

## SAN FRANCISCO PLANNING DEPARTMENT

# Memo to the Planning Commission

HEARING DATE: MARCH 21, 2019 Continued from the March 14, 2019 Hearing

Date:	March 14, 2019
Case No.:	2018-006127CUA
Project Address:	201 19 <sup>th</sup> AVENUE
Zoning:	RM-1 (Residential – Mixed, Low Density) Zoning District
	40-X Height and Bulk District
Block/Lot:	1401/039
Project Sponsor:	Steven MacMillan
	SLM Architecture & Design
	207 7th Avenue #4
	San Mateo, CA 94401
Staff Contact:	David Weissglass – (415) 575-9177
	david.weissglass@sfgov.org
Recommendation:	Disapproval

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377** 

#### BACKGROUND

On November 29, 2018, the San Francisco Planning Commission conducted a duly noticed public hearing on Conditional Use Application No. 2018-006127CUA proposing the change of use from an existing grocery store to a restaurant in a Limited commercial Use Space within the RM-1 (Residential – Mixed, Low Density) Zoning District and a 40-X Height and Bulk District. After considering the facts of the case and hearing public testimony, the Planning Commission voted to adopt a Motion of Intent to disapprove the request for Conditional Use authorization and continued the item to the December 13, 2018 hearing so that a draft motion of disapproval could be prepared for the Commission's consideration. After hearing additional testimony from the Project Sponsors and members of the public at the December 13, 2018 hearing, the Commission voted to continue the item to the February 14, 2019 hearing, requesting that the sponsors provide some more information regarding the financial viability of the existing market as well as additional information about the proposed restaurant, such as details regarding the proposed menu, seating capacity, and alcohol service. At the February 14<sup>th</sup> hearing date, the case was continued without a hearing to the March 14<sup>th</sup> hearing due to a request for additional time from the Project Sponsor. At the March 14<sup>th</sup> hearing date, the case was continued once again without a hearing to the March 14<sup>th</sup> hearing due to a request for additional time from the Project Sponsor. At the March 14<sup>th</sup> hearing date, the case was continued once again without a hearing to the March 14<sup>th</sup> hearing due to a request for additional time from the Project Sponsor. At the March 14<sup>th</sup> hearing date, the case was continued once again without a hearing to the March 21<sup>st</sup> hearing.

At the request of the Commission, the Project Sponsor has provided additional materials to the packet, including exterior and interior renderings, a menu, and confirmation via a text message that the current tenant intends to vacate the space.

#### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must adopt the attached Draft Motion to disapprove case No. 2018-006127CUA.

#### **RECOMMENDATION:** Disapproval

Attachments: Disapproval Draft Motion Sponsor-provided background for Tenant vacation Proposed Plans (no change, provided for context for proposed renderings) Renderings of Proposed Restaurant Additional Public Comment received after original publication of staff report prepared for the December 13, 2018 hearing



# SAN FRANCISCO PLANNING DEPARTMENT

# Planning Commission Project Summary and Motion No.

COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

#### HEARING DATE: MARCH 21, 2019

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377** 

Date Prepared:	March 14, 2019
Case No.:	2018-006127CUA
Project Address:	<b>201 19<sup>тн</sup> AVENUE</b>
Zoning:	RM-1 (Residential – Mixed, Low Density) Zoning District
	40-X Height and Bulk District
Block/Lot:	1414 / 001
Project Sponsor:	Steven MacMillan
	SLM Architecture & Design
	207 7th Avenue #4
	San Mateo, CA 94401
Property Owner:	Doug Wong
	2112 Lake Street
	San Francisco, CA 94121
Staff Contact:	David Weissglass – (415) 575-9177
	david.weissglass@sfgov.org

#### **PROJECT DESCRIPTION**

The proposed project is a change of use from an existing grocery store to a restaurant in a Limited Commercial Use space within the RM-1 (Residential – Mixed, Low Density) Zoning District and a 40-X Height and Bulk District. The Project also includes the removal of the white signage band obscuring the second-story windows, and the removal of all paint and other features obscuring the transparency of the second-story windows. This project was reviewed under the Community Business Priority Processing Program (CB3P).

#### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must adopt the Draft Motion to disapprove case No. 2018-006127CUA.

#### DECISION

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the CB3P Checklist and findings below, the Commission hereby **DISAPPROVES Conditional Use Application No. 2018-006127CUA.** 

CB3P CHECKLIST		Required Criteria		
	lete & late	Incomplete and / or inadequate	Not required and / or not applicable	
	Compl ete adequate	Incor and / inade	Not re and / applic	Comments (if any)
Project Sponsor's application	Х			
CB3P eligibility checklist	х			
Planning Code §101.1 findings	х			
Planning Code §303(c) findings	х			
Planning Code §303(o) findings for Eating and Drinking Uses	x			There are no other Eating or Drinking uses within a 300' radius of the subject property.
Any additional Planning Code findings			X	
Photographs of the site and/or context	Х			
Scaled and/or dimensioned plans	Х			
Clearance under California Environmental Quality Act ("CEQA")	Х			Categorically Exempt as Class 1 Exemption

Additional Information		
Notification Period 11/9/2018-11/29/2018 (20 days mailing, newspaper, and posted).		
Number and nature of public comments received The sponsors held a Department-facilitated pre-application meeting prior to filing		
application on June 20, 2018; there were no attendees. To date, staff has received one e		
	of support and 24 letters of opposition with concerns about traffic circulation and noxious	
fumes that may result from the restaurant.		
Number of days between filing and hearing	93 days from filing, 45 days from a complete application to hearing.	

#### Generalized Basis for Approval (max. one paragraph)

The Commission finds that this Project is not necessary, desirable for, or compatible with the surrounding neighborhood as follows, and as set forth in Section <u>101.1</u>, <u>303(c)</u>, and <u>303(o)</u> and findings submitted as part of the application. The proposed use and character is incompatible with the surrounding area and is not on balance with the General Plan and Use District. While Conditional Use approval to establish a restaurant use would maintain the Limited Commercial Use (LCU) space at the ground floor as an active use, the Department finds that the existing grocery store use is more desirable and compatible with the surrounding neighborhood. Staff does not believe the proposed restaurant would be desirable for or compatible with the community, and recommends disapproval.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 13, 2018.

AYES: NAYS: ABSENT: ADOPTED: March 21, 2019

Jonas P. Ionin Commission Secretary

#### Project Summary and Motion No. \_\_\_\_\_ March 14, 2019

#### Record Number 2018-006127CUA 201 19<sup>th</sup> Avenue

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.

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 approval period 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.

From: Jason Gomez <jayrealtor@gmail.com>
Sent: Friday, March 08, 2019 1:47 PM
To: Weissglass, David (CPC) <david.weissglass@sfgov.org>
Cc: Steve MacMillan <stevemac@slm-aia.com>; Matt Ishak <blueprintsf@gmail.com>; Boudreaux, Marcelle (CPC) <marcelle.boudreaux@sfgov.org>
Subject: Re: Record Number 2018-006127CUA / 201 19th Ave - Conditional Use Authorization

David -here is a copy of the text message the tenant sent the Landlord on February 28th 2019, declining the new rent and agreeing to vacate the space.

Hi mr Douglas this is naser from New California food market I am sorry I am responding back to your note that you left with my employee about the rent today because Honestly I just got Informed 5 minutes ago. I been out the country and when I got back I had to see a doctor about health matter and I do have a Prove to the matter if you need me to Provide it . It would been easy to call me at any time or even text me . But you chose to leave a note with my employee and I understand you are the land lord but It would have been easier to Reach me by phone. Last time we meet I asked you to call me if you have any questions and I know you have a copy of the lease with my phone number on it because I spoke with Previous the Lord on the phone On few Occasions. Sir I do Respect fully Declined your note and I would Gladly leave the Promises Quietly I can't Afford to pay \$6000 a month for rent I just need you to give me a reasonable amount of time to move my merchandise and equipment and I would love more if we could sit down and negotiate a new lease with a reasonable amount to rent. I will be happy to provide you with my tax return profit and loss for new California to prove to you that the business does not support to pay \$6000 a month . again I would love to sit down with you I negotiate a new lease with a reasonable rent. Sir I am a professional businessman just like you I met you once and I have nothing but respect for you and I understand you have a business you're trying to manage just like myself I wish not to waste your time or mine . If you agree to sit down And negotiate a new lease please let me know. I will be providing you with the rent check of \$3050 just like every month. So if you have any questions please feel free to call me at any time . Thank you and have a great day . Naser 9252006507

Sent from my iPhone















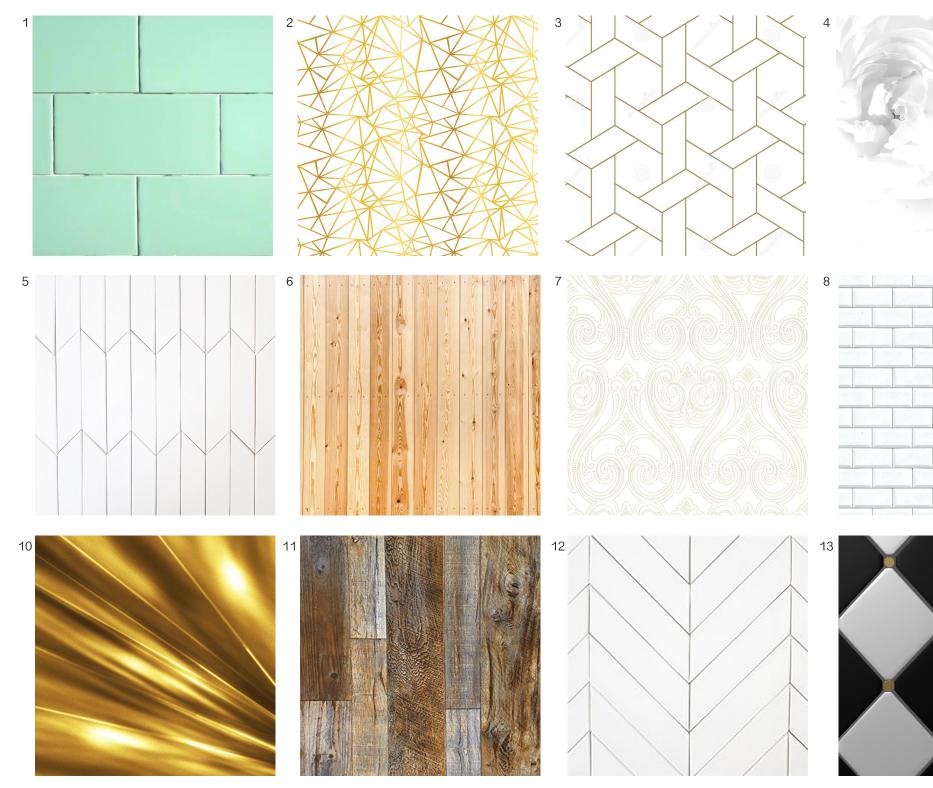












mood board



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	100		
R PATA		13.507	
BROADS		1000	





