



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use Authorization

HEARING DATE: OCTOBER 5, 2017

*Date:* September 28, 2017  
*Case No.:* **2002.0124CUA-02**  
*Project Address:* **2815 Diamond Street**  
*Zoning:* Glen Park Neighborhood Commercial Transit Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 6745/072-090  
*Project Sponsor:* Anne Moriarity  
Lighthouse Public Affairs  
857 Montgomery Street  
San Francisco, CA 94133  
*Staff Contact:* Cathleen Campbell – (415) 575-8732  
*Cathleen.campbell@sfgov.org*  
*Recommendation:* **Approval with Conditions**

1650 Mission St.  
Suite 400  
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### PROJECT DESCRIPTION

The proposal is a Conditional Use Authorization request to amend the conditions of approval under Motion No.16489. The proposal is to amend Condition of Approval E. #5 b. to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm and eliminate the Condition of Approval E. #4 requiring the grocery store operator to offer delivery of merchandise to neighborhood residents.

### PROJECT BACKGROUND

On December 5, 2002 under Planning Commission Motion No. 16489 (2002.0124CUA), the Planning Commission approved the construction of a new mixed-use development consisting of 15 dwelling units, 9,200 square feet of Public Use, and 7,037 square feet Grocery Liquor Store d.b.a. "Canyon Market", after the San Francisco Planning Commission (Commission) denied the appeal of the Mitigated Negative Declaration and adopted findings, pursuant to the California Environmental Quality Act, in Motion No. 16486. The amendment involves no changes to the design or intensity of the project as originally approved.

### SITE DESCRIPTION AND PRESENT USE

The Project site is located on southeast corner of Diamond and Wilder Streets between Bosworth and Chenery Streets, Block 6745, Lot 072-090. The site is located in the Glen Park Neighborhood Commercial Transit District, and within the 40-X Height and Bulk Districts. 2815 Diamond Street is developed with a two to four story mixed-use building which includes an approximately 7,037 square foot grocery/liquor store (D.B.A Canyon Market) with 2 off-street loading spaces off of Wilder, an approximately 8,760

square foot branch public library on the second floor, and 15 apartments with 15 off-street parking spaces which serve the residences only.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located within the Glen Park Neighborhood Commercial Transit District along Diamond Street. The Glen Park neighborhood is a predominantly residential area located in the southeast of San Francisco. The surrounding properties are located within the RH-1 (Residential House, One-Family) and RH-2 (Residential House, Two-Family) Districts and occupied by two-to three-story residential building. The immediate area, along Diamond and Wilder Streets, is characterized by two- to three-story buildings. Buildings along Diamond Street contain ground floor neighborhood commercial uses with residential uses above. Wilder Street contains ground floor commercial uses with residential uses on its upper stories at Diamond, becoming primarily residential as it moves away from the Diamond Street intersection. Wilder Street contains two to four story residential buildings. The lot immediately adjacent to the project site along Wilder Street contains a two-story single-family home. Buildings directly across Wilder from the project site rise to as tall as 48 feet. Immediately adjacent to the project site along Diamond Street is a City access easement for a culvert. The access easement runs along the mid-block at the rear of the lots, which front on Wilder Street. The lot is also adjacent to the Glen Park BART Station parking lot along Bosworth Street. To the South of the easement and across Diamond Street are buildings approximately 30 feet tall.

## **ENVIRONMENTAL REVIEW**

The amendment to a condition of approval and elimination of the condition of approval would not result in any new physical changes to the project, the project is consistent with the Preliminary Mitigated Negative Declaration (PMND).

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	September 15, 2017	September 15, 2017	20 days
Posted Notice	20 days	September 15, 2017	September 13, 2017	22 days
Mailed Notice	10 days	September 15, 2017	September 15, 2017	20 days

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

- To date, the Department is not aware of any opposition to this project.
- Glen Park Association has submitted a letter in support of the project.

- The project sponsor has conducted outreach to the adjacent neighbors and interested community groups, including Glen Park Association (GPA). The Project sponsor presented the Glen Park Association to 100 attendees on July 17, 2017. Additionally, the sponsors hosted a meeting with the residents of 53 Wilder HOA on July 24<sup>th</sup>, 2017. The major outcomes of those meetings: “no deliveries will be accepted prior to 6:00 am”.
- Additionally, the project sponsor gathered a total of 1,038 signatures in support of the project from the grocery store patrons. A copy of the petition cover letter is included as an attachment for reference.

## **ISSUES AND OTHER CONSIDERATIONS**

- The proposal to modify the condition of approval in Case Number 2002.0124CUA, Planning Commission Motion 16489 involves no intensification of use as originally approved. With regard to the treatment and impact to the traffic, parking transit, loading, the amendment to Condition of Approval E. #5 b., to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm, will enable the grocery operator to manage deliveries in a manner that does not conflict with surrounding uses or user.
- Condition of Approval E. #4, requiring the grocery store operator to offer delivery of merchandise to neighborhood residents, is rarely requested by patrons. Condition of Approval E. #4 is a burden to the project sponsor, as it requires the grocery operator to maintain a delivery vehicle. The grocery operator will continue assist neighborhood patrons who require special assistance and utilize third party delivery services.

## **REQUIRED COMMISSION ACTION**

Under Planning Code 303(e), authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. In order for the project to proceed, the Commission must grant conditional use authorization under Planning Code Section 303(e) to modify a condition of approval in Case Number 2002.0124CUA, Planning Commission Motion 16489 to amend Condition of Approval E. #5 b. to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm and eliminate the Condition of Approval E. #4 requiring the grocery store operator to offer delivery of merchandise to neighborhood residents. Therefore, the Project must obtain a new conditional use authorization to modify the conditions of approval of Planning Commission Motion No. 16489.

## **BASIS FOR RECOMMENDATION**

- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The project promotes the continued operation of an established, locally-owned business and contributes to the Glen Park Neighborhood Commercial Transit District.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

Block Book Map

Sanborn Map

Aerial Photographs

Motion 16489

Application

Project Sponsor Submittal, including:

- Memo to Commission
- Reduced Plans
- Conditions of Approval - Motion 16489
- Correspondence in Support

Attachment Checklist

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

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

CGC

Planner's Initials

KG: G:\Documents\Projects\1423 Polk\2011.0097C - 1423 Polk Street - Exec Sum.doc

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion

HEARING DATE: OCTOBER 5, 2017

*Date:* September 28, 2017  
*Case No.:* **2002.0124CUA-02**  
*Project Address:* **2815 Diamond Street**  
*Zoning:* Glen Park Neighborhood Commercial Transit District  
 40-X Height and Bulk District  
*Block/Lot:* 6745/072-090  
*Applicant:* Richard Tarlov  
 Glen Park Group, LLC  
 2815 Diamond Street  
 San Francisco, CA  
*Staff Contact* Cathleen Campbell – (415) 575-8732  
*cathleen.campbell@sfgov.org*

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 (E) TO MODIFY THE CONDITIONS OF APPROVAL FOR PLANNING COMMISSION MOTION NO. 16489 TO PERMIT TRACTOR-TRAILER COMBINATIONS OR SEMI-TRUCKS LOADING BETWEEN THE HOURS OF 6:00 AM AND 10:00 PM AND TO REMOVE A CONDITION REQUIRING THE GROCERY STORE OPERATOR TO OFFER DELIVERY OF MERCHANDISE TO NEIGHBORHOOD RESIDENTS FOR THE PROJECT AT 2815 DIAMOND STREET ON ASSESSOR’S BLOCK 3721, LOTS 072-090 IN THE GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On February 5, 2002, pursuant to the provisions of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department (“Department”) received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.

On June 13, 2002, a notice of determination that a Preliminary Mitigated Negative Declaration (PMND) would be issued for the Project was duly published in a newspaper of general circulation in the City, and the PMND posted in the Department offices, and mailed to the project sponsor, all in accordance with law.

On July 3, 2002, an appeal of the Mitigated Negative Declaration was filed with the Department.

On December 5, 2002, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2002.0124CUA and the Appeal of the Mitigated Negative Declaration, 2002.0124E.

On December 5, 2002, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31 in Motion No. 16486. Said motion is incorporated herein by reference.

On December 5, 2002, the San Francisco Planning Commission ("Planning Commission") adopted Motion No. 16489 (Case No. 2002.0124CUA), granting authorization under; Planning Code Section 121.1 for development on a lot exceeding 9,999 square feet in area; Planning Code Section 121.2 to allow 2 nonresidential uses greater than 3,999 square feet in area; and, Planning Code Section 711.83 to allow a Public Use (branch library); request for a finding of General Plan consistency under Planning Code Section 101.1(d) for development of a public use (branch library) and, request for Variances from, Planning Code Section 151, parking, for no parking spaces where 14 are required; Section 134, rear yard, for 1,440 square feet of rear yard where 4,000 square feet are required; Section 135; usable open space, for 1,454 square feet of usable open space where 1,714 square feet that are required with a least dimension for, private open space as small as 4.5 feet where 6 feet are required, and common open space as small as 8 feet where 15 feet are required; and, Section 140, dwelling unit exposure, where 6 of 15 dwelling units do not have a window facing either a public right-of-way or a Code complying rear yard.

On April 27, 2017, Anne Moriarity of Lighthouse Public Affairs, acting on behalf of the property owner ("Project Sponsor"), submitted a request (Case No. 2002.0124CUA-02) with the City and County of San Francisco Planning Department ("Department") or Conditional Use Authorization under Planning Code Section 303(E) to modify a condition of approval of Planning Commission Motion No. 16489 to amend Condition E. #5 b. to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm and eliminate the Condition E. #4 requiring the grocery store operator to offer delivery of merchandise to neighborhood residents.

The Project is included within the scope of development analyzed in the Final Mitigated Negative Declaration (FMND), which was certified by the Planning Commission on December 5, 2002 in Motion No. 16486. Since the specific elimination of one condition of approval and amendment of an operations condition of approval would not result in any new physical changes to the project, the project is consistent with the Final Mitigated Negative Declaration (FMND).

On October 5, 2017, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2002.0124CUA-02.

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

**MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2002.0124CUA-02, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:**

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site is located on southeast corner of Diamond and Wilder Streets between Bosworth and Chenery Streets, Block 6745, Lot 072-090. The site is located in the Glen Park Neighborhood Commercial Transit District, and within the 40-X Height and Bulk Districts. 2815 Diamond Street is developed as approved under Planning Commission Motion No. 16489 with a two to four story mixed-use building which includes an approximately 7,037 square foot grocery/liquor store (D.B.A Canyon Market) with 2 off-street loading spaces off of Wilder, an approximately 8,760 square foot branch public library on the second floor, and 15 apartments with 15 off-street parking spaces which serve the residences only.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Glen Park Neighborhood Commercial Transit District along Diamond Street. The Glen Park neighborhood is a predominantly residential area located in the southeast of San Francisco. The surrounding properties are located within the RH-1 (Residential House, One-Family) and RH-2 (Residential House, Two-Family) Districts and occupied by two-to three-story residential building. The immediate area, along Diamond and Wilder Streets, is characterized by two- to three-story buildings. Buildings along Diamond Street contain ground floor neighborhood commercial uses with residential uses above. Wilder Street contains ground floor commercial uses with residential uses on its upper stories at Diamond, becoming primarily residential as it moves away from the Diamond Street intersection. Wilder Street contains two to four story residential buildings. The lot immediately adjacent to the project site along Wilder Street contains a two-story single-family home. Buildings directly across Wilder from the project site rise to as tall as 48 feet. Immediately adjacent to the project site along Diamond Street is a City access easement for a culvert. The access easement runs along the mid-block at the rear of the lots, which front on Wilder Street. The lot is also adjacent to the Glen Park BART Station parking lot along Bosworth Street. To the South of the easement and across Diamond Street are buildings approximately 30 feet tall.
4. **Project Description.** The proposal is a Conditional Use Authorization request to amend the conditions of approval under Motion No.16489. The proposal is to amend Condition of Approval

E. #5 b. to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm and eliminate the Condition of Approval E.-#4 requiring the grocery store operator to offer delivery of merchandise to neighborhood residents.

The Project was originally approved by the Planning Commission on December 5, 2002 (Case No. 2002.0124CUA), a mixed-use development (15 dwelling units, 9,200 square feet of Public Use, and 7,037 square feet Grocery Liquor Store d.b.a. "Canyon Market"), after the San Francisco Planning Commission (Commission) denied the appeal and adopted findings, pursuant to the California Environmental Quality Act, in Motion No. 16486. The amendment involves no changes to the design or intensity of the project as originally approved.

5. **Public Comment.** Staff has not received any input regarding the Project as of the date of this report.
6. **Planning Code Compliance.** The Planning Code Compliance Findings set forth in Motion No. 16489 Case No. 2002.0124CUA (Conditional Use Authorization, pursuant to Planning Code Section 121.1, 121.2, 711.83, 101.1(d), 303 and 711.83) apply to this Motion, and are incorporated herein as though fully set forth.

In addition, the Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- a. **Loading.** Planning Code 150, 153-155, 204.5 requires required off-street parking and freight loading facilities to meet standards as to the location and arrangement. In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-accessible Streets and Alleys) shall be regulated on development lots as follows on the following Street frontages: Diamond Street within the Glen Park NCT District.

