



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: JANUARY 9, 2019

*Record No.:* 2019-014257CUA  
*Project Address:* 401 Potrero Avenue  
*Zoning:* Urban Mixed Use (UMU) Zoning District  
58-X Height and Bulk District  
*Block/Lot:* 3974/024  
*Project Sponsor:* Muthana Ibrahim, MI Architects, Inc.  
2221 Olympic Blvd.  
Walnut Creek, CA 94103  
*Property Owner:* Gawfco Enterprises, Inc.  
401 Potrero Avenue  
San Francisco, CA 94595  
*Staff Contact:* Ella Samonsky – (415) 575-9112  
[ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The Project includes the establishment of a Formula Retail use (d.b.a. "Circle K", a convenience store) in a vacant retail space at the corner of 17th Street and Potrero Avenue. The establishment would apply to an existing 1,483 square foot single-story building on the subject property, originally permitted as an accessory convenience store for the 76 gas station. There are approximately 16,000 Circle K stores in 25 countries. No expansion of the existing tenant space or building envelope of the subject property is proposed. Windows will remain clear and unobstructed and a wall sign on the Potrero Street (west) and 17th Street (north) elevation is proposed.

### REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303, 303.1 and 843.46, to allow the establishment of a Formula Retail, Retail Sales and Service use within the UMU Zoning District.

### ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Department has not received correspondence in support or opposition to the Project, including. The Sponsor has hosted one pre-application meeting within the community, on July 8, 2019.
- **Formula Retail Concentration.** There are two existing Formula Retail uses out of approximately fifteen commercial establishments within 300 feet of the Project Site, which is approximately 14%

of the commercial establishments. The existing intensity of Formula Retail uses accounts for approximately 444 linear feet of lot frontage, which is 14% of the total linear frontage in a 300-foot radius of the Subject Property. The addition of the Circle K convenience store would increase the number of Formula Retail uses to three, accounting for approximately 20% of the commercial establishments within 300 feet of the Project Site. However, the percentage of linear frontage would not change, as the Circle K would be located within the 76 gas station, which is an existing Formula Retail use.

## **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 Showplace Square/Potrero Hill Area Plan and the Objectives and Policies of the General Plan. Although the Project increases the percentage of Formula Retail establishments in the district, it will also provide new neighborhood-serving retail that is compatible and complimentary to the existing use on the site and character of the neighborhood. 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



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: JANUARY 9, 2020

*Record No.:* 2019-014257CUA  
*Project Address:* 401 Potrero Avenue  
*Zoning:* Urban Mixed-Use ((UMU) Zoning District  
58-X Height and Bulk District  
*Block/Lot:* 3974 / 024  
*Project Sponsor:* Muthana Ibrahim  
M. I. Architects  
2221 Olympic Blvd., Suite 100  
Walnut Creek, CA 94595  
*Staff Contact:* Ella Samonsky – (415) 575-9112  
[ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 303, 303.1, AND 843.46, TO ESTABLISH A FORMULA RETAIL, RETAIL SALES AND SERVICE USE AT 401 POTRERO AVENUE, LOT 024 IN ASSESSOR'S BLOCK 3974, WITHIN THE URBAN MIXED USE (UMU) ZONING DISTRICT AND A 58-X HEIGHT AND BULK DISTRICT, AND ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### **PREAMBLE**

On September 4, 2019, Muthana Ibrahim (hereinafter "Project Sponsor") filed Application No. 2019-014257CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional use Authorization to establish a Formula Retail Establishment (hereinafter "Project") for an Retail Sales and Service Use (d.b.a "Circle K") within an existing 1,483 square foot building at a gas station (d.b.a. "76") at 401 Potrero Avenue, Block 3974 Lot 024 (hereinafter "Project Site").

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

On January 9, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2019-014257CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-014257CUA 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. 2019-014257CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the establishment of a Formula Retail use (d.b.a. “Circle K”, a convenience store) in a vacant retail space at the corner of 17<sup>th</sup> Street and Potrero Avenue. The establishment would apply to an existing 1,483 square foot single-story building on the subject property, originally permitted as an accessory convenience store for the 76 gas station. There are approximately 16,000 Circle K stores in 25 countries. No expansion of the existing tenant space or building envelope of the subject property is proposed. Windows will remain clear and unobstructed and a wall sign on the Potrero Street (west) and 17<sup>th</sup> Street (north) elevation is proposed.
3. **Site Description and Present Use.** The Project Site is located on the southeastern corner of 17th Street and Potrero Avenue, on Assessor’s Block 3974, Lot 024.. The site is occupied by a gas station (d.b.a. “76”), which has six fuel dispensers under two canopy’s and a stand-alone convenience store located on the southeast corner of the lot. The gas station is accessed by driveways from 17<sup>th</sup> Street and Potrero Avenue, and has a freestanding sign located at the corner and business signs on each of the fueling canopies.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Mission Neighborhood, in the UMU Zoning District and the Showplace Square/Potrero Area Plan. The immediate context is primarily PDR uses with some commercial retail uses, mainly automotive related, and residential uses on upper floors along Potrero Avenue. To the southeast of the Project Site the neighborhood transitions to a predominately low-scale residential character. To the north of the Project Site is the Showplace Square Design District, which is characterized by large design-oriented PDR and commercial uses. Within the vicinity of the Project Site are Production, Distribution and Repair – General (PDR-1-G), Public (P), Residential House- Three Family (RH-3) and Residential House – Two Family (RH-2) Zoning Districts.
5. **Public Outreach and Comments.** The Department has not received any correspondence regarding the proposed project. This Project Sponsor conducted a Pre-Application meeting on July 8, 2019.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Formula Retail Use.** A *Formula Retail* use is defined under Planning Code Section 303.1 as a type of retail sales or service activity that has eleven or more other retail sales establishments in operation, or with local land use permit entitlements already approved anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, uniform apparel, standardized signage, and a trademark or service-mark.

Within the UMU Zoning District, Formula Retail uses require Conditional Use Authorization under Planning Code Section 843. Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any Conditional Use pursuant to Section 303.1 (Formula Retail Uses).

*The Project would allow for a Retail Sales and Service, Formula Retail Use (d.b.a. "Circle K", a convenience store) within an approximately 1,500 square-foot, commercial space on the project site. A Formula Retail Use may be conditionally permitted per Planning Code Section 303, 303.1, and 843.*

- B. **Retail Sales and Services Use within a UMU Zoning District.** Section 843 of the Planning Code principally permits "Retail Sales and Services Uses," up to 3,999 gross square feet and conditionally permits uses greater than 4,000 gross square feet, up to a total of 25,000 gross square feet per lot.

*The Project would allow for a new 1,483 square-foot Retail Sales and Services use at the ground floor of single-story building within an existing 9,796 square-foot gas station.*

- C. **Street Frontage.** Planning Code Section 145.1 requires that 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. 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 entirety of the building on the project site is proposed for use as a Formula Retail, Retail Sales and Service use, which is considered "active." Windows will be provided on both frontages and will be clear, un-tinted, and unobstructed. There are no proposed changes to the existing building.*

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

*The project proposes two wall signs, one on each frontage, under separate permit. The sign permit will be reviewed for compliance with Article 6.*

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 proposed establishment of the Formula Retail use will not significantly impact the mix of goods and services currently available in the District, as it will occupy an existing accessory structure within a gas station. The proposed convenience store will contribute to economic vitality of the neighborhood by adding retail services to a highly trafficked corner lot. The approximately 1,500 square-foot store is consistent with the scale of retail in the district and will compliment the transitional mix of uses between the residential neighborhood and light industrial/PDR areas.*

- 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.*

- (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 Project Site is within an operating gas station; therefore, a significant portion of the customers can be assumed to arrive by private vehicle and visit the convenience store while their vehicle is at the fuel pump station. It is unlikely that the use will generate significant vehicular trips citywide beyond those already made to the gas station. It may generate trips from the neighborhood, which can be made by foot or utilize available street parking.*

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

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

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

*The Project would not alter the site's landscaping, open space, or lighting. New signage is proposed under separate permit and will be reviewed for compliance with the Planning Code and Formula Retail Guidelines.*

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Urban Mixed-Use District.