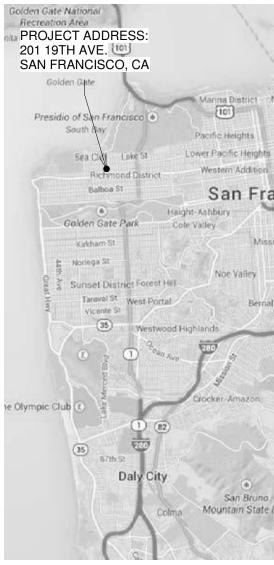


# ABREVIATIONS

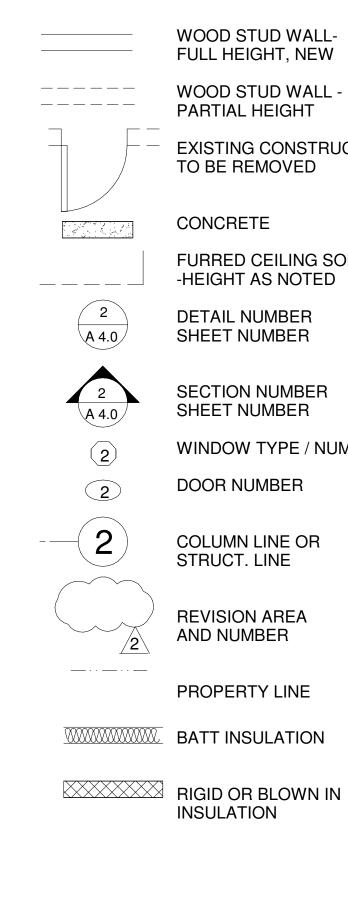
H.W.	HOT WATER	A.B.
	INSIDE DIAMETER	A.D. ACO
I.D.		
IN.		ADJ.
INSUL.		ALT. ALUI
INT. KIT.	INTERIOR KITCHEN	APPI
JST.	JOIST	ARC
JT.	JOINT	AUT
LAM.	LAMINATE	L
	POUNDS	L BD.
	LIVE LOAD	BD. BIT.
L.L. LT.	LIGHT	BLD(
	LOUVER	BLK.
MAS.		BM.
MATL.	MATERIAL	BOT
MAX.	MAXIMUM	BSM
M.B.		BTW
MECH.		CAB.
MFR.		CAU
MIN.	MINIMUM	CEM
MISC.	MISCELLANEOUS	CFM
MTD.	MOUNTED	Ċ.J.
MTL.	METAL	CLR.
MULL.	MULLION	COL.
	NOT IN CONTRACT	COM
	NUMBER	CON
N.T.S.	NOT TO SCALE	CON
O.C.	ON CENTER	CON
O.D.	OUTSIDE DIAMETER	CON
OFF.	OFFICE	CON
OPNG.	OPENING	COR
OPP.	OPPOSITE	CT.
OZ.	OUNCE	CTR.
	PERPENDICULAR	CU.Y
PL.	PLATE	CYL.
P.L.	PROPERTY LINE	DEP
	PLASTIC LAMINATE	DET.
	PLASTIC	D.F.
	PLYWOOD	DIA.
	PREFABRICATED	DIAG
	PREPARATION	DIM.
	PROPERTY	DIS.
	POUNDS/SQUARE FOOT	DISP
PSI	POUNDS/SQUARE INCH	D.L.
	QUARRY TILE	DN.
	RISER	DR.
RAD.	RADIUS	D.W.
	RECEPTACLE	DWG
	REINFORCED	DWF
	REQUIRED	EA.
	ROUGH OPENING	EL.
	REDWOOD	ELE(
S.C.	SOLID CORE	ELE
	SCHEDULE SECTION	ENG EQ.
SECT. SHT.	SHEET	EQ. EQU
	SHEATHING	EGU EST.
	SIMILAR	ETC.
SPEC.	SPECIFICATION	E.W.
SQ.	SQUARE	(E)
S.S	STAINLESS STEEL	EXP.
	STANDARD	EXP/
STL.	STEEL	EXT.
STOR.	STORAGE	F.D.
	STRUCTURAL	FDN.
SUPP.	SUPPLY	FIX.
T	TREAD	FLAS
Т.В.	TOWEL BAR	FLR.
T.& B.	TOP AND BOTTOM	FLUC
T.C.	TOP OF CURB	FOC
TEMP.	TEMPERATURE	FOF.
TEMP.	TEMPERED	FOS.
T.& G	TONGUE & GROOVE	FP.
THK.	THICK	FRT.
TV	TELEVISION	FT.
TYP.	TYPICAL	FTG.
U.B.C.	UNIFORM BUILDING CODE	FRIG
U.L.	UNDERWRITERS LABORATORY	FUR
U.N.O.	UNLESS NOTED OTHERWISE	GA.
U.O.N.	UNLESS OTHERWISE NOTED	GAL.
V.C.T.	VINYL COMPOSITION TILE	GAL
VENT.	VENTILATION	GEN
VERT.	VERTICAL	GL.
VOL.	VOLUME	GPM GSM

A.B.	ANCHOR BOLT
ACOUS.	ACOUSTIC
ADJ.	ADJACENT ALTERNATE
ALUM.	ALUMINUM
	APPROXIMATE ARCHITECT
	AUTOMATIC
L	ANGLE
	BOARD BITUMINOUS
BIT. BLDG.	BUILDING
BLK. BM.	BLOCK(ING) BEAM
BOT.	BOTTOM
BSMT. BTWN.	BASEMENT BETWEEN
CAB.	CABINET
CAULK CEM.	CAULKING CEMENT
CFM	CUBIC FOOT/MIN.
C.J. CLR.	CONTROL JOINT CLEAR
COL.	COLUMN
COMB. CONC.	COMBINE (D) CONCRETE
COND.	CONDITION
CONN. CONST.	CONNECTION CONSTRUCTION
CONST.	CONTINUOUS
CORR. CT.	CORRIDOR CERAMIC TILE
CTR.	CENTER
CU.YD.	
CYL. DEPT.	CYLINDER DEPARTMENT
DET.	
D.F. DIA.	DOUGLAS FIR DIAMETER
DIAG.	DIAGONAL
DIM. DIS.	DIMENSION DISPENSER
DISP.	DISPOSAL
D.L. DN.	DEAD LOAD DOWN
DR.	DOOR
D.W. DWG.	DISHWASHER DRAWING
DWG. DWR.	DRAWING
EA. EL.	EACH
ELEC.	ELEVATION ELECTRICAL
ELEV.	ELEVATION
ENG. EQ.	ENGINEER EQUAL
EQUIP.	EQUIPMENT
EST. ETC.	ESTIMATE ET CETERA
E.W.	EACH WAY
(E) EXP.	EXISTING EXPOSED
EXPAN.	EXPANSION
EXT. F.D.	EXTERIOR FLOOR DRAIN
FDN.	FOUNDATION
FIX. FLASH.	FIXED or FIXTURE FLASHING
FLR.	FLOOR
FLUOR. FOC.	FLUORESCENT FACE OF CONC.
FOF.	FACE OF FINISH
FOS. FP.	FACE OF STUD FIREPLACE
FRT.	FIRE RETARDANT
FT. FTG.	FOOT OR FEET FOOTING
FRIG.	REFRIGERATOR
FURR. GA.	FURRING GAGE
GAL.	GALLON
GALV. GEN.	GALVANIZED GENERAL
GL.	GLASS
GPM. GSM.	GALLONS PER MIN GALVANIZED SHEET METAL
GSM. GYP.	GALVANIZED SHEET METAL GYPSUM

# VICINITY MAP



# ARCHITECTURAL SYMBOLS



# ina District North Beac San Francisco Bayview South Bas San Bruno Mountain State Park

**EXISTING CONSTRUCTION** 

FURRED CEILING SOFFIT

WINDOW TYPE / NUMBER

# VICINITY MAP PHOTO



# STREET VIEW



# **BUILDING INFORMATION**

# PLANNING

CITY JURISDICTION COUNTY JURISDICTION ZONING DISTRICT ASSESSORS BLOCK / LOT PARCEL AREA USE

# **BUILDING INFO:**

**BUILDING TYPE** OCCUPANCY OCCUPANCY LOAD TENANT AREA **BUILDING STORIES** HIEGHT AND BULK AREA OF WORK

FIRE SPRINKLER FIRE ALARM MECHANICAL ELECTRICAL PLUMBING STRUCTURAL

**BUILDING INFO:** 

EXISTING 2016 CALIFORNIA B 2016 CALIFORNIA M 2016 CALIFORNIA E 2016 CALIFORNIA P 2016 CALIFORNIA EI 2016 CALIFORNIA FIRE CODE (CFC)

2016 SF BUILDING CODE AMMENDMENTS

Sheet Number

# SCOPE OF WORK

PLANNING NOTES:

**BUILDING DEPARTMENT NOTES:** 

FIRE PROTECTION NOTES:

DEFERRED SUBMITTALS:

PROJECT OWNER Crack'n Eggs, LLC 2471 Mission Street San Francisco CA 94110 blueprintsf@gmail.com

888-261-4664 designwp@aol.com

SAN FRANCISCO SAN FRANCISCO

1414/001

1,750 SF

#### **DRAWING LIST**

#### Sheet Name

ARCHITECTURAL	
G0.0	COVER SHEET
A0.0	SITE PLAN
A1.0	EXTERIOR ELEVATIONS - EXISTING
A1.1	EXTERIOR ELEVATIONS - PROPOSED
A2.1	FLOOR PLANS PROPOSED
A2.2	CEILING / ROOF PLAN
A3.1	SECTIONS
A4.0	EXISTING PHOTOS

EXISTING LIMITED COMMERCIAL USE TO REMAIN PER SEC. 186(a)(1). EXISTING GROCERY STORE USE TO BE CONVERTED INTO RESTAURANT USE THAT SHALL COMPLY WITH THE CONDITIONS SET FORTH IN SEC. 186(b)(1-7) EXTERIOR TO BE REPAINTED AND REPAIRED.

EXISTING TYPE V-B STRUCTURE TO REMAIN

PROPOSED TENANT SPACE > 75' WITH A SINGLE EXTERIOR EXIT. PROPOSED TENANT IMPROVEMENT NOT TO INCLUDE SPRINKLER. OWNER / CONTRACTOR TO PROVIDE AND INSTALL INTERIOR FLOOR AND CEILING

FINISHES, MILLWORK AND FURNITURE W/ INTEGRATED LIGHT FIXTURES, MECHANICAL, ELECTRICAL, PLUMBING, SECURITY AND LOW VOLTAGE SYSTEMS TO AUGMENT THE EXISTING UTILITIES AND FINISHES.

1. ADDRESS IS POSTED PER UNIFORM FIRE CODE. 2. ADDRESS IS POSTED IN LOCATION AS DESIGNATED BY S.F.F.D.

HOOD ANCHORAGE DETAILS. ANSUL FIRE SUPRESSION SYSTEM DETAILS

MECHANICAL, ELECTRICAL & PLUMBING DESIGN

DEFERRED SUBMITTALS ARE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND WILL BE SUBMITTED, STAMPED AND SIGNED BY THE GENERAL CONTRACTOR TO THE LOCAL AUTHORITIES HAVING JURISDICTION.

ALL DEFERRED SUBMITTALS MUST BE REVIEWED FIRST BY THE GENERAL CONTRACTOR, (WITH REVIEW STAMP)THEN BY THE ARCHITECT AND APPROVED BY THE OWNER, PRIOR TO BEING SUBMITTED TO THE AHJ.