*The amendment involves no changes to the design or intensity of the project as originally approved. The previously approved uses do not trigger an off-street loading requirement pursuant to the provisions of Planning Code Section 152. The proposal as constructed includes two off-street loading spaces for the grocery store. The loading spaces are located along Wilder Street. The Transportation Study on the project determined that most deliveries are made by small vans or small/medium sized trucks, which will service the project uses, will only occasionally and temporarily impact traffic flow and further determined that no significant loading impacts would be expected. The loading spaces are sufficient to meet the needs of the project; the project will not be detrimental to the occupants of the area.*

*Deliveries to and loading for the grocery store are restricted to Wilder Street and the length of delivery vehicles limited to minimize double parking on Diamond so as to ensure free flow of traffic on Diamond Street.*

*With regard to the treatment and impact to the traffic, parking transit, loading, the amendment to Condition of Approval E. #5 b., to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm, will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.*

7. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the Commission to consider when reviewing applications for Conditional Use Authorization. The Conditional Use Authorization Findings set forth in Motion No. 16489, Case No. 2002.0124CUA (Conditional Use Authorization, pursuant to Planning Code Section 121.1, 121.2, 711.83, 101.1(d), 303 and 711.83) apply to this Motion, and are incorporated herein as though fully set forth.
8. **General Plan Compliance.** The General Plan Consistency Findings set forth in Motion No. 16489, Case No. 2002.0124CUA (Conditional Use Authorization, pursuant to Planning Code Section 121.1, 121.2, 711.83, 101.1(d), 303 and 711.83) apply to this Motion, and are incorporated herein as though fully set forth.
9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. 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 operation of Canyon Market is compatible with the neighborhood and the community. The modification to Condition of Approval E. #5 b., to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm, will allow the grocery operator to manage deliveries in a manner that does not conflict with surrounding uses or user.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
  - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The amendment proposes no change to the project site or the size, shape and arrangement of structures.*
  - ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*With regard to the treatment and impact to the traffic, parking transit, loading, the amendment to Condition of Approval E. #5 b., to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm, will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. The proposed operations amendment is designed to meet the needs of the immediate neighborhood.*

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

*The amendment involves no intensification of use as originally approved. The proposal to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm will not change existing measures implemented by the grocery operator to prevent noxious or offensive emissions such as noise, glare, dust and odor*

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

*The amendment proposes no change to the project site or the size, shape and arrangement of structures including landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.*

- 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-1 Districts in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.*

- 10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
- 11. On balance, the Commission hereby finds that approval of the proposed amendments to Condition of Approval of Planning Commission Motion No. 16489 in this case would promote the health, safety, and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2002.0124CUA-02** subject to the following conditions attached hereto as "EXHIBIT A," and subject to the Conditions of Approval of Planning Commission Motion No. XXXX, as amended by this approval to modify Condition E. #5 b. to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm and eliminate the Condition E. #4 requiring the grocery store operator to offer delivery of merchandise to neighborhood residents.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 2, 2016.

Jonas P. Ionin  
Commission Secretary

AYES:

**Draft Motion**  
**October 5, 2017**

**CASE NO. 2002.0124CUA-02**  
**2815 Diamond Street**

NAYS:

ABSENT:

ADOPTED:     October 5, 2017

## EXHIBIT A

### AUTHORIZATION

This is a Conditional Use Authorization pursuant to Planning Code Section 303(e) to amend the conditions of approval for Planning Commission Motion No. 16489 to amend Condition E. #5 b. to permit tractor-trailer combinations or semi-trucks loading between the hours of 6:00 am and 10:00 pm and eliminate the Condition of Approval E. #4 requiring the grocery store operator to offer delivery of merchandise to neighborhood residents at 2815 Diamond Street, Lots 072-090 in Assessor's Block 6745 within the **Glen Park Neighborhood Commercial Transit District** and a **40-X** Height and Bulk District; subject to conditions of approval reviewed and approved by the Commission on **December 5, 2002**, under Motion No. 16489, as amended by the Commission on October 5, 2017 under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 5, 2002 under Motion No. 16489, as amended by the Planning Commission on October 5, 2017 under Motion No. **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

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

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

### MONITORING

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

2. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

### OPERATION

1. **Loading.**
  - a. All loading for the grocery store shall be either from the off street loading areas or from loading areas as approved by the Department of Parking and Traffic.
  - b. Deliveries shall generally be from small and medium sized vans and similar vehicles not exceeding 50 feet in length. Deliveries from tractor-trailer combinations or semi-trucks are permitted only between the hours of 6:00 am and 10:00 pm.

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

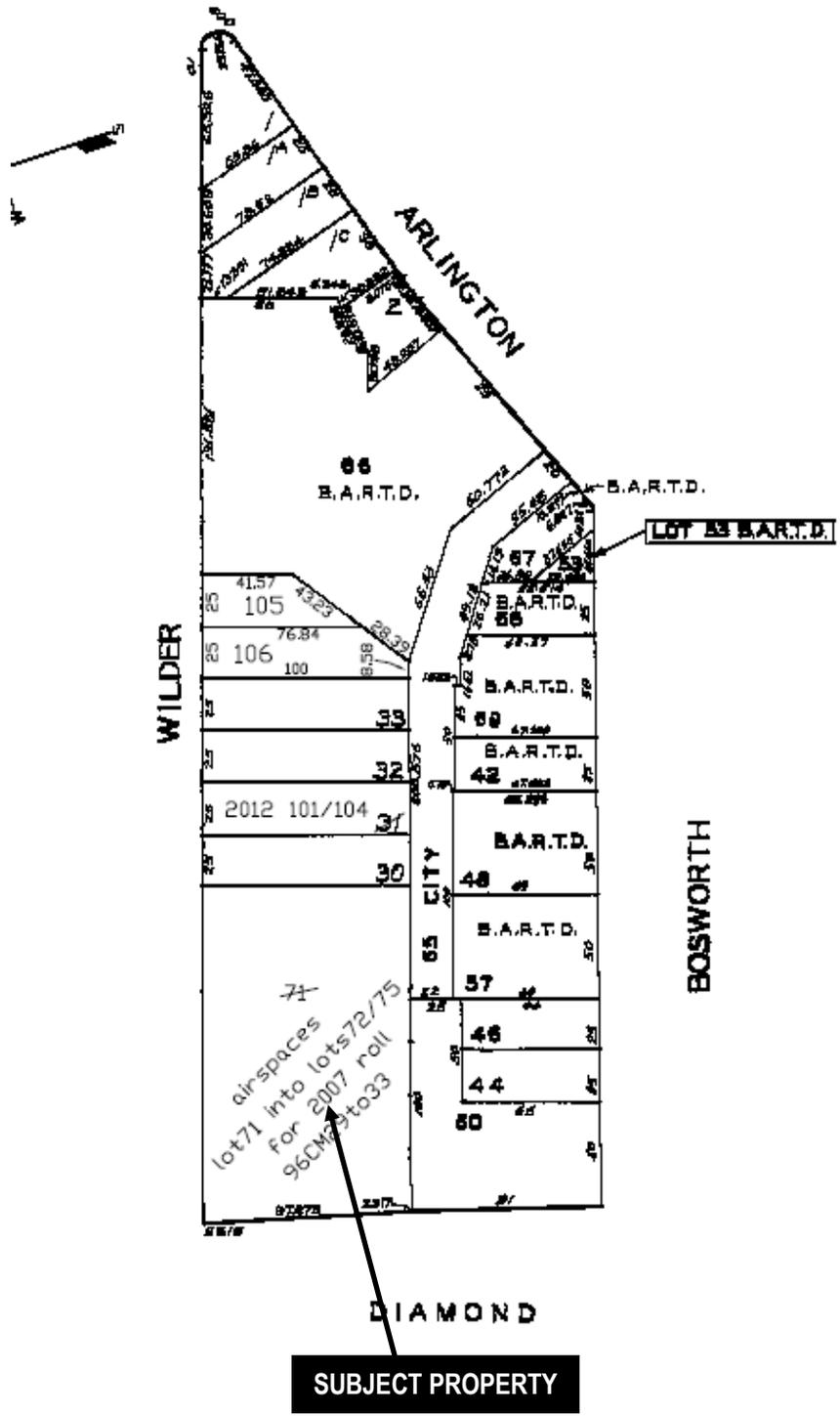
2. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For*

*information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

3. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>*
4. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
5. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

# Exhibits

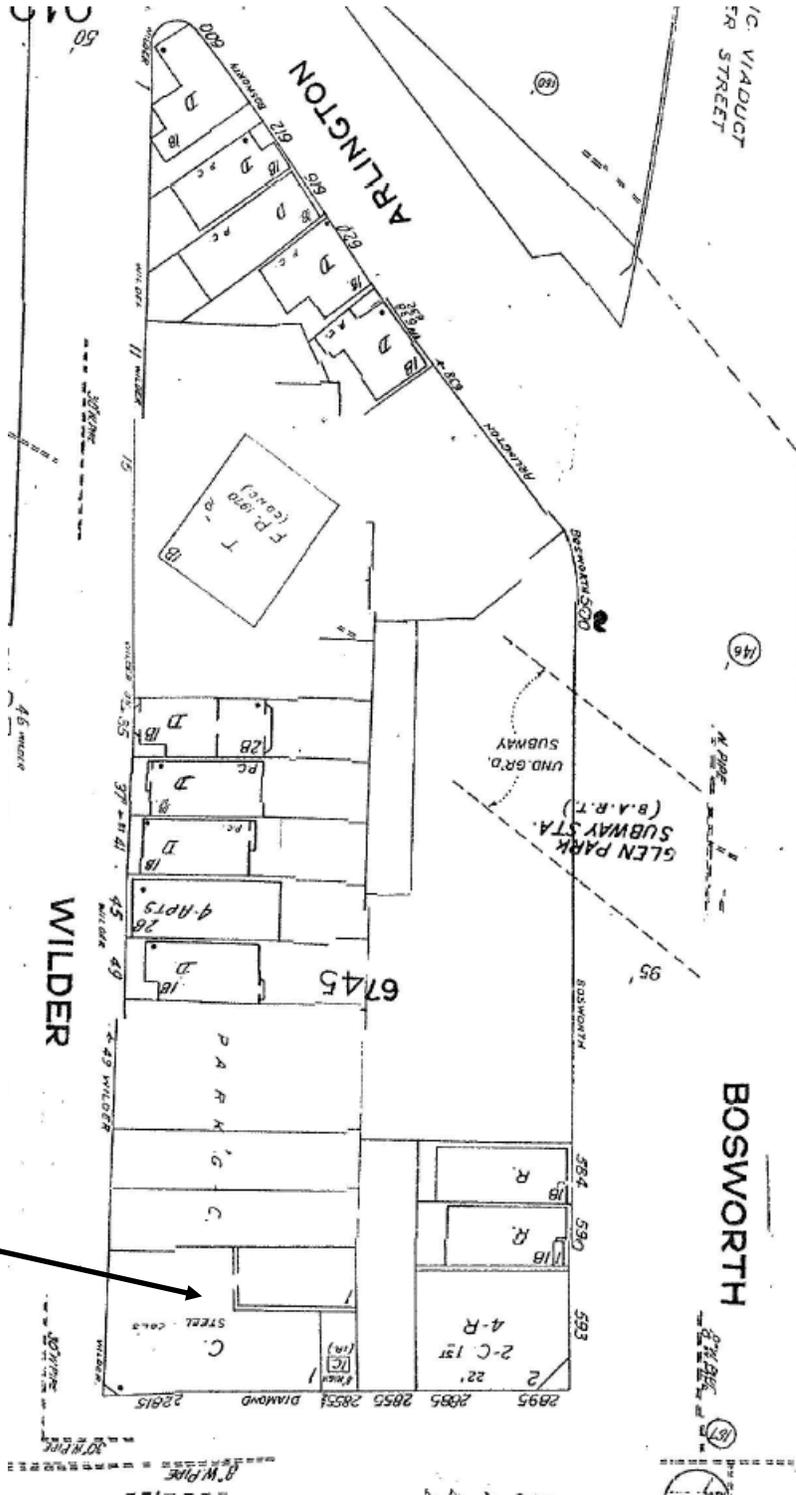
# Parcel Map



Conditional Use Application  
 Case Number 2002.0124CUA-02  
 Request to Amend Conditions of Approval  
 2815 Diamond Street

# Sanborn Map\*

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



**SUBJECT PROPERTY**

Conditional Use Application  
Case Number 2002.0124CUA-02  
Request to Amend Conditions of Approval  
2815 Diamond Street

