



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: DECEMBER 3, 2015

CONSENT CALENDAR

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Suite 400  
San Francisco,  
CA 94103-2479

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**415.558.6378**

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Planning  
Information:  
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*Date:* November 25, 2015  
*Case No.:* **2015-002658CUA**  
*Project Address:* **2937 24<sup>TH</sup> STREET, 1205 ALABAMA STREET**  
*Zoning:* 24<sup>th</sup> Street-Mission Neighborhood Commercial Transit (NCT) District  
45-X / 40-X Height and Bulk Districts  
Mission Alcoholic Beverage Special Use District  
*Block/Lot:* 4269/023, 4269/024  
*Project Sponsor:* Jaime Maldonado  
2937 24<sup>th</sup> Street  
San Francisco, CA 94110  
*Staff Contact:* Jonathan DiSalvo – (415) 575-9182  
[jonathan.disalvo@sfgov.org](mailto:jonathan.disalvo@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The Project Sponsor proposes to change the use of the La Victoria Bakery from a Limited-Restaurant to a Restaurant, as defined by Planning Code Section 790.91, which would allow alcohol to be served. The Project Sponsor plans to seek an Alcoholic Beverage Control (ABC) Type 47 License; which authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises, as long as the licensed premises is operated and maintained as a Bona Fide Eating Place. The subject commercial space has been used as a Limited Restaurant, specifically a Latin American bakery ('panaderia') doing business as La Victoria Bakery for at least 50 years. The proposal includes minor tenant improvements to the interior café and bar area. The Project Sponsor seeks a total of twenty-three bar stools and three new bar counters. The existing commercial space is approximately 2,639 square feet in size. No expansion of the existing commercial space is proposed. La Victoria Bakery is currently open for business from 7 a.m. to 8 p.m. The Project Sponsor does not propose any change to the current hours of operation.

The proposed use is both an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use.

The Project Sponsor proposes also to share the existing kitchen facilities with other food service businesses, which could be permitted as allowable accessory uses as long as each food service business meets the requirements of Planning Code Section 703.2(C).

## **SITE DESCRIPTION AND PRESENT USE**

The project is located on the southern side of 24<sup>th</sup> Street, on the southeast corner of the intersection with Alabama Street, Block 4269, Lots 023 and 024. The property is located within the 24<sup>th</sup> Street - Mission Neighborhood Commercial Transit (NCT) Zoning District, the Mission Alcoholic Special Use District, and a 45-X Height and Bulk District. The property is developed with three commercial storefronts and two residential units within a two-story building. The ground floor is developed with La Victoria Bakery, Geminis Barber Shop, and Taxis Jewelry. The subject property is a corner lot, with approximately 15.5 feet of frontage on 24<sup>th</sup> Street and 89 feet of frontage on Alabama Street. The existing subject commercial space is approximately 2,639 square feet in size. In total, the site is approximately 5,200 square feet.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located at the intersection of 24<sup>th</sup> and Alabama Streets. To the south is St. Peter's Catholic Church and St. Peter's School. The Project site is located in the 24<sup>th</sup> Street - Mission Neighborhood Commercial Transit Zoning District with a variety of neighborhood-serving uses. The District is defined as having a mixture of Latin American restaurants, grocery stores, and bakeries as well as other gift and secondhand stores. Most commercial businesses are open during the day while the District's bars and restaurants are also active in the evening. Dwelling units are frequently located above the ground-story commercial uses. The surrounding properties are located within the RH-2 (Residential House, Two-Family) District.

## **ENVIRONMENTAL REVIEW**

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption.

## **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 13, 2015	November 13, 2015	20 days
Posted Notice	20 days	November 13, 2015	November 13, 2015	20 days
Mailed Notice	20 days	November 13, 2015	November 13, 2015	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## **PUBLIC COMMENT**

- The Department has received no public comment to date.

## **ISSUES AND OTHER CONSIDERATIONS**

- The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. As the existing use is an

eating establishment, the project would not result in a net increase in the number of eating or drinking establishments in the area.

- The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. This is not a Formula Retail use and would serve the immediate neighborhood.
- The proposed Restaurant Use is proposed to operate as a Bona Fide Eating Place per Planning Code Section 790.142.
- The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process.
- Per Resolution 168-14, panaderias (bakeries), and specifically La Victoria Bakery which has operated since 1951, have been identified to promote and preserve the Latino culture within the Calle 24 Latino Cultural District. The proposed use will help to retain a small and family-owned panaderia (bakery) which has been identified in Resolution 168-14 and has been serving sweet breads to generations of Mission District residents and visitors.
- Per Planning Commission Resolution 19428, which is a policy statement regarding the Mission neighborhood during the development of the Mission Action Plan 2020, it is the Commission's policy to support the retention of existing commercial tenants in the Mission District. The proposal would help retain a commercial tenant which has existed in the Mission District since 1951.
- A draft plan objective of the Mission Action Plan 2020 is to stem the loss of and promote community businesses, cultural resources, and social services serving low to moderate income households. The proposal would help preserve a small, culturally-relevant business which serves affordable food to low and moderate income households in the Mission District.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a Restaurant Use (Type 47 ABC license) in the 24<sup>th</sup> Street - Mission Neighborhood Commercial Transit (NCT) District, pursuant to Planning Code Sections 727.44, 790.91, and 303.

## **BASIS FOR RECOMMENDATION**

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall 24<sup>th</sup> Street Mission Neighborhood Commercial Transit (NCT) District.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, and would not result in a net increase in the number of eating establishments in the area.
- The project promotes small-business ownership.
- The project is a neighborhood serving use.
- The District is well served by transit; therefore customers should not impact traffic.
- The proposed Project meets all applicable requirements of the Planning Code.
- The project is consistent with the intent of the 24<sup>th</sup> Street - Mission Neighborhood Commercial Transit (NCT) District.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
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**Executive Summary**  
**Hearing Date: December 3, 2015**

**CASE NO. 2015-002658CUA**  
**2937 24<sup>th</sup> Street, 1205 Alabama Street**

**Attachments:**

Block Book Map

Sanborn Map

Aerial Photograph

Zoning Map

Height and Bulk Map

Site Photographs

Project Sponsor Submittal, including:

- Reduced Plans

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 checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" 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 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

\_\_\_\_\_  
Planner's Initials

JD: I:\Current Planning\SE Team\Jonathan DiSalvo\CU\2015-002658CUA - 2937 24th Street



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

HEARING DATE: DECEMBER 3, 2015

*Date:* November 25, 2015  
*Case No.:* **2015-002658CUA**  
*Project Address:* **2937 24<sup>TH</sup> STREET, 1205 ALABAMA STREET**  
*Zoning:* 24<sup>th</sup> Street Mission Neighborhood Commercial Transit (NCT) District  
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[jonathan.disalvo@sfgov.org](mailto:jonathan.disalvo@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 727.44, AND 790.91 OF THE PLANNING CODE TO ALLOW A CHANGE OF USE FROM A LIMITED-RESTAURANT TO A RESTAURANT (D.B.A. LA VICTORIA BAKERY), WITHIN THE 24<sup>TH</sup> STREET-MISSION NEIGHBORHOOD COMMERCIAL TRANSIT (NCT) DISTRICT, THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT, AND 45-X AND 40-X HEIGHT AND BULK DISTRICTS.**

### PREAMBLE

On March 4, 2015 Jaime Maldonado (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 727.44, 790.91 to allow a Restaurant as defined by Planning Code Section 790.91 (d.b.a. La Victoria Bakery) in the 24<sup>th</sup> Street-Mission Neighborhood Commercial Transit (NCT) District, the Mission Alcoholic Beverage Special Use District, and 45-X and 40-X Height and Bulk Districts.

On December 3, 2015, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-002658CUA.