NO DEFERRED ITEM SHALL BE INSTALLED PRIOR TO OWNERS AND BUILDING DEPT'S. APPROVAL.

# **DESIGN TEAM**

FOOD SERVICE EQUIPMENT DESIGN WEST PARTNERSHIP 2394 Mariner Square Drive Alameda, CA 94501 Contact: Doug Parker

ARCHITECT SLM Architecture + Design 207 Seventh Ave., #4 San Mateo, CA 94401 stevemac@slm-aia.com (415) 846-7943

DISTRICT 1: RICHMOND/ RM-1

LÍMITED COMMERCIAL USE - LCU

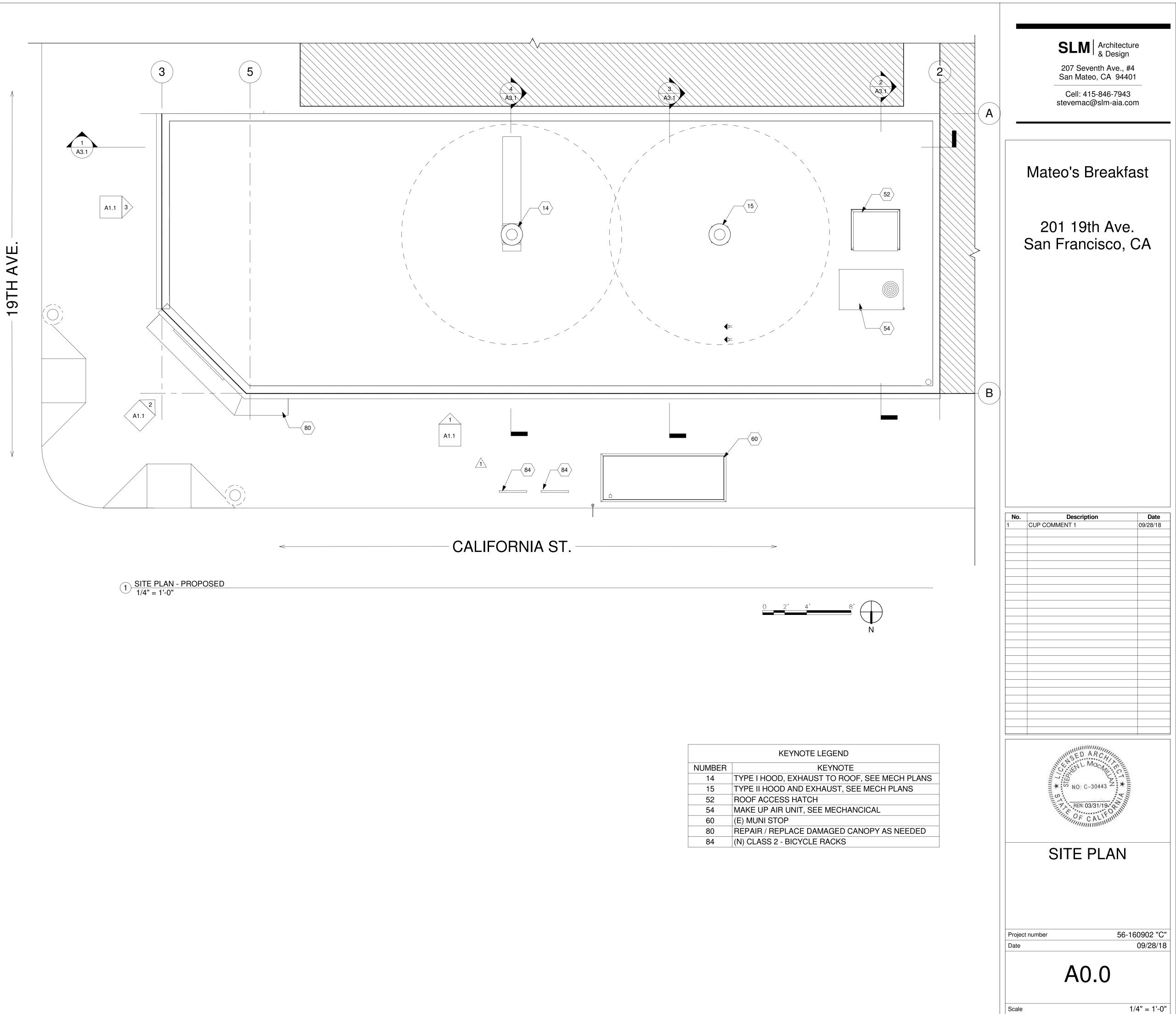
EXISTING	PROPOSED	STATUS
VB B 9 1750 SF 1 STORY + MEZZANINE 40X GROUND FLOOR, LEVEL 1	VB B 49 1750 SF 1 STORY + MEZZANINE 40X NEW RESTAURANT	NO CHANGE NO CHANGE NO CHANGE NO CHANGE NO CHANGE NO CHANGE NEW RESTAURANT
NONE NONE EXISTING EXISTING EXISTING EXISTING	NONE NONE DEFERRED DEFERRED DEFERRED DEFERRED	NONE NONE UPGRADE MECHANICAL UPGRADE ELECTRICAL UPGRADE PLUMBING AS NEEDED
2016 CALIFORNIA BUILDING CO 2016 CALIFORNIA MECHANICA 2016 CALIFORNIA ELECTRICAL 2016 CALIFORNIA PLUMBING CO 2016 CALIFORNIA ENERGY CO	L CODE (ĆMC) L CODE (CEC) CODE (CPC)	<u>.</u>

SLM Architecture & Design 207 Seventh Ave., #4 San Mateo, CA 94401 Cell: 415-846-7943 stevemac@slm-aia.com Mateo's Breakfast 201 19th Ave. San Francisco, CA Date No. Description ED ARA \* 5 NO: C-30443 Z -7, REN: 03/31/19 Q COVER SHEET 56-160902 "C" Project number 09/28/18 Date