# Aerial Photo

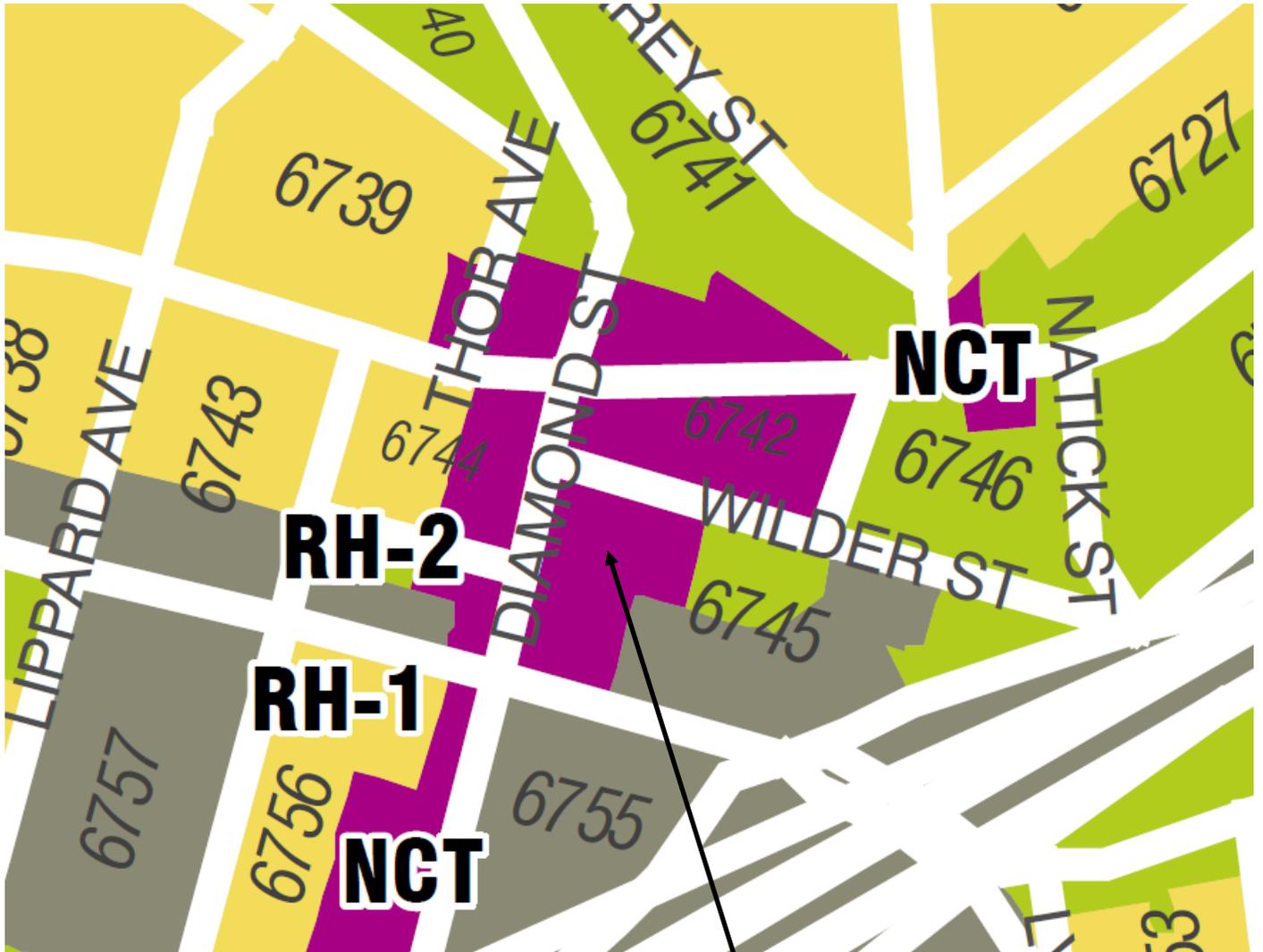


**SUBJECT PROPERTY**



Conditional Use Application  
Case Number 2002.0124CUA-02  
Request to Amend Conditions of Approval  
2815 Diamond Street

# Zoning Map



**SUBJECT PROPERTY**



Conditional Use Application  
Case Number 2002.0124CUA-02  
Request to Amend Conditions of Approval  
2815 Diamond Street

# Site Photo



Conditional Use Application  
Case Number 2002.0124CUA-02  
Request to Amend Conditions of Approval  
2815 Diamond Street

# Site Photo



Conditional Use Application  
Case Number 2002.0124CUA-02  
Request to Amend Conditions of Approval  
2815 Diamond Street

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**SAN FRANCISCO  
PLANNING COMMISSION**

**MOTION NO. 16489**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION TO ALLOW A LOT SIZE TO EXCEED 9,999 SQUARE FEET, TO PERMIT NONRESIDENTIAL USES OVER 3,999 SQUARE FEET, (LIBRARY/GROCERY STORE) AND TO ALLOW A PUBLIC USE (LIBRARY) ON SITE FOR A MIXED-USE DEVELOPMENT OF 15 DWELLING UNITS, A APPROXIMATELY 9,200 GROSS SQUARE FOOT PUBLIC USE (BRANCH LIBRARY) AND APPROXIMATELY 7,037 GROSS SQUARE FOOT OTHER RETAIL SALES AND SERVICES USE (GROCERY STORE/LIQUOR STORE) PER SECTION 303 OF THE PLANNING CODE AT 2815 DIAMOND STREET, EAST SIDE OF DIAMOND, BETWEEN WILDER AND BOSWORTH STREETS ON ASSESSOR'S BLOCK 6745, LOTS 25A, 26-29, AND 63 IN AN NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL SCALE) ZONING DISTRICT WITH AN 40-X HEIGHT AND BULK DISTRICT.**

**Recitals**

On March 14, 2002, David Prowler representing Glen Park Marketplace Phoenix, LLC (Project Sponsor) filed the following applications with the Department: request for Conditional Use Authorization under; Planning Code Section 121.1 for development on a lot exceeding 9,999 square feet in area; Planning Code Section 121.2 to allow 2 nonresidential uses greater than 3,999 square feet in area; and, Planning Code Section 711.83 to allow a Public Use (branch library); request for a finding of General Plan consistency under Planning Code Section 101.1(d) for development of a public use (branch library) and, request for Variances from, Planning Code Section 151, parking, for no parking spaces where 14 are required; Section 134, rear yard, for 1,440 square feet of rear yard where 4,000 square feet are required; Section 135; usable open space, for 1,454 square feet of usable open space where 1,714 square feet that are required with a least dimension for, private open space as small as 4.5 feet where 6 feet are required, and common open space as small as 8 feet where 15 feet are required; and, Section 140, dwelling unit exposure, where 6 of 15 dwelling units do not have a window facing either a public right-of-way or a Code complying rear yard.

On December 5, 2002, the San Francisco Planning Commission (Commission) denied the appeal and adopted findings, pursuant to the California Environmental Quality Act, in Motion No. 16486. Said motion is incorporated herein by reference.

On December 5, 2002, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the application for a General Plan referral.

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.

**FINDINGS**

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and also constitute findings of this Commission.
2. The Project site is located at 2815 Diamond Street on southeast corner of Diamond and Wilder Streets between Bosworth and Chenery Streets. The site occupies six lots that will be merged into one lot of approximately 16,000 square feet in area with 100 feet of frontage on Diamond Street and 160 feet of frontage on Wilder Street. The site is located in a NC-2, Small Scale Neighborhood Commercial, district, and within the 40-X Height and Bulk Districts. The front portion of the site is currently vacant. The previous a one story building occupied by a grocery store. The store was destroyed by a fire and demolished in the mid 1990s. This portion of the site is fenced off by metal fencing. The back half of the site is leased by the City and County of San Francisco and is occupied by a 25 stall public parking lot. The spaces are accessible from Wilder Street by two curb cuts for ingress and egress. The lease on this portion of the site has expired and the parking use continues on a month to month basis.
3. The Glen Park neighborhood is a predominantly residential area located in the southeast of San Francisco. The immediate area, along Diamond and Wilder Streets, is characterized by two- to three-story buildings. Buildings along Diamond Street contain ground floor neighborhood commercial uses with residential uses above. Wilder Street contains ground floor commercial uses with residential uses on its upper stories at Diamond, becoming primarily residential as it moves away from the Diamond Street intersection. Wilder Street contains two to four story residential buildings. The lot immediately adjacent to the project site along Wilder Street contains a two-story single-family home. Buildings directly across Wilder from the project site rise to as tall as 48 feet. Immediately adjacent to the project site along Diamond Street is a City access easement for a culvert. The access easement runs along the mid-block at the rear of the lots, which front on Wilder Street. The easement area is, and will remain, undeveloped. The lot is also adjacent to the Glen Park BART Station parking lot along Bosworth Street. To the South of the easement and across Diamond Street are buildings approximately 30 feet tall.
4. The proposal is to construct a new two to four story mixed-use building that would include an approximately 7,037 square foot grocery/liquor store (Bi-Rite) with 2 off-street loading spaces off of Wilder, an approximately 8,760 square foot branch public library on the second floor, and 15 apartments with 15 off-street parking spaces to serve the residences only. The grocery store will occupy most of the Diamond Street frontage and will include an open area in front for display of product and some limited seating. The library will have a small lobby on the ground floor at the south end of the building with stairs and an elevator to the second floor. The commercial portion of the project will be two stories and approximately 30 feet in height. The residential component of the Project will be four stories and approximately 40 feet tall and be located primarily on the rear portion of the property. A portion of the residential fourth floor will be located above the library, set back 40 feet from the Diamond street frontage. Residential parking will be developed on the first floor of the residential

component. Access to parking and to residential entrances will be from Wilder Street.

The grocery store will be owned and operated by Bi-Rite, a small San Francisco-based family grocer. The grocery's entrance will be along Diamond Street. The development will have an open-front arcade to the grocery portion of the development. It will have an awning element with an open shopping area and café tables beneath it: both visible and accessible from the street. The grocery will offer van delivery service. No off-street parking is proposed for the grocery. Two off-street loading spaces will be provided along Wilder Street. One space will be for the commercial loading needs of the grocery. The second space will hold the grocery delivery van.

5. **Section 121.1** requires Conditional Use approval for development of a lot exceeding 9,999 square feet in area in an NC-2, Small Scale, Neighborhood Commercial District. The Project complies with this intent in that:

- a. The Project will be two stories and 30 feet in elevation along Diamond Street, which corresponds to the two-story buildings lining this neighborhood commercial street while the third story will be set back 40 ft. from the eastern property line extending for the 100 foot length of Diamond Street. This will create a 4,000 square foot set back, which will substantially reduce the appearance of the building mass when viewed from Diamond Street.

Along Wilder Street, the proposal will be 40 ft. in elevation, mirroring the height of the adjacent building across the street. It will be set back 8 feet from the eastern property line so the mass of the building does not overshadow the small adjacent residential property to the east. At the southern property line, the Project will be set back 12 ft. commencing at the second story for the entire length of the residential component on that story.

- b. Each use will have exterior design features that are visually distinct. This will break up the scale and result in a project that will appear as three visually distinct elements, adding interest and creating a positive visual quality. The exterior building facade will be of materials that are consistent with the surrounding buildings. The residential portion of the structure will have small exterior elements, such as smaller windows, small wood moldings, and balconies, which reflect the exterior elements of the adjacent residential buildings along Wilder Street. The market will have an open arcade along the street face, encouraging pedestrian activity and adding visual interest. The library will have deep recessed windows and large areas of glazing overlooking the neighborhood and an open lobby visible from the street.

6. **Section 121.2** of the Planning Code requires conditional use approval nonresidential uses exceeding 1,999 square feet in the Castro Neighborhood Commercial District. The Project complies with this intent in that:

- a. Public Use (Branch Library). Due to its nature as a distinct public use, the proposed library would not foreclose the Glen Park neighborhood to other neighborhood serving uses. There are no clear competitive uses to a public library. Currently,

there is an existing bookstore in the immediate neighborhood, one block north along Diamond Street. The unique nature of a library use offers a different service than a bookstore and will not be in direct competition with the existing store. It will offer a place for meetings, research, reading and studying.

The proposed library will replace the existing 1,500 Glen Park branch library at 653 Chenery, which has been found to be insufficient for the library use. The replacement of the library in the proposed project will open up 653 Chenery for a different neighborhood-serving commercial use that may be more suited to a 1,500 square foot space.

Other Retail Sales and Services (Grocery Store). The project will re-establish a neighborhood-serving grocery store at this location. The previous store exceeded the 3,999 square foot limit. The store, as proposed, will only be slightly larger than the original Diamond Super. This proposal will not close out other neighborhood retail services. There is only one other grocery store in the area, on Portola, which is too great a distance to conveniently serve the Glen Park neighborhood.

Both the grocery store and library are scaled to serve the neighborhood rather than a citywide or regional market.

- b. Public Use (Branch Library). The existing Glen Park branch public library is located in a 1,500 square foot rented storefront at 653 Chenery Street. The small square footage and location are inadequate for a branch library and is, in fact, one of the smallest in the City's library system. Replacement of the Glen Park branch was identified as a priority of the General Obligation bond for the city library system passed by the voters in 1999. The Library Commission voted to locate at this site.

The unique nature of a library requires a larger gross floor area to function. The San Francisco Public Library estimates that the Glen Park branch service area is about 15,000 persons and requires a facility of at least 6,000 square feet to meet the California State Library suggestion of .5 square feet per capita. It is essential for efficient library operations that the services be located on one floor. Location on the street level is also highly preferred. The result in the proposed design was an approximate 700 square foot ground floor lobby and the remaining main reading room is approximately 8,500 square feet. Of this approximately 8,500 square feet, a large area will be used solely for stacking of books and materials. The storage area necessary to make a branch library adequate increases the needed floor area of the use significantly.

