



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

Hearing Date: December 5, 2019

Record No.: 2019-006951CUA
Project Address: 1401 19th Ave
Zoning: RH-3 – (Residential- House, Three Family)
Block/Lot: 1834/037
Project Sponsor: Jody Knight
Reuben, Junius, & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Cathleen Campbell – (415) 575-8732
Cathleen.campbell@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to sell retail beer and/or wine concurrently with motor vehicle fuel (d.b.a. Chevron Gas Station) and authorize a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's).

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 186, 187.1, 202.2, 209.1, and 303 to permit the sale of beer and wine (ABC License Type 20) with motor vehicle fuel (DBA Chevron) and authorize a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), at 1401 19th Avenue (hereinafter "Project"), Lot 037 within Assessor's Block 1834 (hereinafter "Project Site").

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Planning Department has not received public comment on the Project as of the date of this Executive Summary. The project sponsor has conducted two neighborhood meetings and has followed up individually with interested parties. As summarized by the project sponsor, four members of the Mid-Sunset Neighborhood Association attended the October 21st neighborhood meeting and expressed concern for the sale of beer and wine for offsite consumption. There has been no opposition by immediate neighbors. As reported by the project sponsor, both the Supervisor's Office and the Police Department do not oppose a beer and wine liquor license at the site or the change of use.

- **Legalization of an Expansion of a Nonconforming Use and Change of Use.** Building permit 2017060908926 was approved in error without a Conditional Use authorization from the Planning Commission as required per Planning Code sections 186 and 187.1. The property established legal nonconforming use status May 17, 1979, under application CU77.27 and Motion 8268. The authorization to permit the sale of beer and wine (ABC License Type 20) with motor vehicle fuel (DBA Chevron) and authorization of a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's) will supersede the conditions of approval under Motion 8268.
- **Conditions for Establishments that Sell Beer or Wine with Motor Vehicle Fuel.** Planning Code Section 202.2 establishes additional conditions applicable to establishments with the concurrent sale of motor vehicle fuel and beer or wine, which include:
 - i. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
 - ii. No advertisement of alcoholic beverages, including beer and wine, shall be displayed at motor fuel islands;
 - iii. No sale of beer or wine shall be made from a drive-in window;
 - iv. No display or sale of beer or wine shall be made from an ice tub;
 - v. No self-illuminated advertising for beer or wine shall be located on buildings or windows;
 - vi. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years of age;
 - vii. No alcoholic beverages, other than beer and wine, shall be sold at any time;
 - viii. No beer or wine shall be sold for consumption on the premises;
 - ix. The permittee shall comply with all State statutes, rules, and regulations relating to the sale, purchase, display, possession, and consumption of alcoholic beverages;
 - x. The permittee shall comply with all local statutes, rules, and regulations;
 - xi. The permittee shall not operate the establishment in a manner that presents a nuisance, as defined in California Civil Code Sections 3479 and 3480; and
 - xii. The City may impose sanctions, including suspension or revocation of the Conditional Use authorization, for violation of any of the terms or conditions of the Conditional Use authorization.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The retail space would create employment opportunities for the community. 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 A)
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F – Project Sponsor Letter



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: DECEMBER 5, 2019

1650 Mission St.
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CA 94103-2479

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Project Sponsor: Jody Knight
Reuben, Junius, & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Property Owner: 101 Bayshore Blvd SF LLC
821 Corporate Way, Fremont, Ca 94539
Staff Contact: Cathleen Campbell – (415) 575-9182
Cathleen.campbell@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 186, 187.1, 202.2, 209.1, AND 303, TO AUTHORIZE THE SALE OF BEER AND WINE (ABC LICENSE TYPE 20, OFF-SALE BEER AND WINE) WITH MOTOR VEHICLE FUEL (DBA CHEVRON) AND AUTHORIZE A PREVIOUSLY PERMITTED EXPANSION OF A NONCONFORMING USE AND CHANGE OF USE FROM AUTOMOTIVE SERVICE STATION TO GAS STATION, CONVENIENCE STORE, AND LIMITED RESTAURANT (DBA KAL'S), AT 1401 19TH AVENUE, LOT 037 IN ASSESSOR'S BLOCK 1834, WITHIN THE RH-3 (RESIDENTIAL- HOUSE, THREE FAMILY) ZONING DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On May 17, 2019, Jody Knight from B Reuben, Junius & Rose, LLP (hereinafter "Project Sponsor") filed Application No. 2019-006951CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 186, 187.1, 202.2, 209.1, and 303 to authorize the sale of beer and wine (ABC License Type 20, Off-Sale Beer And Wine) with motor vehicle fuel (dba Chevron) and authorize a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), at 1401 19th Avenue (hereinafter "Project"), Lot 037 within Assessor's Block 1834 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-006951CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On December 5, 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. 2019-006951CUA.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-006951CUA, 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 Sponsor seeks a Conditional Use Authorization pursuant to Planning Code Sections 186, 187.1, 202.2, 209.1, and 303 to allow the sale of beer and wine (ABC License Type 20, Off-Sale Beer And Wine) with motor vehicle fuel (dba Chevron) and authorize a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's). Building permit 2017060908926 was approved in error without authorization from the Planning Commission as required per Planning Code sections 186 and 187.1. Specifically, the proposal consists of the conversion of two auto service bays to a gas station cashier area, Limited-Restaurant (which includes a beverage / food service counter area and storage area), convenience store (coolers and merchandise area), storage/utility areas, and restrooms. The beer and wine will be located in a 25 square-foot portion of the cooler and the sale of the alcoholic beverages will comply with the operation and location requirements under Planning Code Section 202.2(b). There is no expansion of the existing building envelope proposed.
3. **Site Description and Present Use.** The subject property is located at 1401 19th Avenue, at the northwest corner of 19th Avenue and Judah Street, and contains a conditionally established legal nonconforming automotive service station (DBA Chevron). The subject property is an 10,023 square-foot lot with 101 feet of frontage along 19th Street, and 96.36 feet of frontage along Judah

Street. The site is currently developed with automotive service station with two auto repair bays. The property established legal nonconforming use status May 17, 1979, under application CU77.27, and has operated in conformance with conditions of approval under Motion 8268. The existing building is approximately 1,146 square-foot structure.

4. **Surrounding Properties and Neighborhood.** The subject property is in an RH-3 Zoning District that runs along one block of Judah Street between 19th and 27th Avenues. The intersection is developed with a gas station to the east, a church to the north, and a church to the northeast. The surrounding properties are located within the RH-1 (Residential House, One-Family) or RH-2 (Residential House, Two-Family) Districts and are developed with residences. The Irving Street NCD and Inner Sunset NCD are within 1,000 feet of the subject property.
5. **Public Outreach and Comments.** Prior to the December 5, 2019 Planning Commission hearing, the Planning Department did not receive public comment on the Project. The project sponsor has conducted two neighborhood meetings and has followed up individually with interested parties. As summarized by the project sponsor, four members of the Mid-Sunset Neighborhood Association attended the October 21st neighborhood meeting and expressed concern for the sale of beer and wine for offsite consumption. There has been no opposition by immediate neighbors. As reported by the project sponsor, both the Supervisor's Office and the Police Department do not oppose a beer and wine liquor license at the site or the change of use.
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. **Use.** An automotive service station is not permitted in the RH-3 District, thereby making the subject automotive service station a legal non-conforming use per Planning Code Sections 186 and 187.1. Planning Code Section 187.1 defines an Automotive Service Station as an establishment that sells and dispenses gasoline and other motor fuels and lubricating fluids directly into motor vehicles and which may, in addition, provide certain types of minor automotive repair. Per Planning Code Section 187.1, an automotive service station or gas station in an R districts that is regarded as a legal nonconforming use may enlarge or intensify its current operations provided the station receives conditional use authorization for such enlargement or intensification pursuant to Section 303 of the Planning Code. Planning Code Section 186 permits nonconforming uses in an RH Districts which are located within one-quarter of one mile from any Named Neighborhood Commercial District and which complies with the most restrictive use limitations specified for the First Story. Planning Code Section 186(h) provides provisions for nonconforming uses contained in Sections 180 through 183. According to Planning Codes Section 182(b)," a nonconforming use may be reduced in size, extent or intensity, or changed to a use that is more widely permitted by the use districts of

the City than the existing use, subject to the other applicable provisions of this Code. Except as otherwise provided herein, the new use shall still be classified as a nonconforming use."

Building permit 2017060908926 was approved in error without a conditional use authorization from the Planning Commission as required per Planning Code sections 186 and 187.1. The property established legal nonconforming use status May 17, 1979, under application CU77.27 and Motion 8268. The request is to authorize the previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's). The proposal to sell retail beer and/or wine concurrently with motor vehicle fuel is an intensification of a legal non-conforming use and requires a conditional use authorization from the Planning Commission.

- B. Establishments that Sell Beer or Wine with Motor Vehicle Fuel.** Planning Code Section 202.2(b) requires Conditional Use Authorization to establish a use that proposes to sell retail beer or wine concurrently with motor vehicle fuel.