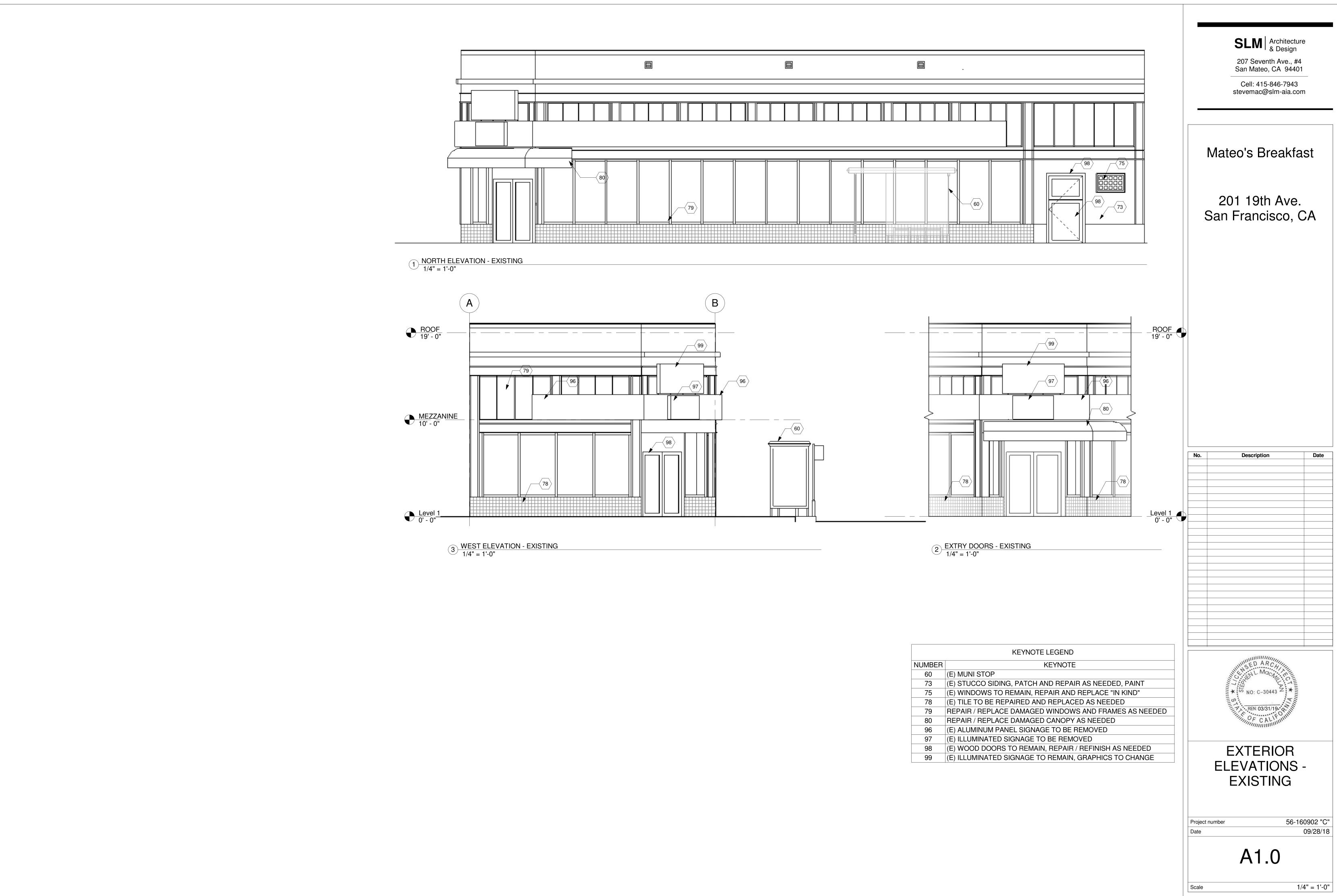
Scale

G0.0

As indicated



NU	JMB
	14
	15
	52
	54
	60
	80
	84

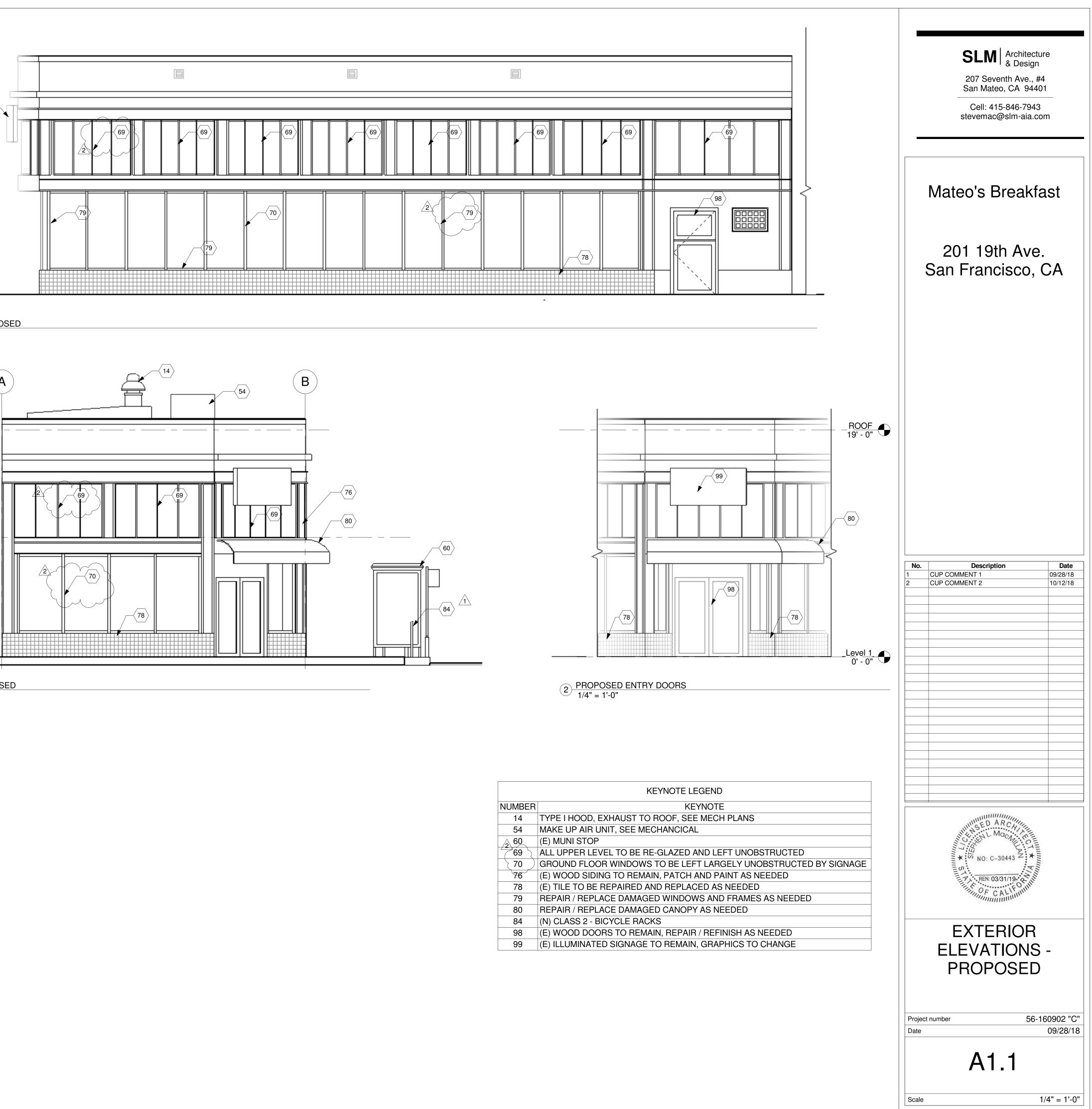


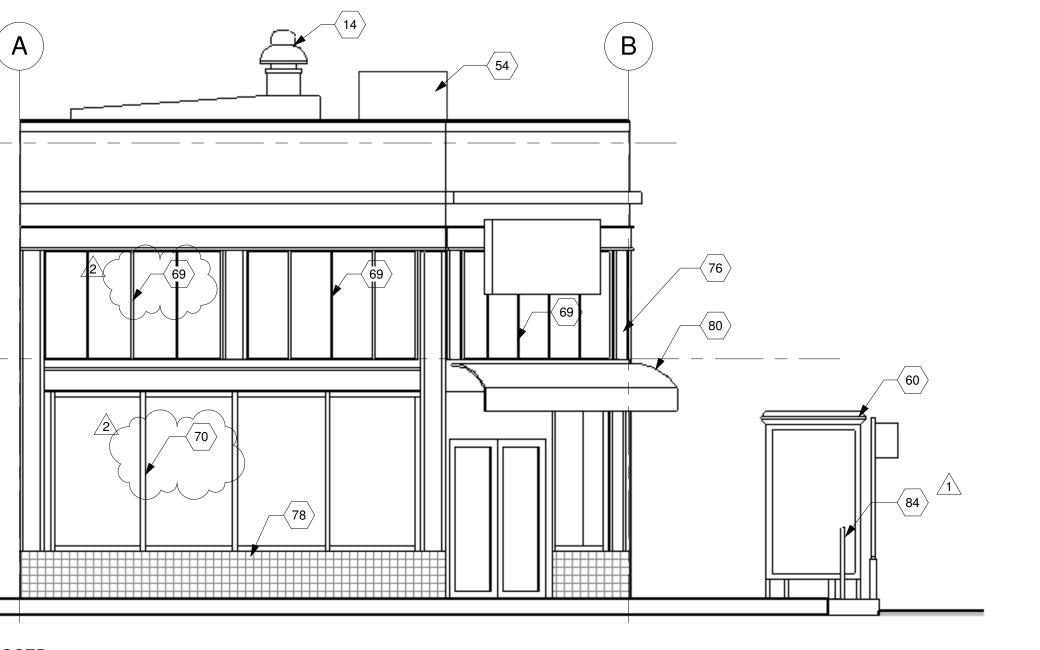
 $1 \frac{\text{NORTH ELEVATION - PROPOSED}}{1/4" = 1'-0"}$ **ROOF** 19' - 0"

• MEZZANINE 10' - 0"

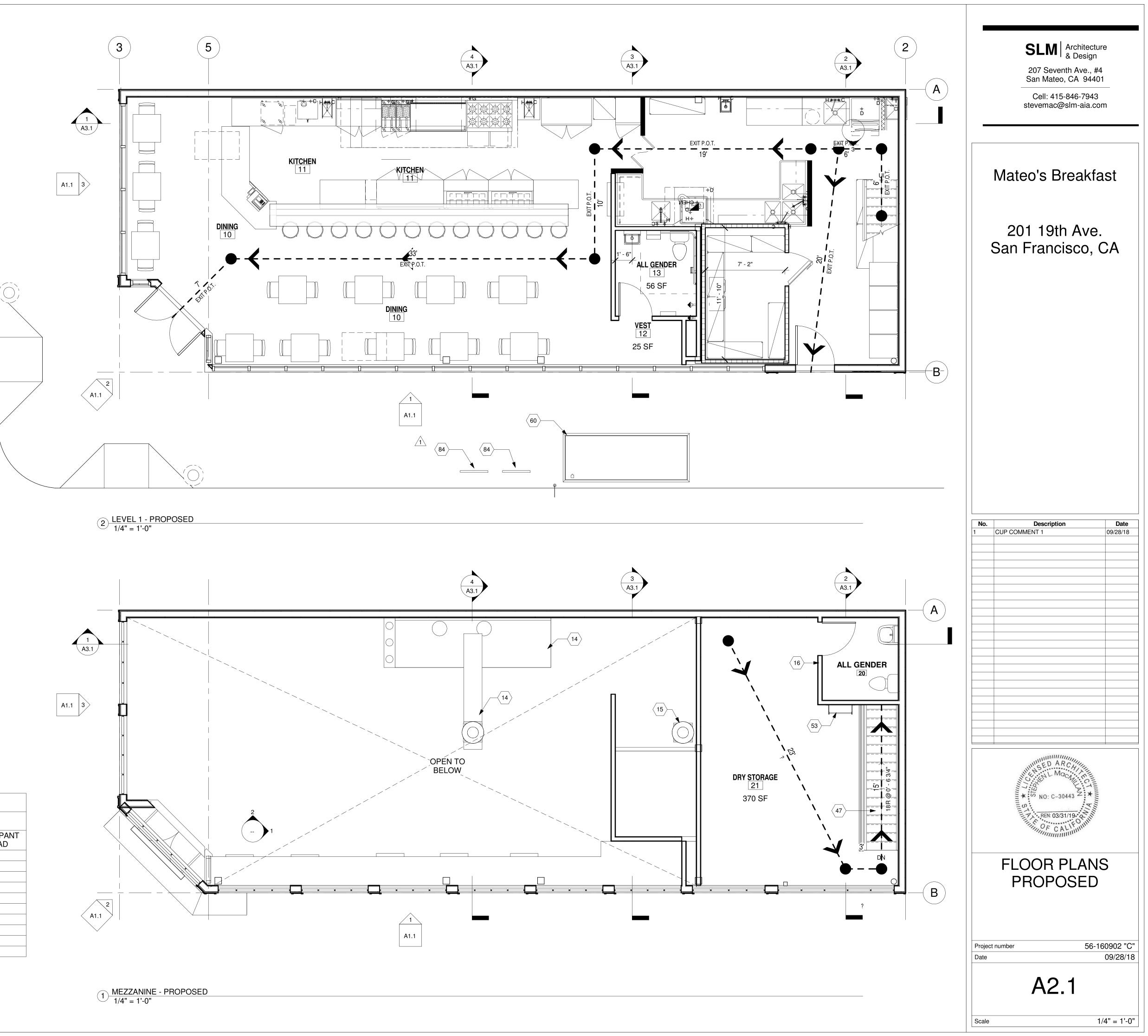
**(99)** 

<u>Level 1</u> 0' - 0" 3 WEST ELEVATION - PROPOSED 1/4" = 1'-0"





NUMBER	
14	TYPE I HOOD
54	MAKE UP AIR
<u>60</u>	(E) MUNI STO
69	ALL UPPER L
<b>~70</b> )	GROUND FLC
76	(E) WOOD SIE
78	(E) TILE TO B
79	<b>REPAIR / REP</b>
80	REPAIR / REP
84	(N) CLASS 2 -
98	(E) WOOD DC
99	(E) ILLUMINA