Other Retail Sales and Services (Grocery Store). Over 2,500 occupants of the Glen Park neighborhood signed a petition requesting that the previous grocery store be replaced on the site. The unique nature of a grocery store requires a larger gross floor area to function. The proposed size of the grocery store was reached following several informational discussions that the Project Sponsor had with grocery store operators. Grocery store operators use over one-third of the commercial floor area for their stockroom needs. The Bi-Rite operators expressed that a store with a floor

area of 3,999 gross square feet or less would be insufficient due to the stockroom needs and the resulting reduced retail floor. As proposed, the occupied floor area will only be approximately 4,999 square feet due to the fact that the remaining approximately 2,038 square feet will be needed to stockroom and storage needs.

- c. A feature of the project is that each use will have exterior design features that are visually distinct. This will break up the scale and result in a project that will appear as three visually distinct elements.

The library entry and façade will have a civic style in its design that will greatly differ from both the residential and grocery store portion of the site. It will incorporate large deeply set windows that will allow pedestrians to see library activity from the street. The residential portion of the structure will have exterior elements, such as smaller windows, small wood moldings, and balconies that are consistent with other residential buildings in the neighborhood. These elements are arranged to break down the scale of the residential façade along Wilder Street to reflect adjacent 25 foot wide residential lots. On Diamond Street a synthetic stone facing will lend the dignity befitting a public use such as a library, while on Wilder a mix of synthetic stone with wood above will be more residential. The residential portion will have a rhythm of articulations at approximately 25 foot wide modules, conforming to the traditional San Francisco pattern. The grocery store will have an open shop-front style façade along the north end of Diamond Street showing customer activity from the street. The grocery store façade will be set back to create an arcade along Diamond Street allowing for produce display and outdoor seating. Additionally, the façade facing the access easement will be visible to pedestrians from Diamond Street and though it is a required fire wall, the proposed exterior finished will mitigate the scale of the wall and add visual interest with contrasting materials. This façade will be broken up with windows and will share the synthetic stone material employed on Diamond Street.

In designing the three uses in three distinct elements, the mass has been broken up and it has resulted in a design that does not appear out of scale with the surrounding improvements.

7. **Section 711.83** requires Conditional Use approval for development of a public use in an NC-2 (Small Scale Neighborhood Commercial) District. The Project complies with this intent in that:

The Project includes an approximately 8,760 square foot public library branch to replace the existing public library branch in the neighborhood. This location is the most suitable for this neighborhood service due to the accessibility of public transit and the Project's location in the Glen Park village center.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The Project is necessary, desirable and compatible with the neighborhood. The project's

mix of uses creates a needed and desirable project for this central and essential location in the Glen Park neighborhood-commercial district. Over 2,500 Glen Park residents signed a petition, which was submitted to the San Francisco Board of Supervisors, in support of the replacement of a neighborhood-serving grocery store at this location. Because of the community's request, the Board of Supervisors passed a resolution calling for a neighborhood-serving grocery addition to the community to replace the fire-damaged and demolished Diamond Super. Currently, the Glen Park neighborhood-commercial district contains small retail, convenience stores but it does not contain a full-service grocery or even a smaller neighborhood serving grocery. The closest operating full-service grocery store is the Tower Market on Portola, which is too distant to serve the Glen Park neighborhood. The project proposal of a 7,037 gross square feet grocery store component is essential to meet the community's request and the community's needs for a neighborhood serving grocery.

The existing Glen Park branch library is only 1,500 square feet and located in a rented storefront. The existing facility is one of the smallest branch libraries in the system and is inadequate to meet the needs of the area that it is meant to serve. The San Francisco Library estimates that there are 15,000 persons in the service area, which is designated to be served by the Glen Park branch. The California State Library suggests a .5 square feet floor area per capita as a minimum size for the sufficiency of a library facility. Based on this standard, the Glen Park branch should be at least 6,000 square feet in area. The existing 1,500 square foot branch is extremely deficient based on these standards. Moreover, it has been found insufficient to serve the Glen Park neighborhood. Replacement of the branch was identified as among the highest priority uses of the \$106 million General Obligation bond for the city library system passed by the voters in 1999. As a result, the Department of Real Estate and the Library searched for over a year for a location in Glen Park and held two community meetings on the proposal to locate at the project site. On July 2, 2002, the Library Commission passed a Motion recommending that the San Francisco Board of Supervisors approve locating the new Glen Park Branch library in a 9,200 gross square foot space at the proposed site and to approve the proposed purchase of this space. By proposing to include the library space within this mixed-use development, the proposal fulfills the desires and needs of the community and the City and County of San Francisco to offer an improved library facility to the Glen Park area.

The 15 proposed two-bedroom residential units will help to meet the City's and the area's need for new housing supply. The proposed density of 15 units is below the 20 units permitted under the Planning Code. However, the proposed two-bedroom units do maximize the remaining permitted envelope and are designed to meet the housing needs of families. Of the 15 proposed units, two units will be below market rate units as part of the Inclusionary Housing Program set out in Planning Code Section 315 and it will meet the percentage requirements of Planning Code Section 315.4. The Inclusionary Housing Ordinance sets as a priority the provision of below market rate units within a market rate housing project. By meeting the requirements of Planning Code Section 315 through the provision of below market rate units on site, the project fulfills this priority. By adding housing as a component of the proposed mixed-use development, the project creates much needed market rate and affordable dwelling units.

- B. The location of the site requires a development that compliments both the small commercial buildings along Diamond Street and the residential developments constructed along Wilder Street. In addition, the design must account for the site's unique placement next to an undeveloped city easement and as a transition building between the site's NC Zoning and the adjacent RH Zone. The city access easement for a culvert runs along the mid-block to the rear of the lots, which will remain undeveloped. This creates two distinct corners on the development: one at Wilder and one immediately adjacent to the easement.

The project has been designed to respect the established pattern of development in the immediate neighborhood. The Sponsor has met with the Planning Department six times and has made fourteen presentations to the neighbors and the Library Commission before this hearing to obtain comments on the project design and uses. The design was revised several times in response to these comments to insure the design respected neighboring development and resulted in well-designed family housing and a friendly pedestrian streetscape.

The proposed project will arrange both its public library use and commercial use along the Diamond street face to correspond to this existing commercial development pattern. The residential use is positioned along Wilder Street to match its more residential character.

A series of setbacks are included in the design to decrease the mass of the structure. At Diamond Street, the building will match the heights of the adjacent and facing buildings and will be approximately 30' in elevation. Along Diamond Street, the third and fourth floors will be set back 40 ft. from the Diamond Street elevation making the building appear smaller when viewed from Diamond Street.

The Sponsor's first design maximized the allowable envelope by building to a 40-ft. height along the eastern property line (with a setback along the southern edge). This design appeared too massive in relation to the small residence adjacent to and east of the project site on Wilder Street. In addition, the east façade would have been a large blank wall clearly visible from the homes along Wilder Street. At the request of the Planning Department Staff, the Sponsor redesigned the Project and set back the structure 8 ft. on the eastern side to reduces the structure's massing in relationship to the adjacent small residence's height. The top story will step back on three sides. The new massing will fit more comfortably into the residential scale of Wilder Street.

The project includes a separate residential parking garage on the ground floor level with ingress and egress from Wilder Street. This will maintain the established pattern of traffic in the area since the current access to the existing metered parking is gained from Wilder Street.

There are two existing curb cuts along Wilder Street. The project includes two curb cuts to access the project loading and parking facilities.

The residential parking garage will contain 15 off-street parking spaces, meeting the one space for each dwelling unit requirement of Section 151 of the Planning Code for this use.

No off-street parking spaces will be provided for the library and grocery store uses. Neither use, separately, triggers a parking requirement. By combining these uses into one development, the uses trigger a parking requirement under Planning Code Section 153(a)(2). The 4,999 occupied square foot grocery store requires ten (10) spaces per Code Section 151. The library – historically treated as an “Arts Activities” Use by the Department for the purposes of calculating the parking requirement – will require four (4) spaces for the occupied square feet. The sponsor is seeking a parking variance to eliminate this 14-space requirement. The neighborhood-serving nature of the uses and the location decrease the demand for on-site parking. The van delivery service provided by the grocery operator would further reduce the parking demand. The Transportation Study on the project also determined that even with the additional demand caused by the project's three uses, there would still be on-street parking availability. The parking proposed for the project uses will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

Additionally, the Department of Parking and Traffic has agreed to make certain improvement measures to the current condition of the areas on-street neighborhood parking. These are: (1) 10 metered spaces will be added to Bosworth Street; (2) 10 residential parking pass spaces will be added to Arlington; (3) 10 residential parking pass spaces will be added to Bosworth Street; (4) a 2-hour parking zone will be initiated in the 10 spaces under Highway 280; (5) 3 additional 2-hour parking spaces will be added to Bosworth; and (6) a new truck zone will be added to Bosworth Street. Enforcement will also be increased in the area. Currently, the on street parking spaces without a time limitation or the limitation of a residential parking pass requirement are primarily used by drivers who live outside the neighborhood (and the city) and commute to work on BART. These improvement measures should increase the street parking supply by eliminating the long- term parking for non-residents.

Transit: The site is extremely well served by public transit with four Muni bus lines, 23, 26, 44 and 52 running directly in front of or less than one block's distance from the subject site. The J-Church is less than three block walking distance from the site. Moreover, this lot is half a block from the BART station. The Transportation Study found that Muni was at a 62% capacity on these lines. The increase in ridership from the project was estimated at one rider per vehicle and would, thus, not have a significant impact on these bus lines. Similarly, the small increase in ridership from the project would not negatively affect BART.

Loading: The project uses do not trigger an off-street loading requirement pursuant to the provisions of Planning Code Section 152. The proposal includes two off-street loading spaces for the grocery store. The loading spaces will be located along Wilder Street. One will hold the Bi-Rite delivery van and the second space will be provided for the commercial delivery needs of the grocery. The Transportation Study on the project determined that most deliveries will be made by small vans or small/medium sized

trucks, which will service the project uses, will only occasionally and temporarily impact traffic flow and further determined that no significant loading impacts would be expected. Infrequent deliveries by larger trucks will be regulated to occur before or after the A.M. peak period. The loading spaces will therefore be sufficient to meet the needs of the project and as proposed, the project will not be detrimental to the occupants of the area.

With regard to the treatment and impact to the traffic, parking transit, loading, the addition of the project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

- D. The Project does not propose any uses likely to generate offensive glare, dust or odor emissions. The exhaust for the grocery store will be vented through the roof at a location that is greatest distance from the adjacent building openings. This will minimize potential offensive noise emissions from this proposed use. During the construction process, standard precautions will be taken to minimize the impact of noise to adjacent buildings.
- E. Landscaping/Open Space. Street trees will be added along both Wilder and Diamond Streets. The design of the residential component includes a wide landscaped pedestrian entry court, which will include benches within the landscaped elements. A landscaped garden will be provided on the southeast corner of the lot. It will align with the rear yard of the adjacent residential building along Wilder, adding to the block's open space.

Lighting. All exterior lighting will be arranged so all rays fall on the building, and in general, will be placed low to the ground or deck surface in order to direct light away from adjacent buildings.

Signs. All Project signage shall be consistent with the controls of Article 6 of the Code. The design will be finalized after project construction and, at that time, sign permits will be sought.

Parking. A separate residential parking garage with 15 off-street parking spaces is proposed on the ground floor with ingress and egress from Wilder. The residential users will access their units from a separate staircase that will be accessible only to the residential users of the parking garage. There will also be a separate main stairwell access to the residential units from Wilder Street so that the residential occupants do not have to enter from the parking facility.

Loading. Two loading spaces are proposed for the grocery store. One space will be used to hold the Bi-Rite delivery van, which will deliver groceries to patrons of the proposed grocery. The second space will be provided for the commercial delivery needs of the store.

Bicycle Parking. Per Section 155.1 of the Planning Code, two Class One Bicycle Parking Spaces will be located in the interior of the public library on the second story of the development. In addition, six Class 2 Bicycle Parking Spaces will be located in a vertical

bicycle rack adjacent to the library entrance along Diamond Street where the building is set back from the lot line. The Director has determined that these spaces are sufficient to meet the average patron load in a building during peak use hours.

- F. The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan.
- G. The Project Site is within an NC-2 district, which purposes are outlined in Section 711.1 of the Planning Code. In an NC-2 District, ground and second story neighborhood-serving commercial uses with residential uses above are strongly encouraged. The proposal provides a needed public use and a retail use and incorporates needed housing above these uses in the remaining developable area. The project will replace the neighborhood-serving grocery store that was previously located on this site. This use has not been replaced elsewhere in the NC District in Glen Park. It will replace an inadequate 1,500 square foot branch library with a 9,200 gross square foot library. The dwelling units have been designed as two-bedroom units so the units will be better suited for families.

Dwelling units (at the proposed density) and Other Retail Sales and Services (grocery store/liquor store) are permitted principal uses in an NC-2 District per Planning Codes Sections 711.90, 711.91 and 711.40. A Public Use is permitted on the ground and second floors in an NC-2 District by conditional use authorization per Section 711.83.

- 9. **Section 143** requires one street tree for every 20 feet of street frontage. The Project complies with this intent in that:

A total of 13 street trees will be required for the Project. Five will be required along Diamond Street and eight along Wilder. The Project will provide the required trees and will retain existing street trees as much as practical.