The proposed convenience store and gas service station intends to sell retail beer and/or wine concurrently with motor vehicle fuel with Alcohol Beverage License Type 20 (off-sale beer and wine) and requests Condition Use Authorization from the Planning Commission.

- C. Hours of Operation.** Per Planning Code Section 186, hours during which the legal nonconforming use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m., however, the Planning Commission may extend the hours of operation to 12:00 a.m. through Conditional Use authorization, as outlined in Section 303 of this Code.

According to the Project Sponsor the existing nonconforming operation hours for both the gas station and the convenience store are 24-hours a day, seven days a week and it will remain the same after the previously permitted renovation is authorized. Planning code section 202.2(b)(A)(vi) requires Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine must be at least 21 years of age.

- D. Off-Street Parking and Loading.** There is no minimum requirement for off-street parking spaces. Section 151 of the Planning Code outlines a maximum of 1.5 parking spaces for each 500 square feet of Occupied Floor Area for Retail Sales and Services use. Section 152 of the Planning Code requires zero off-street loading space for retail stores between 0 and 10,000 gross square feet.

There will be no expansion to the existing building envelope. The subject commercial space, with approximately 1,146 square feet in floor area, does not require any off-street or loading parking spaces.

There are four existing parking spaces, including one accessible parking space, which are below the maximum of five off-street parking spaces requirement.

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

Signage will be required to have a separate sign permit and comply with the requirement of the Planning Code and Signs Near Certain Scenic Streets Special Sign District. Planning code section 202.2(b)(A)(v) prohibits self-illuminated advertising for beer or wine be located on buildings or in windows.

7. **Conditional Use Findings.** 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 service station is an existing use in this neighborhood that is necessary and desirable. The proposal will eliminate one service bay, replacing it with a Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), which would provide convenience items for nearby neighbors and customers. The size of the existing structure will remain the same. The remodeled station will make a necessary facility more desirable and functional, and more of an asset to the community and neighborhood. The Project will enhance the existing neighborhood-serving retail on-site by allowing the sale of beer and wine. Increasing the viability of the food mart will in turn protect and preserve employment opportunities in the community.

- 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 proposed convenience store is expected to capture business from existing gasoline customer and may be convenient to serve walk-in customers from the surrounding neighborhood. The size and shape of the site and the arrangement of the structures on the site are existing and adequate for the proposed project. No expansion of the existing building is proposed.

- (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;

Existing traffic patterns will not be significantly affected by the proposed project. 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 elsewhere as it is anticipated that patrons of the retail convenient store will most likely arrive at the property for gasoline or would be local residents. In addition, there are four on-site parking spaces on the Project Site.

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

No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project. The proposal will reduce potential odor and noxious emission by eliminating one service bay.

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

The project will include installing fencing behind the existing building. that is 6-foot-high. Additionally, a new 18'X8' foot deep landscaping strip along the perimeter of the lot that is adjacent to the public right-of-way. There will be no expansion to the existing building envelope. There will be no addition of off-street parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.

- 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 proposed 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 Use District.

The project authorizes the previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), under Building Permit No. 2017060908926, and the sale of beer and/or wine concurrently with motor vehicle fuel. No expansion to the existing building has been proposed. The facilities of the established business has existed as far back as 1956, prior to when the current RH-3 zoning controls

came into effect. Further, the project would not result in a net increase in the number of automotive gas and service stations in this RH-3 or in the immediate area.

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

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

OBJECTIVE 2:

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

Policy 1:

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

The existing automobile service station includes a small section of a convenience store. The proposed project would retain and enlarge the existing commercial activity use (Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's)).

NEIGHBORHOOD COMMERCE

OBJECTIVES AND POLICIES

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

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

The project will not displace an existing commercial tenant or prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2: 5

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

The project is desirable because it will allow the continued operation of an existing business that is locally-owned. The project would not result in a net increase in the number of automotive gas and service stations in the immediate area.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project 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 proposed project will be complementary to the existing commercial establishments within the immediate neighborhood. The proposed project will continue to provide job opportunities to the City with the expanded gas station, convenience store, and limited restaurant.

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

The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by establishing a convenience store use in the area. Existing housing will not be affected by the proposed project.

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

The proposed project will not displace any affordable housing. No housing exists on the project site.

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

It is not anticipated that the proposed project would significantly increase the automobile traffic congestion and parking problems in the neighborhood.

- 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.

There is no commercial office development associated with the proposed project. The Project provides future opportunity for resident employment, since the proposal would re-establish a retail use on the

project site. The project would be no displacement of any existing industrial or service businesses in the area.

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

The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

- G. That landmarks and historic buildings be preserved.

The proposed project will not significantly affect any landmarks or historic buildings.

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

The proposed project will not affect any city-owned park or open space.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. 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. 2019-006951CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 18, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 29, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 5, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to permit the sale of beer and wine (ABC license type 20, off-sale beer and wine) with motor vehicle fuel (DBA Chevron) and authorize a previously permitted expansion of a nonconforming use and change of use from Automotive Service Station to Gas Station, Convenience Store, and Limited Restaurant (DBA Kal's), at 1401 19th avenue, lot 037 in assessor's block 1834, pursuant to Planning Code Sections 186, 187.1, 202.2, 209.1, and 303, within the RH-3 Zoning District, and a 40-X Height and Bulk District; in general conformance with plans, dated November 18, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2019-006951CUA and subject to conditions of approval reviewed and approved by the Commission on December 5, 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 December 5, 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

6. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code and Formula Retail guidelines for signage.

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

PARKING AND TRAFFIC

7. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the Project shall provide no fewer than two Class 1 and two Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

MONITORING - AFTER ENTITLEMENT

8. **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

9. **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

10. **Conditions for Establishments that Sell Beer or Wine with Motor Vehicle Fuel.** Planning Code Section 202.2 establishes additional conditions applicable to establishments with the concurrent sale of motor vehicle fuel and beer or wine, which include:

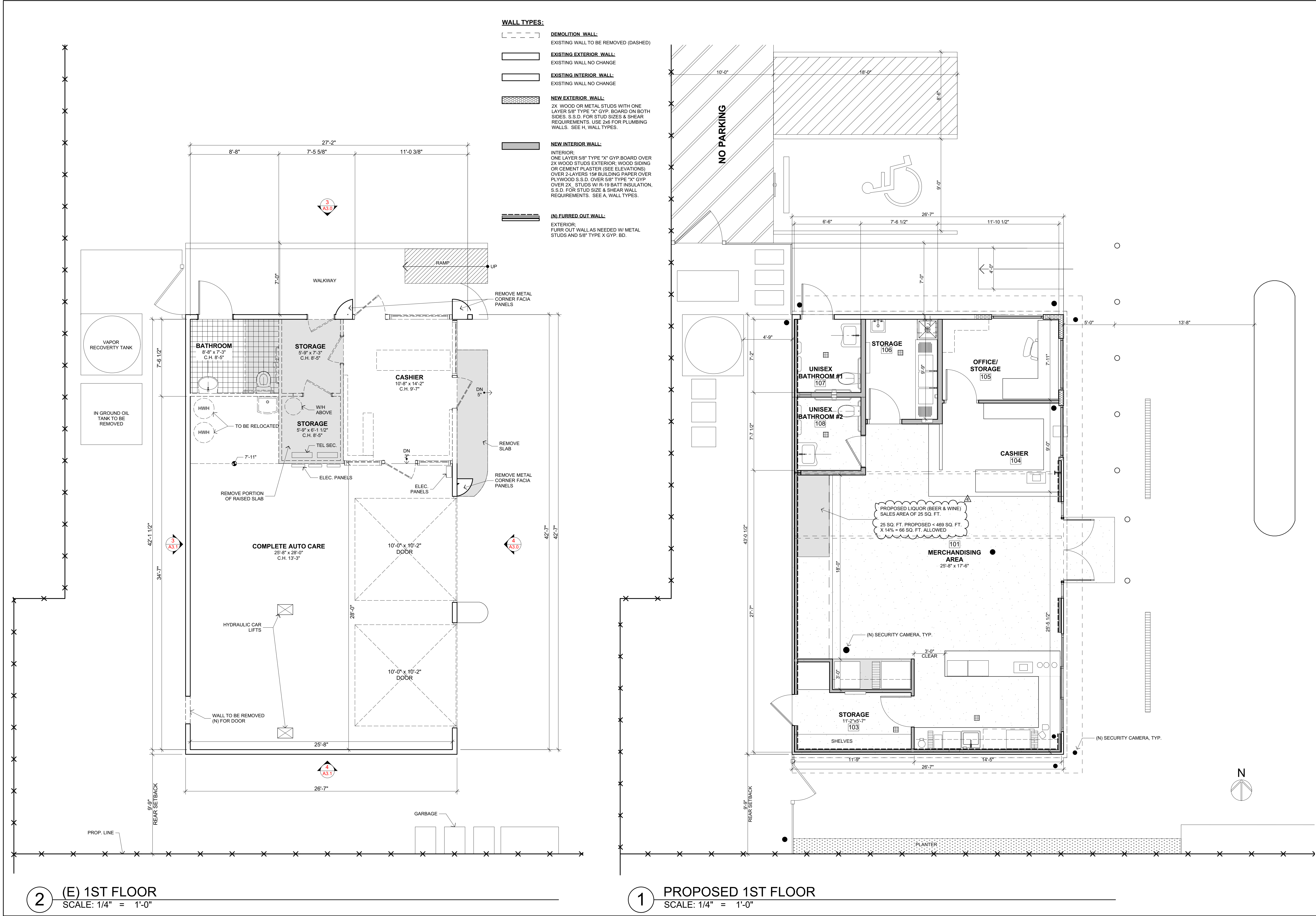
- i. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;
- ii. No advertisement of alcoholic beverages, including beer and wine, shall be displayed at motor fuel islands;
- iii. No sale of beer or wine shall be made from a drive-in window;
- iv. No display or sale of beer or wine shall be made from an ice tub;
- v. No self-illuminated advertising for beer or wine shall be located on buildings or windows;
- vi. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years of age;
- vii. No alcoholic beverages, other than beer and wine, shall be sold at any time;
- viii. No beer or wine shall be sold for consumption on the premises;
- ix. The permittee shall comply with all State statutes, rules, and regulations relating to the sale, purchase, display, possession, and consumption of alcoholic beverages;
- x. The permittee shall comply with all local statutes, rules, and regulations;
- xi. The permittee shall not operate the establishment in a manner that presents a nuisance, as defined in California Civil Code Sections 3479 and 3480; and
- xii. The City may impose sanctions, including suspension or revocation of the Conditional Use authorization, for violation of any of the terms or conditions of the Conditional Use authorization.