*The proposed project is consistent with the stated purposes of the Urban Mixed-Use Zoning District, in that the intended retail use contributes to the mix of uses in the neighborhood, while providing a buffer between residential and PDR uses in this formerly industrially-zoned area.*

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

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

*There are two existing Formula Retail uses out of approximately fifteen commercial establishments within 300 feet of the Project Site, which is approximately 14% of the commercial establishments. The existing intensity of Formula Retail uses accounts for approximately 444 linear feet of lot frontage, which is 14% of the total linear frontage in a 300-foot radius of the Subject Property. The addition of the Circle K convenience store would increase the number of Formula Retail uses to three, accounting for approximately 20% of the commercial establishments within 300 feet of the Project Site. The percentage of linear frontage would not change, as the Circle K would be located within the 76 gas station, which is an existing Formula Retail use. Approximately half of the 300-foot radius is within the UMU District, where the Project Site is located; the rest is split between the PDR-1-G and RH-2 Districts.*

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

*Of the fifteen commercial businesses surveyed within a 300-foot radius of the Project Site, only seven are Retail uses. The Shell gas station has an accessory convenience store, similar to the*

*proposed Circle K convenience store within the 76 gas station. All other businesses within a 300' radius of the Subject Property provide a different array of goods and services.*

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

*The Project would minimally alter the existing exterior of the subject building with two new illuminated wall signs, one on each street facing elevation. Therefore, the Project is compatible within, and will have no adverse effect on, the architectural and aesthetic characters of the District.*

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

*According to the 300-foot radius survey provided, there is one commercial vacancy (1.7% of the commercial frontages) within the area. The Project will not affect the retail vacancy rate within a 300-foot radius, as the proposed Formula Retail use will occupy a portion of the existing 76 gas station.*

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

*The Project Site's in the UMU Zoning District, which is intended to serve as a buffer between residential districts and PDR districts and provide a mix of uses while maintaining the characteristics of this formerly industrially-zoned area. The project will contribute to the mix of uses, by providing neighborhood serving retail on an already commercial site. Within the vicinity of the subject property, the existing mix of daily needs-serving retail uses (defined as: Limited Restaurants; specific Retail, Sales and Services; Personal Services; Limited Financial Services; and Specific Trade Shops) versus citywide retail uses (defined as all other uses) leans towards citywide-serving retail uses within the district with 86% versus 14% for daily needs-serving uses. Within the UMU District, all the retail businesses are citywide-serving retail uses. The addition of the proposed convenience store would increase the percentage of daily needs-serving retail uses to 20% in the UMU district and 25% within the vicinity of the subject property.*

Additional data and analysis set forth in the Performance-Based Design Guidelines adopted by the Planning Commission.

*The proposed use is consistent with the existing character of the district, which is comprised of a variety of uses, mostly PDR. The building is well suited for the proposed use, has large windows on both frontages with good visibility into the store, and clear pedestrian access through the gas station to the street. The subject property would provide a nominal change in the number of existing Formula retail establishments and would not affect the balance of Formula Retail commercial frontage within the district.*

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



## **COMMERCE AND INDUSTRY**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.2:**

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.

## **SHOWPLACE SQUARE/POTRERO AREA PLAN**

### **Objectives and Policies**

#### **OBJECTIVE 1.1:**

ENCOURAGE THE TRANSITION OF PORTIONS OF SHOWPLACE / POTRERO TO A MORE MIXED USE AND NEIGHBORHOOD-SERVING CHARACTER, WHILE PROTECTING THE CORE OF DESIGN-RELATED PDR USES.

#### **Policy 1.1.2**

In the northern part of Showplace Square (around 8th and Brannan, east of the freeway and along 16th and 17th Streets) revise land use controls to create new mixed use areas, allowing mixed-income housing as a principal use, as well as limited amounts of retail, office, and research and development uses, while protecting against the wholesale displacement of PDR uses.

#### **Policy 1.1.3**

Allow for active ground floor uses and a more neighborhood commercial character in newly designated mixed use areas within Showplace Square.

*The Project would establish a new Formula Retail use, which will allow the establishment (d.b.a. "Circle K") of a new retail convenience store to provide a new neighborhood serving retail to the district and enhance the*

*diversity of uses in the area. The proposed Formula Retail establishment is modest in size and will not change the overall character of the district nor displace any PDR uses. The proposed Formula Retail establishment will add an active ground floor use on a corner lot on a main commercial thoroughfare in the mixed-use UMU Zoning District.*

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

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

*The Project is not anticipated to significantly affect the existing mix of neighborhood-serving retail uses and provides opportunities for resident employment. The Project would occupy an existing structure within a gas station.*

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

*The Project is not anticipated to adversely affect the character or diversity of the neighborhood. The signs are compliant with Article 6 and there are no significant changes proposed to the building's façade or envelope.*

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

*The Project would not cause any adverse effect on the City's supply of affordable housing.*

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

*The Project Site is a gas station; therefore, a significant portion of the customers can be assumed to arrive by private vehicle and visit the convenience store while their vehicle is at the fuel pump station. The Project Site is also served by nearby public transportation options. The Project is located near several public transit bus lines, including: MUNI bus lines 9, 33, 90 and 292.*

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

*The Project will not displace or adversely affect any service sector or industrial businesses as the Project is occupying an existing commercial space in a complimentary relationship with the long-operating gas station.*

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

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

- G. That landmarks and historic buildings be preserved.

*The Project Site does not contain any City Landmarks or historic buildings and will not impact the City's stock of such buildings.*

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

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

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use 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. 2019-014257CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 21, 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 January 9, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 9, 2020

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Formula Retail use (d.b.a. "Circle K") at 401 Potrero Avenue, Block 3974 and Lot 024, pursuant to Planning Code Section(s) 303, 303.1, and 843.46 within the Urban Mixed Use District and a 58-X Height and Bulk District; in general conformance with plans, dated March 21, 2019, and stamped "EXHIBIT B" included in the docket for Record No. 2019-012018CUA and subject to conditions of approval reviewed and approved by the Commission on January 9, 2020 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 January 9, 2020 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](http://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](http://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](http://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](http://www.sf-planning.org)*