On November 9, 2015 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

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. 2015-002658CUA, 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 is located on the southern side of 24<sup>th</sup> Street, on the southeast corner of the intersection with Alabama Street, Block 4269, Lots 023 and 024. The property is located within the 24<sup>th</sup> Street - Mission Neighborhood Commercial Transit (NCT) Zoning District, the Mission Alcoholic Special Use District, and a 45-X Height and Bulk District. The property is developed with three commercial storefronts and two residential units within a two-story building. The ground floor is developed with La Victoria Bakery, Geminis Barber Shop, and Taxis Jewelry. The subject property is a corner lot, with approximately 15.5 feet of frontage on 24<sup>th</sup> Street and 89 feet of frontage on Alabama Street. The existing subject commercial space is approximately 2,639 square feet in size. In total, the site is approximately 5,200 square feet.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of 24<sup>th</sup> and Alabama Streets. To the south is St. Peter's Catholic Church and St. Peter's School. The Project site is located in the 24<sup>th</sup> Street - Mission Neighborhood Commercial Transit Zoning District with a variety of neighborhood-serving uses. The District is defined as having a mixture of Latin American restaurants, grocery stores, and bakeries as well as other gift and secondhand stores. Most commercial businesses are open during the day while the District's bars and restaurants are also active in the evening. Dwelling units are frequently located above the ground-story commercial uses. The surrounding properties are located within the RH-2 (Residential House, Two-Family) District.
4. **Project Description.** The Project Sponsor proposes to change the use of the La Victoria Bakery from a Limited-Restaurant to a Restaurant, as defined by Planning Code Section 790.91, which would allow alcohol to be served. The Project Sponsor plans to seek an Alcoholic Beverage Control (ABC) Type 47 License; which authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises, as long as the licensed premises is operated and

maintained as a Bona Fide Eating Place. The subject commercial space has been used as a Limited Restaurant, specifically a Latin American bakery ('panaderia') doing business as La Victoria Bakery for at least 50 years. The proposal includes minor tenant improvements to the interior café and bar area. The Project Sponsor seeks a total of twenty-three bar stools and three new bar counters. The existing commercial space is approximately 2,639 square feet in size. No expansion of the existing commercial space is proposed. La Victoria Bakery is currently open for business from 7 a.m. to 8 p.m. The Project Sponsor does not propose any change to the current hours of operation.

The proposed use is both an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal requires a change of use and Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use.

The Project Sponsor proposes also to share the existing kitchen facilities with other food service businesses, which could be permitted as allowable accessory uses as long as each food service business meets the requirements of Planning Code Section 703.2(C).

5. **Public Comment.** The Department has received no public comment to date.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Neighborhood Commercial Permit Review.** Planning Code Section 312 requires neighborhood notification of changes of use to a Restaurant for lots within the Neighborhood Commercial Districts.

*The Project Sponsor is proposing the establishment of a Restaurant (790.91) within the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District. Section 312 notification was conducted in conjunction with the Conditional Use Authorization notification.*
  - B. **Restaurant.** Planning Code Section 727.44 allows a Restaurant (790.91) within the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District by Conditional Use Authorization on the first story.

*The Project Sponsor seeks to formalize the status of the existing eating facility as a Restaurant (790.91) in the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District and is seeking Conditional Use Authorization.*
  - C. **Use Size.** Planning Code Section 121.2 requires non-residential uses to be limited to a maximum of 2,500 square feet in size within the 24<sup>th</sup> Street Mission NCT Zoning District. Modifications to this requirement may be granted through the Conditional Use Authorization process.



*The size of the pre-existing Limited Restaurant is approximately 2,639 gross square feet, approximately 139 gross square feet larger than the maximum non-residential use size per Section 121.2. No expansion of the use size is proposed. The Project does not increase the non-conformity of the existing use size and can continue to exist per Planning Code Sections 180 and 181.*

- D. **Parking.** Parking is not required for commercial uses in the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District per Section 727.22 of the Planning Code.

*The Project Sponsor is not proposing any off-street parking.*

- E. **Loading.** Section 152 of the Planning Code requires off-street freight loading spaces for retail stores and similar uses which occupy more than 10,000 gross square feet of floor area.

*The proposed Restaurant will occupy less than 10,000 gross square feet, thus no off-street freight loading spaces are required. No off-street freight loading spaces are proposed. An existing on-street loading zone exists along the Alabama Street frontage, totaling approximately 80 feet in length.*

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. This Section requires certain treatment of facades of buildings on block frontages that are entirely within an NC District. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. It is noted that the provisions of this Section apply to any building facing such street even though the building may also have frontage on another street that is not entirely within an NC District, however the provisions apply only to that facade of the building fronting the street which is entirely within an NC District.

*The proposed Restaurant Use is a permitted Active Use per Section 145.4. The subject commercial space has approximately 15.5 feet of frontage on 24<sup>th</sup> Street with most of subject frontage devoted to either window or entrance space to the restaurant. The existing ground level street-facing frontage on 24<sup>th</sup> Street is more than 60 percent fenestrated with transparent windows, and the windows are clear and unobstructed. There are no changes proposed to the commercial frontage on 24<sup>th</sup> Street. The subject commercial space has approximately 89 feet of frontage on Alabama Street, and is less than 60 percent fenestrated with transparent windows; however, the block on Alabama Street is not entirely within a Neighborhood Commercial District, and thus the transparency requirements of Section 145 are not applicable to the Alabama Street frontage.*

- G. **Hours of Operation.** Principally permitted hours of operation are from 6 a.m. to 2 a.m. and conditionally permitted hours of operation are from 2 a.m. to 6 a.m. in the 24<sup>th</sup> Street – Mission NCT District. Permitted hours of operation pertain specifically to the hours which a commercial establishment may be open for business.

*La Victoria Bakery is currently open for business from 7 a.m. to 8 p.m. The Project Sponsor does not propose any change to the current hours of operation. It is important to note that, as a bakery, preparation and baking of breads and other baked products has been conducted earlier than 6 a.m. for more than 50 years, and this operation is proposed to continue to occur at the subject location. No change is proposed in regard to the hours when the subject commercial establishment will be open for business, and therefore existing and proposed hours of operation are principally permitted per Section 727.27.*

- H. **Mission Alcoholic Beverage Special Use District.** This SUD, which has been in effect since 1987, was established to prohibit new establishments, or expansion of existing establishments, selling alcoholic beverages within the area (generally bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez Street, Potrero Avenue and Fourteenth Street) and to prohibit the transfer of liquor licenses. However, certain alcohol-related uses are allowed within the SUD, including a Restaurant Use. Per Sections 781.8 and 249.60 of the Planning Code, a Restaurant Use, as defined in Section 790.91, operating as a Bona Fide Eating Place, as defined in Section 790.142, shall be permitted to serve alcoholic beverages in this SUD.

*The Restaurant Use is proposed to operate as a Bona Fide Eating Place as defined by Planning Code Section 790.142. The proposed Restaurant is an expanded concept of a café which offers a unique assortment of both savory and sweet food offerings. The envisioned food service would include a full menu of specialty food items prepared by La Victoria Bakery as well as by several food service businesses which would share the kitchen on-site. The Project Sponsor intends to submit an application for a Type 47 alcoholic beverage license.*

- I. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.
7. **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 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 existing La Victoria Bakery has been operating at this location for more than 50 years, and the proposed change of use from a Limited Restaurant use to a Restaurant use is compatible with the District. The size of the proposed use is in keeping with other storefronts on the block face. The proposed Restaurant will not impact traffic or parking in the District because it is well-served by transit. On balance, the proposal, located on the ground floor, is in line with the prevalent pattern of commercial and retail ground floor uses within the 24<sup>th</sup> Street – Mission Commercial Transit District.*

- 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 proposed Restaurant use will operate within the existing commercial space, and no expansion of the building envelope is proposed.*

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

*The Planning Code does not require parking or loading for a 2,639 square-foot Restaurant. The subject site is well-served by public transit, minimizing the need for private vehicle trips.*