11. **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>

12. **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



Kotas/
Pantaleoni
Architects

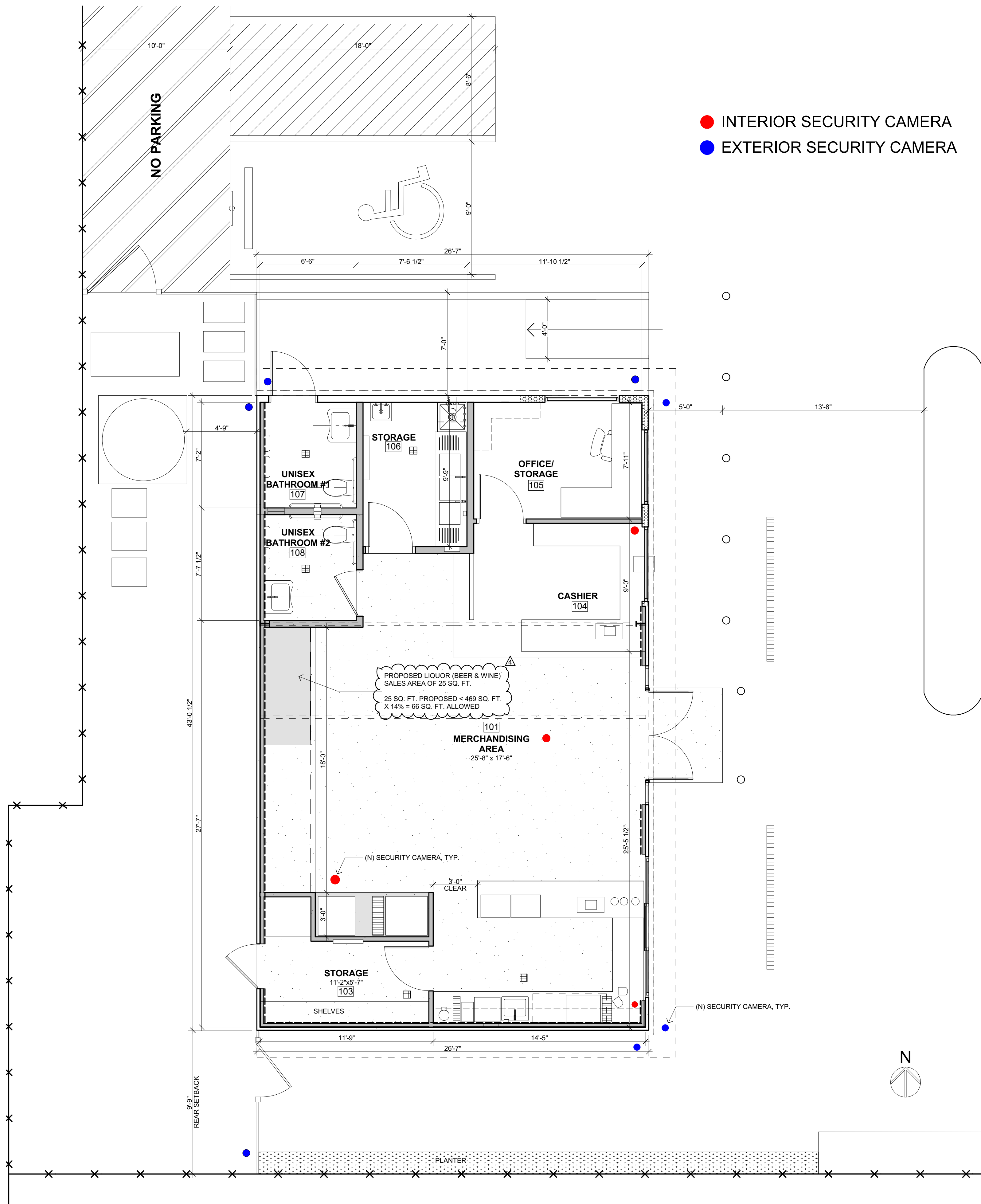
Anthony A. Pantaleoni
LEED AP

70 Zoe Street Suite 200
San Francisco, California 94107
t. 415 495 4051
f. 415 495 6885

Revisions	By

CHEVRON 19TH AVENUE CAFE REMODEL
1401 19TH AVENUE
SAN FRANCISCO, CA 94122

Sheet Title:	Floor Plans: DEMO/EXISTING & PROPOSED
Scale:	As Noted
Date:	11.18.2019
Drawn By:	MGG
Job Number:	04-1116
Sheet:	A2.1



