



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: 12/6/2018

Record No.: 2018-010482CUA
Project Address: 3509 CALIFORNIA ST
Zoning: NC-S (Neighborhood Commercial, Shopping Center District)
40-X Height and Bulk District
Block/Lot: 1034/008
Applicant: Chloe Angelis
1 Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Alexandra Kirby – (415) 575-9164
Alexandra.Kirby@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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415.558.6377

PROJECT DESCRIPTION

The proposed Project includes establishing a new Formula Retail use (d.b.a. SusieCakes Bakery) into an existing commercial space in the Laurel Village Shopping Center at 3509 California Street. The proposed use would occupy a vacant 1,104 square foot space on the first floor, formerly occupied by Toss Designs, a gift and home goods chain.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization for the establishment of a new Formula Retail use, pursuant to Planning Code Sections 303, 303.1, 703.4, and 713.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Planning Department has received no public comments on the Project as of the date of this Executive Summary.
- **Performance-Based Design Guidelines.** As a Formula Retail use, the Project has been reviewed for compliance with the Performance-Based Design Guidelines. No exterior alterations are proposed other than signage alterations. The Project complies with the guidelines and does not pose an adverse effect on the architectural and aesthetic character of the District. The signs will be required to have a permit and comply with the requirements of the Planning Code and Formula Retail sign guidelines.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. Although the Project will increase the amount of linear frontage dedicated to Formula Retail, it will also result in a lower commercial vacancy rate, as the area proposed for enlargement has remained vacant for over a year. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization
Exhibit A – Conditions of Approval
Exhibit B – Maps and Context Photos
Exhibit C – Land Use Data
Exhibit D - Project Sponsor Submittal
Exhibit E – Plans



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. XXXX

HEARING DATE: DECEMBER 6, 2018

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Record No.: **2018-010482CUA**
Project Address: **3509 CALIFORNIA STREET**
Zoning: NC-S (Neighborhood Commercial, Shopping Center) Zoning District
40-X Height and Bulk District
Block/Lot: 1034/008
Project Sponsor: Chloe Angelis
1 Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Alexandra Kirby – (415) 575-9133
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 303.1, 703.4, and 713 TO ENLARGE A FORMULA RETAIL USE AT 3509 CALIFORNIA STREET, LOT 008 IN ASSESSOR'S BLOCK 1034, WITHIN AN NC-S (NEIGHBORHOOD COMMERCIAL, SHOPPING CENTER) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 31, 2018, Chloe Angelis of Reuben, Junius & Rose (hereinafter "Project Sponsor") filed Application No. 2018-010482CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to establish a Formula Retail Limited Restaurant use (d.b.a. SusieCakes Bakery) at 3509 California Street (hereinafter "Project"), Lot 008 within Assessor's Block 1034 (hereinafter "Project Site") in the Laurel Village Shopping Center.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2018-010482CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On December 6, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Application.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-010482CUA, 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. **Project Description.** The Project includes the establishment of a Formula Retail use (d.b.a. SusieCakes Bakery) into a vacant commercial space in the Laurel Village Shopping Center. The proposed use would occupy a vacant 1,104 square foot space on the first floor, formerly occupied by Toss Designs, a non-Formula Retail gift and home goods retailer. No exterior alterations are proposed.

SusieCakes Bakery currently operates 23 locations in the United States, most of which are located in the Bay Area (seven locations) or Southern California, with four other locations in Texas. The proposed project would allow for the establishment of a third location in San Francisco, which would be the only stand-alone bakery in the Laurel Village Shopping Center.

3. **Site Description and Present use.** The Project Site is in the Laurel Village Shopping Center, which is on the south side of California Street between Locust and Spruce Streets, on Assessor's Block 1034, Lot 008. The rear of the site is occupied by a surface accessory parking lot that fronts Mayfair Drive. The Project Site is located within an NC-S (Neighborhood Commercial, Shopping Center) Zoning District and a 40-X Height and Bulk District. The property is developed with a two-story commercial building constructed circa 1952, divided into five commercial spaces. The Project space is currently vacant, most recently occupied by Toss Designs, a Retail Sales and Service use offering gifts and home goods. Adjacent to the Project space are three existing Formula Retail uses, Chico's, a women's clothing retailer, Noah's New York Bagels, a Limited Restaurant, and Papyrus, a stationery retailer. The fifth commercial space on the lot is occupied by Books, Inc., a Retail Sales use. The subject parcel has a width of 50 feet and a depth of 171 feet. The subject property was constructed in 1952 and is a potential Historic Resource.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within an NC-S Zoning District in the Presidio Heights neighborhood. The NC-S Zoning District is intended to serve as a small shopper center or supermarket hub for car-oriented shoppers. These districts are primarily occupied by buildings which are removed from the street edge and have access from a parking lot (both are features of the Project Site). The adjacent blocks on the south side of California Street, where the Project Site is located, are characterized by one- and two-story commercial buildings. The Project Site is adjacent to an RM-1 (Residential, Mixed - Low Density) Zoning District to the north, and an RH-2 (Residential, House - Two-Family) Zoning District to the south. The project site is located within the Laurel Village Shopping Center, which includes a mixture of restaurants, retail establishments, financial institutions, and grocery stores. Similar Limited

Restaurant retail uses in the center include Noah's New York Bagels, a Formula Retail use that sells bagels and coffee, Rigolo, a French sit-down café, and Starbucks Coffee, a Formula Retail coffee retailer one block to the west on California Street.

5. **Public Outreach and Comments.** The Department has received no public comments on the Project, as of the date of this Draft Motion. The project sponsor conducted a pre-application meeting on the proposed project on June 21, 2018, which was attended by two members of the public.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - a. **Formula Retail Use.** A *Formula Retail* use is defined under Planning Code Section 303.1 as a type of retail sales or service activity that has eleven or more other retail sales establishments in operation, or with local land use permit entitlements already approved anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, uniform apparel, standardized signage, and a trademark or servicemark.

Within the NC-S Zoning District, Formula Retail uses require Conditional Use Authorization under Planning Code Section 703.4. Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any Conditional Use pursuant to Section 303.1, formula Retail Uses.

The Project would allow the establishment of a Formula retail Use (d.b.a. SusieCakes Bakery, a limited restaurant specializing in baked goods) in an approximately 1,100 square-foot vacant ground floor commercial space on the project site. A Formula Retail Use may be conditionally permitted per Planning Code Section 303, 303.1, and 703.4.

- b. **Retail Sales and Services Use within the NC-S Zoning District.** Section 713 of the Planning Code permits "retails sales and services uses," including Limited Restaurant establishments as defined under Planning Code Section 102 and 202.2a on the first and second stories.

