Executive Summary
Conditional Use Authorization

HEARING DATE: OCTOBER 24, 2019

Record No.: 2018-013158CUA
Project Address: 2956 24TH STREET
Zoning: 24TH-Mission NCT (Neighborhood Commercial Transit) Zoning District
45-X Height and Bulk District
Calle 24 Special Use District
Mission Alcoholic Beverage Special Use District
Block/Lot: 4206/015
Project Sponsor: John Situ, 3 Of A Kind Corp.
465 Grove Street
San Francisco, CA
Property Owner: Hawk Lu
35 Ora Way, San Francisco, CA
Staff Contact: Esmeralda Jardines – (415) 575-9144
esmeralda.jardines@sfgov.org
Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The proposed Project includes a change of use from a limited restaurant to a full-service restaurant. The proposal does not include any interior or exterior tenant improvements. The existing limited restaurant measures approximately 1,869 square feet in size, and is located in an existing two-story commercial building.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 763, to convert the existing limited restaurant to a full-service restaurant within the 24th-Mission NCT Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- Public Comment & Outreach.
  - The Department has received correspondence from Calle 24 inquiring about the Calle 24 controls in relation to the proposed change of use to full-service restaurant.

  - Calle 24 SUD: Though within the Calle 24 Special Use District, the proposed change of use is from a limited restaurant to a full-service restaurant. This specific change of use per Planning Code Section 249.59(d)(1), is exempt from the requirements of the Calle 24 SUD. However, the eating and drinking commercial frontages within 300 feet of 2956 24th Street and within the 24th-Mission...
Executive Summary
Hearing Date: October 24, 2019

Street NCT are not more than 29% as 381 linear feet of a total of 1,325 linear feet are devoted to eating and drinking uses. Therefore, though not required, the proposed full-service restaurant is below the 35% threshold established in the Calle 24 SUD.

- **Legacy Business.** The existing legacy business (DBA Acción Latina) is and will remain at 2958 24th Street. Acción Latina is a nonprofit organization serving Latinos in San Francisco through community media and cultural arts programming. The proposed change of use from limited restaurant to full-service restaurant (DBA Double Decker) is proposed at 2956 24th Street.

**ENVIRONMENTAL REVIEW**

The project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

**BASIS FOR RECOMMENDATION**

The Department finds that the Project is, on balance, consistent with the Mission Area Plan and the Objectives and Policies of the General Plan. The proposed land use conversion will allow an existing local business to remain in San Francisco, neighborhood stabilization is a goal of the Mission and of the City at large. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

**ATTACHMENTS:**

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Land Use Data
Exhibit C – Parcel Map
Exhibit D – Zoning Map
Exhibit E – Height and Bulk Map
Exhibit F – Sanborn Map
Exhibit G – Aerial Photographs
Exhibit H – Site Photographs
Exhibit I – Architectural Plans prepared by SEDES Architecture
Exhibit J – Eating and Drinking Concentration Survey prepared by John Situ
Exhibit K – Restaurant Menu (DBA Double Decker) provided by John Situ
ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 763 TO CONVERT AN 1,869-SQUARE FOOT LIMITED RESTAURANT TO A FULL-SERVICE RESTAURANT USE LOCATED AT 2956 24TH STREET, LOT 015 IN ASSESSOR’S BLOCK 4206, WITHIN THE 24TH-MISSION NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT, CALLE 24 SPECIAL USE DISTRICT, AND MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT, AND A 45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 25, 2018, John Situ of 3 of a Kind Corp. (hereinafter "Project Sponsor") filed Application No. 2018-013158CUA (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for a Conditional Use Authorization to convert the limited-restaurant to a full-service restaurant (hereinafter “Project”) at 2956 24th Street, Block 4206 Lot 015 (hereinafter “Project Site”).

The project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

On October 24, 2019, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-013158CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2018-013158CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.
The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-013158CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Project Description.** The Project includes a change of use of approximately 1,869 square feet from a limited restaurant to a full-service restaurant within an existing two-story commercial building at 2956 24th Street. The proposal does not include any interior or exterior tenant improvements, and the project does not propose any exterior expansion.