- 10. **Section 155.1** requires bicycle-parking spaces for all city-owned and leased buildings. The Project complies with this intent in that:

The library use within the project will require bicycle-parking spaces pursuant to this Code Section. The project proposal includes two Class 1 Bicycle Parking Spaces, which will be located within the interior of the library in a bicycle storage room on the second story. This space will be accessible from the first floor through the elevator located in the library lobby. Six additional Class 2 Bicycle Parking Spaces will be provided in a vertical bicycle rack adjacent to the library entrance along Diamond Street where the building is set back from the lot line. The Director has determined that these eight spaces are sufficient to meet the average patron load in a building during peak use hours and therefore meet the requirement of Code Section 155.1.

- 11. The Project is consistent with the Objectives and Policies of the General Plan in that:

**Community Facilities Element**

Objective 6, Principle 1 The San Francisco Public Library Branch Facilities Plan identifies the Glen Park neighborhood as an appropriate location for a branch library. The replacement of the branch with a larger, more accessible facility was anticipated in the Branch Library Improvement Plan that was approved by San Francisco voters in 2000. The Project will implement those plans.

Objective 6, Principle 3 The Glen Park branch library is located in an undersized building on the periphery of the neighborhood shopping district. The Project will bring the library to a more central location within the commercial area. This location would be accessible to more bus stops, and in closer proximity to the Glen Park BART station.

Objective 6, Principle 4 On street parking for the branch library will be available within a block of the Project on Diamond, Wilder and Chenery Streets. Additional short term on street parking is proposed on Bosworth and Arlington Streets, pending approval by the Department of Parking and Traffic. Additional parking will not be necessary because of the proximity of the site to several bus lines, the J-Church streetcar line and the Glen Park BART station. The Project will include bicycle parking for library employees on the second floor and bicycle parking for the public near the ground floor entrance to the facility.

Objective 6, Principle 5 The library will be located primarily on the second floor of the Project building with a large ground floor entry lobby. Access to the second floor will be by means of an elevator or a flight of stairs. The lobby area is of sufficient size to give the library a ground floor presence sufficient to guide patrons to the second floor facilities. The lobby area will include display space for library purposes.

The residential portion of the Project has been setback 40 feet from the Diamond street frontage of the Project to provide daylight to the library through skylights and to eliminate potential noise effects of residential units directly above the public areas of the library. The design of the library and grocery store portion of the Project building feature clean functional lines that blend with the surrounding commercial buildings.

### **Residence Element**

Objective 1, Policy 2 The Project site is occupied, in part, by a metered parking lot. The Project will construct 15 new housing units in a mixed use building on the site and provide two units of affordable housing.

Objective 1, Policy 4 The Project site is an appropriate location for infill housing. The site is within the commercial center of an established neighborhood adjacent to or near, a BART station, a MUNI streetcar line and several bus lines. The site is well located to take advantage of transit opportunities, business and employment opportunities in the commercial area, and recreational opportunities afforded by Glen Canyon Park.

Objective 2, Policy 2 The Project is located within a neighborhood commercial district. The Project site's proximity to transit lines and the high volume thoroughfares, such as San Jose

Avenue and the I-280 highway, and to recreational opportunities at Glen Canyon Park will reduce harmful effects from the development on the surrounding lower density residential neighborhood. The two affordable dwelling units provided will improve housing opportunities for lower income families in the neighborhood.

Objective 7, Policy 2 The Project will create two new permanently affordable housing units.

### **Commerce and Industry Element**

Objective 6, Policy 1 The Project will reestablish a neighborhood serving grocery store use to the neighborhood. The need for the store by the neighborhood has been expressed in a petition with over 2,500 signatures submitted to the Board of Supervisors and supported by a Resolution of the Board. The Project will relocate the existing branch library serving the neighborhood to a more central location. The Project will also replace an existing metered parking lot with 15 new residential units, two of which will be dedicated affordable units.

Objective 6, Policy 2 The Project will allow a neighborhood resident to expand his business by creating a second location for Bi-Rite Markets. The market will replace a grocery store that was destroyed by fire and demolished. Since the destruction of the grocery store, the remaining businesses in the area have seen reductions in business and foot traffic to their facilities. The grocery store functioned in part as an anchor store that attracted people to the shopping area. Reestablishment of the grocery store use will aid in revitalizing the commercial district.

Objective 6 Policy 3 The Project will construct a mixed use building containing 15 residential units, to increase the housing stock in the neighborhood, a grocery store and a public library. The Project will strengthen the existing commercial area and expand the customer base for existing businesses in the area. The Project will include two dedicated affordable housing units.

Objective 6 Policy 4 The Project is located in close proximity to several bus lines, the J Church streetcar line and the Glen Park BART station. Adequate vehicle traffic ways also serve the neighborhood and provide convenient access to I-280. The addition of a grocery store to the commercial mix will significantly expand the availability of essential goods in the neighborhood and draw foot traffic from BART into the area to the benefit of other area businesses.

Objective 6, Policy 10 The Project will replace a grocery store that was destroyed by fire and demolished. Since the destruction of the grocery store, the remaining businesses in the area have seen reductions in business and foot traffic to their facilities. The grocery store functioned in part as an anchor store that attracted people to the shopping area. The relocation of the branch library from its current peripheral location to the heart of the commercial district will further revitalize commercial area. The addition of a grocery store to the commercial mix will significantly expand the availability of essential goods in the neighborhood and draw foot traffic from BART into the area to the benefit of other area businesses.

**Transportation Element**

Objective 11, Policy 3 The Project is a mixed use development that is centrally located in an existing neighborhood commercial area located close to several transit lines including the Glen Park BART station. The project includes retail and community service uses as well as 15 residential units. The Project will be developed with minimal parking to encourage transit use. The proximity of transit, particularly BART, within walking distance will minimize the need of patrons and residents of the Project to access the Project with automobiles.

Objective 12, Policy 1 As a condition of approval, the Project Sponsor will be required to a housing marketing strategy for the residential portion of the Project that emphasizes the proximity of transit, especially BART, to the site and discourages auto ownership. The grocery merchant and the library will be required to develop marketing strategies that emphasize the proximity of transit, especially BART.

Objective 33 Policy 1 The Project will not include any long term parking facilities beyond the parking required for the Project's residential units. The Project will eliminate an existing metered parking lot that is frequently used for long term parking by BART patrons with handicapped parking placards and by local merchants who occupy metered parking on a long term by feeding the meters during the day.

Objective 34, Policy 1 The Project will provide the minimum required parking for the 15 residential uses included in the Project. Excess parking is not proposed

Objective 34, Policy 3 The Project is a mixed use development that is centrally located in an existing neighborhood commercial area located close to several transit lines including the Glen Park BART station. The project includes retail and community service uses as well as 15 residential units. The Project will be developed with minimal parking to encourage transit use. The proximity of transit, particularly BART, within walking distance will minimize the need of patrons and residents to access the Project with automobiles.

Objective 35, Policy 1 The addition of Code-compliant parking on site would render the Project economically infeasible due to high cost of excavation and construction of a subterranean level of parking or would require elimination of the library or housing units from the Project. The grocery operator expressed that they did not need or desire off-street parking. The City and County of San Francisco's Library Commission has found with its other branch libraries that the demand for off-street parking does not match that set by Section 151 of the Code. In addition, the Final Transportation Study completed by CHS Consulting Group found that, even with the development's uses, there would still be on-street parking available at the peak hour. The grocery operator will provide van delivery service as part of its operations, which will decrease auto trips to the site.

It would not be desirable to add at-grade parking for these uses on the Project Site and potentially decreasing or eliminating another use. It would decrease pedestrian safety and would be much less desirable visually. Moreover, a decrease in the area of one of the uses will eliminate the desirability of developing at this location and it may eliminate the mix of

uses. Additional parking would not support the City's Transit First Policy since these uses have been uniquely designed to be neighborhood serving.

### **Urban Design Element**

Objective 1, Policy 3 The Glen Park neighborhood commercial district will be enhanced with this project. By eliminating on-grade, off-street parking on the existing lot, the project will increase pedestrian safety by reducing cross sidewalk auto movements and ameliorate the visual quality of the neighborhood district by eliminating unsightly parking on grade. The design proposes an entrance lobby to the public library as well as the main entrance to the grocery store to be located on the ground floor level along Diamond Street. The proposed building will extend the length of the site along Diamond Street to create a more interesting pedestrian streetscape and reestablish this neighborhood-commercial corridor. The store will feature an open arcade and seating in an effort to further enliven Diamond Street. The height along Diamond Street will be approximately 30 ft. to correspond to the height of the commercial building that is immediately adjacent to the proposed Project. The 40-ft. setback along Diamond Street will reduce the apparent scale of the development when viewed from the pedestrian streetscape. The residential portion is expressed in modules of approximately 25' widths, extending the rhythm of development.

Objective 3, Policy 5 The height along Diamond Street will be approximately 30 ft. to correspond to the height of the commercial buildings in the vicinity of the proposed Project. The 40-ft. setback along Diamond Street will reduce the apparent scale of the development when viewed from the pedestrian streetscape. The residential portion of the Project will be 40 feet tall and provides a transition from the taller buildings across Wilder Street. The buildings across Wilder are located on through lots with frontage on both Wilder and Chenery Streets that slope down to Wilder. Because of the slope, the rear portions of many of these buildings are close to 50 feet in height. The residential portion of the Project is expressed in modules of approximately 25' widths, extending the rhythm of the development on the remainder of the block face.

Objective 4, Policy 6 The Project building has been kept to the scale of the existing mixed use buildings on Diamond Street however, the distinctive contemporary design of the proposed building sets it apart from its neighbors. This distinction is appropriate for a building containing government services. The design uses materials and other features to highlight the important civic use but does so without dominating the other buildings in the area. The proposed library entrance lobby will feature display space for the civic use and further emphasizes the importance of the use to the neighborhood.

Objective 4, Policy The proposed building will extend the length of the site along Diamond Street to create a more interesting pedestrian streetscape and reestablish the building street wall on this portion of the neighborhood commercial district. The store will feature an open arcade and seating in an effort to further enliven Diamond Street. Landscaping along the building front is proposed for the Wilder Street frontage and the residential portion is expressed in modules of approximately 25' widths, extending the rhythm of development on the remainder of the block face.

**Air Quality Element**

Objective 3, Policy 2 The Project is a mixed use development that is centrally located in an existing neighborhood commercial area located close to several transit lines including the Glen Park BART station. The project includes retail and community service uses as well as 15 residential units. The Project will be developed with minimal parking to encourage transit use. The proximity of transit, particularly BART, within walking distance will minimize the need of patrons and residents of the Project to access the Project with automobiles.

12. **Planning Code Section 101.1(b)** establishes eight priority planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
- a. Historically, the site contained an approximately 6,300 square foot grocery store. The grocery store was severely damaged and demolished, and that portion of the site, fronting on the Diamond Street, has remained vacant since 1999. The owner of Bi-Rite is a resident of Glen Park and the store will provide employment opportunities for neighborhood residents;
  - b. The proposal will establish housing, a public library and a community grocery store on a lot now used only for metered parking. It would not impact existing housing, as the Project site is currently vacant. The design of the proposal corresponds to the neighborhood character of ground and second story commercial uses with residential uses above. A portion of the site previously held the Diamond Super grocery store. The project will reestablish this use and this site as an integral part of the Glen Park neighborhood commercial district;
  - c. The Project will enhance the city's supply of affordable housing. The proposal will add 15 units of needed housing, two of which will be available to qualified persons below the market rate as required under the Inclusionary Housing program of Planning Code Section 315.;
  - d. The Project contains neighborhood serving uses and will not attract commuters. The small number of dwelling units and bedrooms will add riders to both BART and Muni and the proximity of transit will reduce the need for automobile trips. The site is extremely well served by public transit. Four MUNI bus lines run directly in front of, or less than one block's distance from, the subject site. The J-Church and the BART station are less than three-block walking distance from the site. Deliveries to and loading for the grocery store will be restricted to Wilder Street and the length of delivery vehicles limited to minimize double parking on Diamond so as to ensure free flow of traffic on Diamond Street.

Code compliant parking will be provided for the dwelling units. Access will be gained along Wilder Street so that the traffic flow along Diamond will not be slowed. Both

the grocery store and the public library will be neighborhood serving and will not be of a sufficient size or type of use to attract citywide visitors. The provision of van delivery service by the grocer will decrease the need for customer parking. The project will remove 25 on-site metered spaces. However, it has been determined by the Transportation Study for the project that the project uses will not overburden the current supply of neighborhood parking. In addition, the Department of Parking and Traffic has agreed to implement several street parking improvement measures and to increase enforcement in the Glen Park area. The measures are intended to eliminate the use of street parking in the area by non-area residents, who park and commute on BART. Though this is not an aspect of the project, these measures will further aid in improving the parking supply in the area.