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

*The proposed use is subject to the standard conditions of approval for a restaurant use as outlined in Exhibit A. These conditions specifically obligate the Project Sponsor to mitigate odor and noise generated by the restaurant use.*

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

*The Planning Code does not require any parking or loading for the proposed project. There is no proposed addition of or change to signs as part of the Conditional Use Authorization. No additional landscaping is proposed. There are four existing trees on the Alabama Street frontage, and one existing tree on the 24<sup>th</sup> Street frontage.*

- 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 Restaurant is consistent with the stated purpose of the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District in that the intended use is located at the ground floor, will*

*provide compatible convenience goods for the immediately surrounding neighborhoods and is in character with the unique mix of specialty commercial uses found within the Zoning District.*

8. **Additional Conditional Use Criteria for Restaurant Uses.** Planning Code Section 303(o) establishes criteria with regard to a Conditional Use Authorization application for a Restaurant use in a Neighborhood Commercial District. Section 303(o) requires the Planning Commission to consider, in addition to the criteria set forth in Code Section 303(c), the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Code Section 303(o), the immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

*Based on a land use survey completed by Department staff, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet of the Project Site is approximately 25.9% of the total commercial frontage as measured in linear feet. With the subject change of use from a Limited-Restaurant use to a Restaurant use, the total aforementioned commercial frontage dedicated to eating and drinking establishments will not increase for the reason that the existing Limited-Restaurant Use is an existing eating and drinking establishment, and thus a change of use to a Restaurant would not add a new eating and drinking establishment use. The proposal would be in compliance with the requirements of Code Section 303(o). There are twelve other eating and drinking establishments within 300 feet of the subject site.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.1:

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

#### Policy 1.2:

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

#### Policy 1.3:

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

*The proposed development will provide desirable goods and services, a variety of foods including specialized baked goods, to the residents of the neighborhood and will provide resident employment opportunities to those in the community. Being located within the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District the proposed project is consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The proposed Project seeks to allow an existing eating establishment to serve alcohol, aiding in the retention of an existing commercial activity and neighborhood serving use within the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District.*

**OBJECTIVE 6:**

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

**Policy 6.1:**

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

*No commercial tenant would be displaced and the project would not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood.*

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

**Eating and Drinking Establishments**

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;

- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
  - Balance of retail sales and services;
  - Current inventory and composition of eating and drinking establishments;
  - Total occupied commercial linear frontage, relative to the total district frontage;
  - Uses on surrounding properties;
  - Available parking facilities, both existing and proposed;
  - Existing traffic and parking congestion; and
  - Potential impacts on the surrounding community.

*There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District, where the proposed project is located. Approximately 25% of the commercial frontage of the 24<sup>th</sup> Street – Mission Neighborhood Commercial Transit District is attributed to eating and drinking establishments. However, it is important to note that the proposed project has had food consumption as part of its operation for over 50 years at the subject location and therefore does not add to the concentration of eating establishments. The project will be subject to the standard Conditions of Approval for eating and drinking establishments including those concerned with trash, odors, and general cleanliness. While the Restaurant use is not proposing a retail operation to be open beyond 9 p.m., it is important to note that a nearly 24-hour operation has existed at this location due to the long-standing bakery operation in which baked goods were prepared at night to be served fresh in the morning.*

**Policy 6.2:**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

*An independent owner is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

**MISSION AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1.8:**

MAINTAIN AND STRENGTHEN THE MISSION'S COMMERCIAL AREAS.

**Policy 1.8:**

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

*The proposed project will increase the capacity of the existing eating establishment to serve the needs of the residents of 24th Street, by offering Latin American cuisine and specialty food products to immigrants and residents of San Francisco.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

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

*The project proposes to expand the services of an existing eating establishment that serves the neighborhood and that serves as a source of employment for neighborhood residents.*

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

*The existing units in the surrounding neighborhood would not be adversely affected. The proposal proposes to utilize an existing storefront and restaurant space which has existed at the subject location for over five decades.*

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

*No housing is removed for this Project.*

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

*The proposed project is at the corner of 24<sup>th</sup> and Alabama Streets and is well-served by transit. It is highly likely that both employees and customers of the proposed project will either walk or use Muni to arrive at the subject location as several bus lines operate within a few blocks of the site. Additionally, the 24<sup>th</sup> Street Mission BART station is located approximately 0.29 miles from the site.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The Project will not impact any landmarks or historic buildings.*

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

*The Project will have no negative impact on existing parks and open spaces.*

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.



## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-002658CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 3, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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 December 3, 2015.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 3, 2015

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Restaurant (d.b.a. La Victoria) located at 2937 24<sup>th</sup> Street and 1205 Alabama Street, Block 4269, Lots 023 and 024 pursuant to Planning Code Sections **303, 727.44, 790.91** within the 24th Street – Mission Neighborhood Commercial Transit District and **45-X and 40-X** Height and Bulk Districts; in general conformance with plans, dated **May 23, 2013**, and stamped “EXHIBIT B” included in the docket for Case No. **2015-002658CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 3, 2015** 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 3, 2015** 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

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

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

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

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

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

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

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

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

**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.sfpplanning.org](http://www.sfpplanning.org)*

### MONITORING - AFTER ENTITLEMENT

**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)*

**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

**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>*

**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>*

**Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**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)*



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2937 24TH STREET, 1205 ALABAMA STREET		4269/023, 4269/024	
Case No.	Permit No.	Plans Dated	
2015-002658CUA		12/3/2014	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. The Project Sponsor seeks approval of Conditional Use Authorization pursuant to Sections 303, 727.44 of the Planning Code to allow a full-service Restaurant (d.b.a La Victoria Bakery) within the NCT (24th Street Mission Neighborhood Commercial Transit) District and 45-X Height and Bulk District.			

### STEP 1: EXEMPTION CLASS

#### TO BE COMPLETED BY PROJECT PLANNER

<b>Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class__

### STEP 2: CEQA IMPACTS

#### TO BE COMPLETED BY PROJECT PLANNER

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



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2937 24TH STREET, 1205 ALABAMA STREET		4269/023, 4269/024	
Case No.	Permit No.	Plans Dated	
2015-002658CUA		12/3/2014	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. The Project Sponsor seeks approval of Conditional Use Authorization pursuant to Sections 303, 727.44 of the Planning Code to allow a full-service Restaurant (d.b.a La Victoria Bakery) within the NCT (24th Street Mission Neighborhood Commercial Transit) District and 45-X Height and Bulk District.			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

<b>Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	<b>Class 3 – New Construction/ Conversion of Small Structures.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class</b> __

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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

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

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

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

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

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


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

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



<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input type="checkbox"/>	10. <b>Reclassification of property status</b> to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify): _____
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**  
**TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA.</b>	
	<b>Planner Name:</b> Jonathan DiSalvo	<b>Signature:</b>  <div style="text-align: center;">   <b>Jonathan DiSalvo</b> </div> <small>Digitally signed by Jonathan DiSalvo  DN: dc=org, dc=sfgov, dc=cityplanning,  ou=CityPlanning, ou=Current Planning, cn=Jonathan  DiSalvo, email=Jonathan.DiSalvo@sfgov.org  Date: 2015.11.09 15:14:41 -08'00'</small>
	<b>Project Approval Action:</b> <b>Planning Commission Hearing</b> If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		

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

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

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

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

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

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

**DETERMINATION OF NO SUBSTANTIAL MODIFICATION**

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

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

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

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

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

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

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

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

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

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

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

**DETERMINATION OF NO SUBSTANTIAL MODIFICATION**

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

# Parcel Map

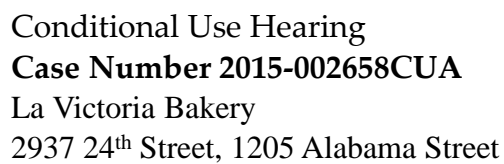
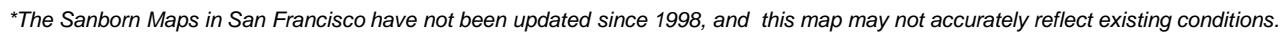
SUBJECT PROPERTY

