



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: FEBRUARY 11, 2016

Date: February 4, 2016
Case No.: **2015-000491CUA**
Project Address: **4482 MISSION STREET**
Zoning: Excelsior Outer Mission Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 6796/008
Project Sponsor: Leo Lu
1745 San Jose Ave.
San Francisco, CA 94112
Staff Contact: Andrew Perry – (415) 575-9017
andrew.perry@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 Sponsor is requesting a Conditional Use authorization to establish a Formula Retail Limited Restaurant use (d.b.a. Quickly) at the site of an existing Limited Restaurant (d.b.a. Cones N Cakes Mocha Chaca), in an approximately 1,400 square-foot retail storefront space. The Project Site is already currently operating as the Formula Retail (Quickly) use and selling the products of that company, including milk teas, snack foods and desserts. However, the business is also continuing to market the previous establishment's items, such as ice cream, coffee drinks and snacks. Interior modifications to the space were approved under Building Permit Application No. 2014.05.28.6926; however, upon transitioning to the Quickly establishment, exterior signage was altered and a new awning with illuminated channel lettering was installed at the property without benefit of permit.

Department staff and the Project Sponsor have worked together on signage modifications to meet the requirements for Neighborhood Commercial Districts under Planning Code Section 607.1 as well as the recently adopted Performance Based Design Guidelines for Formula Retail Establishments. The current number of four (4) unique signs will be reduced to one (1). Specifically, the unpermitted awning with illuminated lettering will be removed, along with the various hanging signs displayed in the window, so that the only sign remaining will be the circular projecting sign above the storefront. The portion of the façade behind the awning, also the location where the previous business' wall sign was located, will be restored with wood shingle siding, to match the rest of the existing façade.

This Conditional Use authorization request is part of the process to abate a Planning Code Enforcement violation for opening as a Formula Retail use without proper permits.

SITE DESCRIPTION AND PRESENT USE

The Project is located at 4482 Mission Street on the west side of Mission Street, between Santa Rosa and Excelsior Avenues, Block 6796, Lot 008. Department records indicate the building was built in 1910, and has one commercial storefront space on the ground floor and two residential units above. The subject property is located within the Excelsior Outer Mission Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The existing Limited Restaurant use is permitted by right in the district, and the previous business (Cones N Cakes Mocha Chaca) was not a Formula Retail use.

On October 31, 2014, Planning Enforcement Case No. 2014-000787ENF was opened due to the change of use to a Formula Retail Limited Restaurant without prior Conditional Use authorization.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Excelsior Outer Mission NCD is located along Mission Street between Alemany Boulevard and the San Francisco-San Mateo county line, and is predominantly mixed-use in character, with street-fronting retail business on the ground floor and housing on upper floors. There is a mix of goods and services offered in the district intended to serve both residents of the area as well as visitors from other neighborhoods.

On the subject block, there are a variety of existing uses including other Limited Restaurants, Retail Sales and Services and Personal Services. Five Formula Retail Sales and Service uses are located within 300 feet of the Project Site – two mobile wireless retailers (Metro PCS and Simple), two Limited Restaurants (Round Table Pizza and Goldilocks Bakery), and one other Retail use (O'Reilly Auto Parts).

Surrounding the Excelsior Outer Mission NCD are residential zoning districts, predominantly zoned RH-1, consisting of single-family residences, along with some small pockets of RH-2 Districts.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 22, 2016	January 20, 2016	22 days
Posted Notice	20 days	January 22, 2016	January 21, 2016	21 days
Mailed Notice	30 days	January 12, 2016	January 11, 2016	31 days

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

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date, the Department has not received any comments with regard to the Project.

- The Project Sponsor has conducted outreach to the adjacent neighbors and business owners, and has received positive feedback from these parties regarding the Formula Retail use.

ISSUES AND OTHER CONSIDERATIONS

- The proposed establishment is a Formula Retail use with more than 70 licensed locations in the United States. There are two (2) other Quickly establishments that are both approximately 1 mile away from the Project. One is located at 1039 Ocean Ave across from City College of San Francisco, and the other is at 5301 Mission Street, south of Geneva Avenue. Both of these establishments were among the first ten Quickly locations, and were in operation prior to the City's Formula Retail controls.
- The proposal would introduce a new Formula Retail use and would have a net increase of one (1) Formula Retail use in the District; however, the change to the concentration percentage is minimal. A large portion of the Formula Retail establishments in the District are Financial Service Institutions – there are a total of six (6) within a quarter-mile radius, and most occupy a large amount of commercial ground-story frontage. In total, there are currently sixteen (16) Formula Retail establishments out of 140 total businesses within a quarter-mile radius of the site, which is approximately 11.4% of the total. These Formula Retail uses occupy approximately 1,551 linear feet of commercial frontage, or approximately 21.7% of the total commercial frontage. This Project would raise those numbers to seventeen (17) establishments (approximately 12.1%) and 1,569 linear feet (21.9%).
- The concentration of Eating and Drinking uses would not be changed as a result of the Project, as the prior business was also a Limited Restaurant. Within a quarter-mile of the Project Site, there are forty (40) Eating and Drinking uses, or 28.6% of the 140 total businesses, occupying approximately 1,556 linear feet, or 21.8% of the total commercial frontage. Within a 300-foot radius of the Project Site, there are fourteen (14) Eating and Drinking uses (28% of establishments), with approximately 392 linear feet or 24.8% of the commercial frontage.
- Within a quarter-mile of the Project Site, there are three (3) establishments that are both a Formula Retail and an Eating and Drinking Use, one of which is located on a large corner parcel, and accounts for 354 of the total 401 linear feet of frontage for businesses in this category (both Formula Retail and Eating and Drinking use). Excluding this corner parcel, Formula Retail Eating and Drinking uses only comprise a small fraction (~3%) of the total commercial frontage in the vicinity of the Project Site, and the addition of this Project would only raise this concentration by approximately one (1) percentage point.
- Within a quarter-mile of the Project Site, Daily Needs-Serving retail uses are found at 51 establishments (36% of the total), and contain approximately 1,955 linear feet of frontage (27% of the total). These numbers would not change as a result of the Project.