- e. The only portion of the site that is developed contains 25 metered parking spaces. The proposed Project removes this parking but will not displace any industrial or service sector uses;
  - f. The proposed project will be constructed in compliance with current seismic standards;
  - g. The Project site is vacant and a parking lot and had not previously been occupied by a landmark or historic building;
  - h. The project will not affect public parks or open space. The Project is approximately five blocks east of Glen Canyon Park. The Project is not expected to place any additional shade on the Park and the shadow from the Project building would not reach to the Park boundary due to distance and intervening development.
13. **San Francisco Charter Policy 16.102, Transit First**, Principle 7 states that parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation. On balance, the project does comply with said policies in that:

The Project site is located in a transit rich environment served by four Muni bus lines, 23, 26, 44 and 52 running directly in front of or less than one-block's distance from the subject site, the J-Church street car line less than a three block walking distance from the site, and BART at the Glen Park station half a block from the Project site. The Transportation Study found that Muni was at a 62% capacity on these lines. The increase in ridership from the project was estimated at one rider per vehicle and would, thus, not have a significant impact on these bus lines. Similarly, the small increase in ridership from the project would not negatively impact BART. The Project will eliminate a 25 stall metered public parking lot that is used in large part for commuter parking by BART patrons and the employees of area merchants. The parking lot attracts traffic to a mildly congested area. By eliminating the parking lot, the Project will encourage BART patrons to either find parking elsewhere or use other means of transit to reach BART. Elimination of the parking lot will also enhance pedestrian safety by limiting cross sidewalk auto movements.

## 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 the Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby **APPROVES** Conditional Use Application No. **2002.0124C** as submitted on December 5, 2002, subject to the following conditions attached hereto as **Exhibit A** which is incorporated herein by reference as though fully set forth.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on December 5, 2002.

Linda Avery  
Commission Secretary

AYES: Antonini, Boyd, Bradford Bell, Feldstein, Hughes, S. Lee

NAYS: None

ABSENT: W. Lee

ADOPTED: December 5, 2002

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

A. The Approved Project

1. This approval is for the construction of a mixed-use development containing 15 Dwelling Units, an approximately 9,200 square feet Public Use (public library), and an approximately 7,037 gross square feet grocery store/liquor store at 2815 Diamond Street. The Project approved by this Motion is in general conformity with the plans dated October 11, 2002 on file with the Department in the docket for **Case No. 2002.0124C** (labeled EXHIBIT B), reviewed and approved by the Commission on December 5, 2002.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 6745, Lots 25A, 26-29 and 63), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. The final design of the building, including finish materials, arrangement of windows and other features shall be subject to final approval by the Planning Director.
4. Access to the roof of the building shall be by means of a roof hatch. A roof top stair penthouse shall only be permitted if required, in writing, by the Department of Building Inspection.
5. A location for required street trees shall be approved by Planning Staff prior to the issuance of the first addendum to the site permit and shall be installed prior to the issuance of the first temporary or permanent certificate of occupancy.
6. General Advertising signs shall not be permitted on the property.

B. Transportation

1. The grocery operator and the Librarian shall encourage the grocery staff and library staff and patrons to utilize public transportation and other non-vehicular means of transportation through the use of on-site posters and/or notices and discussions at employee meetings and by including information regarding the proximity of BART and other transit options to the site in marketing materials.
2. The Project Sponsor shall encourage the purchasers and tenants of the residential units to utilize public transportation and other non-vehicular means of transportation through the use of on-site posters and/or notices and discussions at residents

meetings and by including information regarding the proximity of BART and other transit options to the site in marketing materials.

C. Lighting

All Project lighting shall be downward facing toward the subject property so as not to be directed at adjacent properties.

D. Inclusionary Affordable Housing

*The Project shall provide for a minimum of two, on site, affordable housing units in compliance with the requirements of Planning Code Sections 315.1 through 315.9.*

E. Operation

1. The Project Sponsor shall maintain the entrances to the grocery and library and all the sidewalks abutting the subject properties in a clean condition. Such maintenance shall include, at minimum, daily litter pick up and disposal and washing or steam/pressure cleaning of the entrance and the abutting sidewalks at least once each month.
2. Trash and recycling receptacles shall be stored inside a fully enclosed building except they may be placed outside of such building for pick up and removal of the trash or recyclable materials.
3. The Project site and the improvements and landscaping thereon shall be maintained in a neat and attractive manner.
4. The grocery store operator shall offer delivery of merchandise to neighborhood residents.
5. Loading
  - a. All loading for the grocery store shall be either from the off street loading areas or from loading areas as approved by the Department of Parking and Traffic.
  - b. Deliveries shall generally be from small and medium sized vans and similar vehicles not exceeding 50 feet in length. Deliveries from tractor-trailer combinations or semi-trucks are permitted only between the hours of 9:00 am and 12:00 pm (noon).

F. Performance

1. The Project Sponsor shall obtain a building permit for this project within five (5) years from the date of this conditional use authorization of the approval, and construction shall thereafter be pursued diligently to completion or the said authorization/approval shall be deemed null and void.

2. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a building permit to construct the Project is delayed by a City agency or a state agency, or by legal challenges.
3. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines of up to \$500 a day in accordance with Code Section 176.
4. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to neighbors related to the construction of this Project. The name and telephone number of the community liaison officer shall be reported to the Zoning Administrator for reference.
5. Should implementation of this Project result in complaints from neighborhood residents and/or businesses, which are not resolved by the Project Sponsor, these complaints may after consultation with the community liaison have failed, may be subsequently reported to the Zoning Administrator. If it is then determined by the Zoning Administrator to be found in violation of the Planning Code and/or specific conditions of approval as set forth in this Exhibit A of this Motion, the Zoning Administrator shall report such complaints to the City Planning Commission, which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures set forth in Section 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.
6. Should the monitoring of Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
  - a. Failure to comply with any of the Conditions of Approval shall constitute a violation of the Planning Code, enforceable by the Zoning Administrator.
7. If there is a lapse of this use for a period of three or more years, this authorization shall become null and void and the use of the Project site shall revert to a use that is principally permitted in the NC-2, Small Scale Neighborhood Commercial.
8. The proposed project must meet these conditions and all applicable City Codes; in case of conflict, the more restrictive controls apply.
9. All mitigation and improvement measures of the approved Negative Declaration are incorporated herein by reference and made a condition of approval for the conditional use.

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# APPLICATION FOR Conditional Use Authorization

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Glen Park Group, LLC	
PROPERTY OWNER'S ADDRESS: 2815 Diamond Street San Francisco, CA	TELEPHONE: (415 ) 586-9999
	EMAIL: richard@canyonmarket.com

APPLICANT'S NAME: Richard Tarlov, Canyon Market <span style="float: right;">Same as Above <input checked="" type="checkbox"/></span>	
APPLICANT'S ADDRESS:	TELEPHONE: (415 ) 586-9999
	EMAIL: richard@canyonmarket.com

CONTACT FOR PROJECT INFORMATION: <span style="float: right;">Same as Above <input checked="" type="checkbox"/></span>	
ADDRESS:	TELEPHONE: ( )
	EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): <span style="float: right;">Same as Above <input checked="" type="checkbox"/></span>	
ADDRESS:	TELEPHONE: ( )
	EMAIL:

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 2815 Diamond Street	ZIP CODE: 94131
CROSS STREETS: Wilder and Bosworth	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
6745 / 086		7,793	Glenn Park NCT	40-X

### 3. Project Description

( Please check all that apply ) <input type="checkbox"/> Change of Use <input type="checkbox"/> Change of Hours <input type="checkbox"/> New Construction <input type="checkbox"/> Alterations <input type="checkbox"/> Demolition <input checked="" type="checkbox"/> Other Please clarify:	<b>ADDITIONS TO BUILDING:</b> <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> Height <input type="checkbox"/> Side Yard Amendment to COA	<b>PRESENT OR PREVIOUS USE:</b>	
		Grocery Store	
		<b>PROPOSED USE:</b>	
		Grocery Store	
		<b>BUILDING APPLICATION PERMIT NO.:</b>	<b>DATE FILED:</b>
		N/A	

### 4. Project Summary Table **Not Applicable - Amendment to Existing COA for Use of Site.**

If you are not sure of the eventual size of the project, provide the maximum estimates.

	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
<b>PROJECT FEATURES</b>				
Dwelling Units				
Hotel Rooms				
Parking Spaces				
Loading Spaces				
Number of Buildings				
Height of Building(s)				
Number of Stories				
Bicycle Spaces				
<b>GROSS SQUARE FOOTAGE (GSF)</b>				
Residential				
Retail	7,200	7,200	0	7,200
Office				
Industrial/PDR <i>Production, Distribution, &amp; Repair</i>				
Parking				
Other (Specify Use)				
<b>TOTAL GSF</b>				

Please describe any additional project features that are not included in this table:  
 ( Attach a separate sheet if more space is needed )

N/A

## 5. Action(s) Requested (Include Planning Code Section which authorizes action)

See Attached.

## Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - (b) 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;
  - (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.

See Attached.

# Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

See Attached.

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

See Attached.

3. That the City's supply of affordable housing be preserved and enhanced;

See Attached.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

See Attached.

CASE NUMBER:  
For Staff Use only

- 5. 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;

See Attached.

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

See Attached.

- 7. That landmarks and historic buildings be preserved; and

See Attached.

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

See Attached.

# Estimated Construction Costs

TYPE OF APPLICATION:	
Amendment to Condition of Approval	
OCCUPANCY CLASSIFICATION:	
BUILDING TYPE:	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
N/A	
ESTIMATED CONSTRUCTION COST:	
N/A	
ESTIMATE PREPARED BY:	
N/A	
FEE ESTABLISHED:	
N/A	

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print name, and indicate whether owner, or authorized agent:

\_\_\_\_\_  
 Owner / Authorized Agent (circle one)

## Application Submittal Checklist

Applications listed below submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent and a department staff person.**

APPLICATION MATERIALS	CHECKLIST
Application, with all blanks completed	<input type="checkbox"/>
300-foot radius map, if applicable	<input type="checkbox"/>
Address labels (original), if applicable	<input type="checkbox"/>
Address labels (copy of the above), if applicable	<input type="checkbox"/>
Site Plan	<input type="checkbox"/>
Floor Plan	<input type="checkbox"/>
Elevations	<input type="checkbox"/>
Section 303 Requirements	<input type="checkbox"/>
Prop. M Findings	<input type="checkbox"/>
Historic photographs (if possible), and current photographs	<input type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Original Application signed by owner or agent	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (ie. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (ie. windows, doors)	<input type="checkbox"/>

### NOTES:

- Required Material. Write "N/A" if you believe the item is not applicable, (e.g. letter of authorization is not required if application is signed by property owner.)
- Typically would not apply. Nevertheless, in a specific case, staff may require the item.
- Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

**After your case is assigned to a planner, you will be contacted and asked to provide an electronic version of this application including associated photos and drawings.**

Some applications will require additional materials not listed above. The above checklist does not include material needed for Planning review of a building permit. The "Application Packet" for Building Permit Applications lists those materials.

No application will be accepted by the Department unless the appropriate column on this form is completed. Receipt of this checklist, the accompanying application, and required materials by the Department serves to open a Planning file for the proposed project. After the file is established it will be assigned to a planner. At that time, the planner assigned will review the application to determine whether it is complete or whether additional information is required in order for the Department to make a decision on the proposal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

**Amendment to Conditional Use Authorization - Supplemental Information and Findings.**

5. Action(s) Requested (Include Planning Code Section which authorizes action).

On December 5, 2002, the Planning Commission approved Motion No. 16489, which authorized the development of a mixed-use building with 15 dwelling units, 9,200 square feet of Public Use (public library) and approximately 7,200 square feet of a grocery store/liquor store. Motion No. 16489 included several Conditions of Approval (COA) related to the operation of the grocery store/liquor store.

The Project is the amendment of two conditions of approval to Motion No. 16489 under Planning Code section 303(e). The two COA to be amended are as follows:

E. Operation (4) The grocery store operator shall offer delivery of merchandise to neighborhood residents.

E. Operation (5)(b) Deliveries shall generally be from small and medium sized vans and similar vehicles not exceeding 50 feet in length. Deliveries from tractor-trailer combinations or semi-trucks are permitted only between the hours of 9:00 a.m. and 12:00 p.m. (noon).

The project seeks to eliminate COA E(4) related to neighborhood delivery and to amend COA E(5)(b) to eliminate or modify the restrictions on hours of delivery from tractor-trailer combinations or semi-trucks.

\* \* \* \* \*

**Conditional Use Findings**

**Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding:**

- 1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and**

The Project is the amendment of two COAs for the operation of the Canyon Market.

The first COA #4, requires local delivery by the market. This condition has been interpreted as requiring Canyon Market to maintain a delivery vehicle and to deliver grocery orders to homes in the neighborhood and to customers or individuals that might find it difficult to visit the store or return by foot or bus to homes located uphill from the market. In the 10 years since Canyon Market has been open, this service has rarely been used and there is not a demand for it. Canyon

Market can and will continue to help neighbors with shopping assistance when asked, but this requirement is not needed especially given the rise in home delivery services.

When the development was originally approved in 2002, “just in time” grocery delivery did not exist. Since 2002, several grocery delivery services have been developed that provide grocery delivery services to neighborhood residents. Examples of these types of services include Amazon Fresh, Instacart, Postmates, Safeway, and others. Requiring Canyon Market to continue to provide local delivery services places it at a disadvantage to other grocery stores that are not required to provide such services and incur such costs. The second COA #5(b), restricts the hours of delivery to Canyon Market by tractor-trailer combinations or semi-trucks. Elimination of the restrictions on the hours of delivery will not change the size or intensity of the existing grocery store use. Instead, it will allow Canyon Market to continue to operate providing valuable goods and services to neighborhood. The operation of Canyon Market is compatible with the neighborhood and the community and the expansion of delivery hours will allow Canyon Market to operate its store in a manner that does not conflict with surrounding uses or user.