1 PROPOSED 1ST FLOOR
SCALE: 1/4" = 1'-0"

- INTERIOR SECURITY CAMERA
- EXTERIOR SECURITY CAMERA

Kotas/
Pantaleoni
Architects

Anthony A. Pantaleoni
LEED AP

70 Zoe Street Suite 200
San Francisco, California 94107
t. 415 495 4051
f. 415 495 6885

Revisions	By

CHEVRON 19TH AVENUE CAFE REMODEL
1401 19TH AVENUE
SAN FRANCISCO, CA 94122

Sheet Title:
**Floor Plans:
SECURITY
CAMERAS**

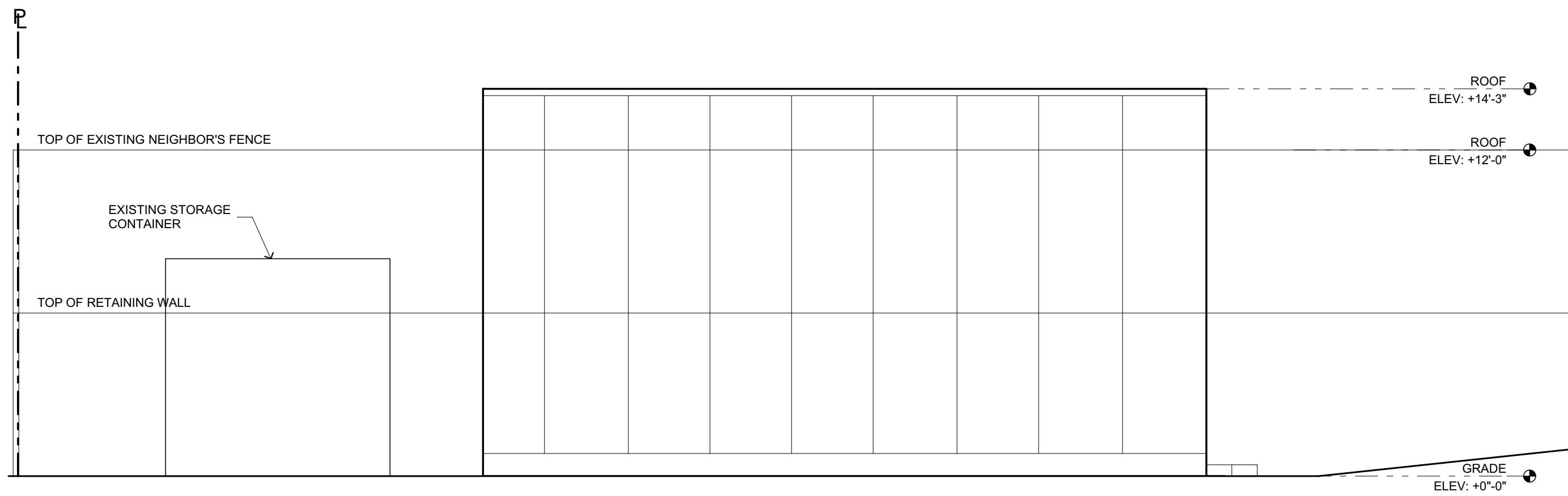
Scale:
As Noted

Date:
11.18.2019

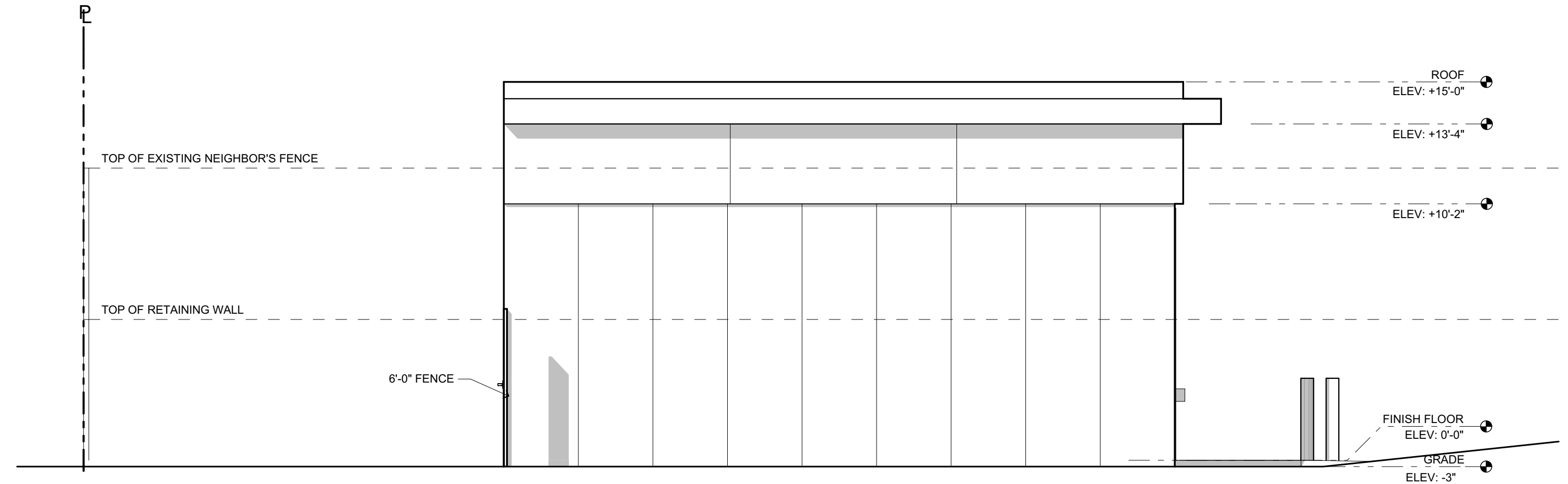
Drawn By:
MGG

Job Number:
04-1116

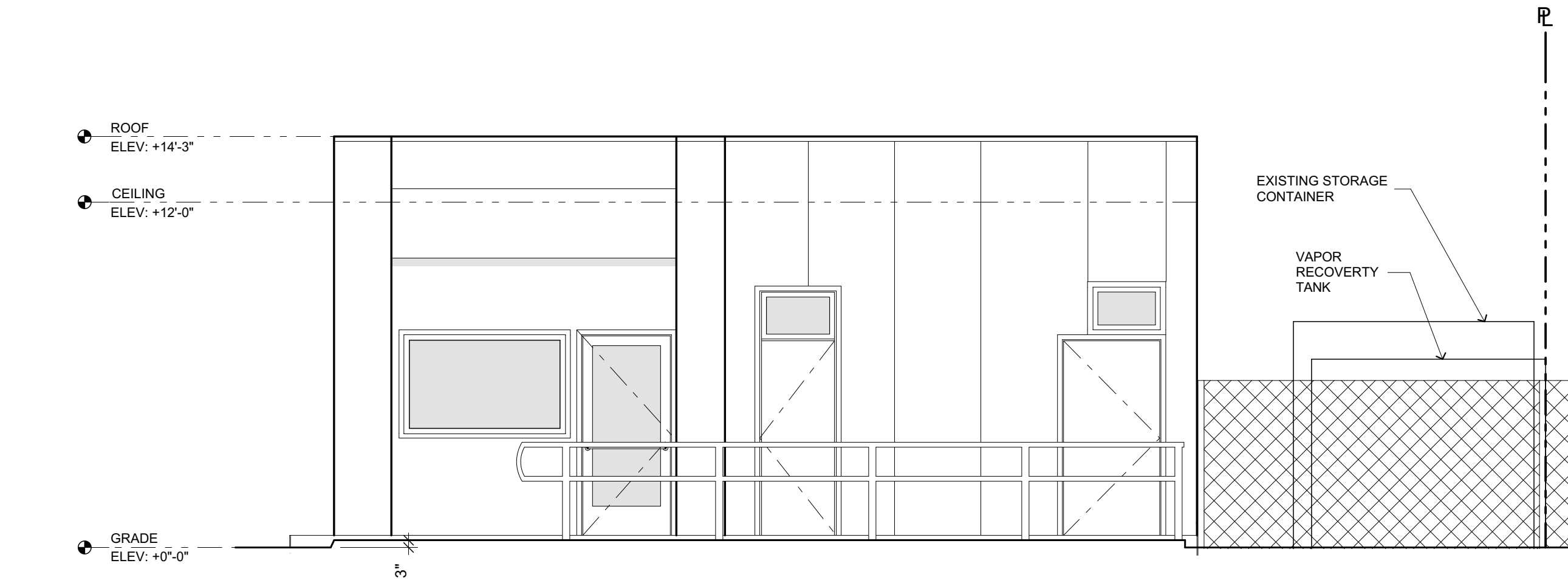
Sheet:
A2.2



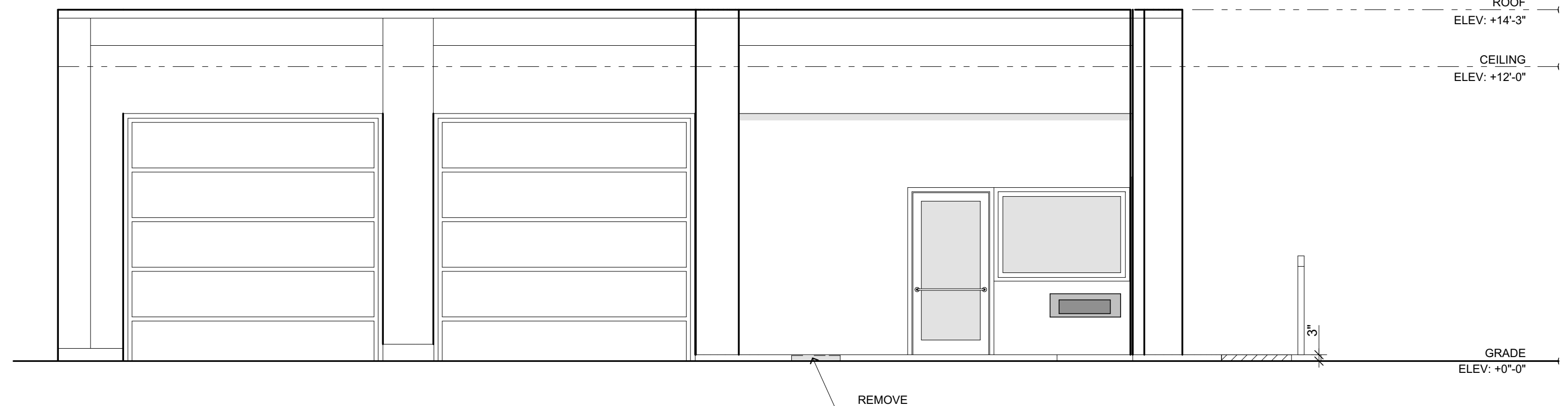
6 EXISTING SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