3. **Site Description and Present Use.** The Project is located on the north side of 24th Street between Alabama and Harrison Street, on Assessor’s Block 4206, Lot 015. The Project is located on one 4,680-square foot rectangular lot with 45 feet of frontage on 24th Street and 104 feet of lot depth. The property is located within the 24th-Mission Street NCT (Neighborhood Commercial Transit) District, a 45-X Height and Bulk District, the Calle 24 Special Use District, and the Mission Alcoholic Beverage Special Use District. Currently, there is an existing 1,869-square foot ground floor limited restaurant (DBA Double Decker) at 2956 24th Street. The existing legacy business (DBA Acción Latina) is and will remain at 2958 24th Street. Acción Latina is a nonprofit organization serving Latinos in San Francisco through community media and cultural arts programming.

4. **Surrounding Properties and Neighborhood.** The Project Site is located within the 24th-Mission Street NCT (Neighborhood Commercial Transit) Zoning District in the Mission Area Plan. The immediate context is mixed in character with ground floor commercial and residential above. The immediate neighborhood includes two-to-three-story residential development to the north and two-to-three-story mixed-use buildings with ground floor commercial and residential above along the 24th Street commercial corridor to the east, west, and south of 2956 24th Street. The project site is located within the boundaries of the Calle 24 Special Use District, which was established as part of the interim controls by the Board of Supervisors per Ordinance No. 133-15, and the Calle 24 Latino Cultural District, which was established by Board of Supervisors Resolution, File No. 140421 in May 2014. Other zoning districts in the vicinity of the project site include: P (Public), RH-2 (Residential-House, Two-Family), and RH-3 (Residential House-Three Family) Zoning Districts.
5. **Public Outreach and Comments.** The Department has received correspondence from Calle 24 inquiring about the Calle 24 controls in relation to the proposed change of use to full-service restaurant.

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. **Restaurant Use.** Planning Code Section 763 conditionally permits a restaurant on the first story within the 24th-Mission NCT (Neighborhood Commercial Transit) Zoning District.

      The Project Sponsor is pursuing a change of use from a limited restaurant to a full-service restaurant at the ground floor of 2956 24th Street; therefore, is seeking Conditional Use Authorization for the project.

   B. **Use Size.** Planning Code Section 121.2 requires non-residential uses to be limited to a maximum of 2,499 square feet in size within the 24th-Mission Street NCT (Neighborhood Commercial Transit) Zoning District. Modifications to this requirement may be granted through the Conditional Use Authorization process.

      The project proposes to establish a full-service restaurant measuring 1,869 square feet. Thus, the project is within the use size requirement for the 24th-Mission Street NCT Zoning District.

   C. **Hours of Operation.** Planning Code Section 763 states that a Conditional Use Authorization is required for maintaining hours of operation from 2AM to 6AM.

      The proposed hours of operation for the full-service restaurant are 10:30 AM to 9:00 PM, Sunday through Thursday and from 10:30 AM to 10:00 PM, Friday-Saturday. Therefore, the proposed full-service restaurant will operate within the principally permitted hours of operation.

   D. **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. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly
unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

_The subject commercial space has approximately 22-feet 11 1/2-inches of frontage on 24th Street with the entirety devoted to either the restaurant entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage._

### E. Calle 24 Special Use District (SUD)

The Calle 24 Special Use District is intended to preserve the prevailing neighborhood character of the Calle 24 Latino Cultural District while accommodating new uses and recognizing the contributions of the Latino community to the neighborhood and San Francisco. Specifically, the Calle 24 Special Use District is established to:

1. Preserve and enhance the unique character of the Calle 24 Special Use District and recognize Latino cultural heritage through contextual architectural design, storefront size, signage, streetscape enhancements, artwork, and other elements of the built environment;

2. Support the production or offerings of local or Latino artwork, arts activities, and crafts by retaining, developing, promoting, or offering these within the Calle 24 Special Use District;

3. Preserve the contributions of Legacy Businesses to the history and identity of the Special Use District and the Calle 24 Latino Cultural District by preserving a Legacy Business;

4. Retain, enhance and promote neighborhood serving businesses and institutions that serve a variety of households by making services and products available and accessible to residents, including immigrant and low-income and moderate-income households;

5. Retain, enhance, and promote neighborhood-serving businesses and institutions that strengthen economic opportunities for local residents by developing partnerships amongst existing and new local businesses, institutions, vendors, and micro entrepreneurs; and

6. Retain, enhance and promote neighborhood-serving businesses and institutions that enhance economic and workforce opportunities for local residents by coordinating with the Office of Economic and Workforce Development to engage with the City’s workforce system to provide employment opportunities, career trainings, and formal partnerships to identify and address both business and community workforce needs.