BLOCK 4269



Conditional Use Hearing  
 Case Number 2015-002658CUA  
 La Victoria Bakery  
 2937 24<sup>th</sup> Street, 1205 Alabama Street

## SUBJECT PROPERTY



# Aerial Photo

SUBJECT PROPERTY

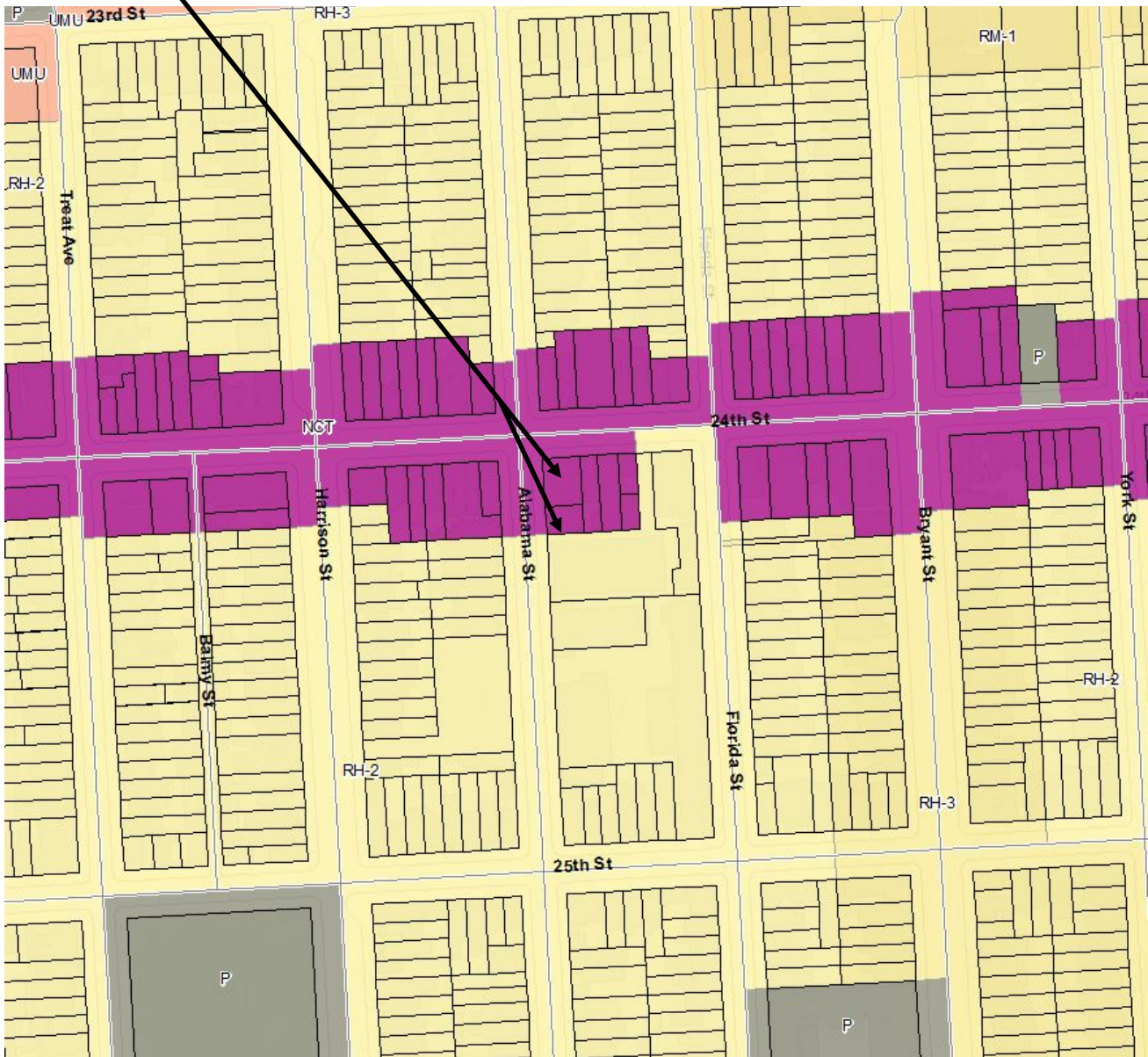


Conditional Use Hearing  
Case Number 2015-002658CUA  
La Victoria Bakery  
2937 24<sup>th</sup> Street, 1205 Alabama Street



# Zoning Map

SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2015-002658CUA  
La Victoria Bakery  
2937 24<sup>th</sup> Street, 1205 Alabama Street

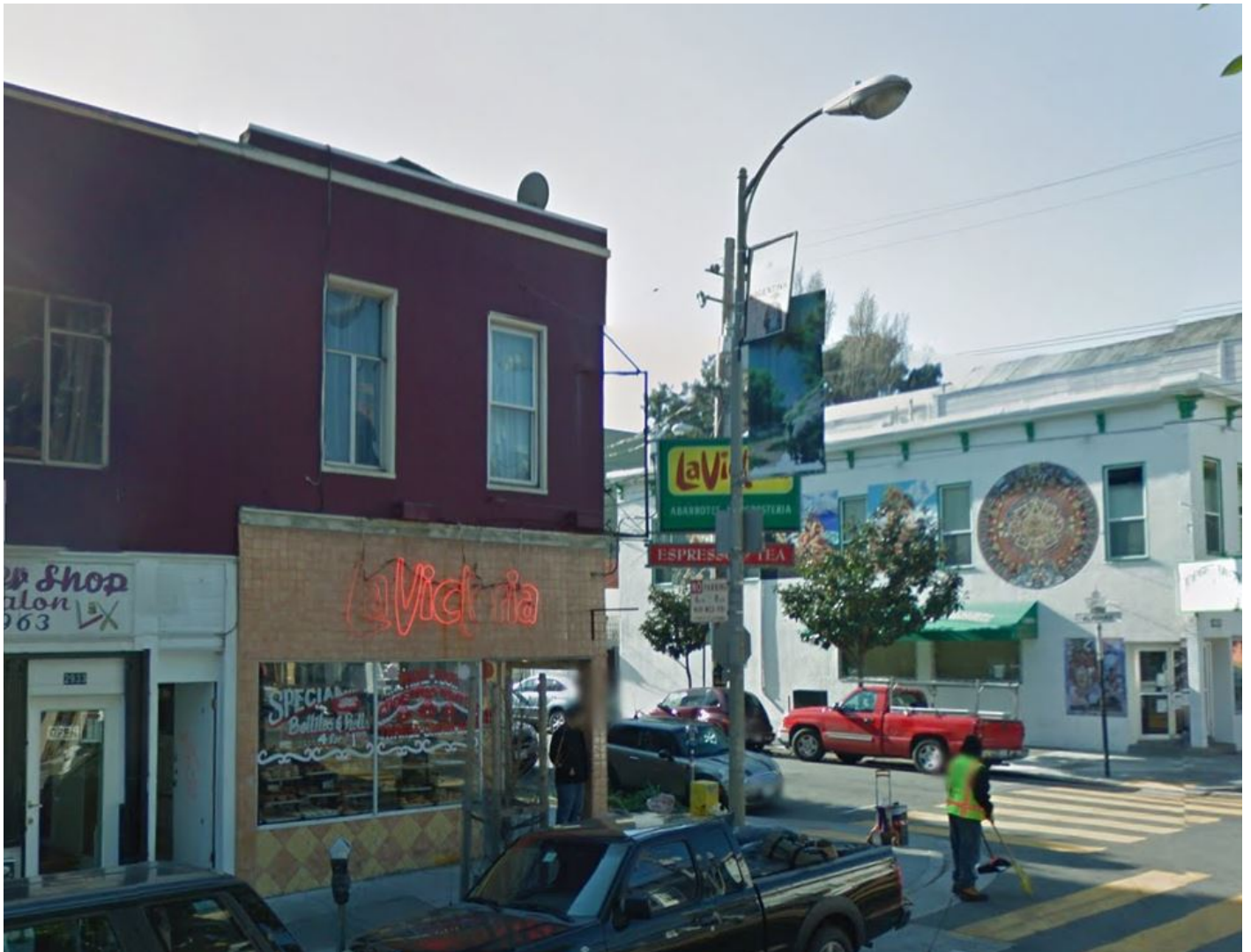


# Height and Bulk Map

SUBJECT PROPERTY



# Site Photo



Conditional Use Hearing  
Case Number 2015-002658CUA  
La Victoria Bakery  
2937 24<sup>th</sup> Street, 1205 Alabama Street