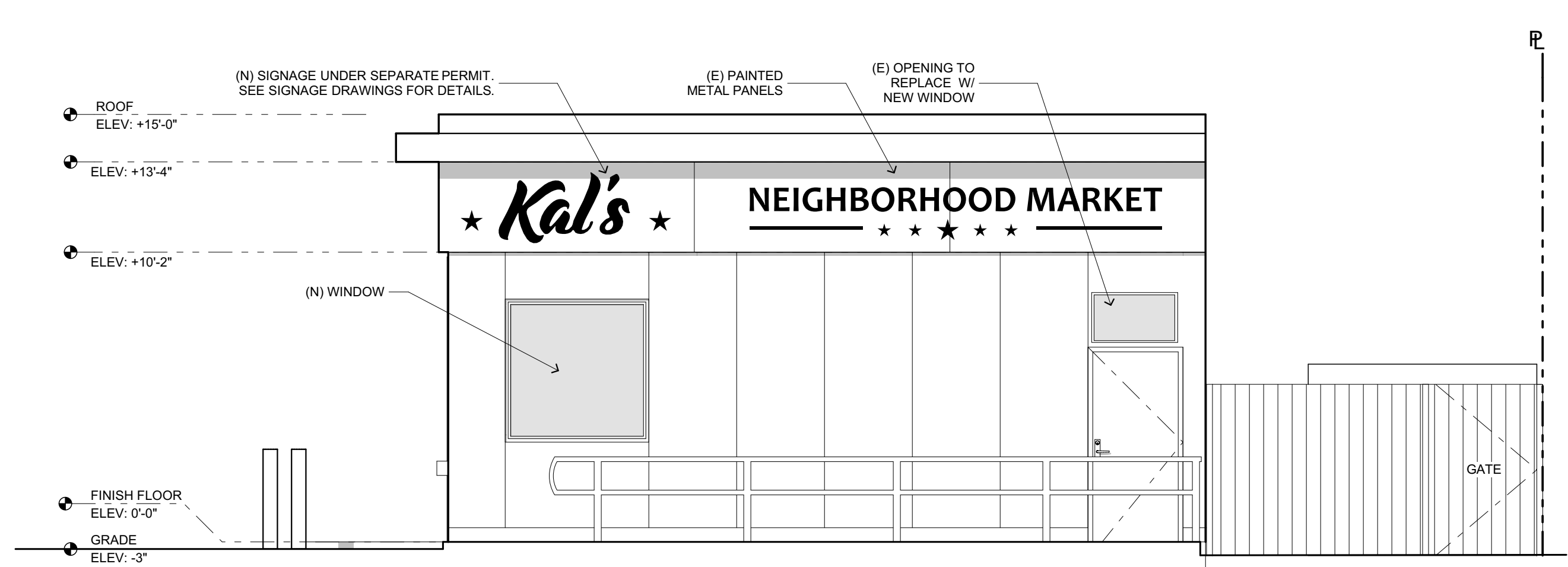
3 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



5 EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



4 PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"



1 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

Kotas/
Pantaleoni
Architects

Anthony A. Pantaleoni
LEED AP

70 Zoe Street Suite 200
San Francisco, California 94107
t. 415 495 4051
f. 415 495 6885

Revisions	By

CHEVRON 19TH AVENUE CAFE REMODEL
1401 19TH AVENUE
SAN FRANCISCO, CA 94122

Sheet Title:
Elevations:
EAST, NORTH,
SOUTH

Scale:
As Noted

Date:
11.18.2019

Drawn By:
MGG

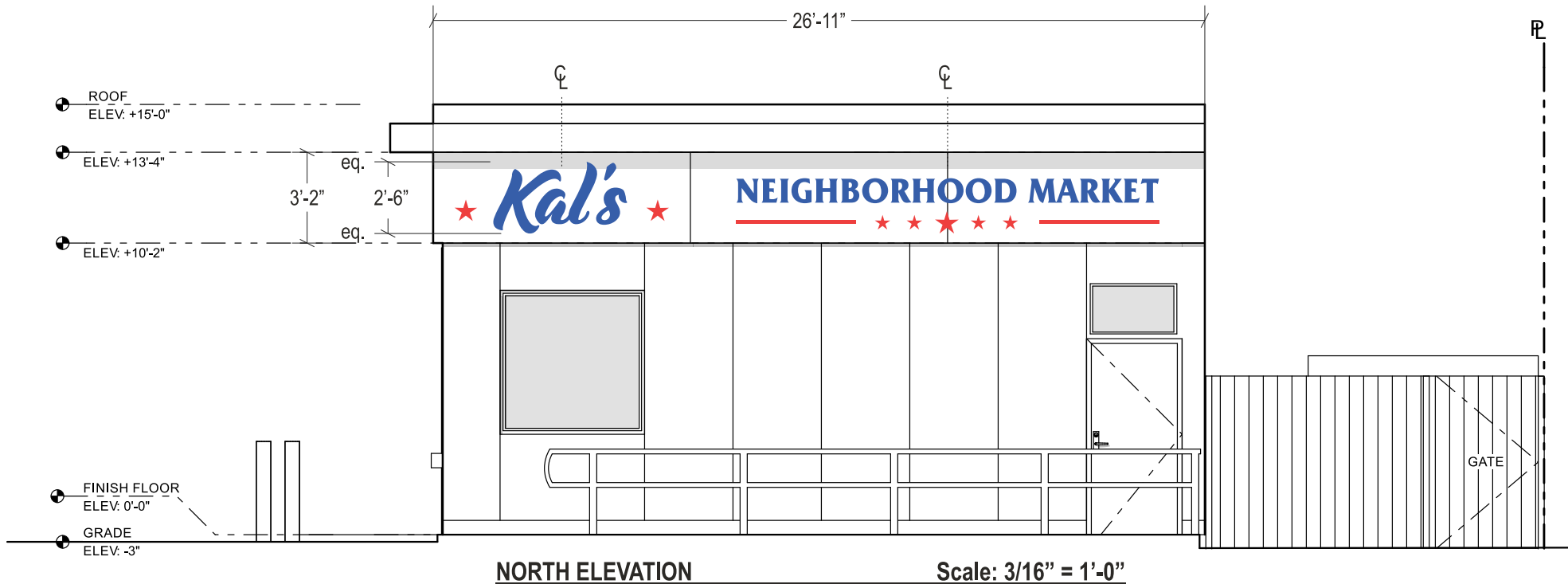
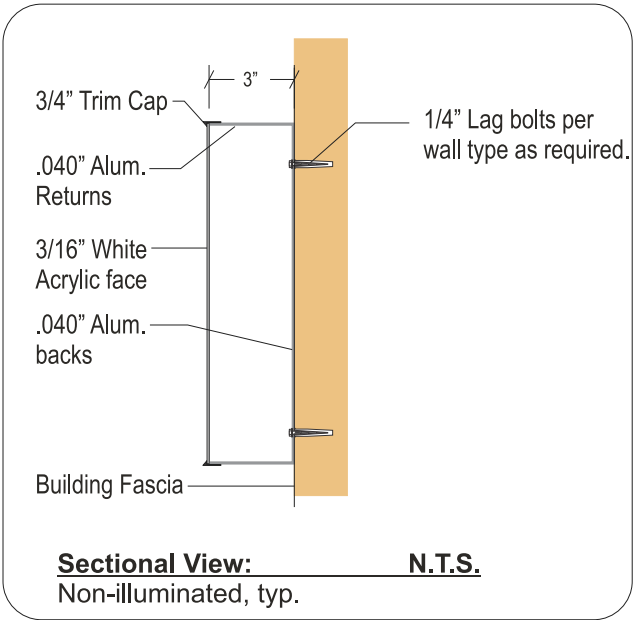
Job Number:
04-1116

Sheet:
A3.0



SIGN-A: Non-illuminated Pan Channel Letters
Scale: 3/8" = 1'-0"

PC LETTERS AND STARS:
3" deep alum. chrome returns w/
3/4" chrome trim cap to match returns.
3/16" White Acrylic Faces w/ #127 intense blue
and #33 red vinyl overlay.
Flush mount to wall.



NORTH ELEVATION

Scale: 3/16" = 1'-0"

1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. 2) The location of the disconnect switch after installation shall comply with the Srtical 600.6 (A)(1) of the National Electrical Code

FILE: kal's nm - san francisco

Client Review Status

Revision

Date

Project Information

Date: 10-11-19

Job #00000

Page: 1

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United Sign Systems requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision

CLIENT APPROVAL DATE

LANDLORD APPROVAL DATE

per request	10-14-19 IL
per request - new logo	10-15-19 IL
per request - new logo layout	10-17-19 IL
per codes	11-11-19 IL

Client: kal's neighborhood market
Location: -
Address: 1401 19th Ave.
City/ST/Zip: San Francisco, CA
Phone:
Fax:
Sales: Brian Campbell Designer: IL Release By: 00-00-00