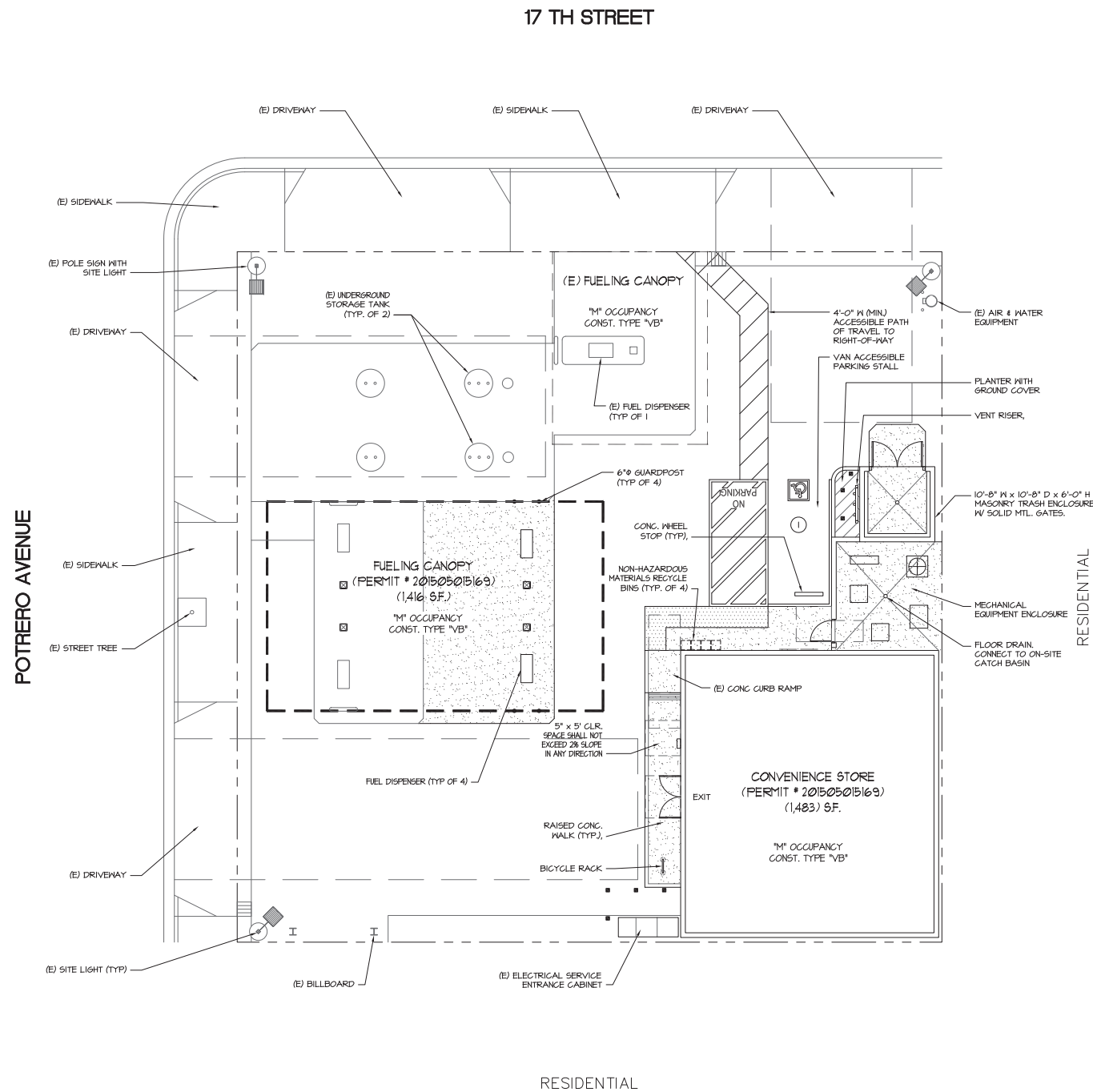
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

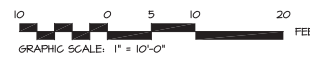
## MONITORING - AFTER ENTITLEMENT

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

S:\1-Projects\14-409-401 Potrero Ave. SF\Draws\Planning - Cir K\14-409-501.dwg modified by mihauer2 at Jun 19, 2019 - 4:43pm



**1 SITE PLAN**  
SCALE: 1" = 10'-0"



**DRAWING INDEX**

- SD1 SITE PLAN
- A1.1 EXISTING FLOOR PLAN
- A2.1 EXISTING ELEVATION

**SITE INFORMATION**

APN: 3914-024  
 JURISDICTION: CITY OF SAN FRANCISCO  
 SITE AREA: 9,196 SF.  
 EXISTING FOOD MART: 1,483 SF.  
 EXISTING FOLDING CANOPY: 1,416 SF.

**PROJECT DIRECTORY**

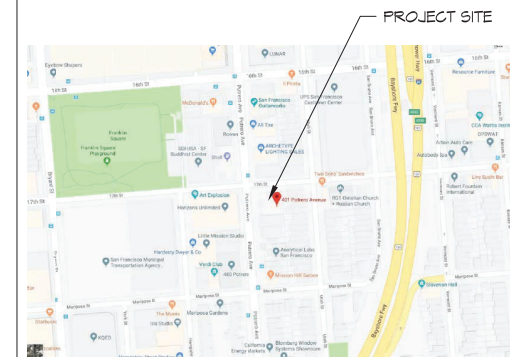
**ARCHITECT**  
 M1 ARCHITECTS, INC.  
 2221 OLYMPIC BLVD, SUITE 100  
 WALNUT CREEK, CA 94545  
 TEL: (425) 281-1114 x1  
 FAX: (425) 443-1581  
 CELL: (425) 878-9875  
 MR. MUTHANA IBRAHIM, ARCHITECT

**DEVELOPER**  
 GANFECO ENTERPRISES, INC.  
 587 YGNACIO VALLEY RD.  
 WALNUT CREEK, CA 94598  
 TEL: (425) 799-0560  
 FAX: (425) 919-0467  
 MR. MIKE AHMADI

**SITE PLAN LEGEND**

- LANDSCAPE AREA
- CONCRETE WALK AND/OR PAVING SEE DTL. 4 & 9 SHT. SD2
- 4 FT. WIDE (MIN) ACCESSIBLE ROUTE OF TRAVEL, SHALL NOT EXCEED 5% SLOPE IN THE DIRECTION OF TRAVEL AND 2% CROSS SLOPE
- NEW CONCRETE CURB
- EXISTING CONCRETE CURB TO REMAIN
- EXISTING TO REMAIN

**VICINITY MAP**



M1 Architects, Inc.  
 ARCHITECTURE  
 PLANNING  
 MANAGEMENT  
 DESIGN  
 2221 OLYMPIC BLVD.,  
 SUITE 100  
 WALNUT CREEK, CA  
 94545  
 925-281-1114 Tel  
 925-443-1581 Fax  
 925-878-9875 Cell  
 muthana@m1architect.com  
 www.m1architect.com

**76 GAS STATION &  
 CIRCLE K CONVENIENCE STORE  
 401 POTRERO AVE.  
 SAN FRANCISCO, CA 94110**

- ISSUED FOR CONSTRUCTION
- ISSUED FOR PLAN CHECK
- ISSUED FOR PLANNING

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| △   |      |             |
| △   |      |             |
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**SITE PLAN**  
 PROJECT #: 14-409  
 DRAWN: RD CHECKED: M1  
 SCALE: AS NOTED DATE: 03-21-19