The changes being proposed by the Project are compatible with the surrounding nature of the neighborhood and community.

**2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following.**

**(a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;**

The Project is not proposing to change the project site or the size, shape and arrangement of structures.

**(b) 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;**

Changes to COA #4 would not change accessibility or traffic patterns. Changes to COA #5(b) would improve accessibility and traffic patterns for persons and vehicles.

Under COA #5(b), tractor-trailer combinations or semi-trucks are only permitted to deliver to Canyon Market between 9:00 a.m. and 12:00 p.m. (noon). This timeframe impacts existing traffic and pedestrian circulation and store functions and is not needed to address concerns regarding deliveries. Canyon Market includes a delivery space along Wilder Street that is used by delivery vehicles throughout the day, including during the delivery times noted in the condition. Limiting large truck deliveries to this time restricts the ability to accommodate other smaller trucks, thereby creating traffic issues on surrounding streets.

Canyon Market does not have a large storage or staging area. New product being delivered is placed in boxes on the store floor and restocked or shelved almost immediately, which impacts customers' shopping experience and is typically scheduled at low shopping times to avoid potential conflicts between customers and deliveries. Restricting large delivery vehicles to prime shopping time unnecessarily burdens the store and impacts traffic and pedestrian circulation without considering actual operation and store usage times.

COA #5(b) was imposed on the original project to address potential concerns regarding large truck deliveries to the future grocery store, but imposes a significant burden on not only the operation of Canyon Market but runs counter to "conditions on the ground" and arrangements reached with the neighbors and neighborhood as to how to address these large delivery vehicles.

Over the 10 years that Canyon Market has been in operation it has worked closely with neighbors and the neighborhood on how best to receive deliveries to have the least impact on parking, circulation and the neighborhood. Based on these discussions and the requirements for operating a successful grocery operation, Canyon Market receives three (3) key tractor-trailer combination or semi-truck deliveries per week from its supplier UNFI. Most other deliveries are made by smaller delivery vehicles, with some larger trucks making non-regular deliveries during delivery hours. UNFI delivers to Canyon Market on Monday, Wednesday and Friday from 6:30 p.m. to 8:00 p.m. with those dates and times selected for very specific reasons.

First, during those times Canyon Market has assigned dedicated staff to receive the deliveries properly, thereby minimizing the time the trucks are unloading. Second, by delivering at a time when the store is less crowded and there are fewer customers, delivery is expedited because there is generally lower interference with customers who are trying to shop. Finally, it is a time when activity on the street is lower and less likely to conflict with other uses such as street cleaning, shoppers using cars, garbage pick-up, etc. The times selected for regular large truck deliveries was selected in direct response to concerns raised by interested parties.

For all these reasons, the Project will not result in parking or traffic that would be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.

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

The Project will not change existing measures that Canyon Market implements to prevent noxious or offensive emissions such as noise, glare, dust and odor. Canyon Market works very hard to be a good neighbor and after operating in the neighborhood for 10 years, has implemented the following measures to address concerns regarding deliveries, regardless of when they occur.

In general, Canyon Market has a policy that all vendors must deliver to the market between 6 a.m. and 2:30 p.m. Monday through Friday. These are the stated delivery hours and those hours, along with instructions on delivery protocols are provided to all new vendors. Other delivery

times can be accommodated seven days a week, but are discouraged and allowed only on an as needed basis based on unexpected or unforeseen issues (i.e., traffic, merchandising delays, etc.).

Canyon Market's largest supplier, UNFI which delivers via a tractor-trailer combination or semi-truck delivers Monday, Wednesday and Friday in the evening. Because of the size of the truck, surrounding traffic and pedestrian movement, an evening delivery was arranged to address neighborhood and shopper concerns. These deliveries typically occur between 6:30 p.m. and 8 p.m. and drivers park in a specified location, agreed to by the surrounding neighbors and marked by paint to ensure the fewest number of homes and driveways are blocked. Canyon Market is in direct contact with UNFI, tracking the delivery truck, ensuring compliance with the established parking protocols and ensuring the good neighbor policies adopted are complied with by all drivers.

Canyon Market has a dedicated staff person who is responsible for overseeing the UNFI delivery as well as working with neighbors on any complaints concerning the store. They host community meetings if necessary and work with neighbors to create and implement policies to address concerns.

For all these reasons, the Project would not create any noxious or offensive emissions such as noise, glare, dust and odor.

**(d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;**

The Project is not proposing to change any existing features of the project

**3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan.**

The Project will comply with the General Plan and will allow continued operation of Canyon Market. The following sets forth various objectives and policies in the General Plan that the Project is consistent with, including but not limited to, the following:

\* \* \* \* \*

**MASTER PLAN PRIORITY POLICIES CONSISTENCY**

The following set forth the Project consistency with the eight priority planning policies set forth in Planning Code section 101.1.

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

Canyon Market has been a neighborhood market for 10 years, providing groceries to the neighborhood. The elimination of the requirement to provide neighborhood deliveries does not impact or change Canyon Market's local delivery program, but simply eliminates the need to maintain a costly van and other provisions that are not required on other businesses or needed in the current market environment. Adjusting the restriction on delivery hours for its main supplier UNFI will provide flexibility in meeting stocking and other logistical needs to ensure smooth continued operation of the grocery store and minimize impact on adjacent neighbors.

The Project will preserve Canyon Market, a neighborhood-serving retail use that employs 100 individuals, many of whom live in Glen Park and the adjacent neighborhoods. It will enhance the existing retail use by ensuring that Canyon Market can continue to provide groceries for the neighborhood in a timely and cost-effective way, and encouraging continued family ownership of the business.

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

Not applicable. The Project does not include any construction or changes to the building and will not impact cultural or economic diversity of the neighborhood.

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

Not applicable. The Project does not include any housing and would not impact the City's supply of affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.

The Project would not create commuter traffic that could over burden local streets or impact neighborhood parking. The Project would adjust the restriction on delivery hours for tractor-trailer combinations or semi-trucks allowing Canyon Market to implement delivery times for these vehicles that are consistent with neighborhood circulation patterns and eliminate potential conflicts with Muni and parking.

5. 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 plays a vital role in the community, protecting service sector jobs and providing opportunities to those entering the workforce as well as experienced professional buyers, managers and cooks. Canyon Market purchases from many local and regional businesses, focusing on buying local and providing fresh produce and merchandise for its customers. Canyon Market is a local, family owned business, which employs 100 individuals and supports other similar businesses in San Francisco and the Bay Area, ensuring a diverse economic base for existing and future residents.

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

The Project complies with necessary life safety training for all employees and regularly discusses earthquake and other emergency services plans.

7. That landmarks and historic buildings be preserved.

The Project is not in a landmark or historic structure and will not have any impact on landmarks or historic buildings.

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

Not applicable. The Project will not impact any park or open space or result in any new construction or development that would impact sunlight or vistas.

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San Francisco Planning Department  
 1650 Mission Street, Suite 400  
 San Francisco, CA 94103

Re: Canyon Market, 2815 Diamond Street

Dear Planning Commissioners:

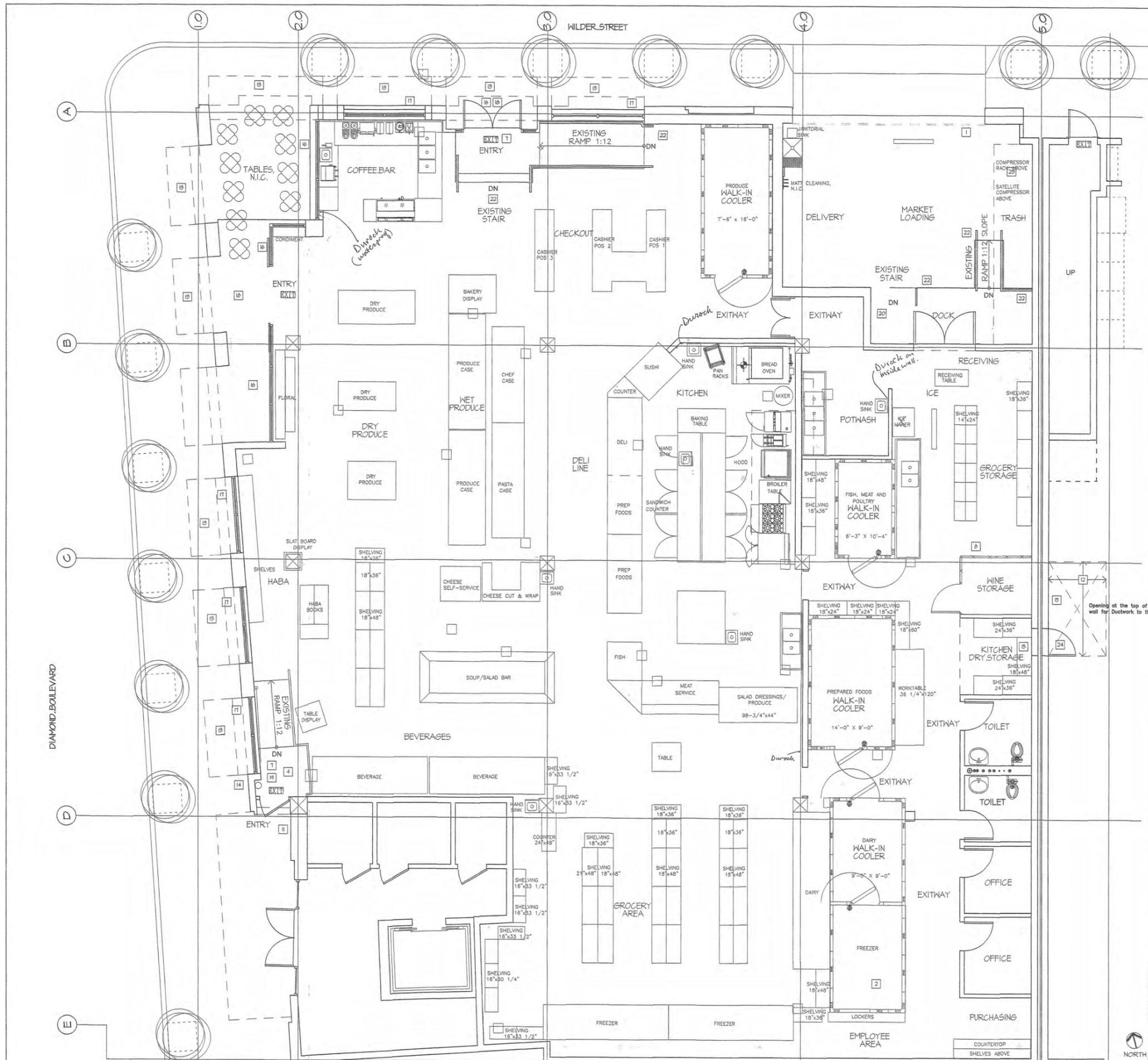
The proposal is a Conditional Use Authorization request to amend the conditions of approval under Motion No.16489, an approved mixed-use development (15 dwelling units, 9,200 square feet of Public Use, and 7,037 square feet Grocery Liquor Store d.b.a. "Canyon Market" Case No. 2002.0124CUA) pursuant to Planning Code Section 303.

Attached plans are for reference only. The amendment involves no changes to the design or intensity of the project as originally approved.

The proposal is to amend grocery inventory delivery hours and remove the condition requiring customer grocery delivery. Conditions of approval E. Operations - 4 & 5 (b.) are clouded in attached motion.

<b>Motion No.16489</b>		
<b>Conditions of Approval</b>		
	Existing Language	Proposed Language
<u>E. Operation</u>		
4.	The grocery store operator shall offer delivery of merchandise to neighborhood residents.	<b>[Remove Condition]</b>
5. <u>Loading</u>		
a.	All loading for the grocery store shall be either from the off street loading areas or from loading areas as approved by the Department of Parking and Traffic.	<b>[No Change]</b>
b.	Deliveries shall generally be from small and medium sized vans and similar vehicles not exceeding 50 feet in length. Deliveries from tractor-trailer combinations or semi-trucks are permitted only between the hours of 9:00 am and 12:00 pm (noon).	Deliveries shall generally be from small and medium sized vans and similar vehicles not exceeding 50 feet in length. <b>Deliveries from tractor-trailer combinations or semi-trucks are permitted only between the hours of 6:00 am and 10:00 pm.</b>





- SHEET NOTES**
1. ALL DIMENSIONS GIVEN TAKE PRECEDENCE OVER SCALE.
  2. DIMENSIONS GIVEN ARE TO FACE OF STUD UNLESS OTHERWISE NOTED. DIMENSIONAL ADJUSTMENTS MAY INCLUDE CENTERLINE OF PARTY WALL OR FACE OF CONCRETE.
  3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE VARIATIONS WITH SUBCONTRACTORS.
  4. ALL PLUMBING, MECHANICAL, AND ELECTRICAL PENETRATIONS THROUGH WALLS AND FLOOR SHALL BE IN ACCORDANCE WITH THE ADOPTED CODE.
  5. NOT ALL CALL-OUTS USED.