The following provisions, in addition to all other applicable provisions of the Planning Code, shall apply within the Calle 24 Special Use District:
Eating and Drinking Establishments. In addition to other prohibitions on such uses found within this Code, a new Restaurant use, new Limited-Restaurant use, new Bar use, or the physical expansion of any such existing use shall be prohibited where the concentration of those uses exceeds, or would exceed with the proposed use or physical expansion of an existing use, 35% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purpose of calculating the concentration of commercial frontage, the “immediate area” shall mean all properties located within 300 feet of the subject property within the Calle 24 Special Use District and in a zoning district that is not Residential or Public Use. Any project for which a development application, as defined in Section 401, was submitted by March 31, 2017 or any change in use from an existing Limited-Restaurant use to a Restaurant use shall be exempt from the requirements of this Section 249.59(d)(1).

Though within the Calle 24 Special Use District, the proposed change of use is from a limited restaurant to a full-service restaurant. This specific change of use per Planning Code Section 249.59(d)(1), is exempt from the requirements of the Calle 24 SUD. However, the eating and drinking commercial frontage within 300 feet of 2956 24th Street and within the 24th-Mission Street NCT, is no more than 29% as 381 linear feet of a total of 1,325 linear feet are devoted to eating and drinking uses. Therefore, though not required, the proposed full-service restaurant is below the 35% threshold established in the Calle 24 SUD.

F. Mission Alcoholic Beverage Special Use District (SUD). 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 781.80 and 249.60 of the Planning Code, a Restaurant Use, as defined in Section 102, operating as a Bona Fide Eating Place, as defined in Section 102, 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 102. Thus, the project is permitted by the SUD to serve alcohol in conjunction with a bonafide eating place. The restaurant intends to apply for a Type 41 ABC license. Per the State of California’s Department of Alcoholic Beverage Control’s website, a Type 41 is an on-sale license (beer and wine-eating place). The type 41 is authorized for the sale of beer and wine for consumption on or off the premises where sold; distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bonafide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on premises. As proposed, 2956 24th Street is proposing to utilize a Type 41 license for the full-service restaurant. The latter would not be permitted
to operate for a limited-restaurant as limited restaurants are limited to a Type 20 (off-sale beer and wine) as defined in Planning Code Section 102.

G. **Eating and Drinking Uses.** Planning Code Section 202.2 outlines the location and operating conditions for eating and drinking uses. 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.

As stated in the Conditions of Approval, the proposed full-service restaurant use will be required to comply with the conditions outlined in Section 202.2, as it relates to keeping the main entrance and surrounding streets and sidewalks clear of trash and debris; ensuring that the space is properly insulated to prevent noise in excess of the noise levels specified in the San Francisco Noise Control Ordinance; installation of proper odor control equipment to prevent any noxious of offensive odors from escaping the premises; and the proper storage and disposal of garbage, recycling and composting.

H. **Signage.** Article 6 of the Planning Code outlines the requirements for exterior signage.

*Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.*

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.
The size of the proposed use is in keeping with other storefronts on the block face. The proposed full-service restaurant will not impact traffic or parking in the District because it is not a destination restaurant. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope, yet the inclusion of outside seating will alter the use of the property.

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

The Planning Code does not require parking or loading for an 1,869 square-foot full-service restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

(3) 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 full-service restaurants and outlined in Exhibit A. The Conditions of Approval obligate the project sponsor to mitigate odor and noise generated by the restaurant use.

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

The proposed full-service restaurant does not require any additional tenant improvements. However, the Department shall review all signs proposed for the new business in accordance with the Conditions of Approval.

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 24th-Mission Street NCT Zoning District in that the intended use is located at the ground floor, will provide a compatible convenient service for the immediately surrounding neighborhoods during daytime hours.

8. **Additional Conditional Use Criteria for Eating and Drinking Uses.** Planning Code Section 303(o) establishes criteria with regard to a Conditional Use Authorization application for 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 the project sponsor, the total commercial frontage dedicated to eating and drinking establishments located within 300 feet and within the same Zoning District of the Project Site is approximately 29% of the total commercial frontage as measured in linear feet. With the subject change of use from a limited restaurant use to a full-service restaurant, the total aforementioned commercial frontage dedicated to eating and drinking establishments will remain at 29% as both limited restaurant and full-service restaurants are eating and drinking uses. With no proposed expansion, the proposed restaurant will not intensify the eating and drinking concentration within the 24th-Mission Street NCT.