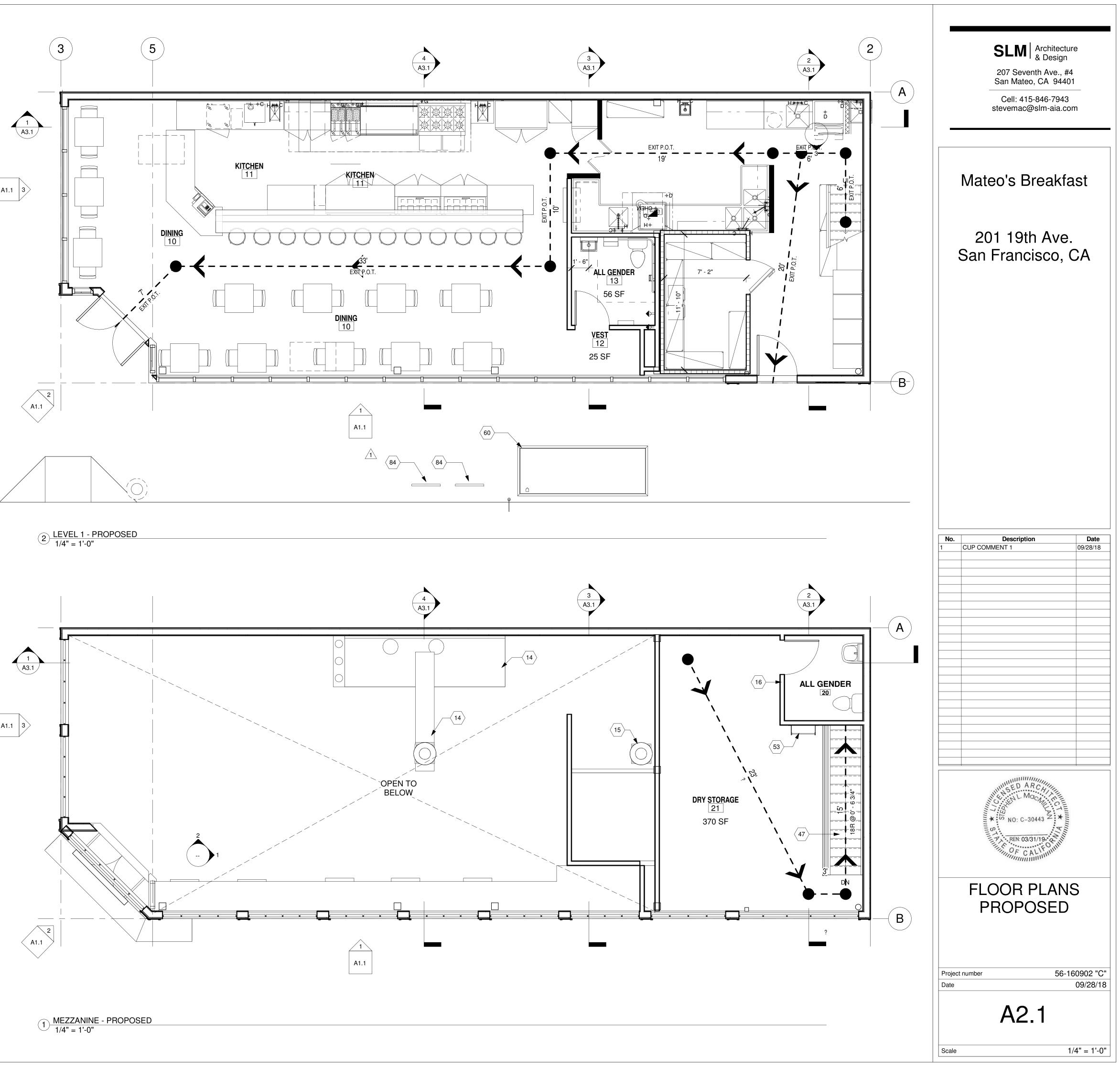




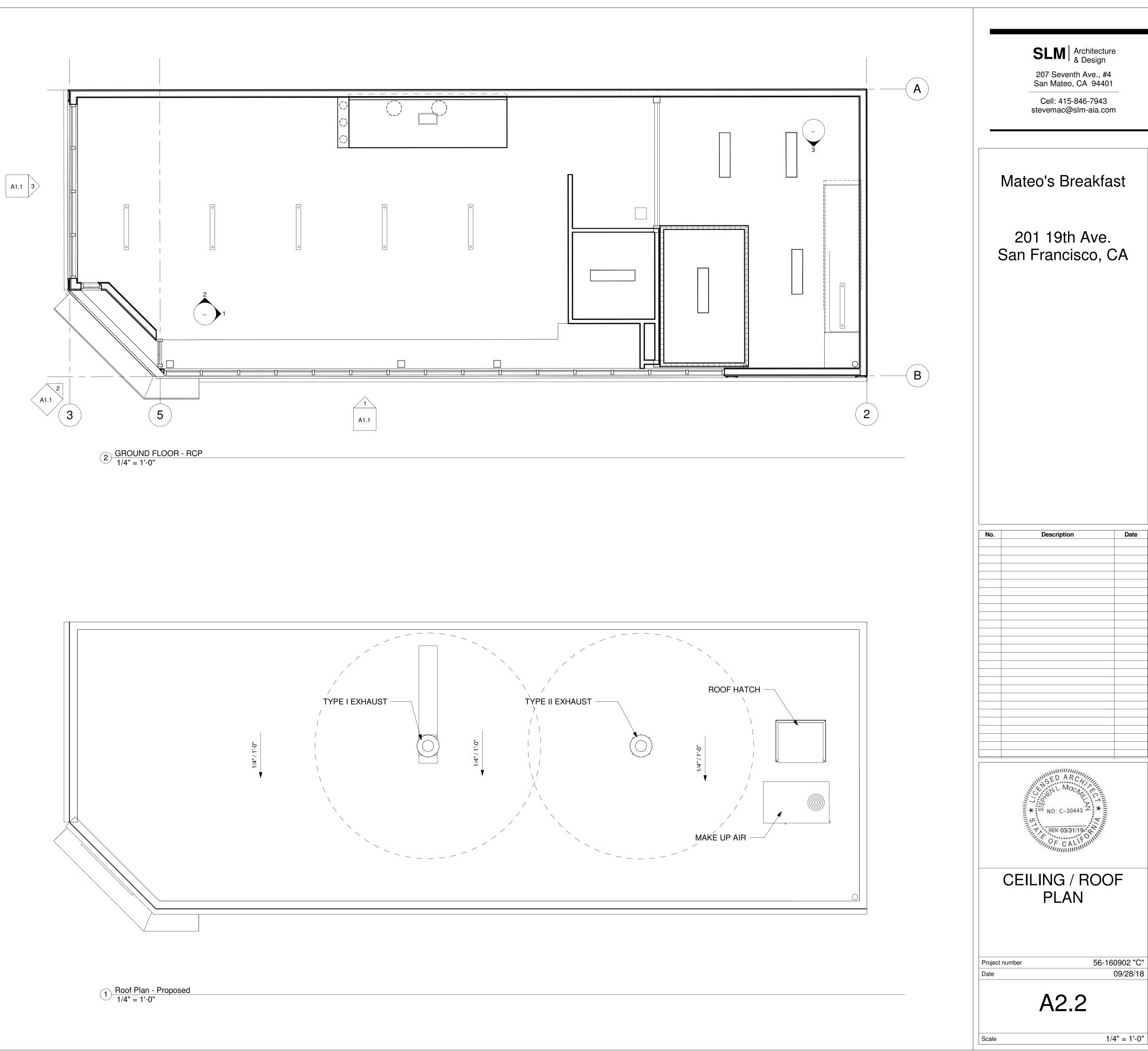
KEYNOTE LEGEND		
NUMBER	KEYNOTE	
14	TYPE I HOOD, EXHAUST TO ROOF, SEE MECH PLANS	
15	TYPE II HOOD AND EXHAUST, SEE MECH PLANS	
16	ALL GENDER ADA ACCESSIBLE RESTROOM	
47	EXISTING STAIRS TO REMAIN	
53	ROOF ACCESS LADDER	
60	(E) MUNI STOP	
84	(N) CLASS 2 - BICYCLE RACKS	

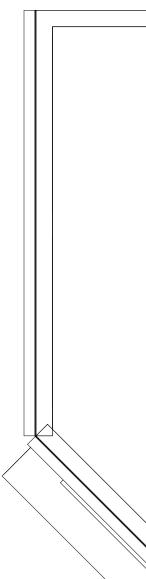
OCCUPANCY LOAD

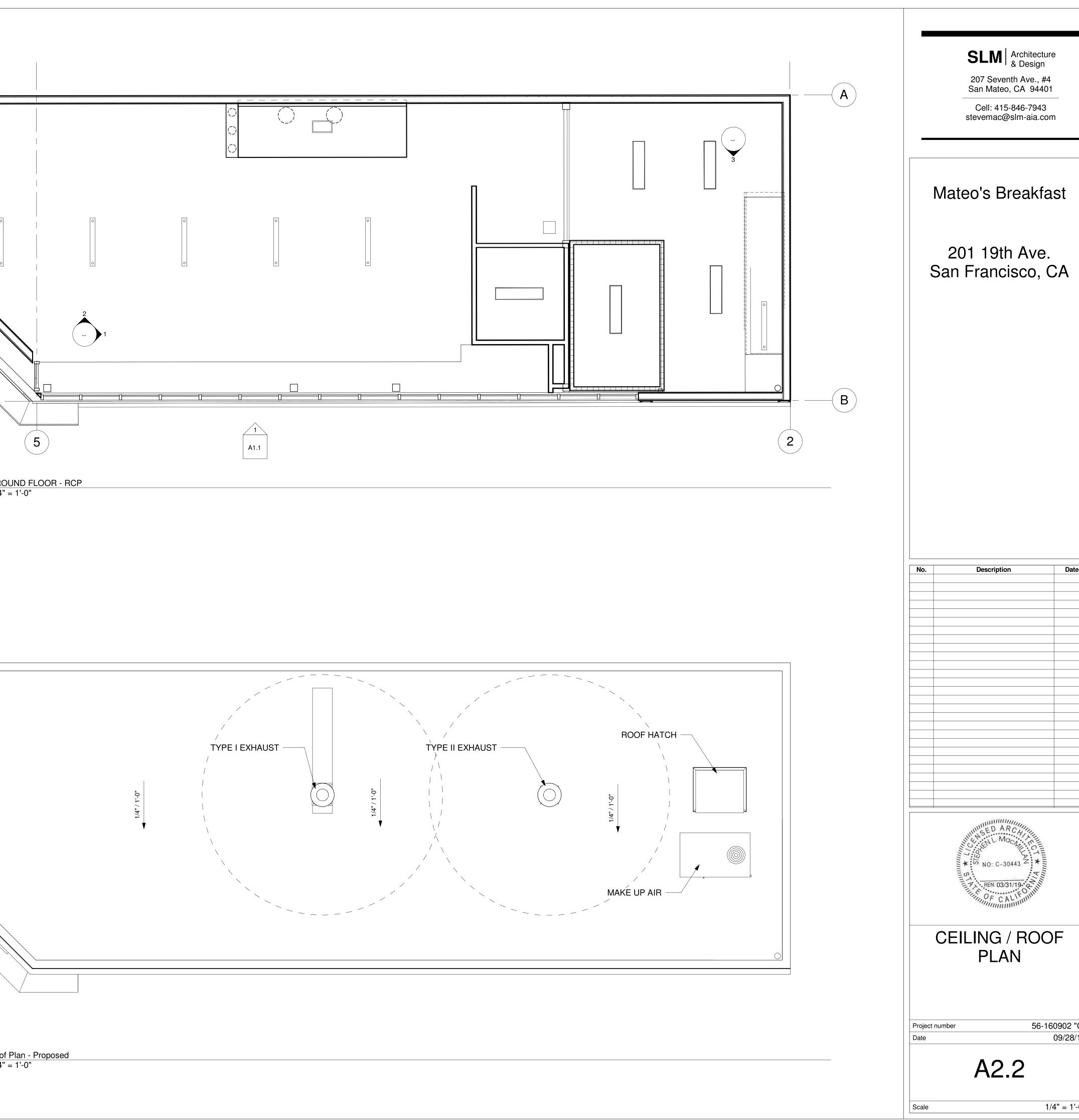
PER CBC TABLE 1004.1.2						
Number	Name	Area	OCCUPANCY	OCCUPANCY LOAD FACTOR	OCCUPANT LOAD	
10	DINING	597 SF	A-2	15 SF	40	
11	KITCHEN	820 SF	KITCHEN	200 SF	5	
12	VEST	25 SF	ACC.	0 SF	0	
13	ALL GENDER	56 SF	ACC.	0 SF	0	
14	COOLER	85 SF	S-2	300 SF	1	
20	ALL GENDER	51 SF	ACC.	0 SF	0	
21	DRY STORAGE	370 SF	S-2	300 SF	2	
		2004 SF		815 SF	48	