# Site Photo



Conditional Use Hearing  
Case Number 2015-002658CUA  
La Victoria Bakery  
2937 24<sup>th</sup> Street, 1205 Alabama Street



# Site Photo



Conditional Use Hearing  
Case Number 2015-002658CUA  
La Victoria Bakery  
2937 24<sup>th</sup> Street, 1205 Alabama Street

# Site Photo



Conditional Use Hearing  
Case Number 2015-002658CUA  
La Victoria Bakery  
2937 24<sup>th</sup> Street, 1205 Alabama Street



- ## ABBREVIATIONS

- ## GENERAL NOTES



(E) CONSTRUCTION TO BE REMOVED



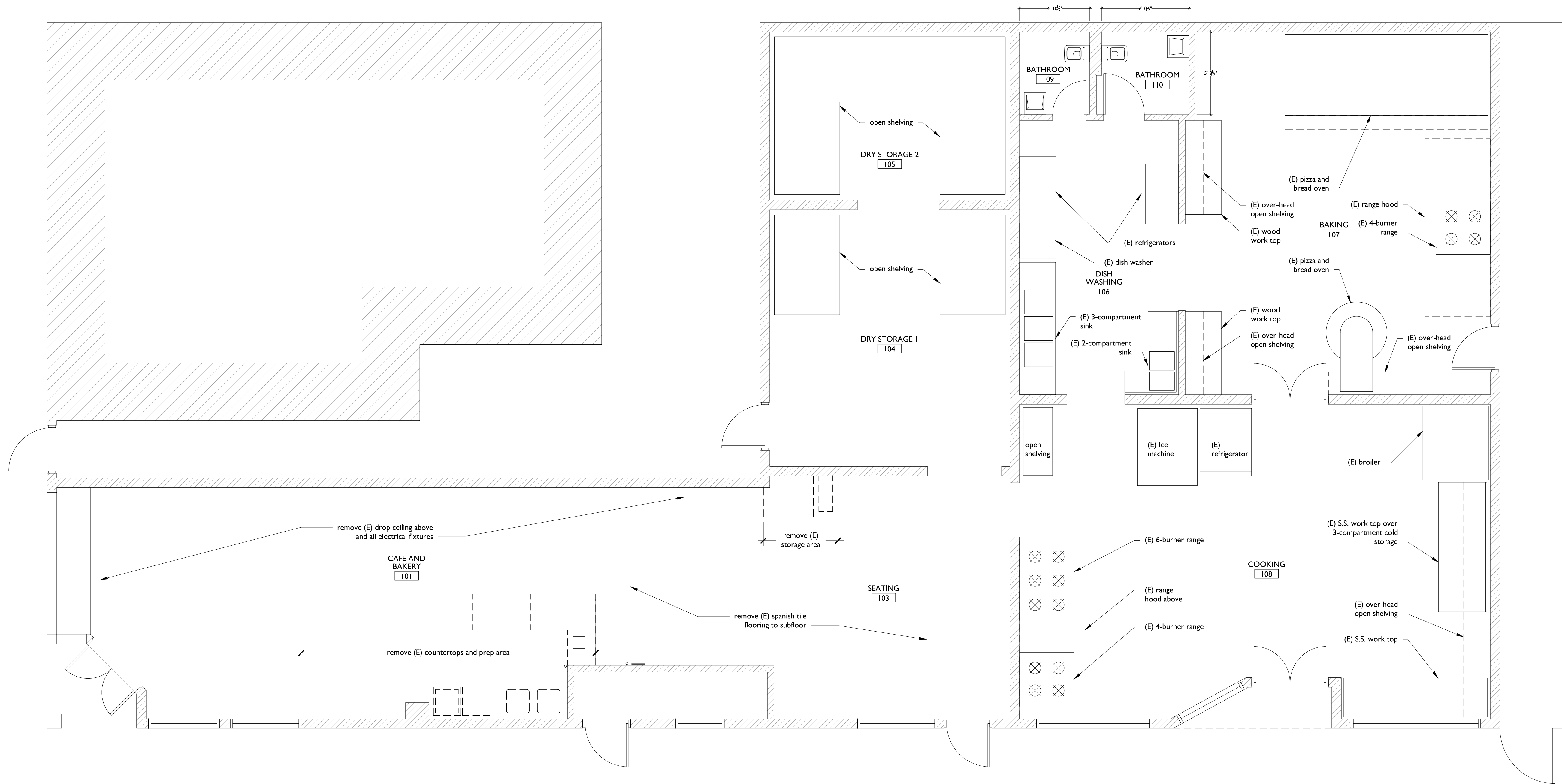
## SHEET INDEX



## SF, CA, 94110

PAGE #

# A0.1



EXISTING FLOOR PLAN

TITLE

