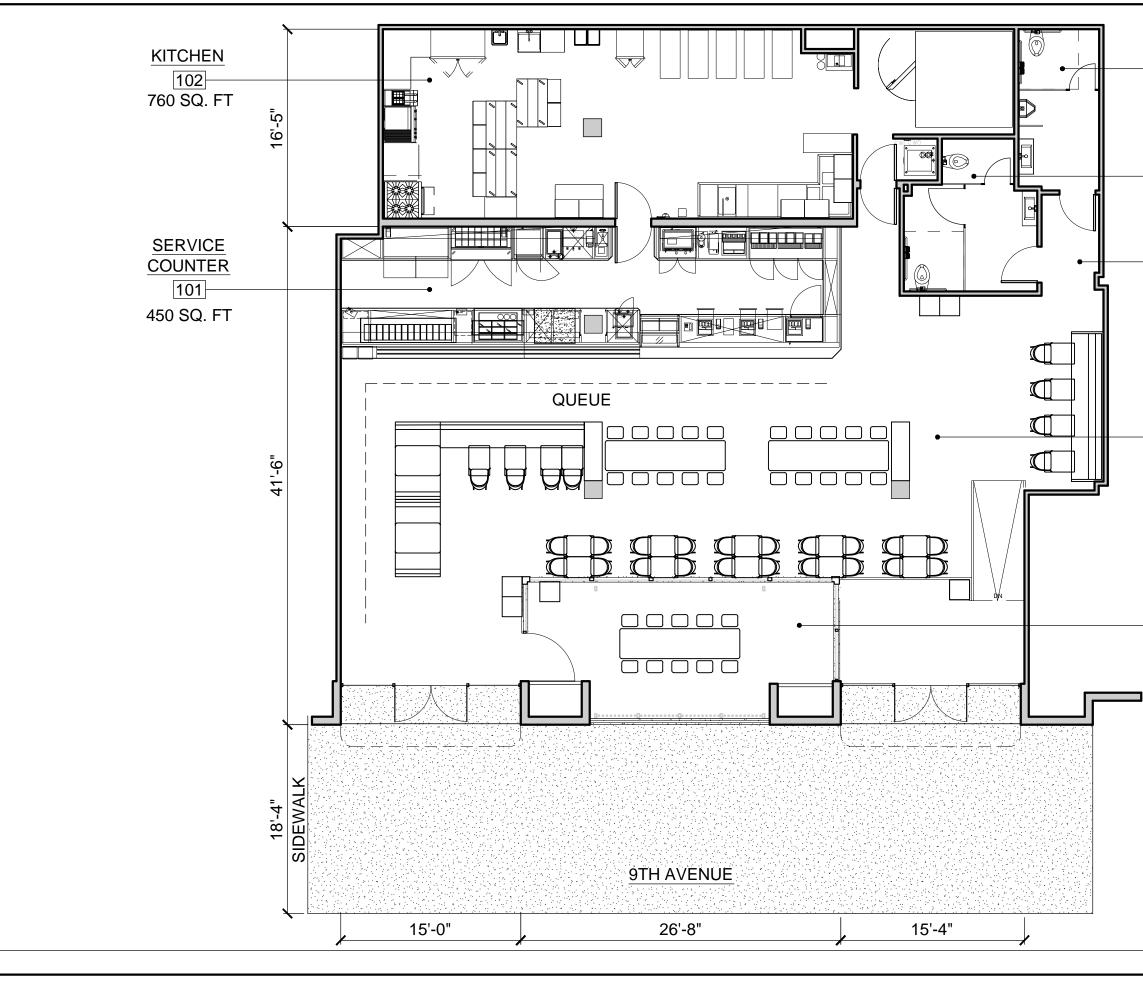
Inner Sunset Park Neighbors is a 501(c)(3) non-profit, Tax-ID 94-3115573 and your gift is taxdeductible. We verify that no goods or services were provided to you in return for your donation.