The Project would allow the continuation of a Retail Sales and Services Limited Restaurant use at the ground floor of a two-story commercial building.

- c. **Hours of Operation.** Planning Code Section 713 states that the permitted hours of operation for a commercial use are 6:00am to 2:00am the following day, as defined by Planning Code Section 102.

The proposed hours of operation for SusieCakes Bakery are 10:00am to 8:00pm Monday through Sunday.

- d. **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 feet of building depth along the California Street frontage is proposed for use as a Limited Restaurant, which is considered an active use. The windows will be clear and unobstructed. Signs will be required to have a sign permit and comply with the requirements of Article 6 of the Planning Code.

- e. **Off-Street Parking.** Planning Section 151 of the Planning Code requires one off-street parking space for each 1,000 square feet of Occupied Floor Area, where the Occupied Floor Area is above 5,000 square feet.

The Project proposes an Occupied Floor Area of approximately 1,100 square feet, which does not require off-street parking.

- f. **Use Size.** Planning Code Section 121.2 principally permits non-residential uses up to 5,999 square feet. Uses 6,000 square feet or larger require Conditional Use Authorization.

The Project proposes a total use size of approximately 1,100 square feet, which is principally permitted.

- g. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

The project proposes a single, halo-lit pin-mounted sign with the standardized SusieCakes logo measuring approximately 9' in width and 1'-6" in height for a total area of approximately 13 square feet.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 size of the proposed use is in keeping with other storefronts on the blockface. The proposed new Formula Retail use will not affect traffic or parking in the District, as the business is expected to serve only a moderate number of customers, with sufficient off-street parking available. This will not impact the mix of goods and services currently available in the District, and it will contribute to the economic vitality of the neighborhood by occupying a vacant storefront.

- 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:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and the Project will not alter the existing appearance or character in the vicinity. The proposed work will not affect the building envelope.

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

The Planning Code does not require off-street parking, although parking is provided in the adjacent parking lot. It is unlikely that the use will generate significant vehicular trips citywide, though it will generate moderate trips from the neighborhood due to it being part of a shopping center.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed use will not generate significant noise, glare, dust, or odor.

- (4) 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 space, or lighting. Any new signage would be reviewed for compliance with the Planning Code and Formula Retail Guidelines.

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

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

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

The proposed project is consistent with the stated purposes of NC-S Districts in that the intended use is located at the ground floor, and will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

8. **Formula Retail.** Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any Conditional Use pursuant to Planning Code Section 303.1, Formula Retail uses:

- a. The existing concentration of Formula Retail uses within the District.

*There are approximately 11 existing Formula Retail uses out of approximately 31 commercial establishments within 300 feet of the Project Site. The existing intensity of Formula Retail uses is approximately 35% within 300 feet of the Project Site, which accounts for approximately 38% of the total linear frontage in that same vicinity. If approved, the **concentration of Formula Retail uses would nominally increase** to approximately 39%. The **total linear frontage in the 300' vicinity would increase nominally**, as the enlargement would occupy an additional 15 linear feet of frontage, resulting in approximately 39.6% of the linear frontage being occupied by Formula Retail uses within a 300' radius. The 300' radius encompasses roughly half of the NC-S Zoning District where the Project Site is located.*

- b. The availability of other similar retail uses within the District.

*The Project would represent a nominal increase in the availability of **other similar Limited Restaurant Retail** uses. Of the 31 businesses surveyed within a 300' radius, 3 (9.6%) are similar uses (classified as Limited Restaurant), with 2 being Formula Retail uses. All similar businesses provide a different array of goods and services. The 300' radius encompasses approximately half of the NC-S Zoning District where the Project Site is located.*

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

*The Project would not alter any of the existing exterior details of the subject building. Therefore, the Project is **compatible within, and will have no adverse effect on, the architectural and aesthetic characters of the District.***

- d. The existing retail vacancy rates within the District.

The Project will slightly decrease the existing retail vacancy rate within a 300' radius, as the proposed Formula Retail use will occupy a vacant storefront. The existing vacancy rate is 9.7% and would be reduced to 6.4%.

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

*The NC-S Zoning District the Project Site is located in is relatively small in size, with a focus on neighborhood-serving Retail uses as opposed to Citywide-serving. Approximately 80 of the 96 existing Retail uses in a quarter-mile vicinity are considered neighborhood-serving. This **will not be impacted**, as the Project is an existing neighborhood-serving use that will be expanding into a vacant storefront.*

- 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 comprised of a wide variety of goods and services. Table 1 below represents the Formula Retail Concentration by Activities. The subject property would provide a nominal change in the number of existing Formula retail commercial frontage within the district.

Table 1. Formula Retail Concentration in the 300' Radius plus NC-S by Business Type

TYPE OF BUSINESS	TOTAL STREET FRONTAGE IN SURVEY AREA (LF)	FR STORES IN FRONTAGE (LF)	PERCENTAGE OF FR
Financial Services	241	241	100%
Retail	322	158	49%
Grocery	230	0	N/A
Limited Restaurant	36	23	63.88%
Restaurant	25	0	N/A
Personal Services	48	0	
Medical Services	212	0	
Vacant	129	0	
Total	1243	422	33.9%
Vacancy Rate	10.37%		

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

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed Formula Retail Limited Restaurant use would provide goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The applicant anticipates hiring 12 – 20 employees to staff the space. The Conditions of Approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is located within an NC-S Zoning District that is part of a heavily trafficked area and is thus consistent with activities allowed 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 Project will allow the establishment of a new Limited Restaurant commercial use into a vacant storefront, retaining an existing commercial business and maintaining a diverse economic base.

OBJECTIVE 3:

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

Policy 3.4:

Assist newly emerging economic activities.

The Project will allow the establishment of a new Formula Retail use that would employ 12 – 20 new employees, which will enhance the diverse economic base of the City.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Policy 6.3:

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

The Project will not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood. The Project will provide the neighborhood with a Formula Retail service for a Limited Restaurant that specializes in selling baked goods.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:
 - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project is not anticipated to significantly affect the existing mix of neighborhood-serving retail uses, and would provide future opportunities for resident employment. The Project would retain the current mix of neighborhood-serving retail uses by enlarging a Formula Retail use. The Project will continue to provide desirable services and will continue to provide employment opportunities to those in the community.

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

The Project is not anticipated to adversely affect the character or diversity of the neighborhood. There are no changes proposed to the façade other than the entryway doors.

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

The Project would not have any adverse 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 Site is well-served by nearby public transportation options. The Project is located along a Muni bus line (1-California), and is within walking distance of numerous others (3-Jackson, 43-Masonic, and 38-Geary). The Project also provides off-street parking at the principally permitted amounts and sufficient bicycle parking for residents and their guests in the surface parking lot to the south of the Laurel Village Shopping Center.