USS

UNITED

SIGN SYSTEMS

C.S.C.L. #718965

5201 Pentecost Drive Modesto, Calif. 95356

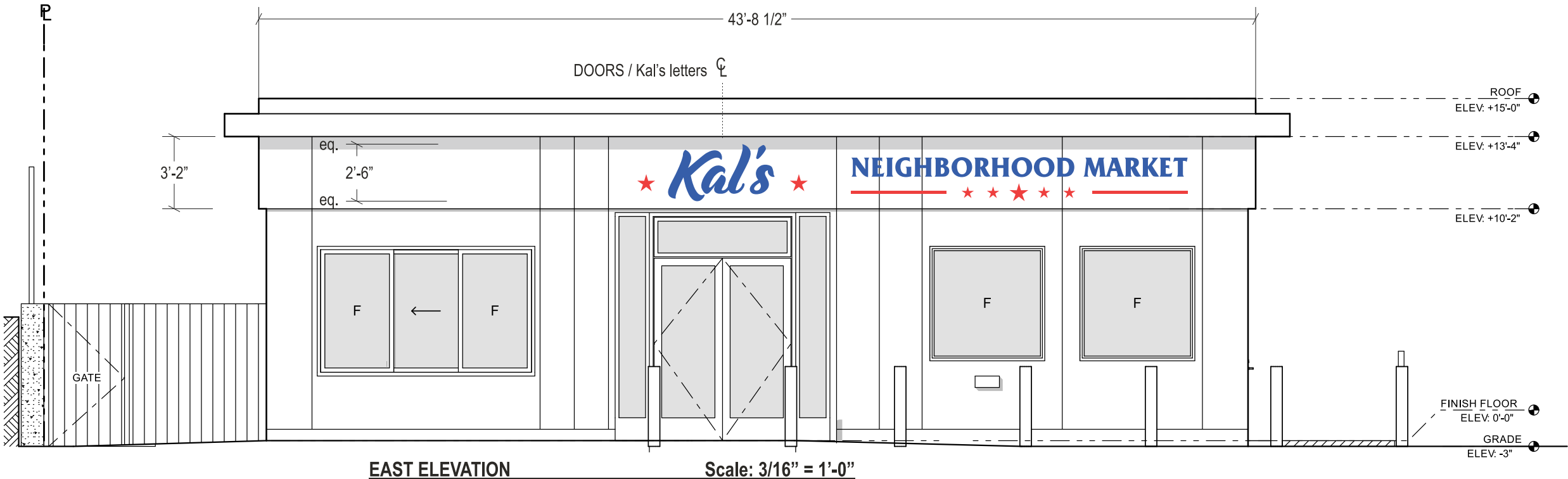
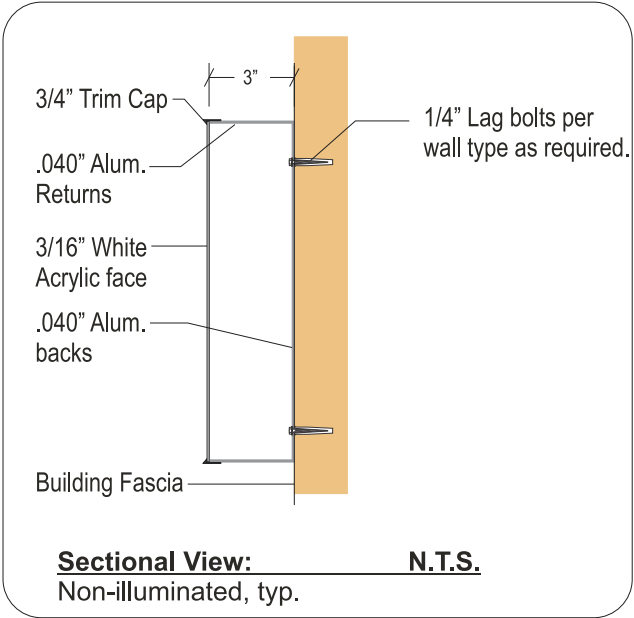
1-800-481-SIGN

Phone: 209-543-1320 Fax:209-543-1326



SIGN-B: Non-illuminated Pan Channel Letters
Scale: 3/8" = 1'-0"

PC LETTERS AND STARS:
3" deep alum. chrome returns w/
3/4" chrome trim cap to match returns.
3/16" White Acrylic Faces w/ #127 intense blue
and #33 red vinyl overlay.
Flush mount to wall.



1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. 2) The location of the disconnect switch after installation shall comply with the Srtical 600.6 (A)(1) of the National Electrical Code

FILE: kal's nm - san francisco	Client Review Status	Revision	Date	Project Information	Date: 10-11-19	Job #00000	Page: 2
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United Sign Systems requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision

CLIENT APPROVAL DATE

LANDLORD APPROVAL DATE

per request	10-14-19 IL
per request - new logo	10-15-19 IL
per request - new logo layout	10-17-19 IL
per codes	11-11-19 IL

Client: kal's neighborhood market
Location: -
Address: 1401 19th Ave.
City/ST/Zip: San Francisco, CA
Phone:
Fax:
Sales: Brian Campbell Designer: IL Release By: 00-00-00

USS

UNITED

SIGN SYSTEMS

C.S.C.L. #718965

5201 Pentecost Drive Modesto, Calif. 95356

1-800-481-SIGN

Phone: 209-543-1320 Fax:209-543-1326



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
1401 19TH AVE		1834037
Case No.		Permit No.
2019-006951PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Conditional Use Authorization for Type 20 Liquor License within the expanded food mart that is currently under construction.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six 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 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: 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, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: 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? <i>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 > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? 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"/>	Archeological Resources: 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? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: 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). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Cathleen Campbell Liquor License	

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

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

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

Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. 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. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) 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.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

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

<input type="checkbox"/>	7. Addition(s) , 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. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

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

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Liquor License	Signature: Cathleen Campbell
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	09/09/2019
	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 approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

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)
1401 19TH AVE		1834/037
Case No.	Previous Building Permit No.	New Building Permit No.
2019-006951PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Other (please specify)	
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.	

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. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 1401 19TH AVE
RECORD NO.: 2019-006951CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

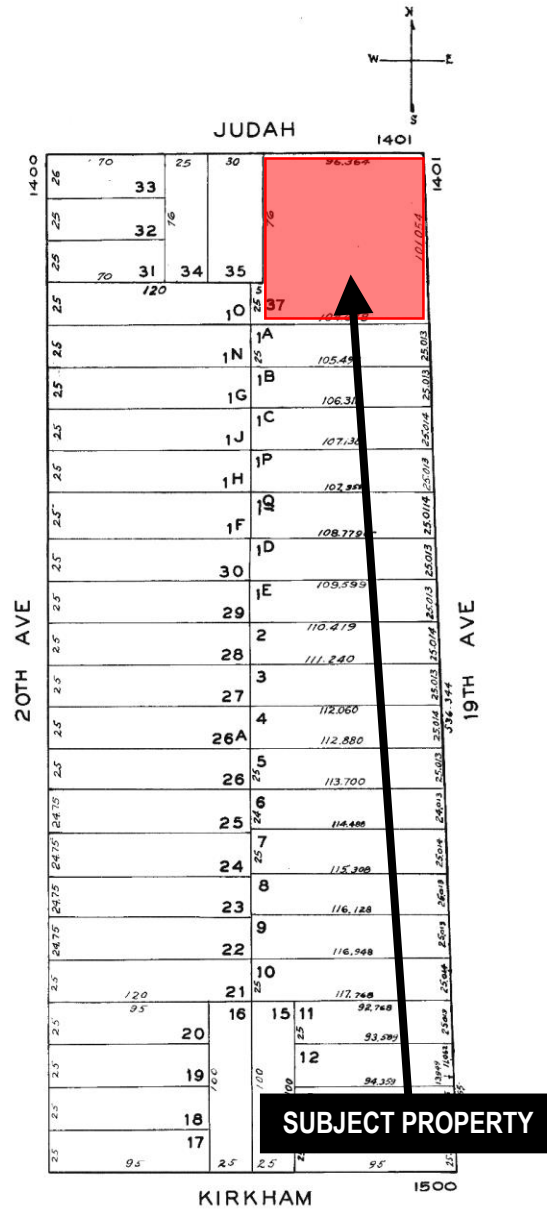
	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Lot Area	10,023	10,023	
Residential			
Commercial/Retail	1,146	1,146	
Office			
Industrial/PDR <i>Production, Distribution, & Repair</i>			
Parking			
Usable Open Space			
Public Open Space			
Other ()			
TOTAL GSF	1,446	1,146	1,146
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Market Rate			
Dwelling Units - Affordable			
Hotel Rooms			
Parking Spaces	4	4	
Loading Spaces			
Car Share Spaces			
Bicycle Spaces	4	4	
Number of Buildings	1	1	
Number of Stories	1	1	
Height of Building(s)	15'	15'	
Other ()			