**SD1**  
 SHEET OF

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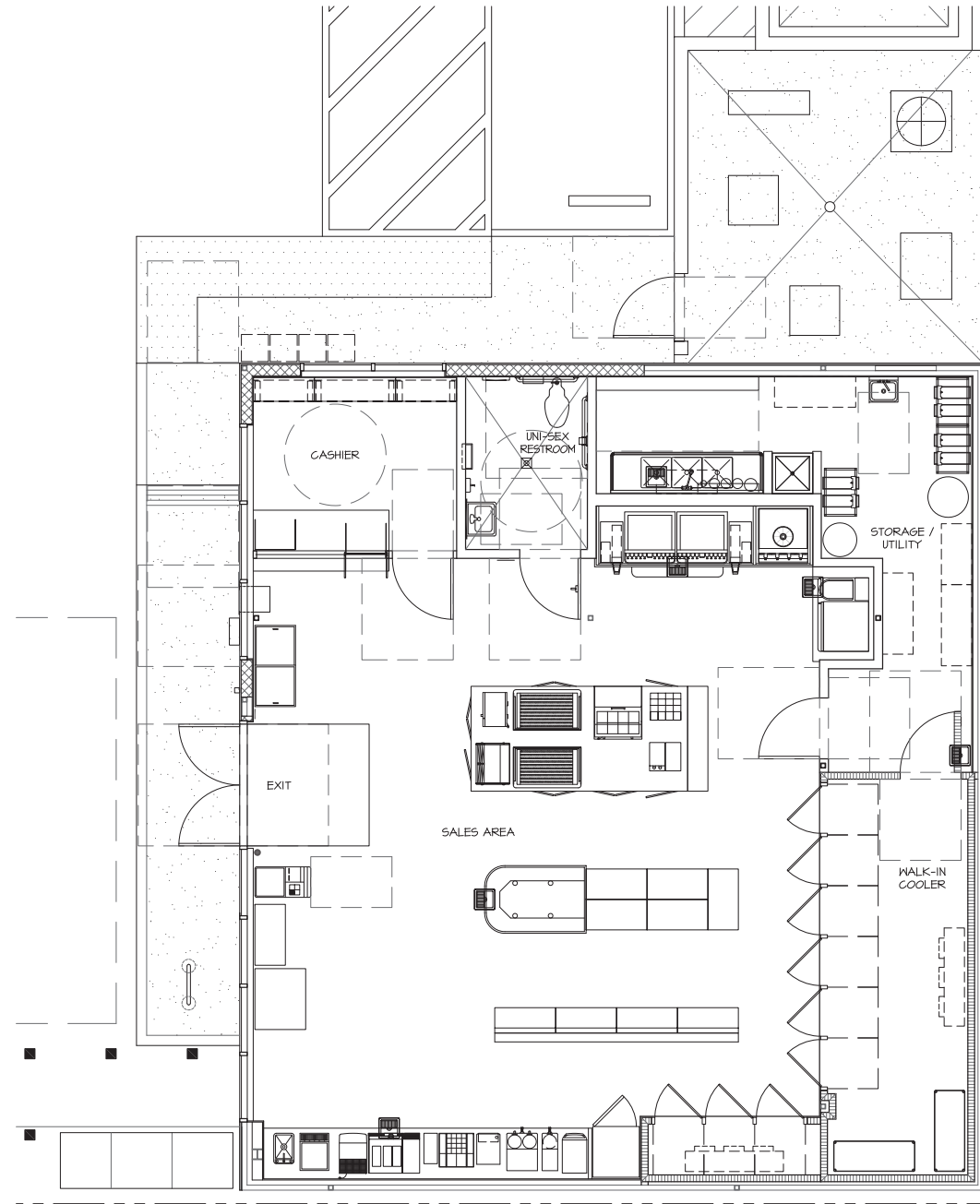


Architects

M I Architects, Inc.  
ARCHITECTURE  
PLANNING  
MANAGEMENT  
DESIGN  
2221 OLYMPIC BLVD.,  
SUITE 100  
WALNUT CREEK, CA  
94595  
925-287-1174 Tel  
925-443-1581 Fax  
925-878-9875 Cell  
muthona@miarchitect.com  
www.miarchitect.com

76 GAS STATION &  
CIRCLE K CONVENIENCE STORE  
401 POTRERO AVE.  
SAN FRANCISCO, CA 94110

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1 APPROVAL PERMIT # 201305013169  
1/4" = 1'-0"



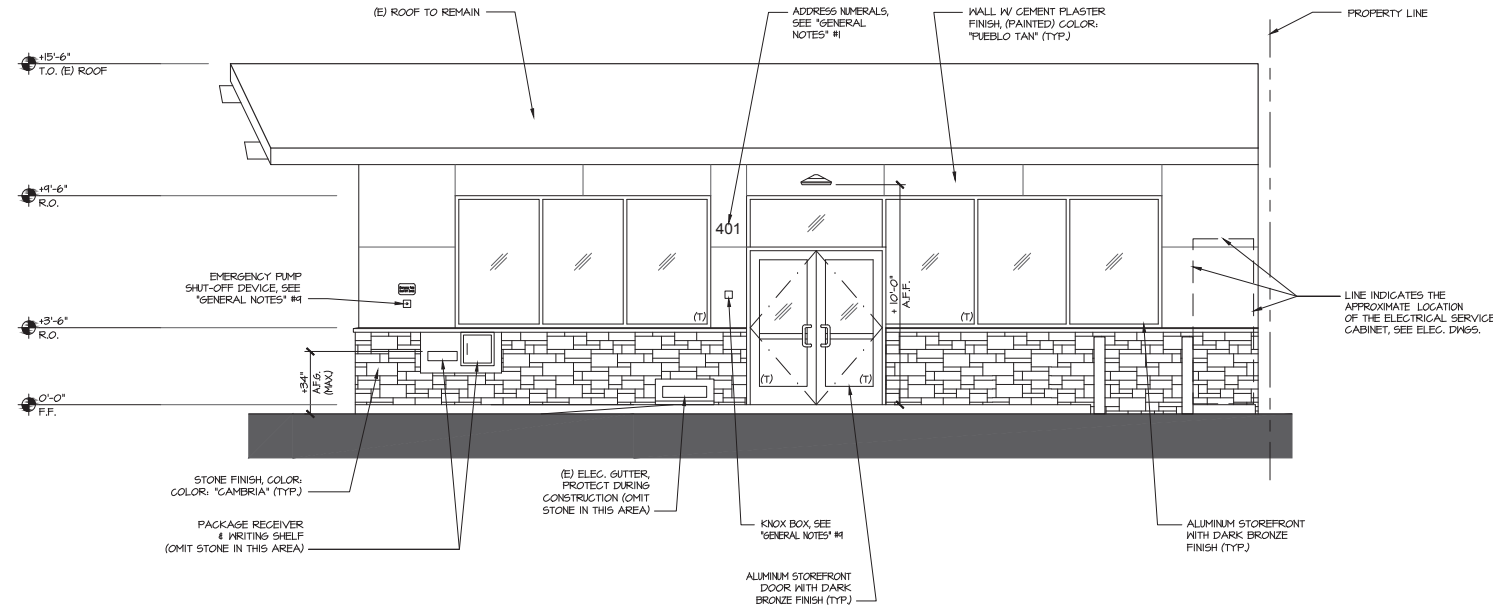
- ISSUED FOR CONSTRUCTION
- ISSUED FOR PLAN CHECK
- ISSUED FOR PLANNING

| NO. | DATE | DESCRIPTION |
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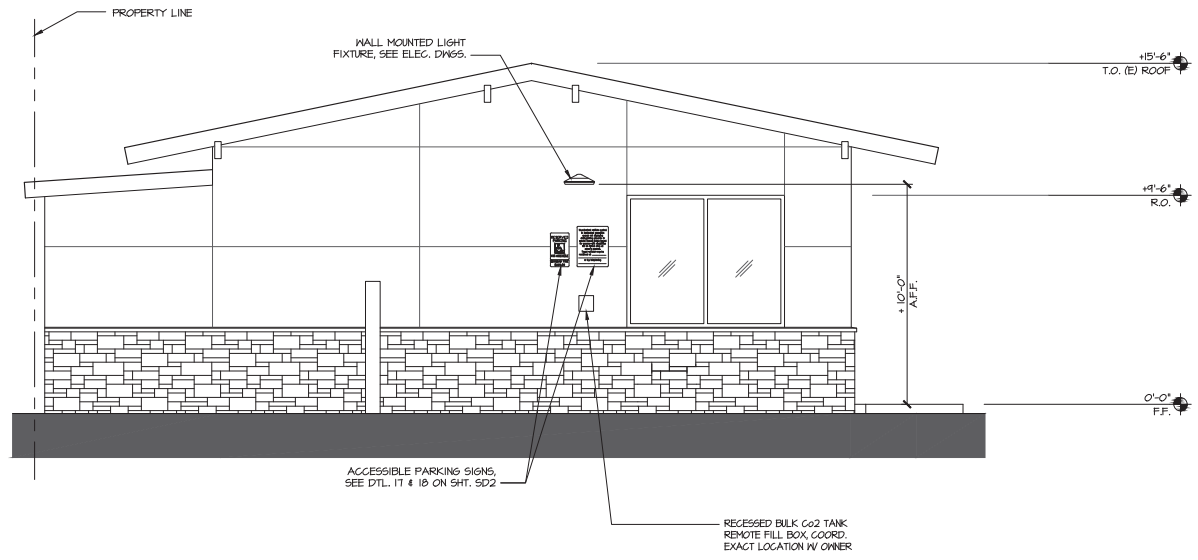
PROPOSED FLOOR PLAN