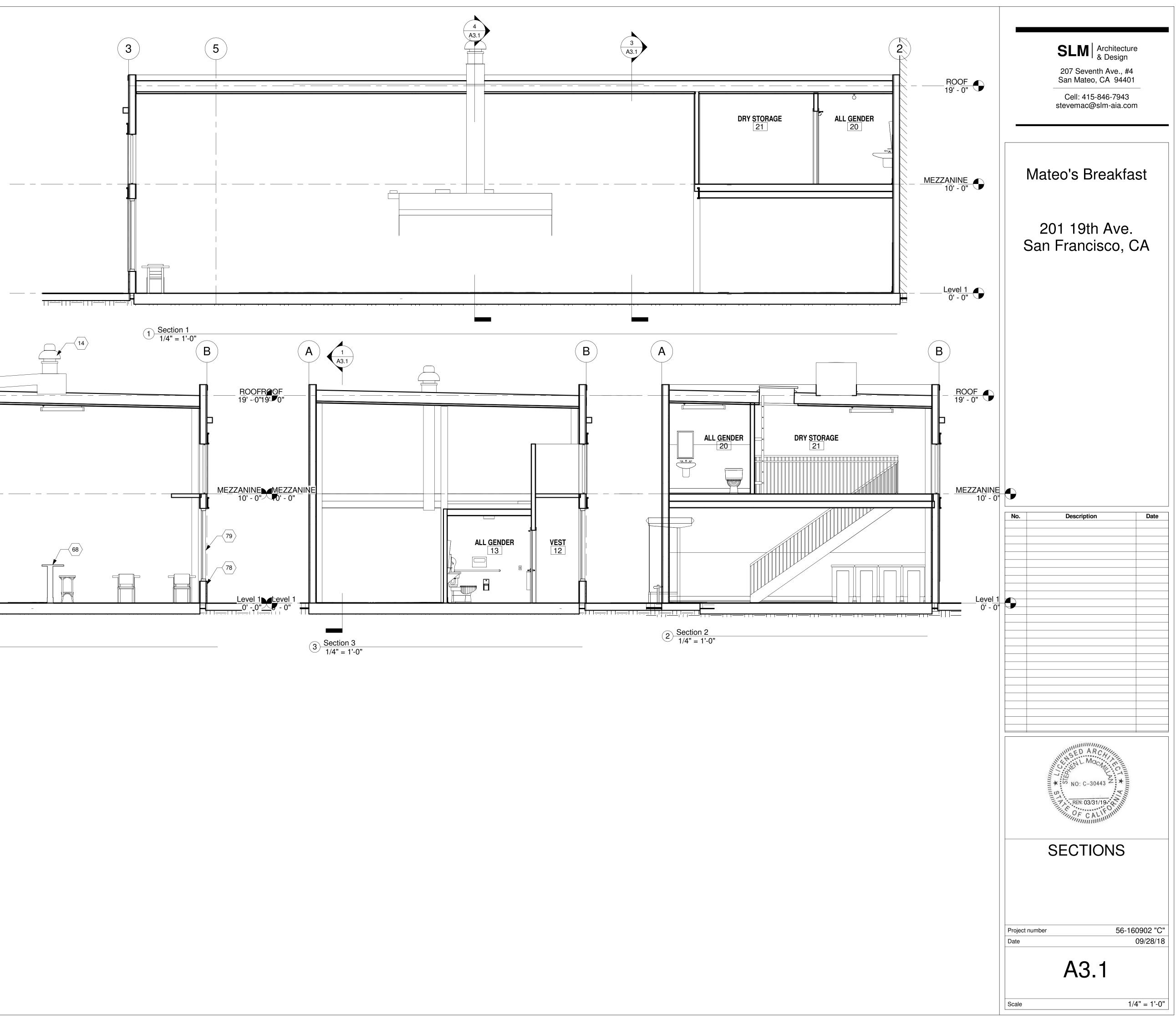


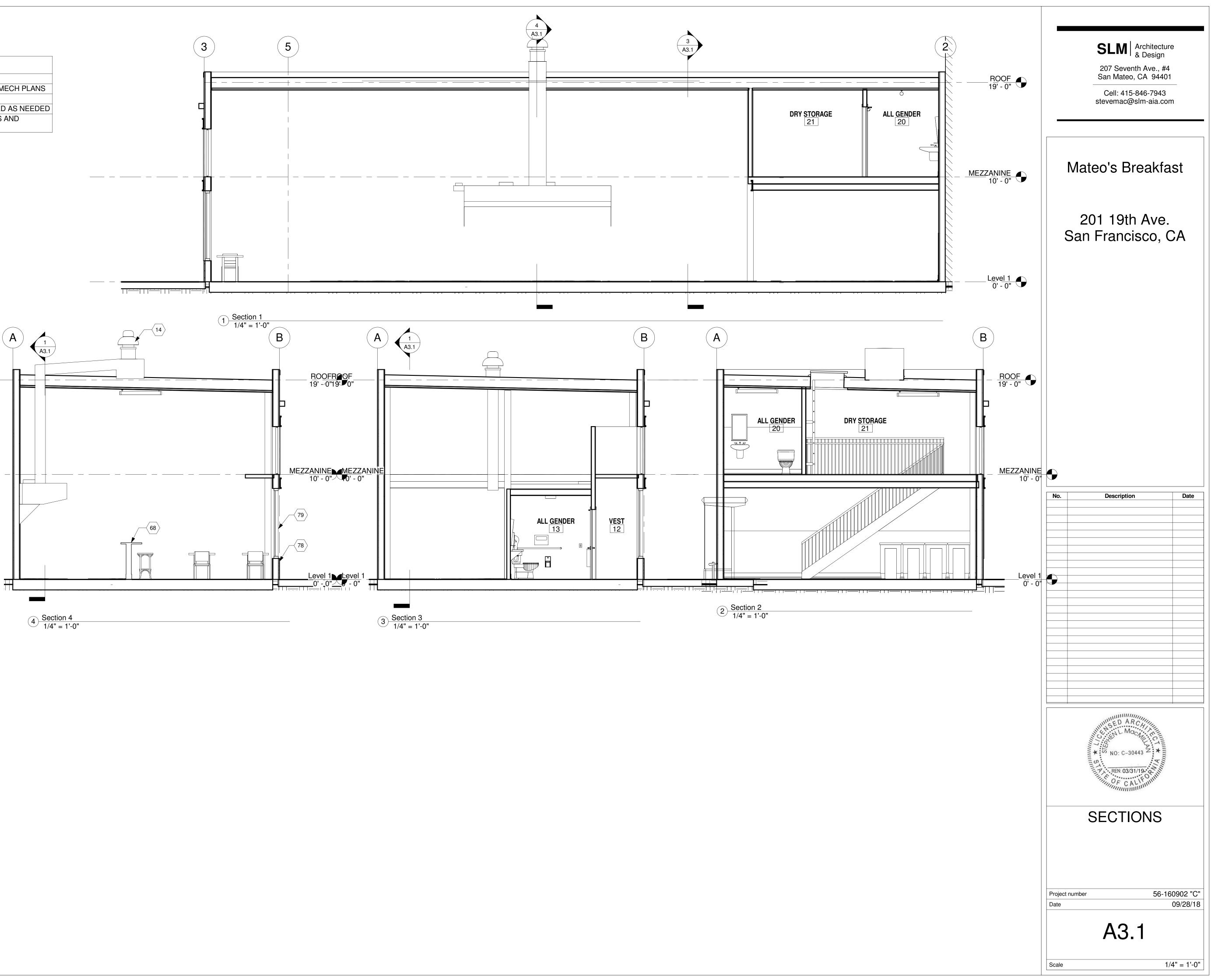






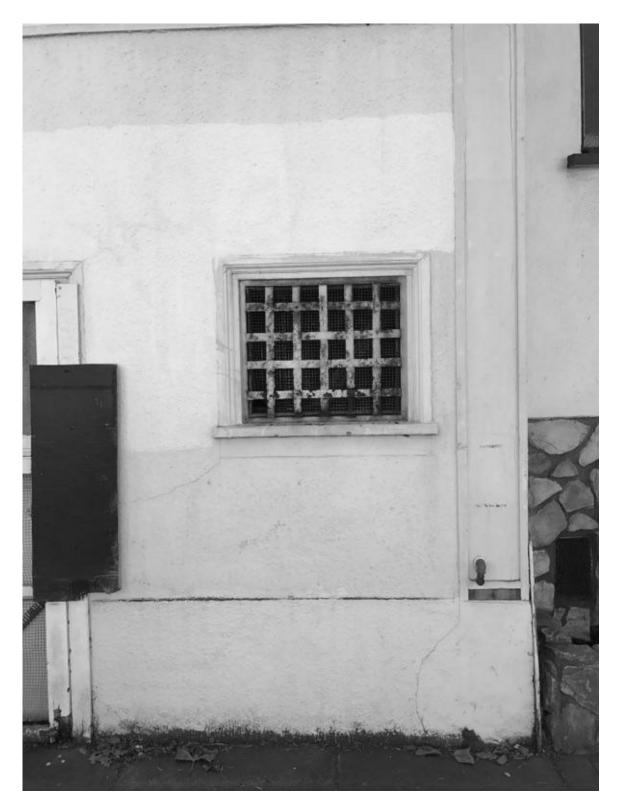
KEYNOTE LEGEND					
NUMBER	KEYNOTE				
14	TYPE I HOOD, EXHAUST TO ROOF, SEE MECH PLANS				
68	LOW WALL, MIN 42 A.F.F.				
78	(E) TILE TO BE REPAIRED AND REPLACED AS NEEDED				
79	REPAIR / REPLACE DAMAGED WINDOWS AND FRAMES AS NEEDED				