Parcel Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

1834
SUNSET BLK. 750
REVISED '58

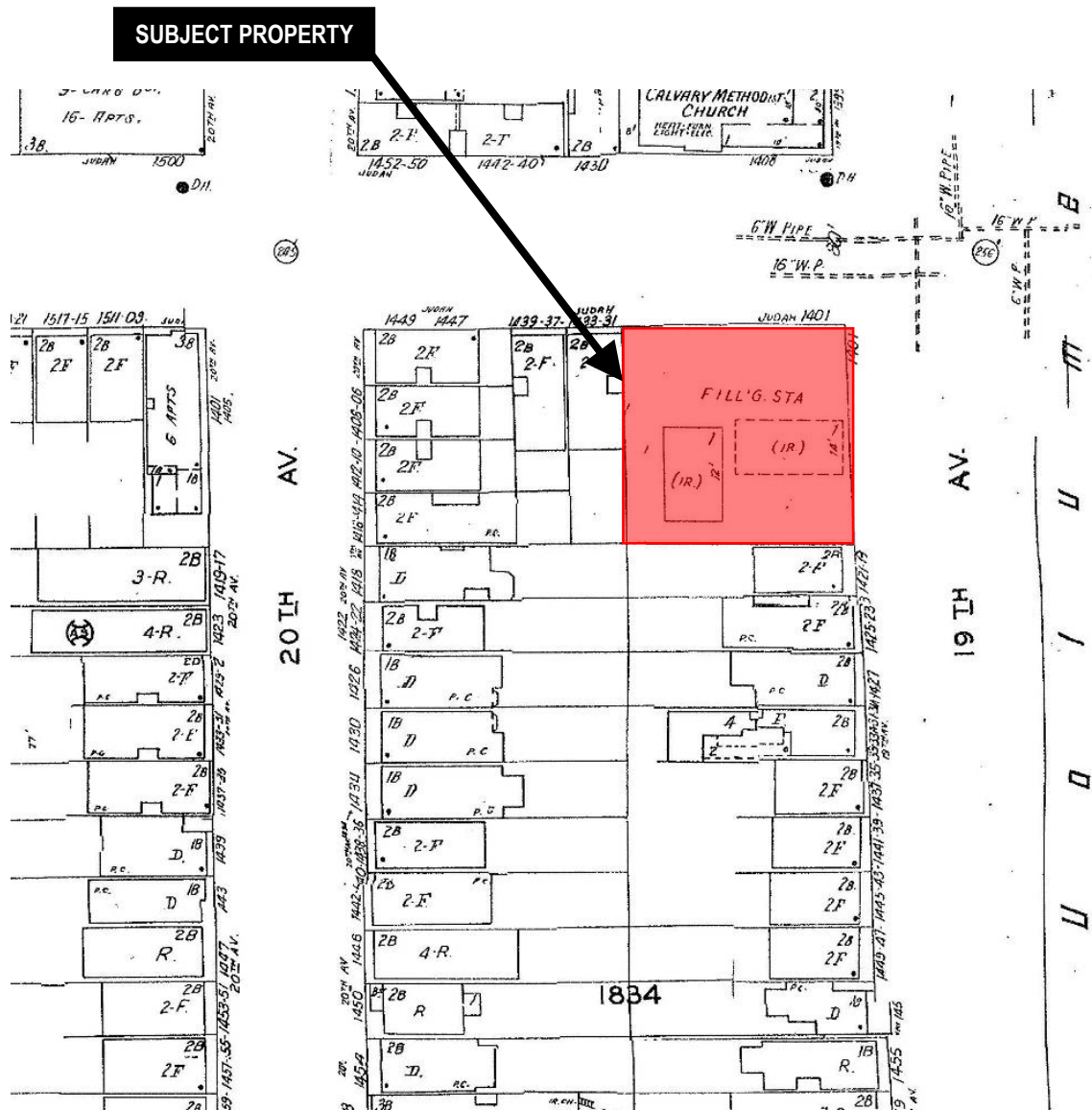
LOTS MERGED
LOTS INTO LOT
11 1K "1926"
2A 51 "1941"
1K 1-35 "1948"
1M 31 "1952"
36 35 1955



SUBJECT PROPERTY



Sanborn Map*



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



Conditional Use Hearing
Case Number 2019-006951CUA
 CUA Sell Beer or Wine with Motor Vehicle Fuel
 1401 19th Ave