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.

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.

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.

The proposed development will provide desirable goods and services to the neighborhood and will continue providing employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan. The proposed Project would establish a full-service restaurant use within an existing limited restaurant space. The existing business (DBA Double Decker) would not be displaced by the conversion, as it would continue operating but will pursue a Type 41 alcohol license. The use would complement the existing business and enhance its viability by providing an additional revenue stream and would permit a synergistic relationship between local San Francisco merchants. No commercial tenant would be displaced, as the existing limited restaurant would be converted to a full-service restaurant, 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.

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 an overconcentration of commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above what is prescribed in the Planning Code should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood.” The Project Sponsor has performed a site survey of the 24th-Mission NCT Zoning District, where the proposed project is located. Currently, approximately 29% of the commercial frontage of the 24th-Mission NCT Zoning District within 300 feet of the project site is attributed to eating and drinking establishments and will not increase with the land use conversion because both limited restaurants and full-service restaurant are eating and drinking establishments. As per Planning Code Section 303(o), the concentration should not exceed 25% as measured in linear feet within the immediate area of the subject site; therefore, the proposed change of use from limited restaurant to full-service restaurant will be remain slightly above the prescribed 25% linear feet as per the Planning Code. It’s important to note that the 25% is not a strict rule, but a policy goal.

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 entrepreneur is sponsoring the proposal. This is not a Formula Retail use.
MISSION AREA PLAN

LAND USE

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 permit the existing eating and drinking establishment to continue serving the needs of the residents of the Mission and San Francisco as a whole. The Project is also in proximity to ample public transportation. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

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

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

The proposal would enhance the district by providing a full-service restaurant in an area that is not over concentrated by restaurants. The business would be locally-owned and it creates more employment opportunities for the community. Currently, there are no proposed interior nor exterior alterations.

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 commercial space which has existed at the subject location for many years. No residential units will be lost and no exterior modifications to the building will be made.

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

The existing building does not contain any residential units.

D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.
The Project is located on 24th Street between Alabama and Harrison Street, and is well-served by transit. It is highly likely that both employees and customers of the proposed project will either walk or use transit to arrive at the subject location as several bus lines operate within a few blocks of the site. MUNI Lines: 12, 27, 48, and 47 are within a ¼ mile from 2956 24th Street. Additionally, the 24th Street BART Station is less than 1/2 mile away from the subject 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 for commercial office development. The Project does not involve new commercial office development. The existing limited restaurant is proposed to become a full-service restaurant. Thus, a bonafide eating place will remain within the existing building.

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

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

G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City 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. The Project does not have an impact on any open space.

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 Authorization Application No. 2018-013158CUA subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated July 16, 2018, and stamped “EXHIBIT I”, which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 24, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 24, 2019
EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a restaurant use (DBA Double Decker) at 2956 24th Street, Block 4206, and Lot 015 pursuant to Planning Code Sections 303 and 763 within the 24th-Mission Street NCT Zoning District, Calle 24 Special Use District, Mission Alcoholic Beverage Special Use District, and a 45-X Height and Bulk District; in general conformance with plans, dated July 16, 2018, and stamped “EXHIBIT I” included in the docket for Record No. 2018-013158CUA and subject to conditions of approval reviewed and approved by the Commission on October 24, 2019 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 October 24, 2019 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. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
   
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
   
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
   
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
   
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
   
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

8. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

   For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of 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

10. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
11. 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

OPERATION

12. Eating and Drinking Uses. As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

A. The business operator 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 Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, http://sfdpw.org.

B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org.

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, www.sf-police.org.

C. 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 and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

D. 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 the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, http://sfdpw.org.

13. 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.