- KEY NOTES**
- 1 OVERHEAD ROLLING DOOR, N.L.G.
  - 2 LOCKERS.
  - 3 SHAFT OPENING ABOVE ON THE HALL.
  - 4 SMOKE ALARM ACTIVATED CLOSER.
  - 5 SURFACE MOUNTED FIRE DEPARTMENT "KNOX BOX" ADJACENT TO DOOR. COORDINATE LOCATION WITH FIRE MARSHALL.
  - 6 MECHANICAL UNITS, COORDINATE CURB/FLASHING INSTALLATION WITH ROOFING CONTRACTOR.
  - 7 LOW-LEVEL INTERNALLY ILLUMINATED EXIT SIGNS. THE BOTTOM OF SIGN SHALL BE NO LOWER THAN 6'-10" A.F.F.
  - 8 CHAIN LINK PROTECTION FENCE.
  - 9 CHAIN LINK PROTECTION GATE WITH LOCK.
  - 10 GAS METERS. PROVIDE CHAIN-LINK FENCE WITH LOCKABLE GATE.
  - 11 FIRE DEPARTMENT HOSE CONNECTION. (MAX SIDEWALK PENETRATION 4").
  - 12 SHAFT OPENING ABOVE.
  - 13 ANNINGS ABOVE, N.L.G.
  - 14 STANDPIPE, S.M.D.
  - 15 LADDER TO SHAFT, WITH ACCESS DOOR AT THE SHAFT.
  - 16 STOREFRONT, N.L.G.
  - 17 HINDOON, N.L.G.
  - 18 STOREFRONT SLIDING DOORS & HARDWARE, N.L.G.
  - 19 STOREFRONT DOOR & HARDWARE, N.L.G.
  - 20 24" WIDE METAL STAIRS, 1" RISER AND 11" TREADS.
  - 21 6" X 6" GLASS BLOCK, FIRE-RATED, AT (E) 5'-10" X 3'-0" OPENING.
  - 22 5" ST. RAILS, MAX. 34" A.F.F. WITH 2 3/4" MAX. OPENINGS. EXTEND RAILS OUT 12" AT TOP & BOTTOM OF RAMP & STAIRS EXCEPT AT MARKET LOADING.
  - 23 RACK ABOVE FOR COMPRESSORS. SEE STR. DNSS.
  - 24 PROVIDE 36" X 36" METAL ACCESS DOOR AT BOTTOM OF SHAFT ON HALL, PAINT TO MATCH HALL. FIRE RATING 2 HOURS.

- LEGEND**
- ⊗ FLOOR LEVEL INTERNALLY ILLUMINATED EXIT SIGN (ILLUMINATED SIGN SHOWN SHADED). SEE KEYNOTE
  - ▨ CONG. SHEAR WALL, S.S.D.

Issue:	Date:	Comments:
1	07/22/05	Commence Value Engineering
2	08/30/05	Cost Estimate
3	10/23/05	Cost Estimate
4	12/10/05	Building Permit Set

**CANYON MARKET**  
 2815 Diamond Street  
 San Francisco, CA 94131

APN No.: Block 6745 Lot 063

Owner	Canyon Market 379 Eureka Street San Francisco, CA 94114 Telephone: (415) 843-9807 Fax: (415) 843-9807
Architect	Campbell & Associates Two Fairfax Avenue, No. 302 San Francisco, CA 94118 Telephone: (415) 251-2515 Fax: (415) 878-1039
Food Equipment Designer	Richard Tarlow 379 Eureka Street San Francisco, CA 94114 Telephone: (415) 916-2543 Fax: (415) 843-9807
Mechanical Design/Build Contractor	Central Mechanical Company 1208 Montgomery Avenue San Bruno, CA 94066 Telephone: (650) 588-5420 Fax: (650) 288-3932
Electrical Engineer	S & A Engineering Design 423 Yale Street San Francisco, CA 94133 Telephone: (415) 331-2386 Fax: (415) 337-0883
Title 24	Energy Calc 3285 Werner Boulevard, Suite No. 5 San Rafael, CA 94901 Telephone: (415) 457-0950 Fax: (415) 457-1886

**CANYON MARKET**  
 2815 Diamond Street  
 San Francisco, CA 94131

Date:	DECEMBER 10, 2005
Scale:	1" = 1'-0"
Project No.:	05021

Sheet Number:  
**FLOOR PLAN LAYOUT A-1.1**

**FOR REFERENCE ONLY**

**EQUIPMENT...PLAN**  
 SCALE: 1/4" = 1'-0"

STERBERG BENJAMIN  
 ARCHITECTS  
 1331 HARRISON STREET  
 SAN FRANCISCO CALIFORNIA 94107  
 PHONE 415.882.9783 FAX 415.882.9786

WILDER ST. ELEVATION  
 DIAMOND ST. ELEVATION

GLEN PARK MARKETPLACE  
 2815 DIAMOND STREET  
 SAN FRANCISCO, CA

Date: 03/01/04  
 Scale: 1/8"=1'-0"  
 Drawn: MPB  
 Sheet:

A5

RESIDENTIAL ROOF  
 ELEV. + 40'-0"  
 RESIDENTIAL FOURTH FLOOR  
 ELEV. + 30'-0"  
 RESIDENTIAL THIRD FLOOR  
 ELEV. + 19'-6"  
 RESIDENTIAL SECOND FLOOR  
 ELEV. + 9'-0"  
 RESIDENTIAL GROUND FLOOR  
 ELEV. - 1'-6"



WILDER STREET (NORTH) ELEVATION 1

SCALE 1/8" = 1'-0"

RESIDENTIAL ROOF  
 ELEV. + 40'-0"  
 LIBRARY ROOF  
 FOURTH FLOOR RESIDENTIAL  
 ELEV. + 30'-0"  
 LIBRARY FLOOR  
 ELEV. + 14'-0"  
 MARKETPLACE FLOOR  
 ELEV. + 0'-0"

WILDER STREET



DIAMOND STREET (WEST) ELEVATION 2

SCALE 1/8" = 1'-0"

FOR REFERENCE ONLY

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

A. The Approved Project

1. This approval is for the construction of a mixed-use development containing 15 Dwelling Units, an approximately 9,200 square feet Public Use (public library), and an approximately 7,037 gross square feet grocery store/liquor store at 2815 Diamond Street. The Project approved by this Motion is in general conformity with the plans dated October 11, 2002 on file with the Department in the docket for **Case No. 2002.0124C** (labeled EXHIBIT B), reviewed and approved by the Commission on December 5, 2002.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 6745, Lots 25A, 26-29 and 63), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. The final design of the building, including finish materials, arrangement of windows and other features shall be subject to final approval by the Planning Director.
4. Access to the roof of the building shall be by means of a roof hatch. A roof top stair penthouse shall only be permitted if required, in writing, by the Department of Building Inspection.
5. A location for required street trees shall be approved by Planning Staff prior to the issuance of the first addendum to the site permit and shall be installed prior to the issuance of the first temporary or permanent certificate of occupancy.
6. General Advertising signs shall not be permitted on the property.

B. Transportation

1. The grocery operator and the Librarian shall encourage the grocery staff and library staff and patrons to utilize public transportation and other non-vehicular means of transportation through the use of on-site posters and/or notices and discussions at employee meetings and by including information regarding the proximity of BART and other transit options to the site in marketing materials.
2. The Project Sponsor shall encourage the purchasers and tenants of the residential units to utilize public transportation and other non-vehicular means of transportation through the use of on-site posters and/or notices and discussions at residents

meetings and by including information regarding the proximity of BART and other transit options to the site in marketing materials.

C. Lighting

All Project lighting shall be downward facing toward the subject property so as not to be directed at adjacent properties.

D. Inclusionary Affordable Housing

*The Project shall provide for a minimum of two, on site, affordable housing units in compliance with the requirements of Planning Code Sections 315.1 through 315.9.*

E. Operation

1. The Project Sponsor shall maintain the entrances to the grocery and library and all the sidewalks abutting the subject properties in a clean condition. Such maintenance shall include, at minimum, daily litter pick up and disposal and washing or steam/pressure cleaning of the entrance and the abutting sidewalks at least once each month.
2. Trash and recycling receptacles shall be stored inside a fully enclosed building except they may be placed outside of such building for pick up and removal of the trash or recyclable materials.
3. The Project site and the improvements and landscaping thereon shall be maintained in a neat and attractive manner.

4. The grocery store operator shall offer delivery of merchandise to neighborhood residents.

5. Loading

- a. All loading for the grocery store shall be either from the off street loading areas or from loading areas as approved by the Department of Parking and Traffic.
- b. Deliveries shall generally be from small and medium sized vans and similar vehicles not exceeding 50 feet in length. Deliveries from tractor-trailer combinations or semi-trucks are permitted only between the hours of 9:00 am and 12:00 pm (noon).

F. Performance

1. The Project Sponsor shall obtain a building permit for this project within five (5) years from the date of this conditional use authorization of the approval, and construction shall thereafter be pursued diligently to completion or the said authorization/approval shall be deemed null and void.

2. This authorization may be extended at the discretion of the Zoning Administrator only where the failure to issue a building permit to construct the Project is delayed by a City agency or a state agency, or by legal challenges.
3. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines of up to \$500 a day in accordance with Code Section 176.
4. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to neighbors related to the construction of this Project. The name and telephone number of the community liaison officer shall be reported to the Zoning Administrator for reference.
5. Should implementation of this Project result in complaints from neighborhood residents and/or businesses, which are not resolved by the Project Sponsor, these complaints may after consultation with the community liaison have failed, may be subsequently reported to the Zoning Administrator. If it is then determined by the Zoning Administrator to be found in violation of the Planning Code and/or specific conditions of approval as set forth in this Exhibit A of this Motion, the Zoning Administrator shall report such complaints to the City Planning Commission, which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures set forth in Section 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.
6. Should the monitoring of Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
  - a. Failure to comply with any of the Conditions of Approval shall constitute a violation of the Planning Code, enforceable by the Zoning Administrator.
7. If there is a lapse of this use for a period of three or more years, this authorization shall become null and void and the use of the Project site shall revert to a use that is principally permitted in the NC-2, Small Scale Neighborhood Commercial.
8. The proposed project must meet these conditions and all applicable City Codes; in case of conflict, the more restrictive controls apply.
9. All mitigation and improvement measures of the approved Negative Declaration are incorporated herein by reference and made a condition of approval for the conditional use.



August 31, 2017

Ms. Cathleen Campbell  
Planner, Southwest Team, Current Planning  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Campbell,

The Board of Directors of the Glen Park Association (GPA) is writing to endorse Canyon Market's request to amend its 2002 Conditional Use Permit.

Richard and Janet Tarlov, owners of the market, wish to strike the clause from the permit that limits the hours of delivery by semi-trailers to 9 AM – 12 noon. This restriction was in place on the permit at the time the original developers were seeking to establish the market. The Tarlovs came in as developers and owners in 2006.

The GPA supports the notion that it is not logistically possible to control deliveries to this busy market to unreasonable time windows. However, in the interest of respecting the neighbors, the Tarlovs are requesting to revise the Conditional Use Permit to indicate that "no deliveries will be accepted prior to 6:00 AM." This revision conforms to the practice followed by Canyon Market since the beginning of its operation. The market hopes that codifying this restriction will demonstrate its commitment to doing what is best for the Glen Park community.

Canyon Market has done considerable outreach to ensure the community can weigh in on the proposed change:

- Collected over 1,038 signatures on an in-store petition from neighbors and customers in just 2 months
- Received 219 signatures and 91 unique supportive comments via online petition in less than 1 week
- Presented to approximately 100 attendees at GPA's quarterly meeting on July 17
- Hosted a meeting with residents of 53 Wilder HOA on July 24

Canyon Market has been very supportive of Glen Park in many ways, including generous contributions to neighbourhood events and participation in community activities. The GPA Board hopes you will approve the amendment to the market's Conditional Use Permit.

Sincerely,

Scott Stawicki  
President, Glen Park Association

A handwritten signature in black ink, appearing to read "Scott Stawicki", written over a horizontal line.



**YES!** I support Canyon Market, Glen Park's Independent Grocery Store

For over 10 years, Canyon Market has been working hard to serve the Glen Park community. As our neighborhood has grown, we've remained a considerate neighbor and a strong community partner. Now, we are attempting to slightly revise our permit with the City, which was written back in 2002 and limits the times during which certain trucks can deliver. We are requesting an extension of delivery hours so we can continue to provide excellent products and fair prices to our shoppers while minimizing our impact on neighbors and street traffic.

By signing below, I respectfully urge the City and County of San Francisco to approve Canyon Market's permit change which eliminates the time restriction for certain trucks. Please vote to ensure the continued success of our locally owned and operated family business.

<u>NAME</u>	<u>ADDRESS</u>	<u>EMAIL</u>	<u>SIGNATURE</u>
Shannon Comney	326 Sweeney St SF, CA 94131	Silawon1@gmail.com	
Edward DeBoufre	25 Paradise Ave. SF, CA 94131	i1spacewangler@aol.com	
MaryBulmaru	61 Danton 94112	marybrn@mac.com	
Jason Fenske	521 Laidley Street 94131	mplsjsm@yahoo.com	
Laura Dechant	359 arlington st	ldechant@gmail.com	
DeDee Workman	25 Geneva way	deedee.workman@yahoo.com	(* I can help you email me!)
W4 Harwell	725 Myra way	eileen.harwell@gmail.com	

Contra extant 7/28

By signing above, you are consenting to Canyon Market submitting the information provided to the City and County of San Francisco and are also consenting to Canyon Market contacting you related to its application and for future marketing purposes.