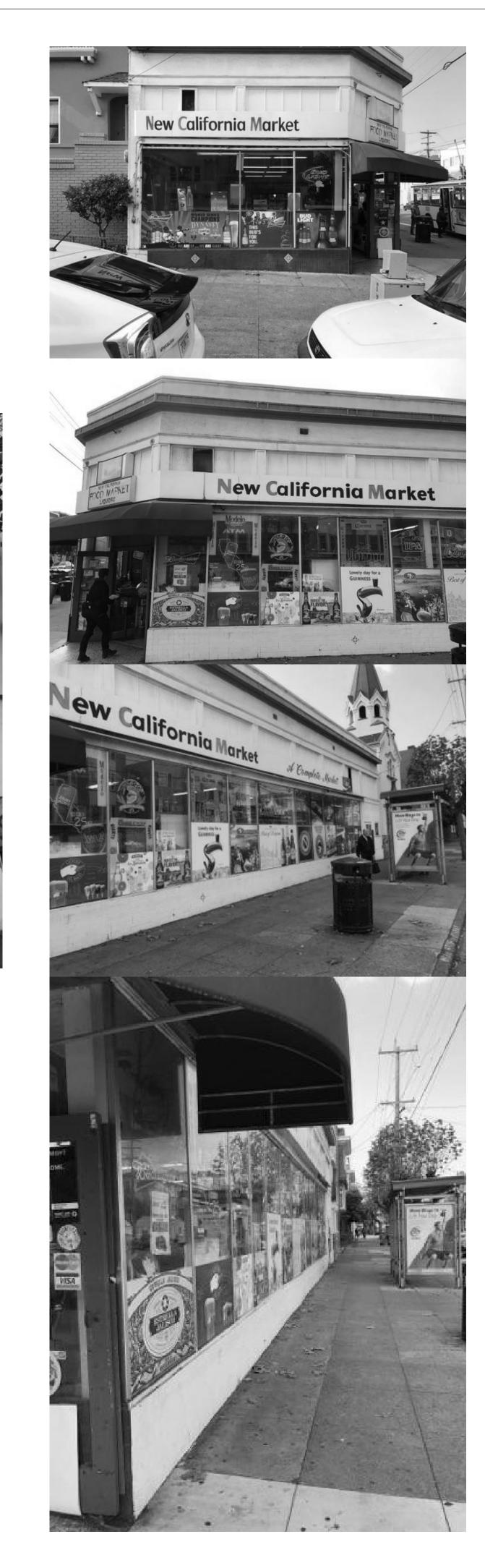


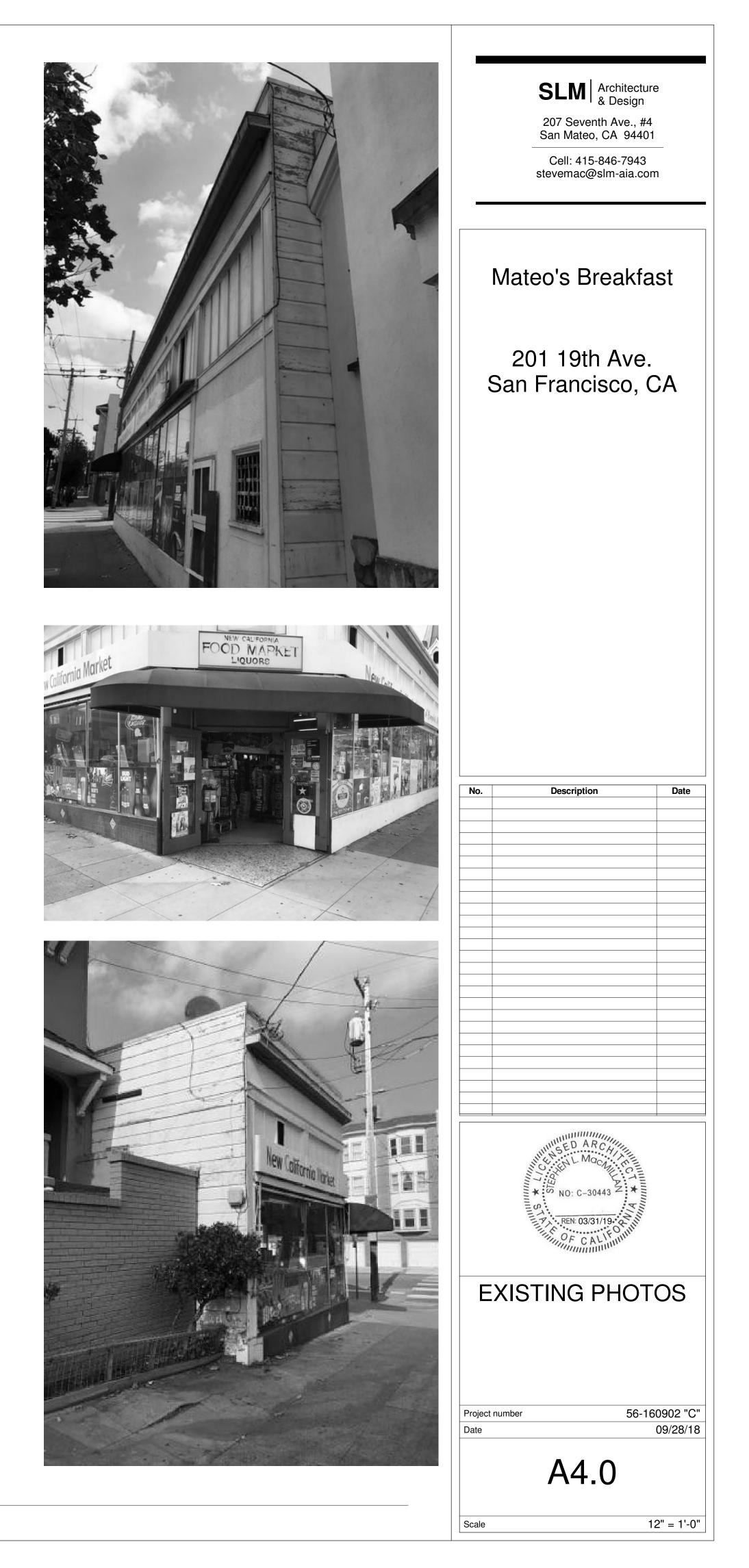




1 PHOTOS 12" = 1'-0"







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To whom it may concern

My name is Colin Mackenzie and I have been a Richmond District resident since 1977 when we moved to 217 10th Ave. Having grown up in the area I noticed that certain parts of the Richmond were lacking in eating establishments that were not in the Geary and Clement St. corridor. I support the project at 201 19th Ave. because i believe a restaurant would better serve the surrounding community better than the existing liquor store.

Thank You

Colin Mackenzie

NEW California food market Petition! Signature Name Necison Cent the . Jarett-Tone Parking will become sachy tiny . Zechny Lindsey an even bigger headache Because it is a heighorhood store. Chood owners & sicke 3 Peter agundah 4 AD we don't read in the vester rail 4 . Damin Kordid We need a convenient Shire 5. JUSTIN ERWIN Not anoto vestaviat THIS IS A weighborhood STAPLE, it'd be san to see if go. restaurants have high which over rates 6. Diana Wheeler Bikhere, We meed this 2. Danny Bissette n 8. Alex Kong Alexander store 11 We need local stores that serve the community especially up people me've' come to know + trust 9. Jack Follow prfath Great people work here 10. BRIAN WARNER-RUGH PRICH NEIGHBORHOOD DUESNT NEED MORE FAILED RESTURANTS! FIMPIL - Coulor x 6) Cra.

Petition to Oppose Conditional Use Permit for Restaurant 201 19<sup>th</sup> Ave. San Francisco, CA 94121

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#### Keep New California Market in our Neighborhood Petition to Oppose Conditional Use Permit for Restaurant 201 19<sup>th</sup> Ave. San Francisco, CA 94121

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#### Keep New California Market in our Neighborhood Petition to Oppose Conditional Use Permit for Restaurant 201 19<sup>th</sup> Ave. San Francisco, CA 94121

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Keep New California Market in our Neighborhood Petition to Oppose Conditional Use Permit for Restaurant 201 19th Ave. San Francisco, CA 94121 Please sign! Address 5522 Gliderma St Name Javety Tele Signature Both Inc Jason Orlas Esta Leiderna 2022 1844 Aug Exter Leuters Zer (2th Ave. 123 15th Ave 5817 CAUFONIA ST JUSTIN FRININ 133 19th Ave # 1 Brian Grus 5626 California. Alex Sosenster Viole & Vand we 159 19th Ave. 47-18-4 Ave, DEBORAHI-FREITAS 5625 CALLERUN ST. ALESSADDRO T. PAGLINGA GEORGE GERARD M. M. SSZZ CALLEOKNIA ST 391 Ellis (Gunneral 5 the (Gunneral 10 eller) Manlon crimp Multon

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Keep New California Market in our Neighborhood Petition to Oppose Conditional Use Permit for Restaurant 201 19<sup>th</sup> Ave. San Francisco, CA 94121

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Petition to Oppose Conditional Use Permit for Restaurant 201 19th Ave. San Francisco, CA 94121

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# SAVE NEW CALIFORNIA MARKET

Our neighborhood is working to save New California Market at 201 19<sup>th</sup> Avenue at California, in our neighborhood since 1942—over 75 years!

New California Market's business owner of over 10 years wants to keep the market open, while the building's landlord wants to covert the market into a restaurant.

We are urging neighbors to contact the Planning Department to reject a Conditional Use Authorization for a restaurant conversion.

### TAKE ACTION:

1. Come to the Planning Commission on February 14, 2019 at Room 400. Our item should appear sometime after 2pm.

2. Sign our petition inside the store

3. Please call Planner David Weissglass at (415) 575-9177 or email him <u>david.weissglass@sfgov.org</u> and cc: members of the Planning Commission:

RICH HILLIS richhillissf@gmail.com

MYRNA MELGAR myrna.melgar@sfgov.org

RODNEY FONG planning@rodneyfong.com

MILICENT A. JOHNSON milicent.johnson@sfgov.org

JOEL KOPPEL joel.koppel@sfgov.org

KATHRIN MOORE kathrin.moore@sfgov.org

DENNIS RICHARDS dennis.richards@sfgov.org

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200 19Th Ave S.F CA 94121 Name aftery AilingWa CALIFORNIA ST 94121 5700 Robert k Clarke Robert K Chu (onela 5626 Coloquie St. 14/1 B Washington Blue Jeff Thomps SF (A 94/2 5695 California St. San Francisco CA 94121 Hextra R Agelis 129 18 11 Ave # 5- 5 94/21 Danielly Kerly # JSF 0A 94/2 129 18 14/ 208 Jayfun Uzisnk 2914 California St 94115 Peter Nelson 225 20th Ane 94121 225 20th Ave 94121 orca Minoz

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Keep New California Market in our Neighborhood

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Name Signature Address 163 12 MAR. SF Chlie Fitzgereld Andrea Chinchielo 5420 California St. Apt 3 David Lee 133 19th are #6 Juri Variall BAVE 162 Charlotte CRICKSON Chauster Triom 193 AUS BRIAN WARNER-PUGN 234 1914 AVE Eric Faulkner Olle mana Incaei 294 ma Benctmake 159 19th Linda Garza Toppeda

# Keep New California Market in our Neighborhood

Petition to Oppose Conditional Use Permit for Restaurant 201 19<sup>th</sup> Ave. San Francisco, CA 94121

Address Signature Name 5431 Cylten SI #6 Calibarna 21-3\_ lay noth Sters aufornia \$7,4946 DARING N asenolu 222 jamare SE CA94121 hristing Mealon C# <u>9700 California St #4</u>\$ Sychnes 271 Leth Ave nuerra calliste ST 94121 2010 19th AVE 9412 ema

From:	Eva Lee
To:	Weissglass, David (CPC)
Subject:	Opposition to conditional use permit on California and 19th Avenue
Date:	Thursday, December 06, 2018 5:38:50 PM

Dear Mr. Weissglass:

I am a resident of the Richmond district and live in Lake Street, not far from the place that is being considered to be changed from a grocery store to a restaurant. I am opposed to this change to a restaurant because it will more parking problems and traffic issues into the neighborhood. There are already enough restaurants in the Richmond and we certainly do not need anymore. I support the current owner who has run a grocery store there for many years. He has served the community well and has made it convenient for people to pick up some of their groceries there.

Thank you for listening. Richmond district resident, Eva Lee

Sent from my iPhone

Dear Mr. Weissglass,

I'm writing to urge you to reject the conditional use authorization for this location.

The short version: There are many restaurants in the neighborhood; there's only one corner store. We need it.

The slightly longer version:

Many of us walk to the New California Market. If the New California Market closes, more people will drive just to pick up a few things. Our neighborhood doesn't need any more traffic!

The other nearby store, on California St. at 22nd Ave., closes at 8:30, two and a half hours earlier. After that, the closest stores are on Geary. Again more people driving, more traffic.

Parking's already in short supply. Where would restaurant customers park?

If restaurant customers take Lyft or Uber, the drivers will use the bus stop to drop them off, making getting on or off the 1 California bus more dangerous. This is a concern for anyone who rides the bus, but especially for the many senior citizens and children in our neighborhood.