PROJECT #: 14-409  
DRAWN: RD CHECKED: MI  
SCALE: AS NOTED DATE:

A1.1



**A** APPROVAL PERMIT #201505015169 - WEST ELEVATION (FACING POTRERO AVE.)  
1/4" = 1'-0" (NO CHANGE)



**B** APPROVAL PERMIT #201505015169 - NORTH ELEVATION (FACING 17TH ST.)  
1/4" = 1'-0" (NO CHANGE)

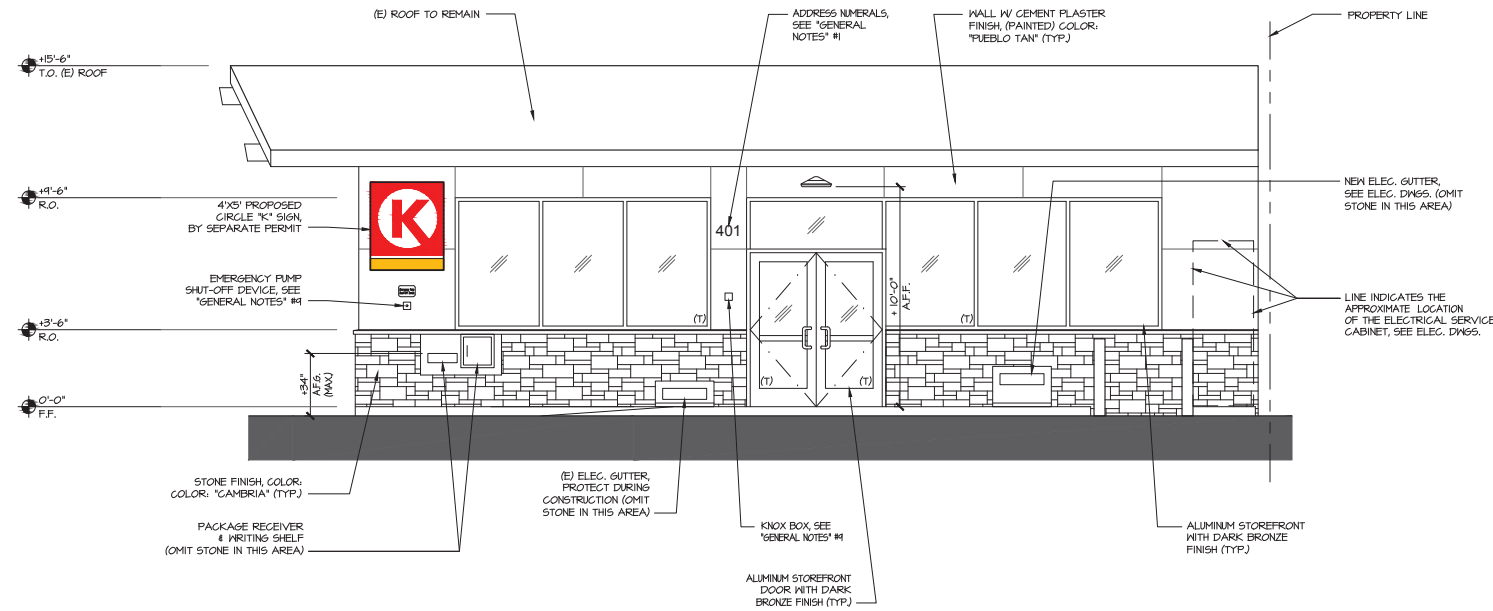


| -                            | ISSUED FOR CONSTRUCTION |                |
|------------------------------|-------------------------|----------------|
| -                            | ISSUED FOR PLAN CHECK   |                |
| -                            | ISSUED FOR PLANNING     |                |
| NO.                          | DATE                    | DESCRIPTION    |
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| △                            |                         |                |
| △                            |                         |                |
| EXISTING BUILDING ELEVATIONS |                         |                |
| PROJECT #:                   | 14-409                  |                |
| DRAWN:                       | JM                      | CHECKED: MII   |
| SCALE:                       | AS NOTED                | DATE: 02-23-15 |

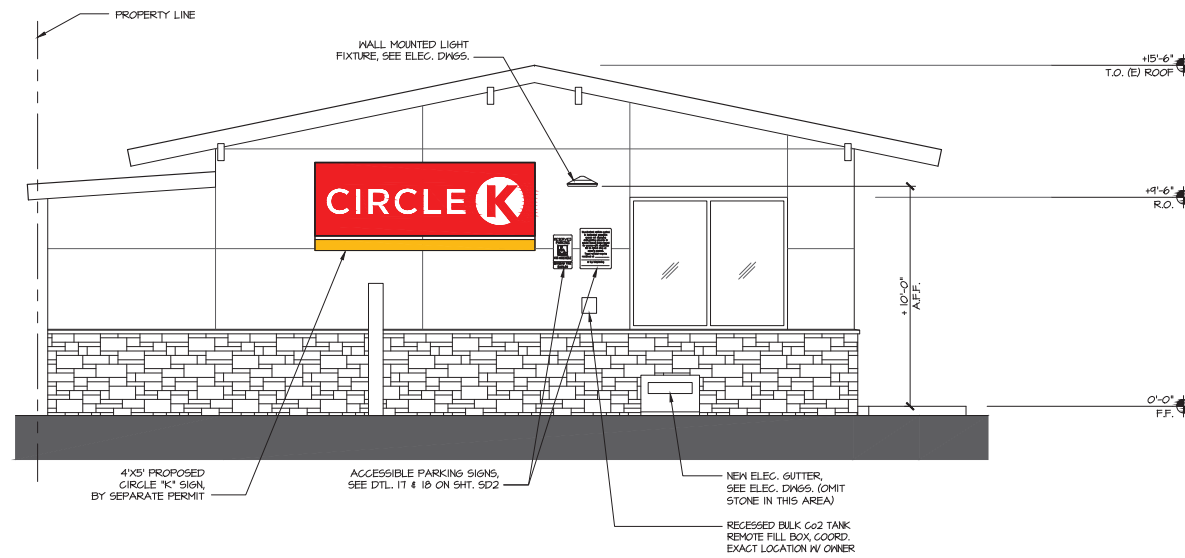
**A2.0**

S:\1-Projects\14-409-401 Potrero Ave. SF\Draws\Planning - Cir K\14-409-409-409-409.dwg modified by User1 at Nov 20, 2019 - 11:24am

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**A** APPROVAL PERMIT #201505015169 - WEST ELEVATION (FACING POTRERO AVE.)  
1/4" = 1'-0" (NO CHANGE)