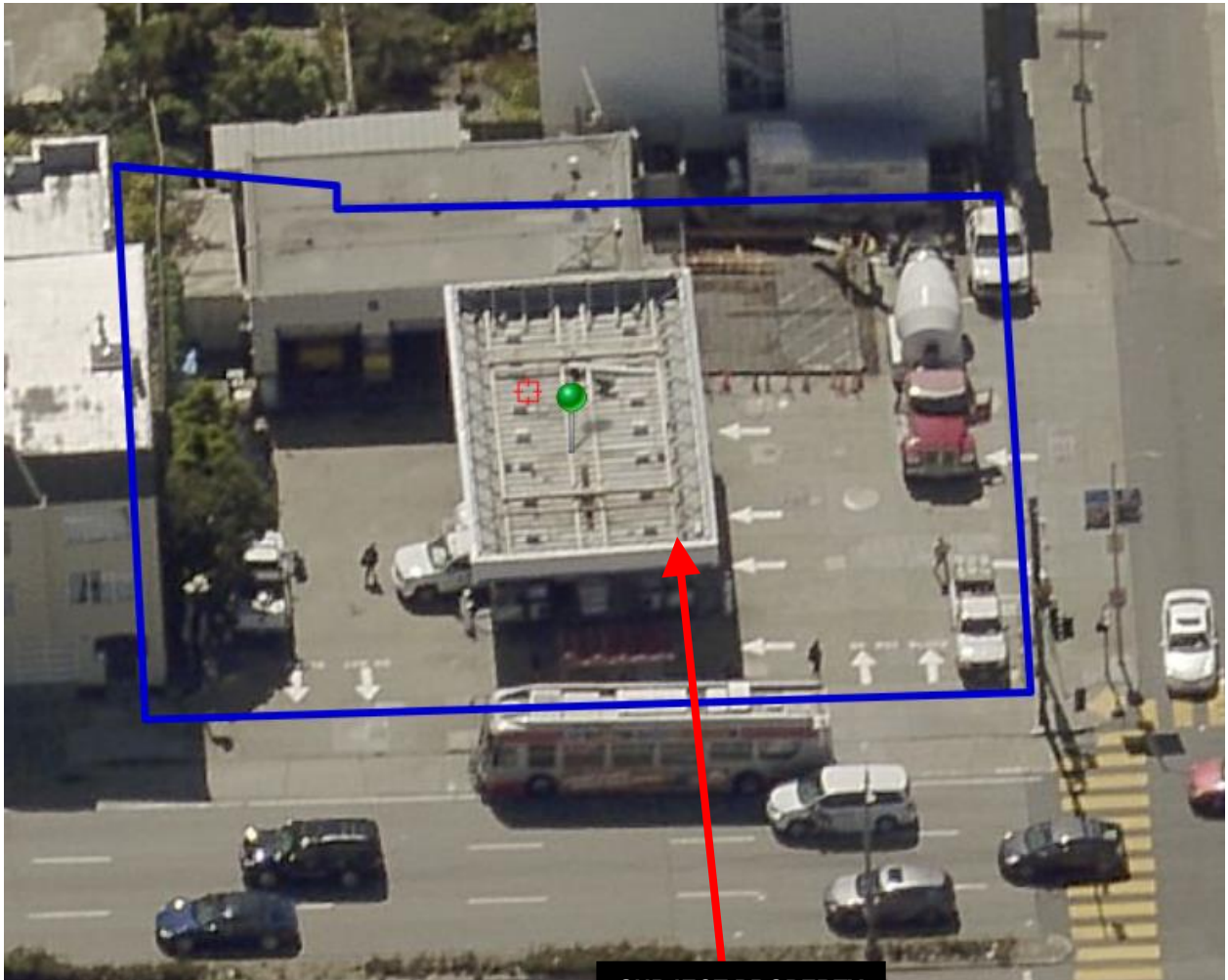
Aerial Photo – View 1



SUBJECT PROPERTY



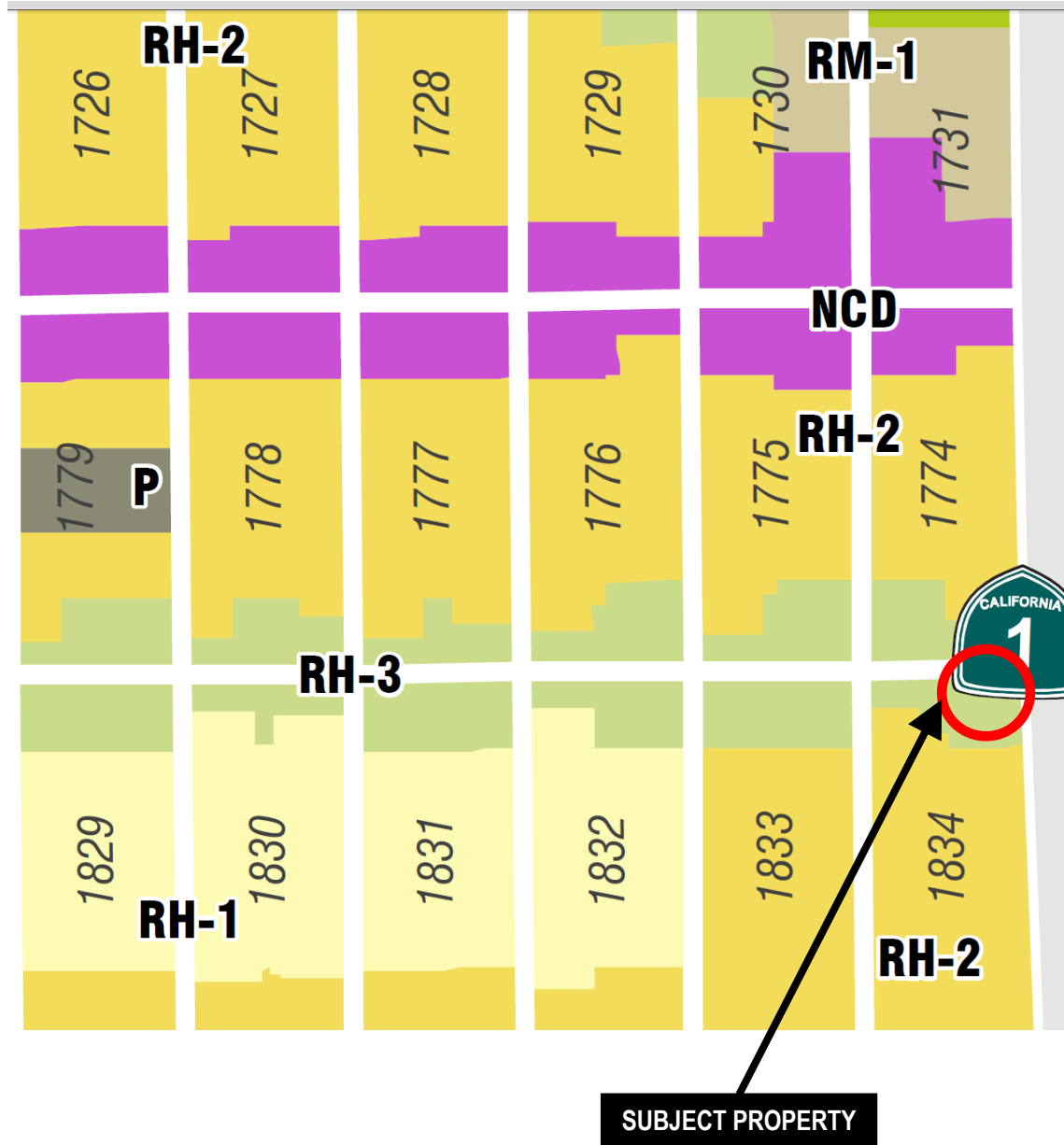
Aerial Photo – View 2



SUBJECT PROPERTY



Zoning Map



Conditional Use Hearing
Case Number 2019-006951CUA
CUA Sell Beer or Wine with Motor Vehicle Fuel
1401 19th Ave

Site Photo



Conditional Use Hearing
Case Number 2019-006951CUA
CUA Sell Beer or Wine with Motor Vehicle Fuel
1401 19th Ave

Site Photo



Conditional Use Hearing
Case Number 2019-006951CUA
CUA Sell Beer or Wine with Motor Vehicle Fuel
1401 19th Ave

Site Photo



Conditional Use Hearing
Case Number 2019-006951CUA
CUA Sell Beer or Wine with Motor Vehicle Fuel
1401 19th Ave

REUBEN, JUNIUS & ROSE, LLP

Sabrina Eshaghi
seshaghi@reubenlaw.com

November 20, 2019

Delivered Via Email (cathleen.campbell@sfgov.org)

Myrna Melgar, Commission President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94107

**Re: 1401 19th Avenue
Planning Case Number: 2019-006951CUA
Hearing Date: December 5, 2019
Our File No.: 11243.01**

Dear President Melgar and Commissioners:

This office represents the owner of the property located at 1401 19th Avenue. The site is currently a family-owned Chevron franchise with a food mart and auto repair service. The owners are seeking to expand the existing food mart into the portion of the existing building that has been used for auto repair services and allow the sale of beer and wine for off-site consumption (the “**Project**”). No spirits will be sold. The proposed 1,146 square-foot food mart sales floor area will include a café, food service area, and cooler. The beer and wine will be limited to a 25 square-foot portion of the cooler. Sale of the beer and wine will comply with the operation and location requirements under Planning Code Section 202.2(b), including prohibiting advertisements of beer and wine sales and requiring employees working after 10 p.m. to be at least 21 years old. The expansion of the food mart will help ensure the long-term viability of the gas station and provide the neighborhood with a convenient one-stop shop for food and beverages that will bring to life the owner’s vision of the space as a neighborhood-serving market called “Kal’s.”

A. Approvals Sought

The expansion of the food mart as well as the Type 20 liquor license for beer and wine sales require Conditional Use Authorization from the Planning Commission. Concurrent with Planning’s review, the liquor license is also being reviewed by the Department of Alcoholic Beverage Control (“**ABC**”) in consultation with the Police Department. The Police Department has preliminarily indicated its support for the project with the standard condition to limit beer and wine sales to the hours of 6am to 2am. Both ABC and the Police Department will impose other conditions of approval on the license as they deem necessary. The liquor license for the sale of beer and wine will also require approval by the Board of Supervisors, which will involve further consultation with the Police Department and opportunity for public input.

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B. Project Details and Benefits

Approval of the Conditional Use Authorization will provide the following benefits to the neighborhood:

- **The expansion of the food mart will further activate the site.** The existing auto repair use is underutilized and will be put to a more beneficial use as an expanded food mart that will serve as a one-stop shop for food and beverages. The neighborhood-serving market will include the sale of general grocery items and ready-made foods, as well as beer and wine, so that local residents can conveniently pick up most the items they need while stopping for gas.
- **The long-term viability of the gas station will help preserve and expand opportunities for local employment.** The gas station currently employs four people during the day and one at night. The expanded food mart will not only help preserve these jobs long-term but will also result in two to three new employment opportunities. The owner is committed to filling these positions with local hires.
- **The owner is dedicated to maintaining a safe and secure neighborhood store.** Because the gas station is owned by a local Bay Area family, they take great pride in the maintenance and upkeep of the premises. For this reason, they are proposing the installation of 11 security cameras, 4 inside and 7 outside, to monitor the site at all times. In addition, all employees will be required to complete ABC's online training course related to the sale of beer and wine. Aside from these voluntary measures, the Project will comply with Planning Code Section 202.2(b) by ensuring employees on duty between the hours of 10:00 p.m. and 2:00 a.m. are at least 21 years of age and by prohibiting signage advertising the sale of beer or wine.
- **The Project is consistent with the neighborhood character.** The food mart has existed on the site in various forms for many years. By solely expanding into the existing building, the Project will not change the aesthetic character of the neighborhood.

C. Neighborhood Outreach

The owners have been committed to neighborhood engagement throughout the entitlement process. They have conducted two community meetings and follow-up discussions with interested parties, including neighbors and community representatives. For the first meeting, owners and occupants within 300 feet of the site and the Outer Sunset neighborhood groups were invited. One couple showed up to hear about the project. They originally thought that there would be on-site consumption, but when we told them the beer and wine sales were for off-site consumption only they were supportive of the project. One person reached out through email who was concerned about loitering, and we assured her that loitering is not tolerated at the site. We explained that the

owner takes this issue very seriously and will not be advertising the sale of beer or wine onsite. We also explained that beer and wine sales are intended to be a convenience for customers who stop to get gas, it is not to provide alcohol to anyone loitering in the area. We offered to set up a call to further discuss concerns and did not receive a response.

For the second meeting, the owner invited the adjacent neighbors and the Inner and Outer Sunset community groups. This time a few members of the Mid-Sunset Neighborhood Group, which is listed on the Outer Sunset Neighborhood Groups list, attended the meeting and expressed concerns about drunk driving and particularly nighttime sales. Although there is no evidence demonstrating that sale of beer and wine on a limited scale for off-site consumption contributes to drunk driving, in response to these concerns the owner offered to limit the hours of alcohol sales. Flo Kimmerling, the president of the organization, reached out after the meeting to follow up on the owner's proposed compromise, but she said that limiting the hours would not be enough to assuage their concerns about drunk driving. Ms. Kimmerling and her neighbors who attended the meeting live at the 1200 block of 26th Avenue, which is nine blocks away from the Project site. The family is committed to being a good neighbor and will at all times be available to discuss any concerns regarding their operations with both the Mid-Sunset Neighborhood Group and their immediate neighbors.

We have also reached out to Supervisor Gordon Mar's Office multiple times and to the Police Department as part of the ABC process. The Supervisor's Office and the Police Department do not oppose beer and wine sales for off-site consumption at the site.

D. Conclusion

The Project seeks to protect the long-term viability of a family business by allowing an expanded food mart and limited beer and wine sales, which will result in additional customers stopping at the gas station on the way home. The family is deeply committed to contributing to the safety of the neighborhood, and will take every measure necessary to ensure that the proposed beer and wine sales will not result in any negative impacts on the surrounding neighbors. For these reasons, we urge you to approve the Project. Please let me know if you have any questions.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Sabrina Eshaghi

President Myrna Melgar and Commissioners
San Francisco Planning Commission
November 20, 2019
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cc: Joel Koppel, Commission Vice-President
Frank S. Fung, Commissioner
Milicent A. Johnson, Commissioner
Kathrin Moore, Commissioner
Dennis Richards, Commissioner
Susan Diamond, Commissioner
Cathleen Campbell, Project Planner