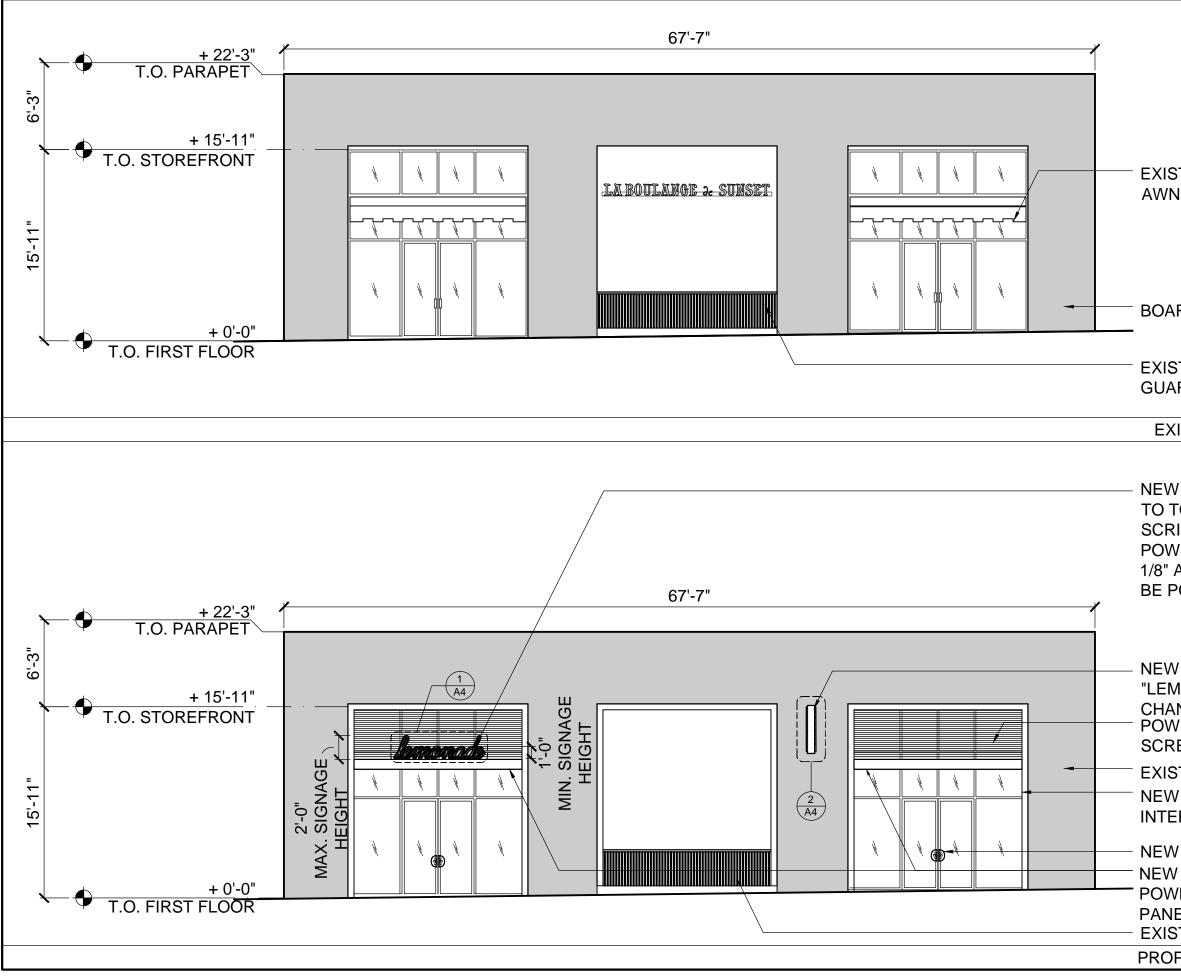


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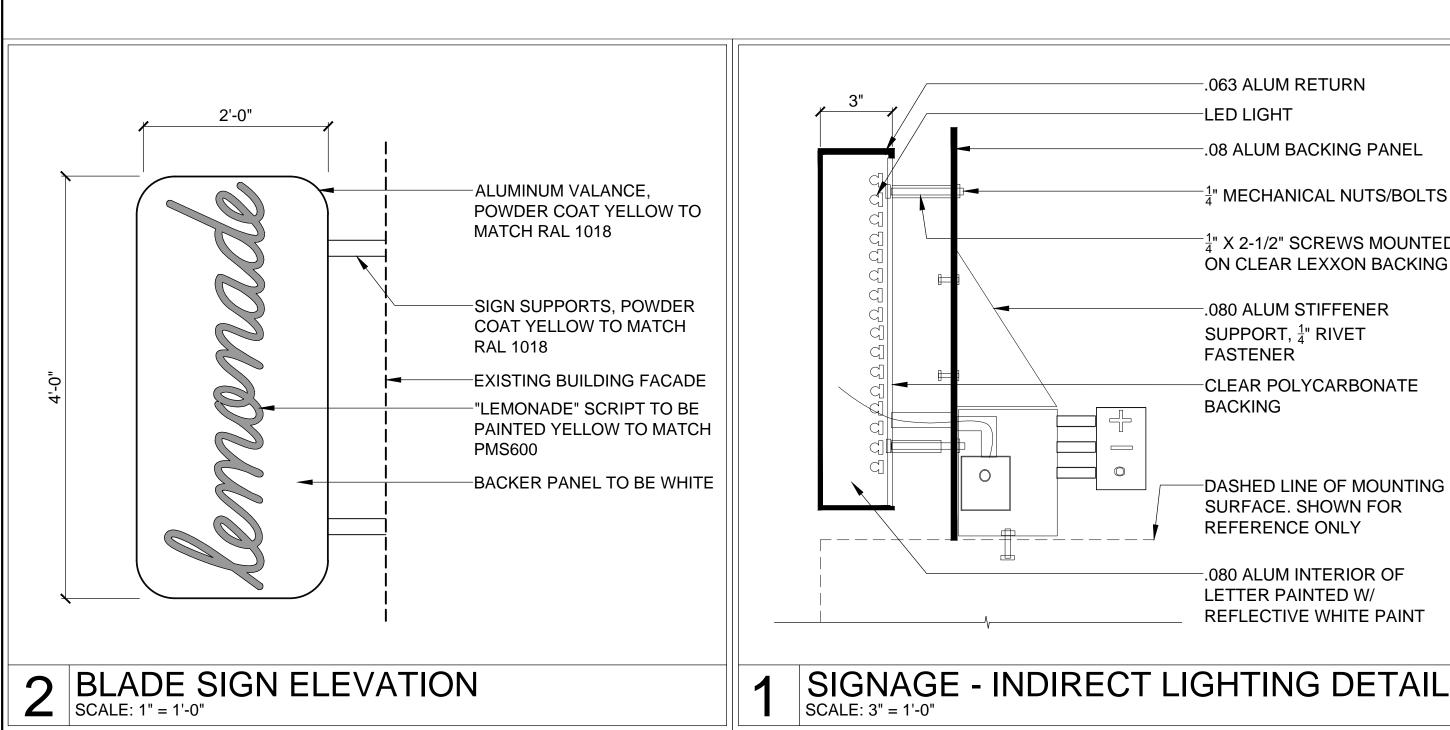


MEN'S RESTROOM 105 90 SQ. FT WOMEN'S RESTOOM 104 120 SQ. FT HALLWAY 103 40 SQ. FT SEATING AREA 100 1380 SQ. FT	ONADE SUNSET
PATIO 106 260 SQ. FT	SCALE: 1/8" = 1'-0"
EXISTING FLOOR PLAN 1	DATE: MAY 06 2016





STING RETRACTABLE CANVAS NING	
ARDFORM CONCRETE FACADE	UNSET
STING METAL FENCE AND ARDRAIL	SUI
XISTING EXTERIOR ELEVATION 2	ш
W EXTERIOR SIGNAGE MOUNTED TOP OF AWNING. "LEMONADE" RIPT TO BE REVERSE CHANNEL, WDER COATED YELLOW. ' ALUMINUM BACKER PLATE SHALL POWDER COATED WHITE	EMONAD BTH AVENUE FRANCISCO, CA 94122
W EXTERIOR BLADE SIGN MONADE" SCRIPT TO BE REVERSE ANNEL, POWDER COATED YELLOW. WDER COATED ALUMINUM REEN AT UPPER WINDOWS STING FACADE TO REMAIN AS IS W WOOD PANELING AT ALCOVE ERIOR	
W CUSTOM DOOR HANDLE BY W AWNING. ALUMINUM VALANCE WDER COATED YELLOW, CEILING NELS POWDER COATED WHITE STING GUARDRAIL TO REMAIN OPOSED EXTERIOR ELEVATION 1	<b>A3</b> SCALE: 1/8" = 1'-0" DATE: MAY 06 2016



## SCALE: AS NOTED DATE: MAY 06 2016

- .080 ALUM INTERIOR OF LETTER PAINTED W/ **REFLECTIVE WHITE PAINT**
- DASHED LINE OF MOUNTING SURFACE. SHOWN FOR **REFERENCE ONLY**
- -CLEAR POLYCARBONATE
- .080 ALUM STIFFENER SUPPORT, <sup>1</sup>/<sub>4</sub>" RIVET
- <sup>1</sup>/<sub>4</sub>" X 2-1/2" SCREWS MOUNTED ON CLEAR LEXXON BACKING
- <sup>1</sup>/<sub>4</sub>" MECHANICAL NUTS/BOLTS

SUNSET

LEMONADE 1266 5TH AVENUE SAN FRANCISCO, CA 94122

studio

- .08 ALUM BACKING PANEL
- .063 ALUM RETURN