This neighborhood has a wealth of restaurants. We don't need another one. We DO need the corner store. The New California Market is a valued part of the neighborhood. Please reject the restaurant plans.

Thank you. Elizabeth Nolan

Hello,

I'm writing in support of keeping the New California Market in my neighborhood on the corner of 19th Ave and California Streets.

I understand there is a bid for changing it into a restaurant, but our neighborhood needs grocery stores.

This store has been there for 75 years and the present owner has been there for 10 years. The owner would like to stay in our neighborhood.

Thank you for your attention to this issue. Laura Chinn-Smoot, resident of the neighborhood since 1955

From:	Damian Kordick
To:	Weissglass, David (CPC)
Cc:	Free Free Free Free Free Free Free Free
Subject:	New California Market wants to make it 100 years!!!
Date:	Monday, December 10, 2018 11:43:58 AM
Date.	Holiday, December 10, 2010 11.75.30 AH

Dear Commissioners and whomever else is on the Board,

I am a neighbor on 19<sup>th</sup> Ave. and feel taking our Convenient store to put in another restaurant is a bad idea.

First and foremost, you will be taking away the livelihood from the owner,

Jasser. He is a father and a husband, this Will tear him apart!

Also, there are 30 restaurants to eat in a 6 block radius of this area. They are heavily loaded up on Clement and Geary with restaurants.

Parking is already a travesty and any additional, necessary parking is obsolete.... The Staff and the management need parking, some of the

Patrons need parking and this will most definitely pose a problem.

The Owner caters to the neighbors, bringing in products we all use daily.

We need to think what is most important to the Neighborhood? A convenient store that has been there for 75 years or a restaurant,

that has maybe a 30% chance of lasting more than a few years.

Please take all of our requests to heart and think what is best for all of the Neighbors.

Sincerely,

Damian Kordick Project Safety Representative Esquivel Grading & Paving

## Dear Planners,

I am writing to ask you to oppose plans for converting the New California Market at 19th and California to a restaurant.

The market has been there for 75 years and serves this residential community well. There is already an abundance of eating establishments in the area. A new restaurant would negatively impact the neighborhood causing more congestion. There are many families with children in the neighborhood. Several of them use the nearby Park and Rec playground. More cars in the area will create more safety hazards.

Please oppose any and all plans to convert this market.

Thank you for your consideration,

Sharon Pretti 171 19th Ave. #4 SF., CA 94121 The Planning Commission of the City and County of San Francisco. City Hall, 1 Dr. Carlton B. Goodlett Place San Francisco, California

Wednesday, January 30, 2019

In reference to: 2018-006127CUA (19th & California Grocery to Restaurant Use Change)

Dear Commissioners:

We watched, with clearing head I may add, in fascination the last hearing on this use change. What fascinated me was apparent lack of interest among the commissioners in discussing the core issues. Namely, Noise, Smell, Traffic, Parking, and Vehicular - Pedestrian Circulation.

The focus was on "loosing small neighborhood grocery stores" and on "wishing to see better sketches and drawing of the proposal" and the "look and feel of the building" and of a "restaurant renaissance on California Street".

Frankly, that is not your job. Your job is to evaluate the proposal on the positive and negative effects to the neighborhood of Noise, Smell, Traffic, Parking and Vehicular - Pedestrian Circulation. The SCOTUS decision in *Village of Euclid v. Ambler Realty Co* gave cities their zoning power, via the US Constitution police powers authority, to do just that. You people are engaging in economic politics and personal aesthetics. Or perhaps, like many appointed positions in this town it is just training wheels to higher office which makes you not capable of making real decisions. Heaven forbid it comes back to bit you.

Is that last paragraph harsh, you bet. But it has a strong ring of truth.

The sponsor, and his paid advocate, talk about how bad the build looks. Granted it does. But does it make any economic sense for a business renter to spend money on a building that they do not own and for which they do not have anything but a month to month lease. The commission is being played by such comments.

It has been reported that the new owner has to charge more than double what the grocer was paying to cover his costs and make any profit. Did the new owner not do his/her due diligence before purchasing it to know what corner grocery stores can stand lease cost wise? It is not the responsibility of the planning commission to pick economic winners and losers.

If the new owner made a bad investment then let him loose money and learn a lesson. Perhaps the owner, with a big expensive house on Lake Street, has succumbed to the findings shown by Paul Piff of the University of California? The behavior of both the owner and the project sponsor strongly suggest that they care nothing about the neighborhood. Their preplanning meeting took place across town on a work day in the middle of the afternoon. The entire time, the Richmond Recreation Center with its meeting rooms some 500 feet from the project site never came to mind. I also asked around the area and nobody went knocking on doors to talk with the neighbors before they filed. Again, Fiff-ian behavior.

Why do I bring up the last two paragraphs? I am not categorically opposed to a restaurant at this location. The negative issues could be overcome, I just do not think the mindset of the land owner or the restaurant operator lead me to think they would be willing to but the effort or the money into mitigating those issue at this particular location.

A land owner who did not walk around and talk to people prior to starting this process. A restaurateur with other ventures around town and therefore will not be onsite all the time; does not bode well that they will try to mitigate any issues that come up with Noise, Smell, Traffic, Parking and Vehicular - Pedestrian Circulation. Once they get their use permit, they will forget about anything they have told you. Their behavior to this point is solid evidence of that.

The restaurant that opened last year at 19th Avenue and Clement Street has just asked DPW to double the number of tables and chairs out on the sidewalk. I have noted that their peak is 8:00 AM to 2:00 PM on Saturday and Sunday. People are standing outside, on the waiting list, talking loud on their phones and blocking a good part of the side walk on weekend mornings. The economic reality for these "breakfast" restaurants, that are open until 10:00 PM, are that they get peak demand and they want tables for that peak.

Again, Noise, Smell, Traffic, Parking and Vehicular - Pedestrian Circulation. We have a Recreation Center, a Park and a Church in the Pedestrian Catchment Area of the intersection of 19th Avenue and California Street. Your job is to decide if a change in use permit for a restaurant *at this particular location* is a positive or a negative for the neighborhood when Noise, Smell, Traffic, Parking and Vehicular - Pedestrian Circulation are taken into account.

One thing that statistics do not show is the near misses. I live directly across from the store and I spend a fair amount of time with eyes on the street, more then anyone else in the neighborhood. I am also a University Trained Urban Planner - Researcher. I can attest that if you put a restaurant at this location, with its typical peak demand hours, you will see some *Little Kid* heading to the park or some *Senior Citizen* heading to church get injured or killed in the next 5 years.

There are better locations.

James Douglas PO Box 210252 San Francisco, CA 94121

#### LAW OFFICE **THOMPSON WELCH SOROKO & GILBERT LLP** 450 PACIFIC AVENUE, SUITE 200 SAN FRANCISCO, CA 94133-4645 (415) 262-1200

CHARLES M. THOMPSON

FACSIMILE (415) 262-1212 E-mail: cthompson@TWSGLAW.com

> SAN RAFAEL OFFICE (415) 448-5000

February 7, 2019

### Via USPS & Email

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103-2479 Attn: Myrna Melger Joel Koppel Rodney Fong Rich Hillis Milicent A. Johnson Kathrin Moore Dennis Richards

# Re: 201 19<sup>th</sup> Ave Record Number 2018-006127CUA Conditional Use Authorization

Members of the Planning Commission:

I am the owner of the single-family home at 211 19<sup>th</sup> Avenue, which is the second home south of the referenced property. This letter supplements my prior letter to the Planning Department dated November 19, 2018, a copy of which is attached.

I attended both hearings of the Planning Commission which considered the request for a conditional use authorization at 201 19<sup>th</sup> Avenue. For residents of the immediate neighborhood this process has been disappointing due in part to the lack of focus on the real issues pertaining to the application and the pertinent property and the seeming unwillingness of certain members of the commission to focus on the neighborhood and the perspective of these neighbors on this proposed change in use.

There are two seminal issues in this matter, which are:

- 1. Is a neighborhood market use, which has been the use of the property for over eighty years, not only a desirable use, but the best use for this property?
- 2. Is a new use, a restaurant use, a desirable use for this property?

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The answer to the first question is an overwhelming yes, the market use is the best use for the property and the answer to the second question is that a restaurant use is in fact a very undesirable use for the property.

Over five hundred persons have signed petitions supporting the continued use of this location as a market and opposing the proposed restaurant use.

The community, which is a not a community of elite or wealthy owners of single-family units, but a community of renters and owners of shared units has uniformly supported the market use. The strong support includes younger renters, senior citizens, an entire parish of the Our Lady of Kazan Russian Orthodox Church adjacent to the property, and owners of homes and condominiums. Only those with a vested economic interest in a speculative change of use are not in favor of the market use. The public record and the testimony at the hearings could not be more definitive. The community has taken time from work to support the market use before the Planning Commission; that indicates how sincere the support is for the market use. The market serves this local community; most of its customers walk to the market. The market is part of the neighborhood; it is not an unwelcome commercial use invading the neighborhood.

Equally there is little or no support for a restaurant use and in fact, there is active opposition to that use from the adjacent parish and the entire neighborhood. This would constitute an entirely unwelcome and out of context use for this location. There are no nearby commercial businesses or uses with large staffs who would be customers of a restaurant for breakfast or lunch. Any customer base would have to be imported into the community. If customers are to be brought to the restaurant, locations where there are existing restaurants make much more sense. San Francisco is a community of micro neighborhoods within neighborhoods. The community, in which this site is situated, is a very residential micro neighborhood with commercial uses (a market and a laundry) which historically support nearby residents and, in turn, are supported by those residents. Additionally, the location is immediately adjacent to a church. Importing a restaurant adjacent to a church is not San Francisco planning; it is Houston of the 1980s. How many existing churches or temples in San Francisco have a restaurant imposed on them as immediate neighbors? If the church were Roman Catholic or a Jewish synagogoue, this would never be a matter for consideration. The parish of the church and the residential neighbors more than oppose a restaurant use, we abhor the use. There are plenty of areas in the Richmond (Geary or Clement) where restaurants would be welcome. Other San Francisco communities (the Excelsior for example) would support a new restaurant. A restaurant at this property is simply nonsense.

Briefly this is **not** what this application is about:

1. A competition of one business owner against another. We have an owner of a market on the site and a speculative "entrepreneur" who wants to open a restaurant on the site, but

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> that is not the question, this is about a current beneficial use, a proposed undesirable use and a neighborhood, not a specific business owner against another.

- 2. The condition of the market and whether it sells "onions."
- 3. The fact that an individual who made a speculative purchase of a property knowing full well the rent, its current use and the terms of an existing lease may have overpaid for real estate because either he did not do his due diligence or hoped to pull a fast one on the community and the Planning Commission.
- 4. "Fairness" to the property owner. Delays and additional submissions do not change the underlying issues which are the proper use for this property and the effect of that use on the community. Delays only increase costs to all parties. The applicant made a bad submission and then tried to subvert Planning Commission procedures and as a result there are delays.

Frankly this is not a complicated or hard decision. The current use is the best use and fully supported by the community; the proposed use is a terrible use which is overwhelming opposed by the community. The community will exhaustively oppose any change in use. We believe that the Commission should, and will, make the right decision for San Francisco and our local community, by rejecting this application.

Very truly yours,

Charles M. Thompson

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