- 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 or adversely affect any service sector or industrial businesses as the Project will occupy an existing vacant commercial space.

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

The Project will not adversely affect the property's ability to withstand an earthquake. The Project will comply with the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The Project is not located in a landmark or historic building, and will not adversely impact the City's stock of such buildings.

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

The Project will have no negative effect on existing parks and open spaces, and will not adversely affect their access to sunlight, or vistas.

11. 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.

12. The Commission hereby finds that approval of the Conditional Use 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 Authorization Application No. 2018-010482CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 9, 2018, 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. 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 December 6, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the enlargement of a Formula Retail use (d.b.a. **SusieCakes Bakery**) located at 3509 California Street, Block 1034, Lot 008, pursuant to Planning Code Sections **178(c) and 303.1** within a **Neighborhood Commercial, Shopping Center** District and a **40-X** Height and Bulk District; in general conformance with plans, dated **July 9, 2018**, and stamped "EXHIBIT B" included in the docket for Case No. **2018-010482CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 6, 2018** under Motion No. **XXXX**. 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 **December 6, 2018** under Motion No. **XXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

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

MONITORING

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of the 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 action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

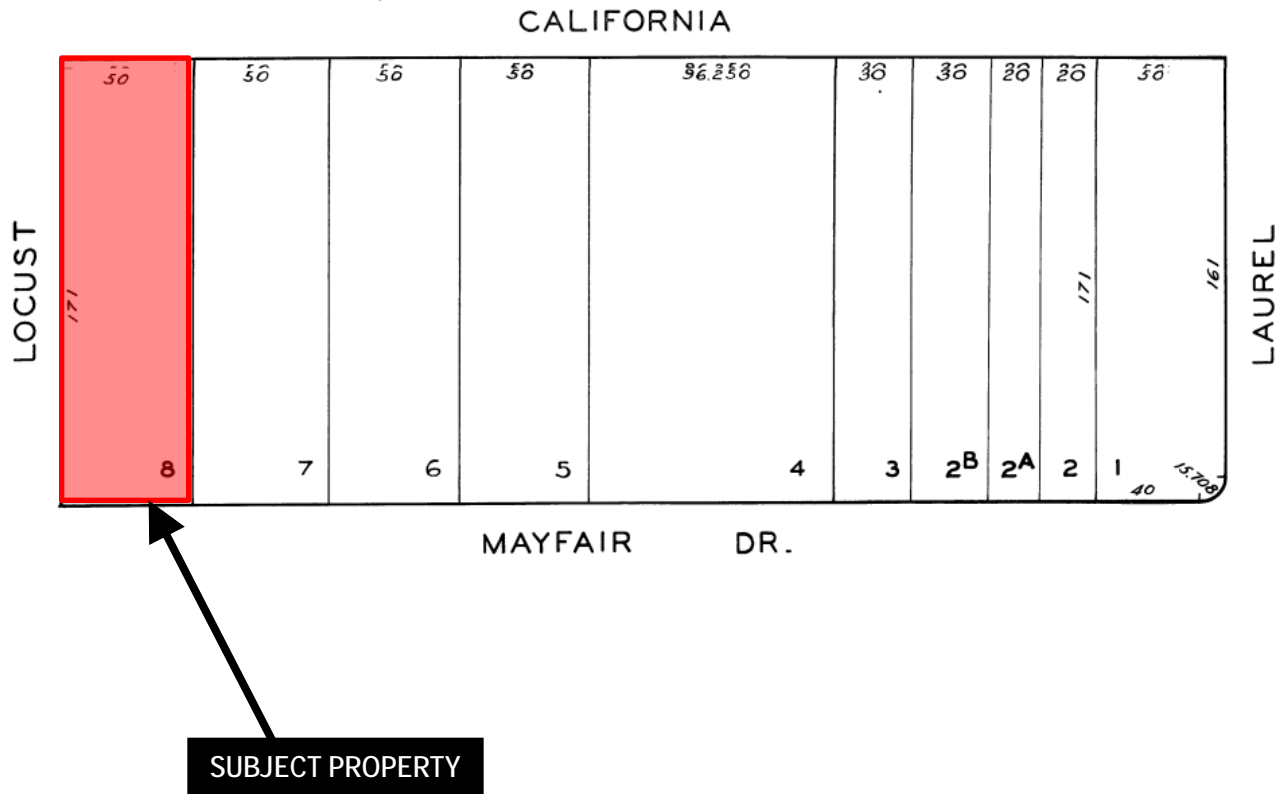
OPERATION

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

MONITORING – AFTER ENTITLEMENT

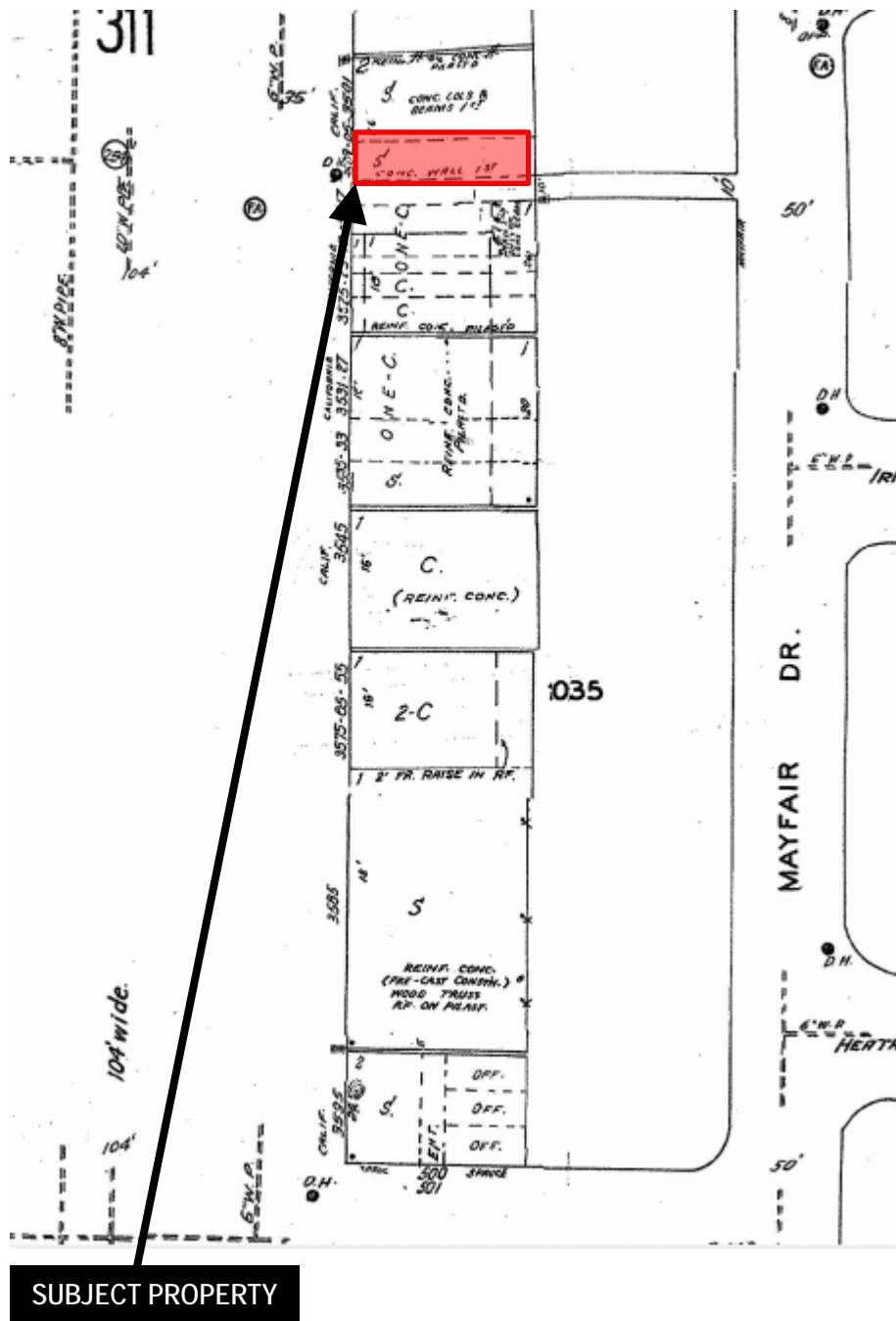
9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of the Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
10. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