14. 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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

15. Hours of Operation. The subject establishment is limited to the following hours of operation: Monday to Sunday from 6:00 AM to 2:00 AM.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
### Land Use Information

**PROJECT ADDRESS:** 2956 24TH ST  
**RECORD NO.:** 2018-013158CUA

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Conditional Use Authorization Hearing
Case No. 2018-013158CUA
2956 24th Street
Height and Bulk Map

Conditional Use Authorization Hearing
Case No. 2018-013158CUA
2956 24th Street
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*
Aerial Photographs

Conditional Use Authorization Hearing
Case No. 2018-013158CUA
2956 24th Street
Architectural Plans prepared by SEDES Architecture
Eating and Drinking Survey prepared by Project Sponsor
Total Commercial space is 1325 ft.
Total Food space is 381 ft.
That is about 28-29%.
SALADS

CHOICE OF DRESSING
Ranch, Balsamic Vinaigrette,
Caesar or Blue Cheese

HOUSE SALAD .......................................................... SM $5.95 / LRG $9.50
Spring mix, green leaf lettuce, tomatoes, cucumbers & mushrooms

COBB SALAD .......................................................... SM $6.50 / LRG $10.50
Green leaf lettuce, eggs, tomatoes, avocado, blue cheese & bacon

CAESAR SALAD .......................................................... SM $5.95 / LRG $9.50
Crispy Romaine lettuce, parmesan cheese & croutons

SPINACH SALAD .......................................................... SM $6.50 / LRG $10.50
Fresh spinach, blue cheese, bacon, walnuts & mushrooms

ADD GRILLED CHICKEN BREAST ON SALADS ........................................ $4.50

SIDES

FRENCH FRIES .......................................................... SM $2.95 / LRG $4.95

GARLIC FRIES .......................................................... SM $3.50 / LRG $5.50

SWEET POTATO FRIES ................................................. SM $3.95 / LRG $6.50

BEER BATTERED ONION RINGS ...................................... SM $3.95 / LRG $6.50

POTATO SALAD .......................................................... SM $3.50 / LRG $5.50

MACARONI SALAD ...................................................... SM $3.50 / LRG $5.50

FISH & FRIES ........................................................... 2 PCS $7.95 / 3 PCS $11.95

DRINKS

COFFEE / ICED COFFEE .................................................. $2.95 / $3.50

CANNED SODA .......................................................... $1.50

BOTTLED WATER .......................................................... $1.50

BOTTLED DRINKS ......................................................... $2.75

BEER .......................................................... DOM $3.75 / SPECIALTY & IMP $4.25 / TAP $5.95

HOUSE WINE (RED / WHITE) ........................................ $5.95

MILKSHAKES (CHOCOLATE, STRAWBERRY OR VANILLA) ....................... $5.95

MITCHELL’S ICE CREAM .............................................. 1 SC $3.95 / 2 SC $5.95

Price Subject to Change
GOURMET BURGERS WITH FRIES
Burgers are served on a fresh Brioche bun with lettuce, tomato, pickles, onions, patties, mayo and fries.

CHOICE OF PATTIES
Niman Ranch Beef, Chicken Breast, Turkey Breast or Organic Veggie Patty (except double decker burger)

DOUBLE DECKER BURGER $13.95
Our special seasoned double Niman Ranch beef patty topped with swiss and cheddar cheese

ORIGINAL BURGER $9.95
Our classic burger

WESTERN BURGER $11.95
Bacon, cheddar cheese & BBQ sauce

CALIFORNIA BURGER $11.50
Avocado & swiss cheese

HAWAIIAN BURGER $11.50
Pineapple, swiss cheese & teriyaki sauce

BUFFALO BURGER (MILD, HOT, OR INFERNO) $11.50
Swiss cheese & topped with our buffalo sauce

FISH BURGER $11.50
Battered fish fillet & cheddar cheese with tartar sauce

SUNSHINE BURGER $12.95
Fried egg, bacon & cheddar cheese

ADD GRILLED MUSHROOMS, AVOCADOS, JALAPÉÑOS, PINEAPPLE OR CHEESE (CHEDDAR OR SWISS) $1.50 / EACH
ADD FRIED EGG OR BACON $2.00 / EACH

WINGS
All natural fried chicken wings mixed with choice of flavor and served with celery sticks & blue cheese

3 WINGS & FRIES $7.50
6 WINGS $8.50
12 WINGS $15.95
26 WINGS $27.95
50 WINGS $44.95

CHOICE OF FLAVORS
Mild, Hot, Inferno, Spicy Korean, BBQ, Sweet Chilli, Garlic or Salt & Pepper

ADD SIDE OF ALL SAUCES $1.00
ADD BLUE CHEESE AND CELERY $1.00
ADD INFERNO $2.00

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