Existing and  
Demolition  
Floor Plans

SCALE

As Shown

DATE

23 May 2013

BY

rg

ISSUE

Permit Set

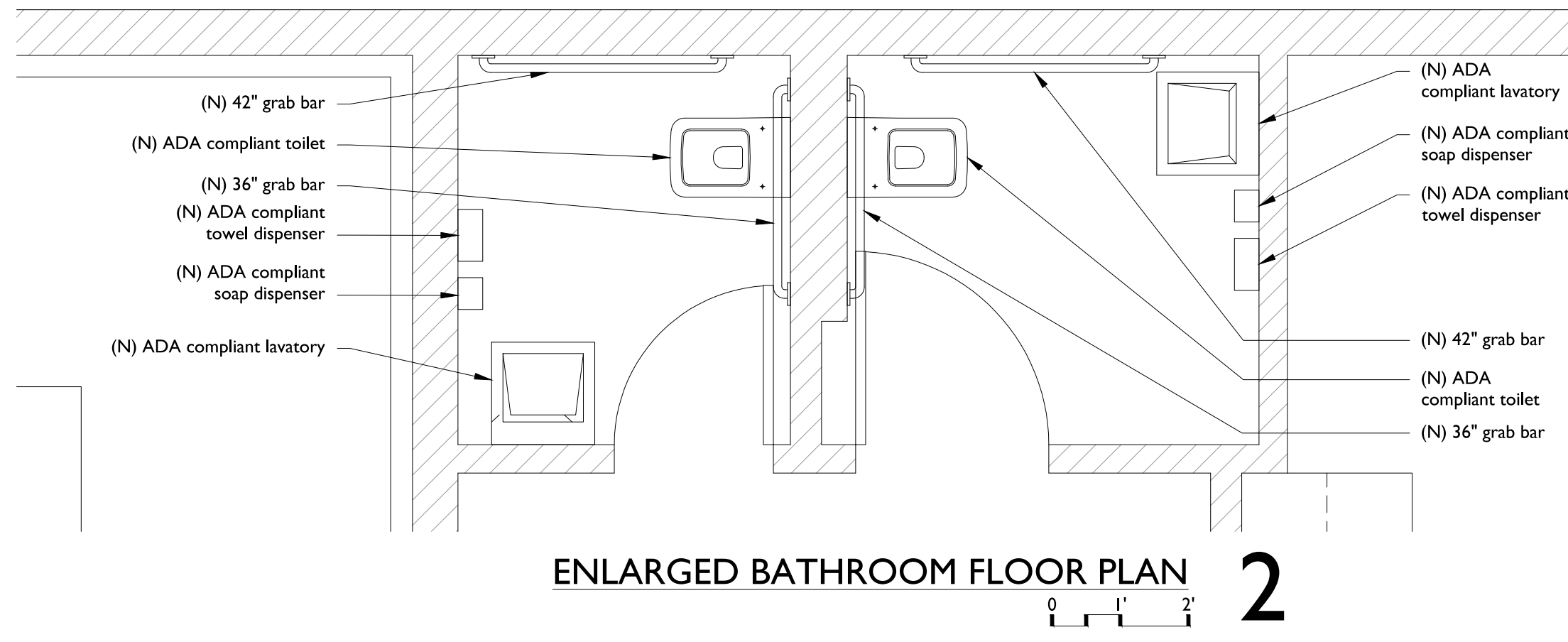
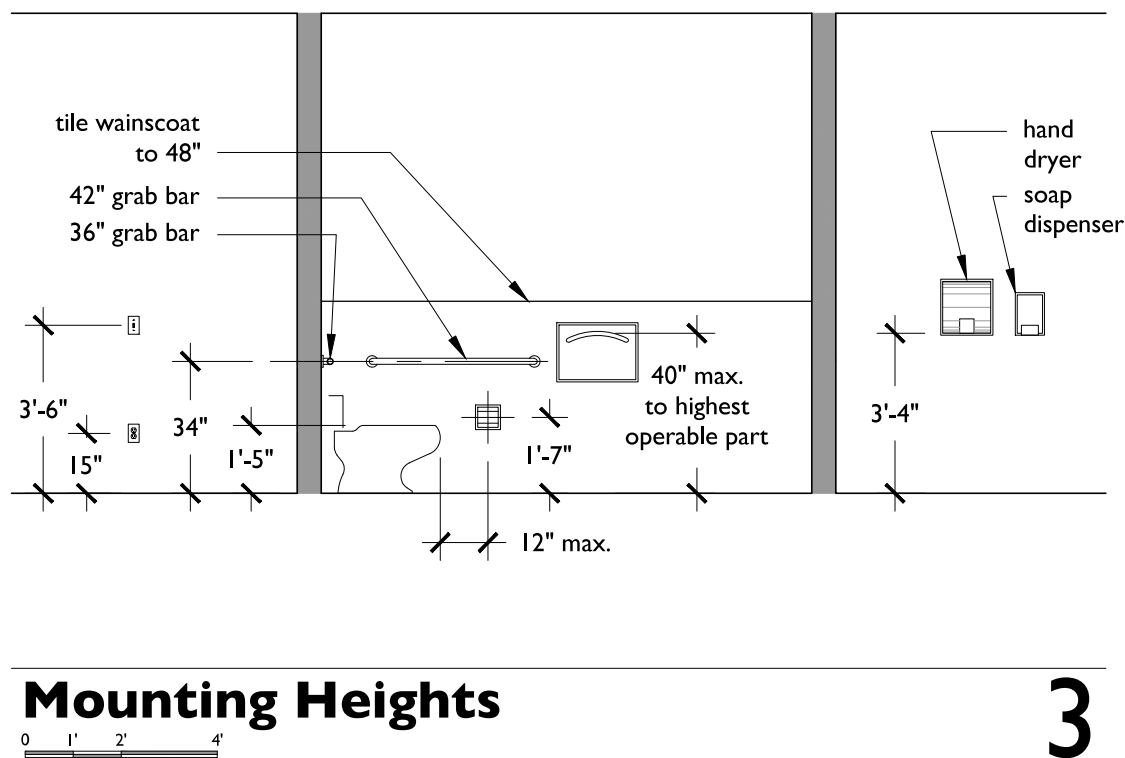
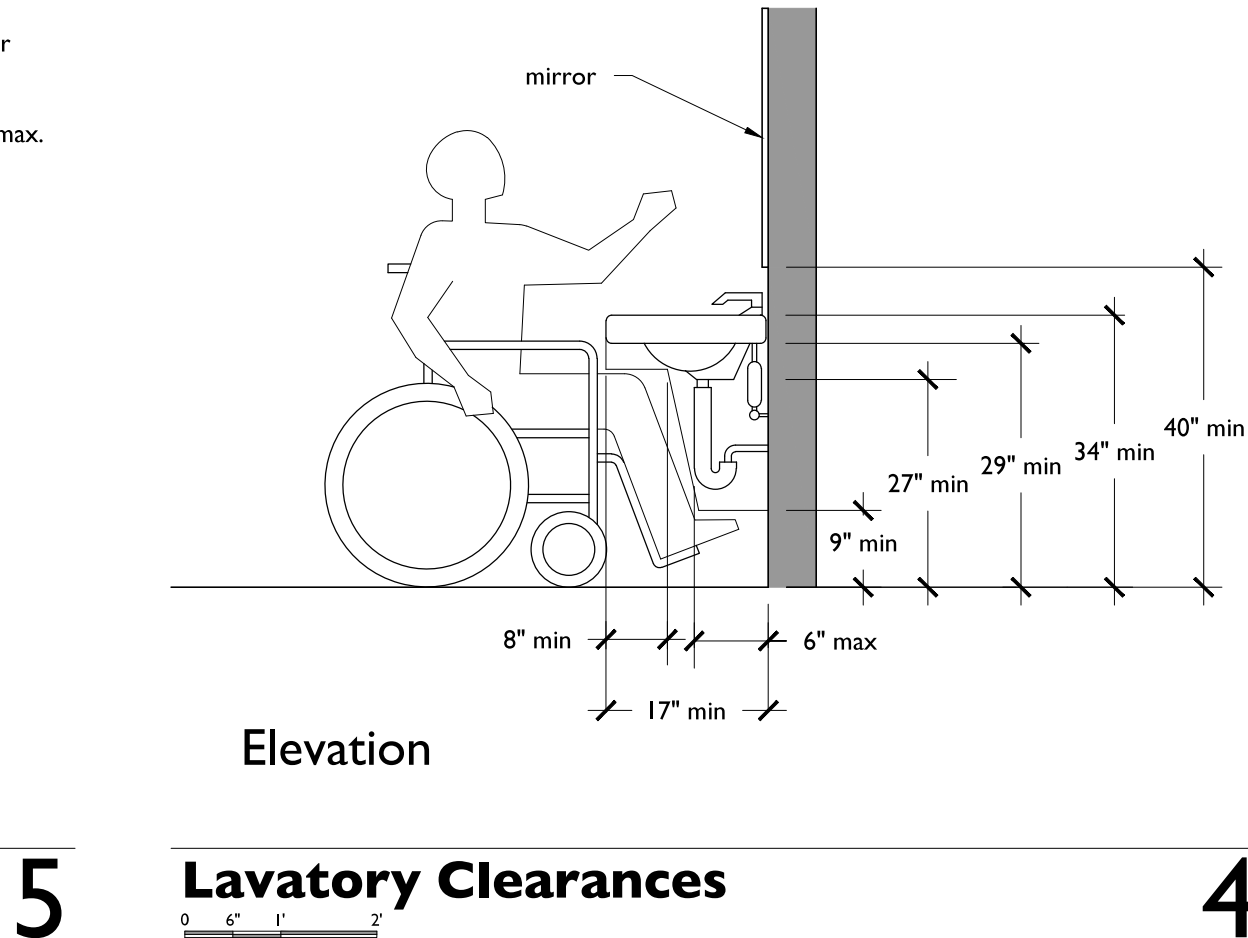
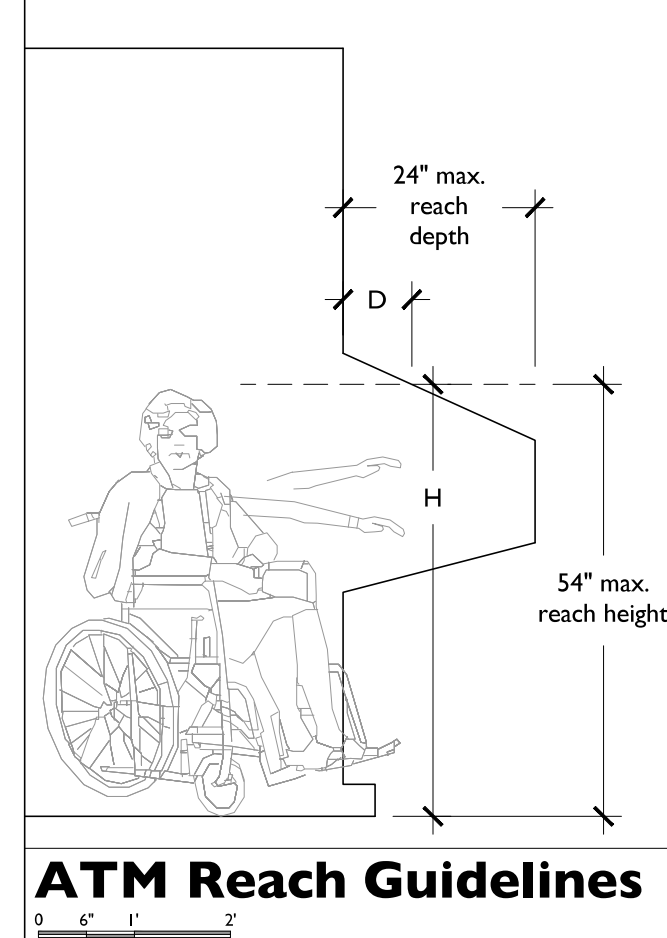
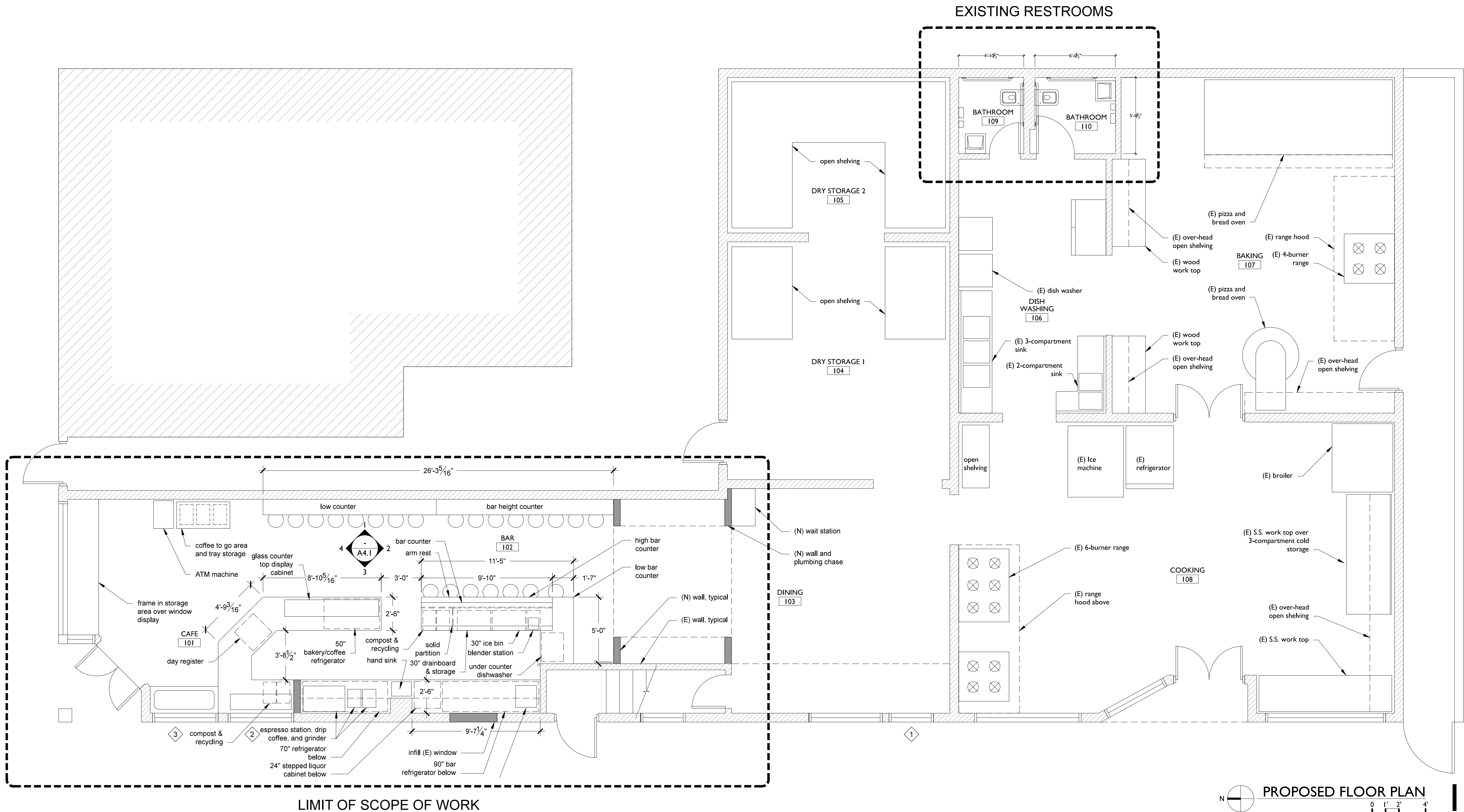
9 July 2013