Parcel Map



Formula Retail Conditional Use Hearing
Case Number 2018-010482CUA
3509 California Street
Block 1034 Lot 008

Sanborn Map*

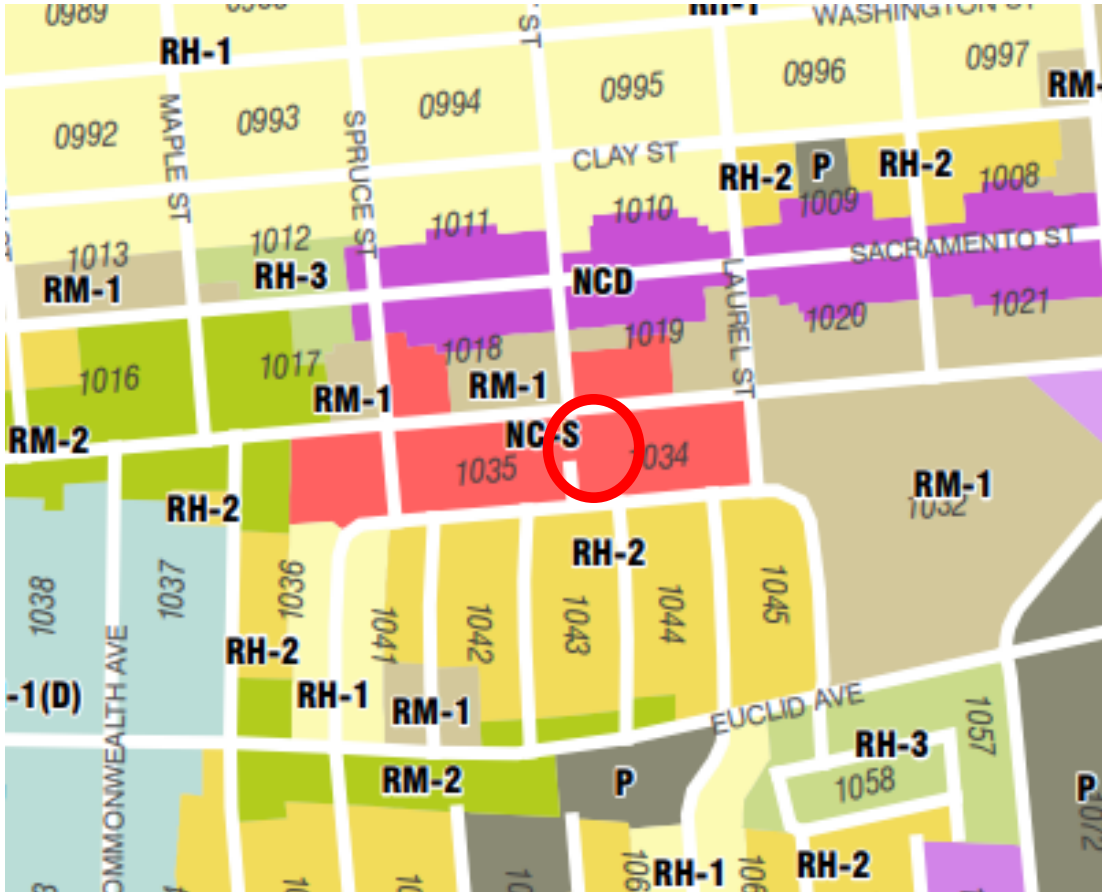


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



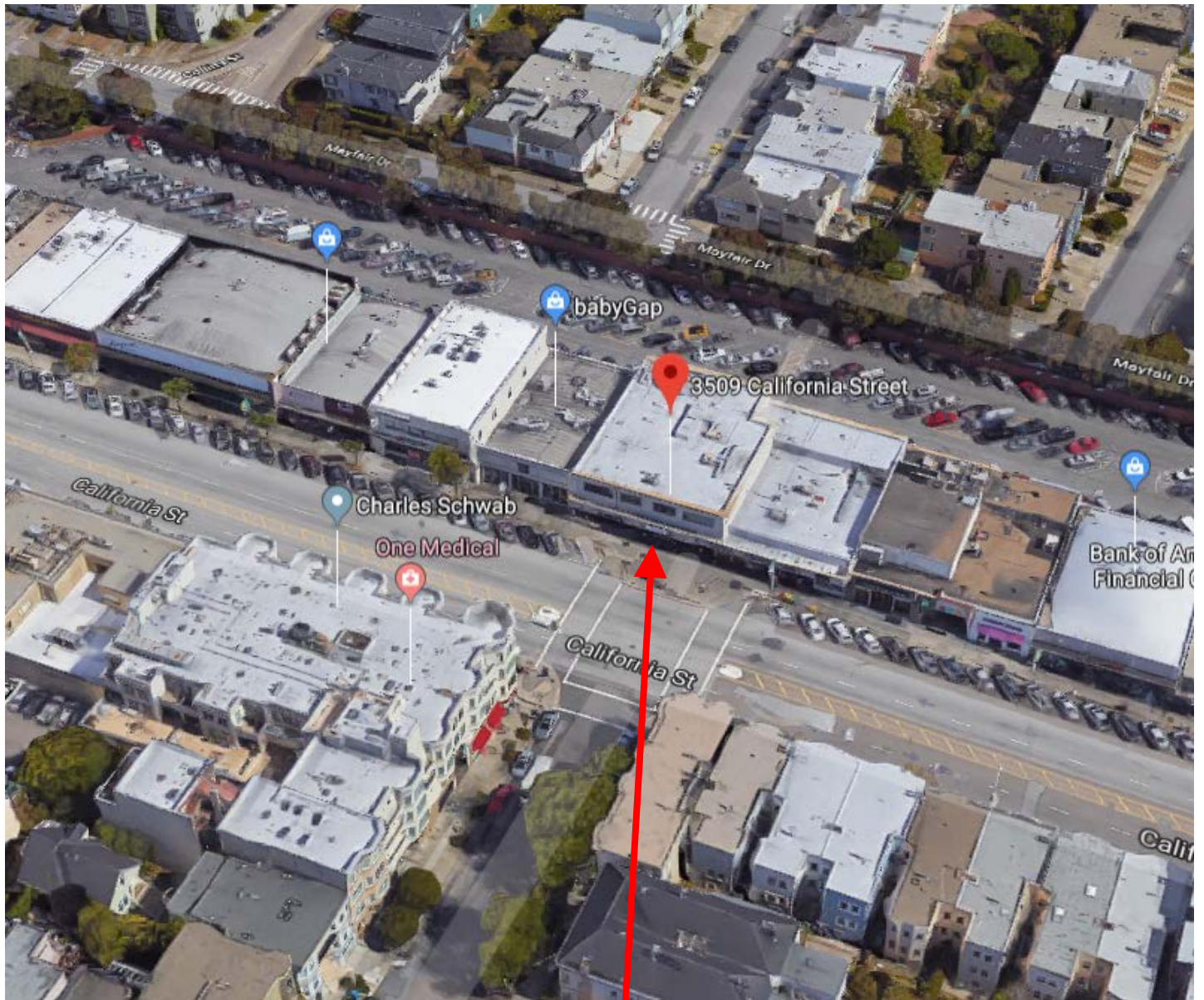
Formula Retail Conditional Use Hearing
 Case Number 2018-010482CUA
 3509 California Street
 Block 1034 Lot 008

Zoning Map



Formula Retail Conditional Use Hearing
Case Number 2018-010482CUA
3509 California Street
Block 1034 Lot 008

Aerial Photo (looking east)



SUBJECT PROPERTY

Formula Retail Conditional Use Hearing
Case Number 2018-010482CUA
3509 California Street
Block 1034 Lot 008

Site Photo



Formula Retail Conditional Use Hearing
Case Number 2018-010482CUA
3509 California Street
Block 1034 Lot 008



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 3533 CALIFORNIA ST
RECORD NO.: 2018-001746CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Lot Area	11,328	No Change	
Residential	0	No Change	
Commercial/Retail	11,328	No Change	
Office	0	No Change	
Industrial/PDR <i>Production, Distribution, & Repair</i>	0	No Change	
Parking	0	No Change	
Usable Open Space	0	No Change	
Public Open Space	0	No Change	
TOTAL GSF	7,400	No Change	
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Market Rate	0	No Change	
Dwelling Units - Affordable	0	No Change	
Hotel Rooms	0	No Change	
Parking Spaces	220*	No Change	
Loading Spaces	5*	No Change	
Car Share Spaces	0	No Change	
Bicycle Spaces	14*	No Change	
Number of Buildings	1	No Change	
Number of Stories	2	No Change	

* shared by all tenants in the Laurel Village Shopping Center

REUBEN, JUNIUS & ROSE, LLP

Chloe Angelis
cangelis@reubenlaw.com

November 14, 2018

Delivered Via Email

Rich Hillis, Commission President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, California 94103

**Re: 3509 California Street, SusieCakes
Planning Case Number: 2018-010482CUA
Hearing Date: December 6, 2018
Our File: 10983.01**

Dear President Hillis and Commissioners:

This office represents SusieCakes Bakery, which proposes to open a new bakery (the “Project”) at the vacant retail space at 3509 California Street (the “Property”). The Property is located on California Street at Locust Street, within a Neighborhood Commercial Shopping Center District (NC-S). Because SusieCakes qualifies as a formula retail use, the Project requires Conditional Use Authorization.

Approval of a Conditional Use Authorization is appropriate in this instance based on the Project’s substantial benefits:

- **Draw Foot Traffic to the Neighborhood, Supporting other Neighborhood Serving Businesses.** A SusieCakes at this location will draw foot traffic to the neighborhood, boosting the potential customer base for surrounding businesses.
- **SusieCakes would be the Only Laurel Village Bakery.** The Project proposes to add a use that the neighborhood currently lacks. SusieCakes would be the only stand-alone bakery along the Laurel Village commercial corridor.
- **No-Opposition Project.** As far as we are aware, there is no opposition to the proposed SusieCakes at the Property; and interactions with the neighbors have been overwhelmingly positive.

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
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Oakland Office
456 8th Street, 2nd Floor, Oakland, CA 94607
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www.reubenlaw.com

- **Only a Minor Increase in Formula Retail Frontage.** The bakery would only marginally increase the percentage of formula retail frontage in the NC-S District— from 40.10% to 40.92%.
- **Add a new Community Focused Business.** The Project will bring in a business that is dedicated to being an active member of its new community. SusieCakes opened its first San Francisco bakery in 2010 on Chestnut Street in the Marina. That store has become an integral part of the surrounding neighborhood, serving the many families nearby. SusieCakes aims to serve the same purpose in Laurel Village.
- **Bring 12-20 new Employment Opportunities.** The new store will offer 12-20 new employment opportunities. Providing jobs for new team members, as well as additional opportunities for advancement within the company to existing team members.

A. Project Description and Background

SusieCakes proposes to establish a new bakery at the Property, within an existing 1,104-square-foot vacant retail space. The Project would include renovations to the interior of the space; but other than new signage, no substantial exterior alterations are proposed. SusieCakes products sold at the new store would be baked off-site at the commissary in SoMa and delivered once or twice a day. The new bakery would occupy a storefront that has been vacant since June, when the former tenant left the space.

SusieCakes was founded in 2007 by Susan Sarich with the aim of bringing back the old-fashioned neighborhood bakery. The recipes are based on those recorded on 3x5 cards by the founder's two grandmothers, Mildred and Madeline. The products are made entirely from scratch with no preservatives or additives, and all the decoration is done entirely from hand, in buttercream.