**B** APPROVAL PERMIT #201505015169 - NORTH ELEVATION (FACING 17TH ST.)  
1/4" = 1'-0" (NO CHANGE)



**GENERAL NOTES**

1. PROVIDE ILLUMINATED ADDRESS NUMERALS VISIBLE FROM THE STREET W/ CONTRASTING CHARACTERS. CHARACTERS SHALL BE MIN. 6" HIGH W/ 1" STROKE, PER FIRE DEPT. REQUIREMENTS.
2. PROVIDE SHOP DRAWINGS OF STOREFRONT PRIOR TO FABRICATION, DETAILING MATERIALS, FINISHES, SIZES, PROFILES, CONNECTIONS, ETC.
3. CEMENT PLASTER SHALL BE NATURAL FINISH (PAINTED), TYPICAL.
4. PAINT TO BE VOC-COMPLIANT URETHANE. SEE TECHNICAL SPECIFICATIONS, SHEET SP4.
5. ALL PAINT SHALL BE APPROVED BY OWNER REPRESENTATIVE PRIOR TO APPLICATION. PREPARE SURFACE AND APPLY PAINT, PER PAINT MFR. RECOMMENDATIONS.
6. PAINT ALL MECH. AND PLUMBING PENETRATIONS TO MATCH ADJACENT WALL.
7. GLAZING STOREFRONT, AND DOORS ARE TO BE (1)- TEmPERED, AS NOTED.
8. A KNOX BRAND BOX SHALL BE INSTALLED ON THE PREMISES TO FACILITATE EMERGENCY ACCESS TO THE BUILDING. KNOX BOXES SHALL BE MOUNTED 5 FEET ABOVE GRADE ON THE RIGHT SIDE OF EACH MAIN ENTRANCE, PER FIRE DEPT REQUIREMENTS.
9. CEMENT PLASTER SHALL BE 7/8" OVER METAL LATH ON (2) LAYERS GRADE "D" BUILDING PAPER, PER UBC TABLE 25A-C (TYP.)

|                         |
|-------------------------|
| ISSUED FOR CONSTRUCTION |
| ISSUED FOR PLAN CHECK   |
| ISSUED FOR PLANNING     |

| NO. | DATE | DESCRIPTION |
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PROPOSED BUILDING ELEVATIONS

|                 |                |
|-----------------|----------------|
| PROJECT #:      | 14-409         |
| DRAWN: JM       | CHECKED: MI    |
| SCALE: AS NOTED | DATE: 02-23-15 |

**A2.1**



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

|  |   |  |
|--|---|--|
| <b>Project Address</b>   |   | <b>Block/Lot(s)</b>                                  |
| 401 POTRERO AVE  |   | 3974024  |
| <b>Case No.</b>  |   | <b>Permit No.</b>                                    |
| 2019-014257PRJ   |   |  |
| <input checked="" type="checkbox"/> <b>Addition/<br/>Alteration</b>  | <input type="checkbox"/> <b>Demolition (requires HRE for<br/>Category B Building)</b> | <input type="checkbox"/> <b>New<br/>Construction</b> |
| <p><b>Project description for Planning Department approval.</b><br/>         Conditional Use Authorization to permit re-branding of an existing convenience store to a formula retail use d.b.a. "Circle K" with a new sign.</p> |   |  |

### STEP 1: EXEMPTION CLASS

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

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

|  |  |
|--|--|
| <input type="checkbox"/>   | <p><b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>   |
| <input type="checkbox"/>   | <p><b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?</p> <p><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 &gt; Maher layer).</i></p> |
| <input type="checkbox"/>   | <p><b>Transportation:</b> 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?</p>  |
| <input type="checkbox"/>   | <p><b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>  |
| <input type="checkbox"/>   | <p><b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</p>  |
| <input type="checkbox"/>   | <p><b>Slope = or &gt; 25%:</b> 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 &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>   |
| <input type="checkbox"/>   | <p><b>Seismic: Landslide Zone:</b> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b></p>   |
| <input type="checkbox"/>   | <p><b>Seismic: Liquefaction Zone:</b> 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 &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b></p>  |
| <p><b>Comments and Planner Signature (optional):</b> Ella Samonsky</p> |  |

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

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

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

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

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

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

|   |  |
|---|--|
| <input type="checkbox"/>  | 7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .  |
| <input type="checkbox"/>  | 8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):  |
| <input type="checkbox"/>  | 9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):<br><br>(Requires approval by Senior Preservation Planner/Preservation Coordinator)  |
| <input type="checkbox"/>  | 10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation<br><div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A<br/> a. Per HRER or PTR dated<br/> b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C<br/> (attach HRER or PTR) </div> </div> |
| <b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b> |  |
| <input type="checkbox"/>  | <b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>  |
| <b>Comments (optional):</b>   |  |
| <b>Preservation Planner Signature:</b>  |  |

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

|  |   |                                    |
|--|---|------------------------------------|
| <input checked="" type="checkbox"/>  | <b>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.</b> |                                    |
|  | <b>Project Approval Action:</b><br>Building Permit  | <b>Signature:</b><br>Ella Samonsky |
|  | If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.   | 12/30/2019                         |
| <p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>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.</p> <p>Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p> |   |                                    |



**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) |
| 401 POTRERO AVE                                |                              | 3974/024                                    |
| Case No.                                       | Previous Building Permit No. | New Building Permit No.                     |
| 2019-014257PRJ                                 |                              |   |
| Plans Dated                                    | Previous Approval Action     | New Approval Action                         |
|  | Building Permit              |   |
| 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? |
| <b>If at least one of the above boxes is checked, further environmental review is required.</b> |  |

**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. |   |
| <b>Planner Name:</b>   | <b>Date:</b>  |
|  |   |





# SAN FRANCISCO PLANNING DEPARTMENT

## Land Use Information

PROJECT ADDRESS: 401 POTRERO AVE  
RECORD NO.: 2019-014257CUA

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

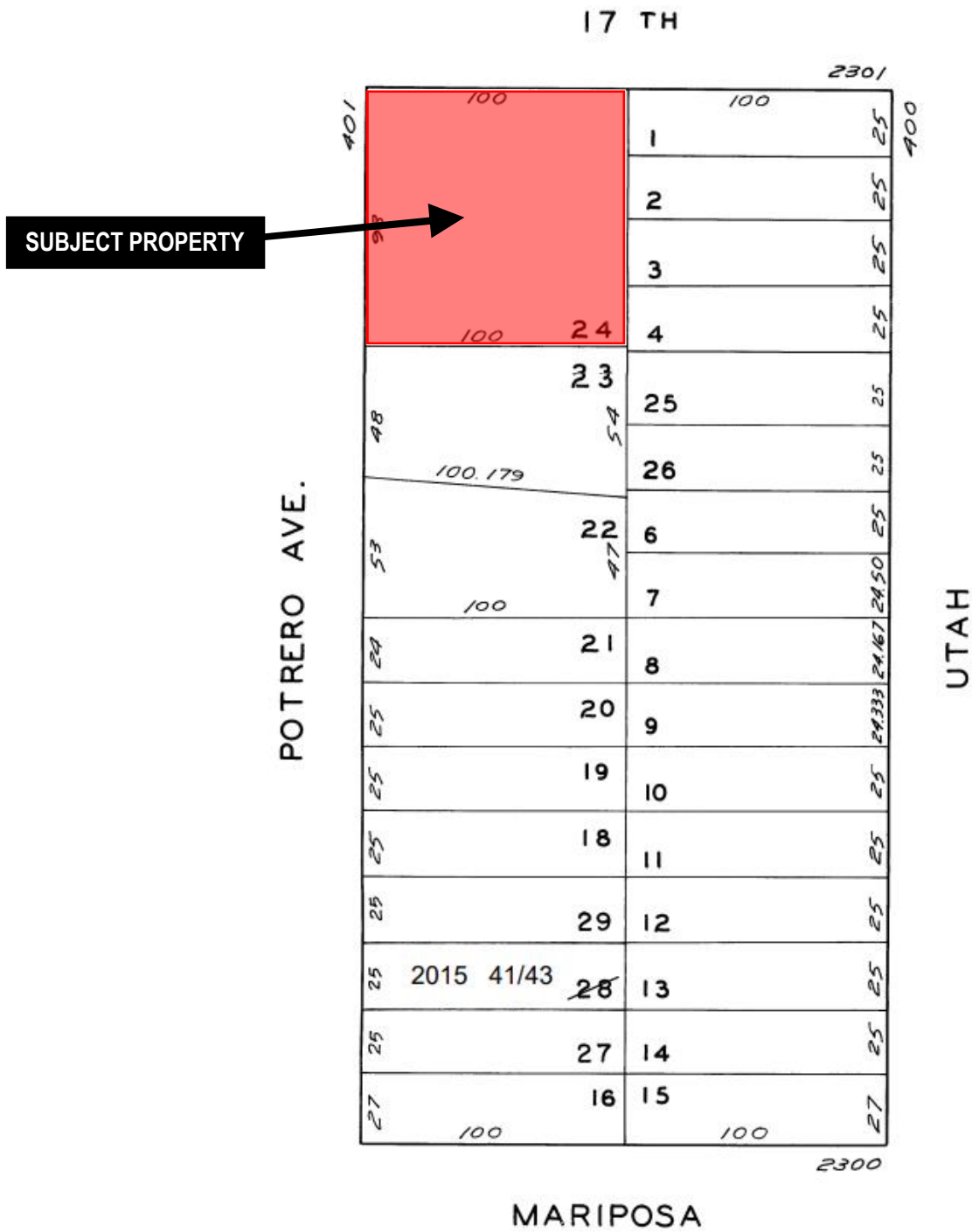
Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