Pricing Set

22 May 2014

PAGE #







La Victoria  
Bakery and Bar

2937 24th Street  
SF, CA, 94110

TITLE

Proposed  
Reflected  
Ceiling Plan

SCALE

1/4" = 1'-0"

DATE

1 May 2013

BY

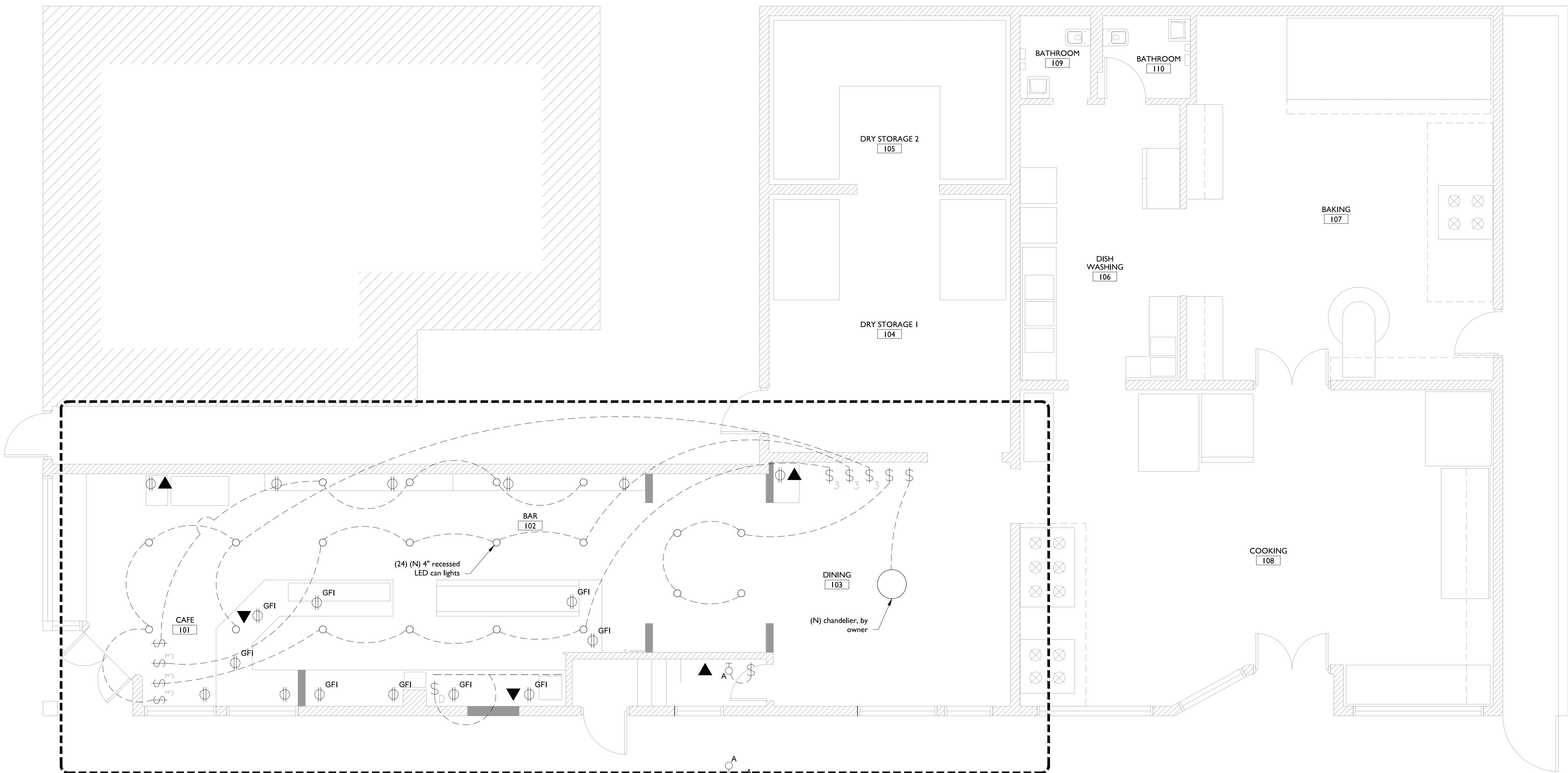
rg

ISSUE

Permit Set

07.09.13

PAGE #



LIMIT OF SCOPE OF WORK

Notes:

1. 4" can lights shall be Halo EL405830 Dimmable LED units.
2. Reduced lighting load.
3. Less than 50% of existing light fixtures to be replaced.

REFLECTED CEILING PLAN



CEILING FAN



RECESSED WALL/STAIR FIXTURE



HIGH EFFICACY LED STRIP CONCEALED LIGHTING  
(NORA BRAND OR SIMILAR)



PANASONIC WHISPER LINE FAN  
Note 1: Provide 8 air changes per hour for bathrooms



COMBINATION SMOKE AND CARBON MONOXIDE  
ALARM



SPEAKER



GAS WITH MANUAL TURNOFF



DRYER VENT



HOOD FAN VENT



WALL SCONCE



ELECTRICAL SWITCH



ELECTRICAL 3-WAY SWITCH



ELECTRICAL DIMMER SWITCH



ELECTRICAL 3-WAY DIMMER SWITCH



MOTION DETECTOR



TIMER SWITCH, LUTRON MA-T530G-WH



WALL MOUNTED DUPLEX POWER RECEPTACLE



WALL MOUNTED USB POWER RECEPTACLE,  
COOPER USB TR7745W-K



GFI PROTECTED DUPLEX POWER RECEPTACLE



FOURPLEX POWER RECEPTACLE



DOOR BELL



TKP-100 CONTROL PANEL



TKP-2000 CONTROL PANEL



CABLE TV OUTLET



DATA, CAT6



HIGH EFFICACY 4" LED DIMMABLE CAN



4" LED DIMMABLE WALL WASH



HIGH EFFICACY 6" LED DIMMABLE CAN



CEILING MOUNT FIXTURE

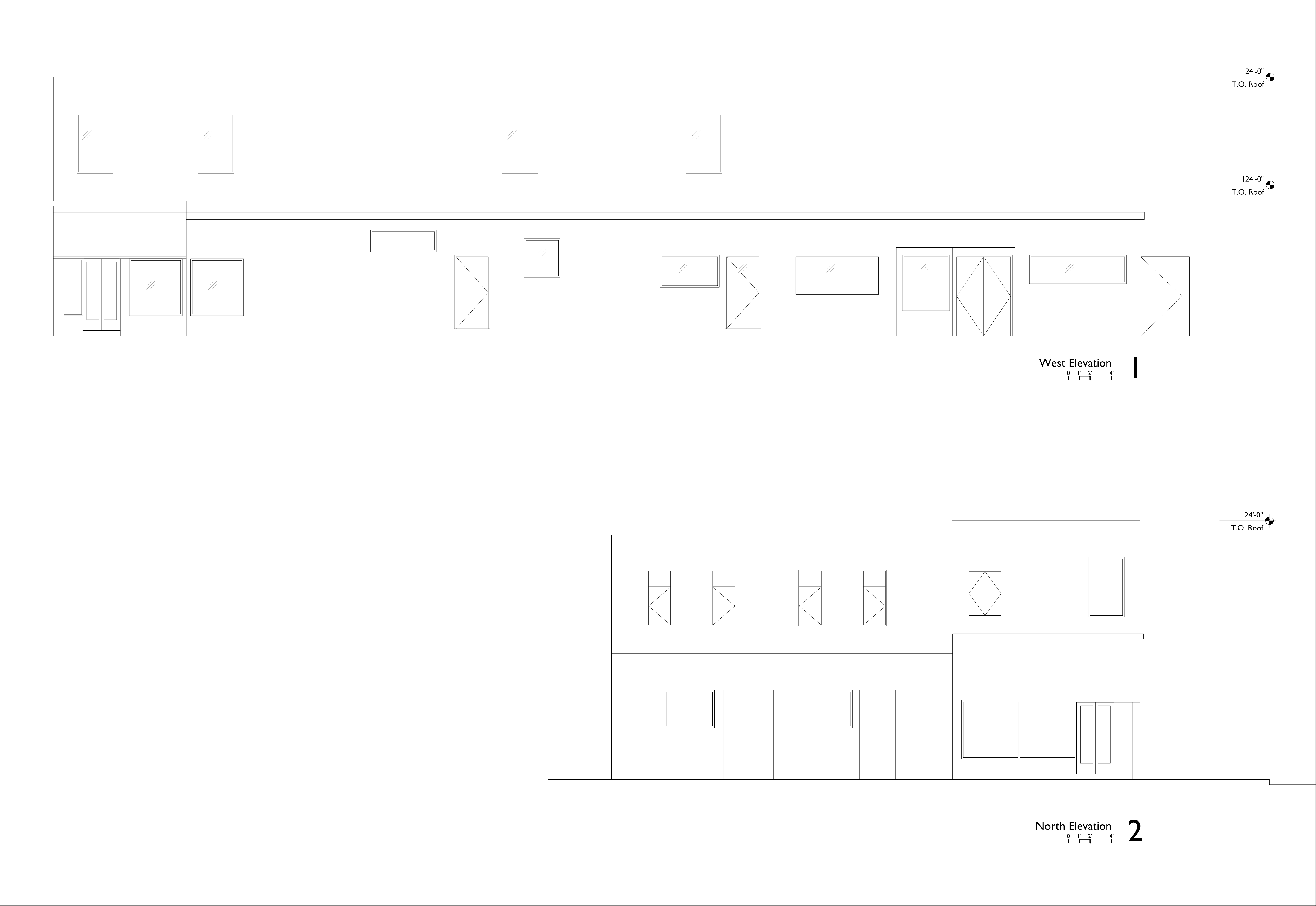


PENDANT FIXTURE



4" FLUORESCENT FIXTURE

ELECTRICAL SYMBOLS LEGEND



La Victoria  
Bakery and Bar

2937 24th Street  
SF, CA 94110

TITLE	
Elevations	
SCALE	As Shown
DATE	28 May 2013
BY	rg
ISSUE	
Permit Set	07.09.13