The bakery opened its first San Francisco location at 2109 Chestnut Street in 2010, and it recently opened its second location in the city at 50 Fremont Street, at the base of the Salesforce West building. Over the last 8 years, the Chestnut Street store has become an integral part of the surrounding Marina and Cow Hollow neighborhoods, serving the many families who live in the area. SusieCakes hopes to step in to the same role at the new Laurel Village location. And thus far, the new Fremont Street location has proven to be just as popular.

B. Outreach & Community Engagement

Outreach. SusieCakes hosted a neighborhood meeting on June 21, 2018, at the Booker T. Washington Community Service Center. Two members of the community attended the meeting and indicated support for the Project. We are not aware of any opposition to the Project.

Community Engagement. In addition to providing high-quality baked-from-scratch desserts, SusieCakes is committed to being a good neighbor and an active participant in the

communities it serves. For example, the bakeries regularly donate end-of-day products to local non-profit groups such as local food banks and community shelters. Additionally, during the month of August of each year, SusieCakes conducts a Dog Days of Summer promotion. This promotion varies from year to year but is used to generate funds and supplies for dog shelters. Blankets of Love is one of the charities SusieCakes has done a great amount of work with, and as a result the company and its customers have donated tens of thousands of blankets to shelters so that the dogs will not have to sleep on cold cement floors. SusieCakes also has a pet adoption program for its employees where SusieCakes will contribute \$250 to the cost of adopting a pet out of a shelter.

C. Compliance with Conditional Use Criteria for a Formula Retail Use

The Project requires Conditional Use Authorization because it would add a new formula retail use pursuant to Planning Code Section 303.1, within the NC-S District. Approval of the Conditional Use Authorization is appropriate because the Project meets the Conditional Use criteria set forth in Planning Code Section 303.1.

The Project will occupy a vacant storefront that has been empty since the former tenant—a gift and home design store—left the space on June 1, 2018. The Laurel Village neighborhood consists of a mix of neighborhood-serving commercial uses surrounded by residential. Retail uses in the vicinity include a grocery store, coffee shops, restaurants, a bank, clothing stores, and a bookstore. There is no other stand-alone bakery in the area. Thus, a SusieCakes at this location will provide a necessary use that will complement the existing mix of uses.

There are a number of other formula retail uses within the district and within the vicinity of the Project, including Chico's, Gap Kids, Peet's Coffee, Papyrus, and Starbucks. Accordingly, a new SusieCakes at this location will not significantly change the character of the neighborhood. And with only about 15 feet of street frontage, the bakery would only marginally increase the percentage of formula retail frontage in the NC-S District—from 40.10% to 40.92%.

The Project will add a vibrant street-facing and pedestrian-focused use to a vacant commercial space. There will be no changes to the height or bulk of the building, and no substantial changes to the storefront exterior except for new signage and minor facade upgrades. Additionally, the new store will provide approximately 12-20 new employment opportunities for San Francisco residents. A SusieCakes at this location will draw increased foot traffic to the neighborhood, thereby growing the base of potential customers who will patronize other businesses in the area.

D. Conclusion

SusieCakes proposes to establish the neighborhood's first stand-alone bakery. The products are baked entirely from scratch, based on the recipes of the founder's two grandmothers. SusieCakes is a community serving business, and it looks forward to becoming an integral part of the Laurel Village neighborhood.

President Rich Hillis
San Francisco Planning Commission
November 14, 2018
Page 4

Therefore, we respectfully request that you grant this Conditional Use Authorization to permit a new SusieCakes at 3509 California.

Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Chloe Angelis

Enclosures

cc: Myrna Melgar, Commission Vice-President
Dennis Richards, Commissioner
Rodney Fong, Commissioner
Joel Koppel, Commissioner
Kathrin Moore, Commissioner
Milicent Johnson, Commissioner
Ali Kirby, Project Planner



SITE PHOTO 9



SITE PHOTO 6



SITE PHOTO 4

PLAN KEYNOTES:

④ SUBJECT SPACE

PHOTO KEYS:

- ① NORTH EAST DOWN CALIFORNIA STREET
- ② STOREFRONT OF BOOKS INC
- ③ STOREFRONT OF SUBJECT SPACE
- ④ STOREFRONT OF CHICO'S
- ⑤ SOUTH WEST DOWN CALIFORNIA STREET
- ⑥ ACROSS CALIFORNIA STREET
- ⑦ REAR ELEVATION OF BOOKS INC
- ⑧ REAR ELEVATION OF SUBJECT SPACE
- ⑨ REAR ELEVATION OF CHICO'S



SITE PHOTO 8



SITE PLAN 1
SCALE NTS A0



SITE PHOTO 2



SITE PHOTO 7



SITE PHOTO 5



SITE PHOTO 3

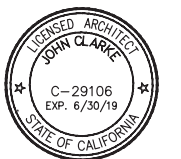


SITE PHOTO 1

susiecakes
3509 california street
san francisco, ca 94118
block/lot: 1034/008



APPROVED BY:



DRAWING TITLE

site plan

DRAWN BY
jc

SCALE
as noted

DATE
november 6, 2018

SHEET NO.

A0

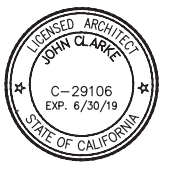


PROPOSED RENDERING 1
A1
SCALE NTS

susiecakes
3509 california street
san francisco, ca 94118
block/lot: 1034/008



APPROVED BY:



DRAWING TITLE

proposed rendering

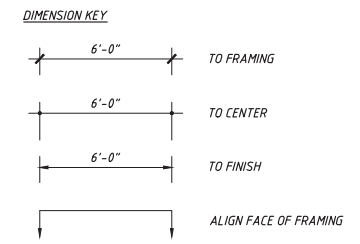
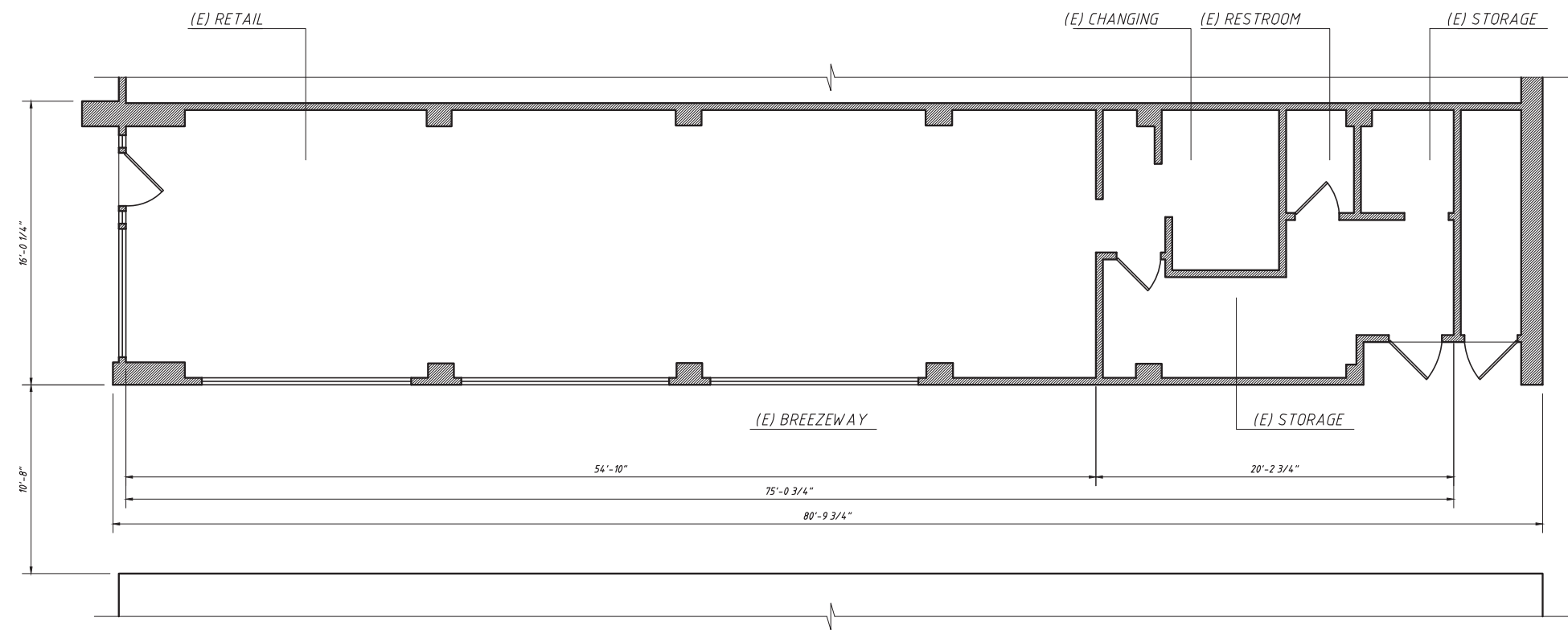
DRAWN BY
jc

SCALE
as noted

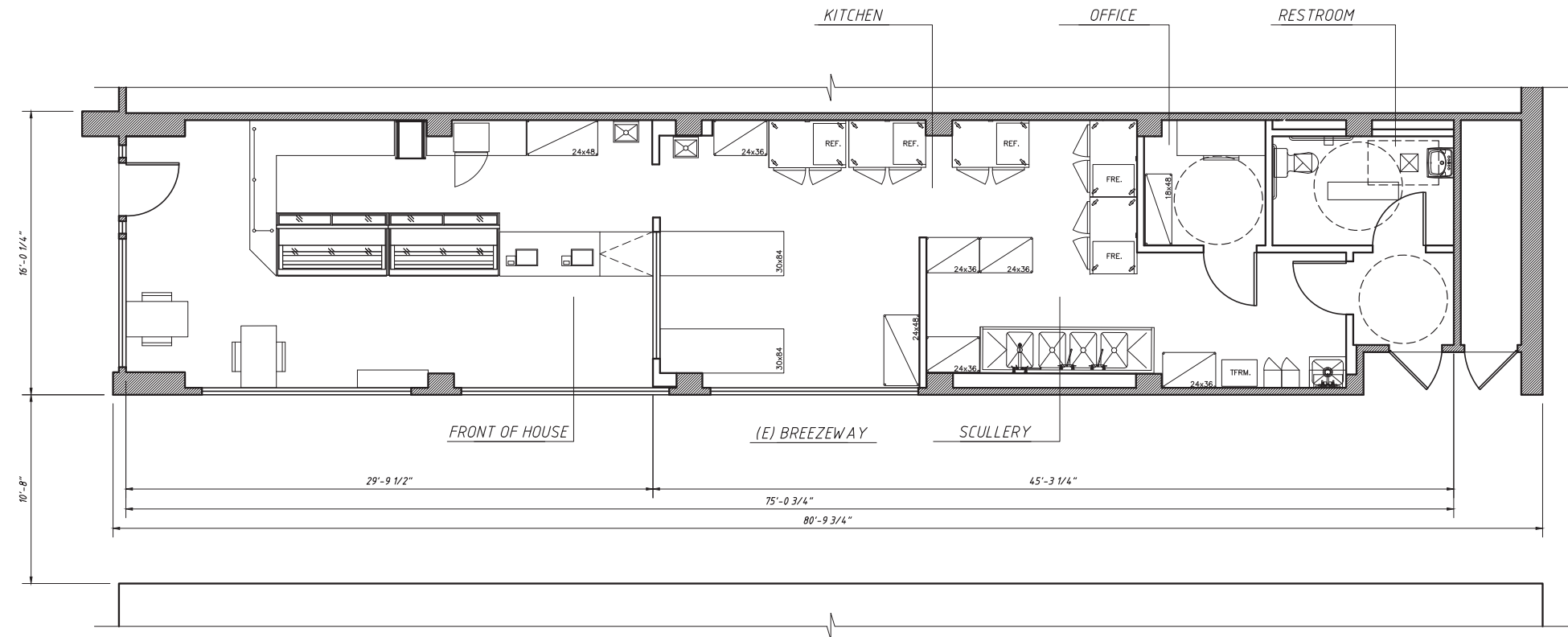
DATE
november 6, 2018

SHEET NO.

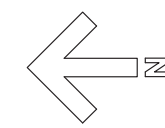
A1



existing area: 1104 sq. ft. EXISTING FLOOR PLAN 2
SCALE 1/4" = 1'-0" A2



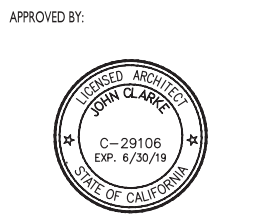
proposed area: 1104 sq. ft. PROPOSED FLOOR PLAN 1
SCALE 1/4" = 1'-0" A2



TYPICAL INTERIORS 0
A2

REVISIONS:
1. pre-application meeting - june 21, 2018

susiecakes
3509 california street
san francisco, ca 94118
block/lot: 1034/008



APPROVED BY:

DRAWING TITLE
existing floor plan
proposed floor plan

DRAWN BY
jc

SCALE
as noted

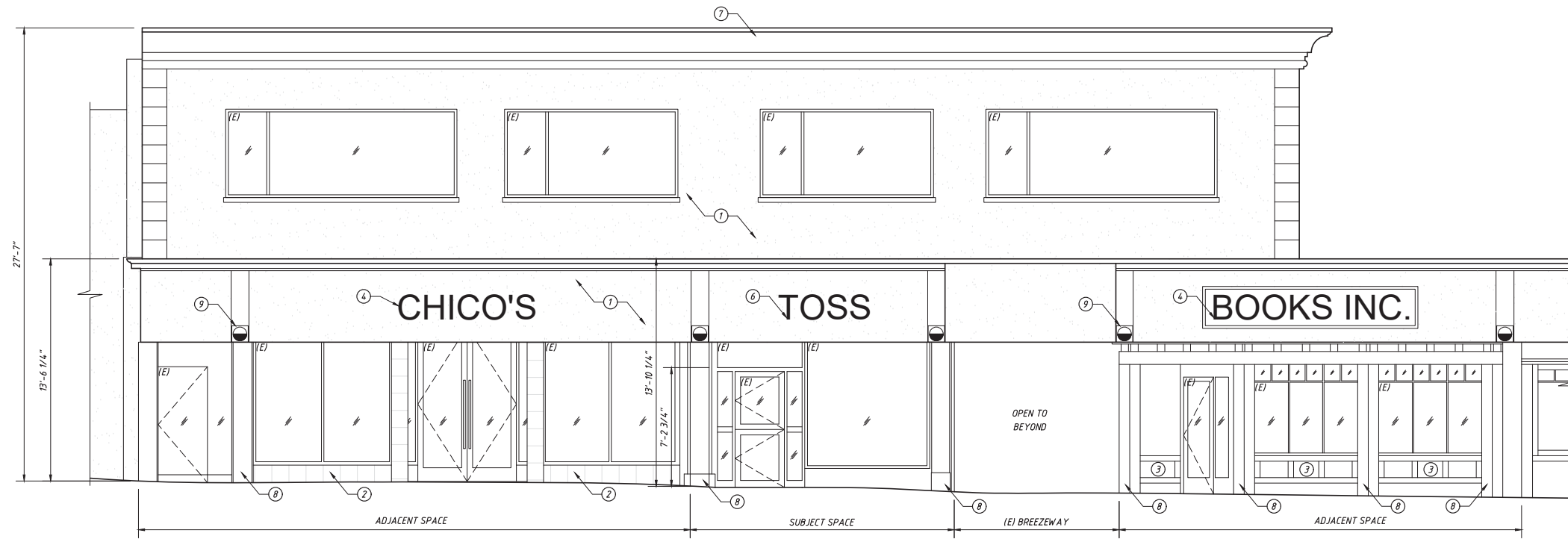
DATE
november 6, 2018

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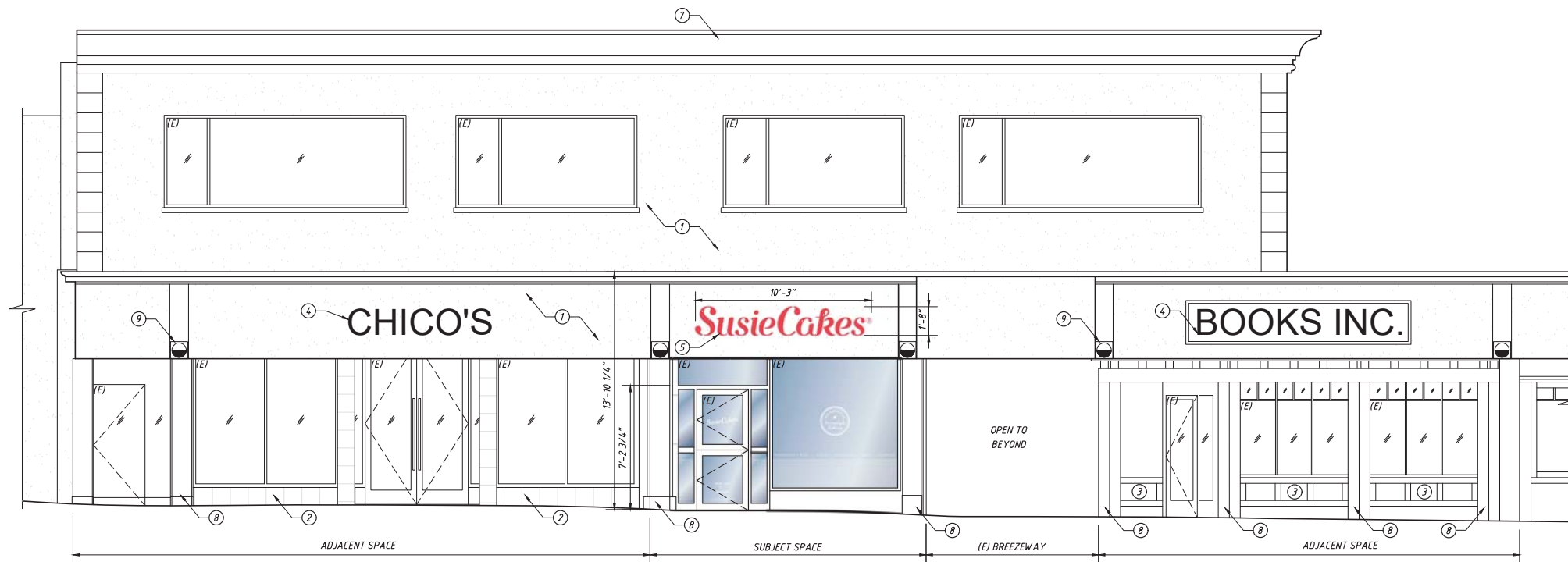
A2

PLAN KEYNOTES:

- 1 (E) STUCCO
- 2 (E) TILE
- 3 (E) PTD. WD. SIDING
- 4 (E) SIGNAGE
- 5 PROPOSED SIGNAGE
- 6 SIGNAGE TO BE REMOVED
- 7 (E) CROWN
- 8 (E) COLUMN
- 9 (E) LIGHT
- 10



EXISTING ELEVATION 2
SCALE 1/4" = 1'-0" A3



PROPOSED ELEVATION 1
SCALE 1/4" = 1'-0" A3

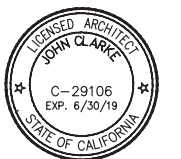
DIMENSION KEY

- 6'-0" TO FRAMING
- 6'-0" TO CENTER
- 6'-0" TO FINISH
- ALIGN FACE OF FRAMING

susiecakes
3509 california street
san francisco, ca 94118
block/lot: 1034/008



APPROVED BY:



DRAWING TITLE

existing elevation
proposed elevation

DRAWN BY
jc

SCALE
as noted

DATE
november 6, 2018

SHEET NO.

A3