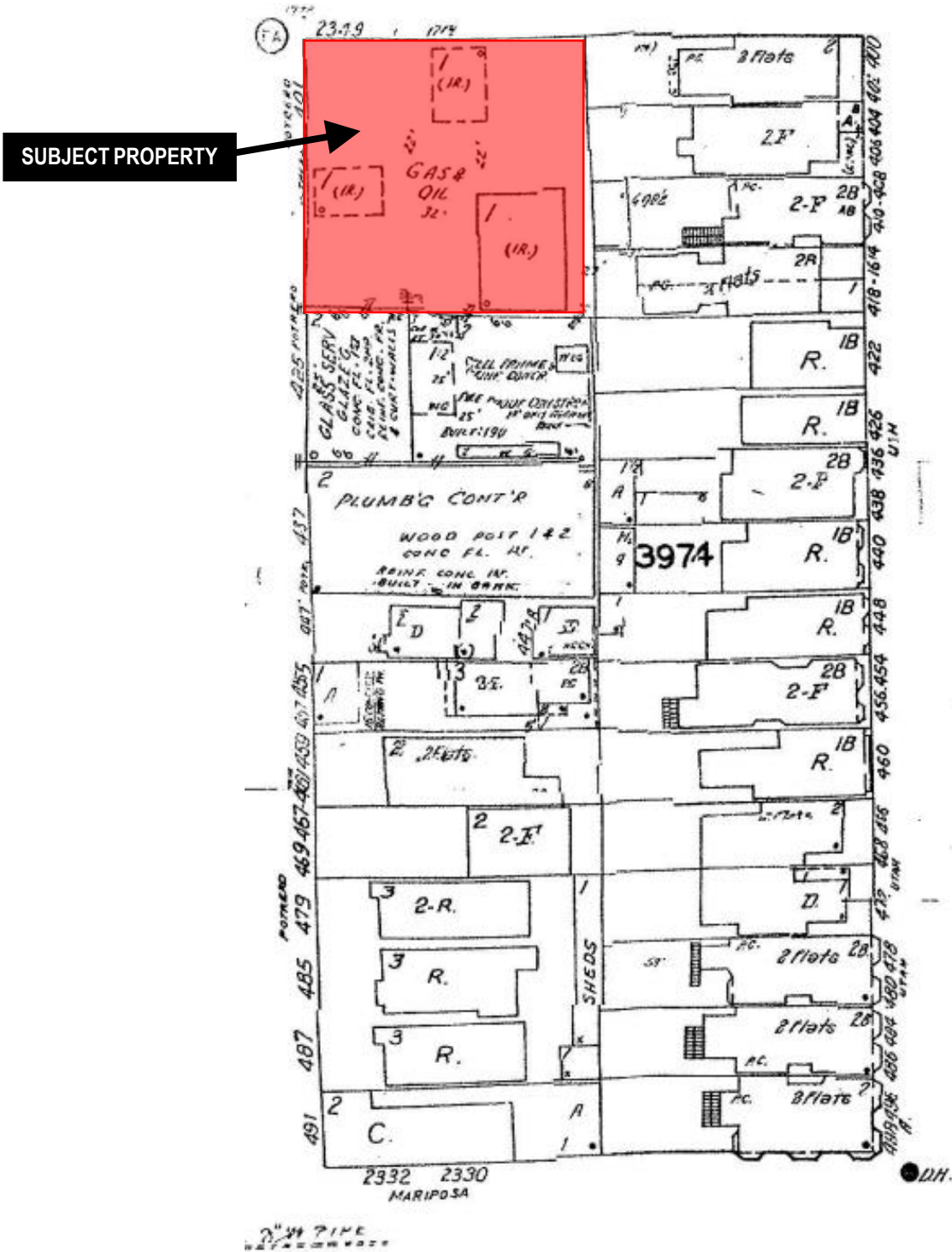
Planning  
Information:  
**415.558.6377**

|   | EXISTING        | PROPOSED       | NET NEW       |
|---|-----------------|----------------|---------------|
| <b>GROSS SQUARE FOOTAGE (GSF)</b>   |                 |                |               |
| Parking GSF   |                 |                |               |
| Residential GSF   | -               | -              | -             |
| Retail/Commercial GSF   | 1,483           | 1,483          | 0             |
| Office GSF  | -               | -              | -             |
| Industrial/PDR GSF<br><small>Production, Distribution, &amp; Repair</small> | -               | -              | -             |
| Medical GSF   | -               | -              | -             |
| Visitor GSF   | -               | -              | -             |
| CIE GSF   | -               | -              | -             |
| Usable Open Space   | -               | -              | -             |
| Public Open Space   | -               | -              | -             |
| Other ( )   |                 |                |               |
| <b>TOTAL GSF</b>  | <b>1,483</b>    | <b>1,483</b>   | <b>0</b>      |
|   | <b>EXISTING</b> | <b>NET NEW</b> | <b>TOTALS</b> |
| <b>PROJECT FEATURES (Units or Amounts)</b>                                  |                 |                |               |
| Dwelling Units - Affordable   | -               | -              | -             |
| Dwelling Units - Market Rate  | -               |                |               |
| Dwelling Units - Total  | -               |                |               |
| Hotel Rooms   | -               |                |               |
| Number of Buildings   | 1               | 1              | 1             |
| Number of Stories   | 1               | 1              | 1             |
| Parking Spaces  | 1               | 1              | 1             |
| Loading Spaces  | -               | -              | -             |
| Bicycle Spaces  | 2               | 2              | 2             |
| Car Share Spaces  | -               | -              | -             |
| Other ( )   |                 |                |               |

# Parcel Map



# Sanborn Map\*



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



Planning Commission Hearing  
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 Circle K – Formula Retail  
 401 Potrero Avenue

# Aerial Photo



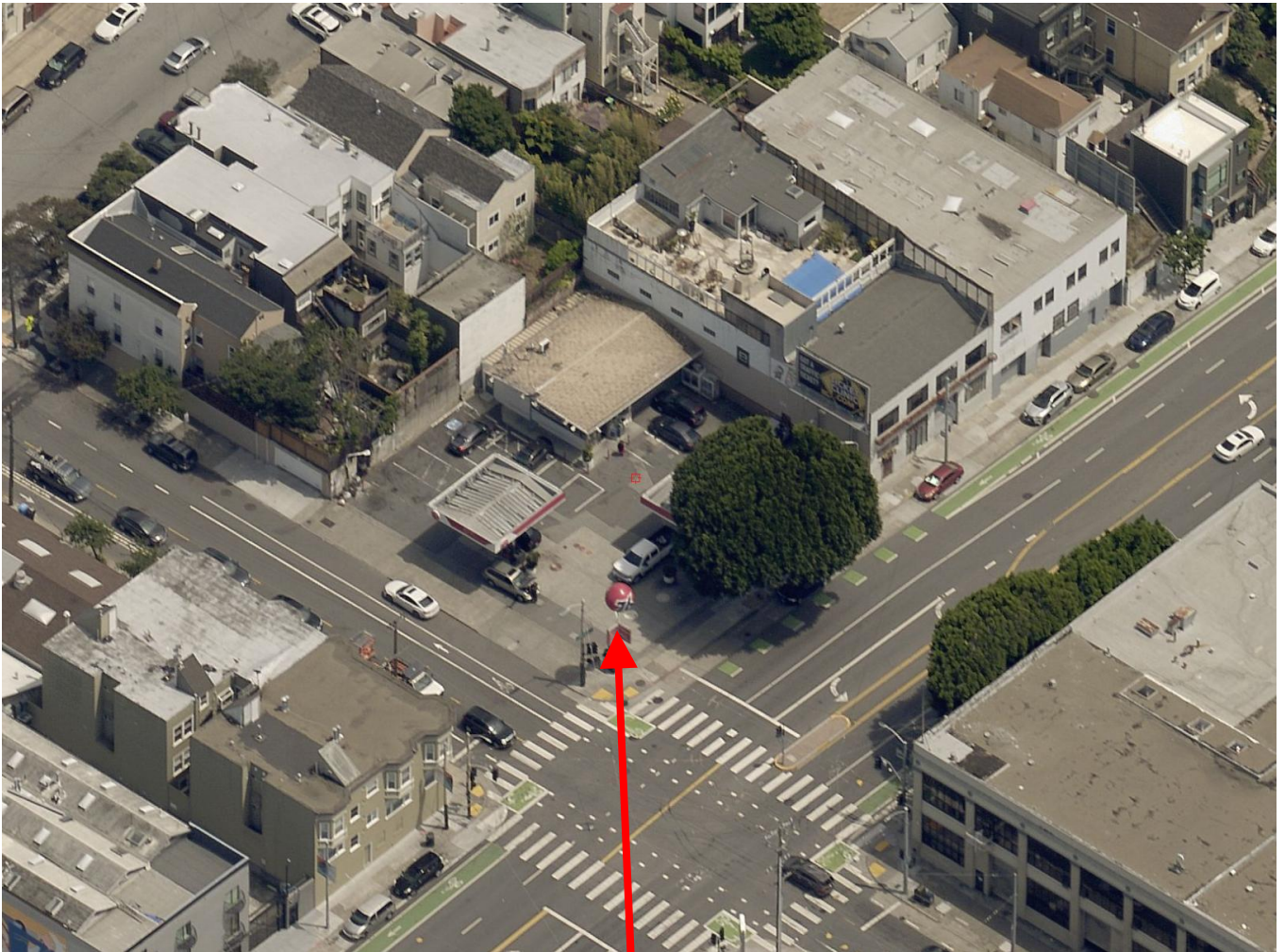
**SUBJECT PROPERTY**



Planning Commission Hearing  
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401 Potrero Avenue



# Aerial Photo – View from Northwest



**SUBJECT PROPERTY**



Planning Commission Hearing  
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# Aerial Photo – View from North



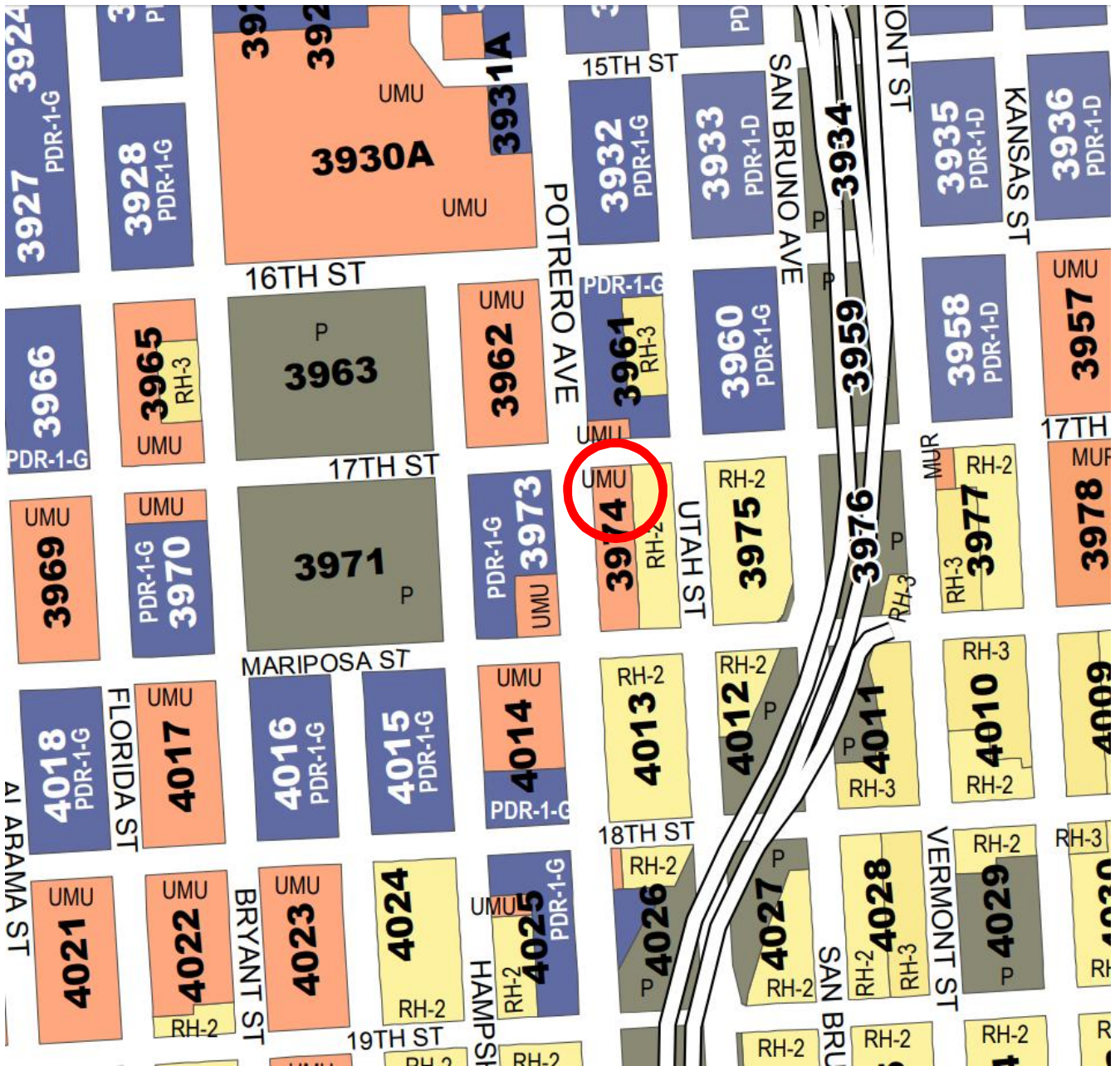
**SUBJECT PROPERTY**



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# Zoning Map



Planning Commission Hearing  
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# Site Photo



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