- Within a quarter-mile of the Project Site, there are 13 vacant storefronts, comprising approximately 7% of the total linear frontage. This figure would not change as a result of the Project.
- The proposed alterations are requested from the Project Sponsor to meet the Performance Based Design Guidelines, and would involve the removal of unpermitted signage, and a reduction in signage, compared to what currently exists at the site.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of a Formula Retail Limited Restaurant use (d.b.a. Quickly) within the Excelsior Outer Mission NCD, pursuant to Planning Code Sections 303, 303.1, and 703.4.

BASIS FOR RECOMMENDATION

- The Project and the addition of one Formula Retail business with minimal linear commercial frontage will have a negligible effect on the overall concentration of Formula Retail establishments in the District and vicinity of the Project. When the existing business (Cones N Cakes Mocha Chaca) was first established, it took over the space from a Baskin Robbins ice cream shop, a business that would have been considered a Formula Retail use under current Code.
- As the Project will remain a Limited Restaurant, there will be no change to the concentration of Eating and Drinking uses or Daily Needs-Serving uses in the District and vicinity of the Project.
- The introduction of Quickly products as an addition to the offerings of the existing Limited Restaurant, will help the business remain financially viable and preserve an occupied storefront. The business will remain owned by the last owners of the previous Cones N' Cakes Mocha Chaca business.
- The Project meets all applicable requirements of the Planning Code.
- The Project is desirable for, and compatible with the surrounding neighborhood.
- The Project meets the Commission's Performance Based Design Guidelines.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Environmental Determination
Reduced Plans and Signage
Section 303.1 Analysis Maps
Letter to Quickly Corporation Following Case No. 2013.0483C

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Block Book Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Section 303.1 Analysis Maps | <input type="checkbox"/> RF Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

____AWP____

Planner's Initials

AWP: G:\Documents\CU\2015-000491CUA - 4482 Mission\Case Report\ExecutiveSummary_4482 Mission.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 303.1, AND 703.4 OF THE PLANNING CODE TO ESTABLISH A FORMULA RETAIL LIMITED RESTAURANT USE (D.B.A. QUICKLY) IN AN APPROXIMATELY 1,400 SQUARE-FOOT STOREFRONT RETAIL SPACE WITHIN THE EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 31, 2014, Planning Enforcement Case Number 2014-000787ENF was opened for the creation of an unauthorized Formula Retail Limited Restaurant use (d.b.a. Quickly) at 4482 Mission Street. The business began selling Quickly products, including milk teas, snack foods and desserts, while also continuing to sell goods from the previous establishment (d.b.a. Cones N Cakes Mocha Chaca), including ice cream, coffee drinks and snacks. Interior tenant improvements were approved through Building Permit Application Number 2014.05.28.6926; however, an awning and additional signage was installed at the storefront without benefit of permit.

On January 15, 2015 Leo Lu (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 303.1, and 703.4 to establish a Formula Retail Limited Restaurant use (d.b.a. Quickly) in an

approximately 1,400 square-foot storefront retail space, within the Excelsior Outer Mission Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District. This request for Conditional Use Authorization is part of the process to abate the Planning Enforcement violation.

On February 11, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-000491CUA.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 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 requested in Application No. 2015-000491CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located at 4482 Mission Street on the west side of Mission Street, between Santa Rosa and Excelsior Avenues, Block 6796, Lot 008. Department records indicate the building was built in 1910, and has one commercial storefront space on the ground floor and two residential units above. The subject property is located within the Excelsior Outer Mission Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The existing Limited Restaurant use is permitted by right in the district, and the previous business (Cones N Cakes Mocha Chaca) was not a Formula Retail use.

On October 31, 2014, Planning Enforcement Case No. 2014-000787ENF was opened due to the change of use to a Formula Retail Limited Restaurant without prior Conditional Use Authorization.

3. **Surrounding Properties and Neighborhood.** The Excelsior Outer Mission NCD is located along Mission Street between Alemany Boulevard and the San Francisco-San Mateo county line, and is predominantly mixed-use in character, with street-fronting retail business on the ground floor and housing on upper floors. There is a mix of goods and services offered in the district intended to serve both residents of the area as well as visitors from other neighborhoods.

On the subject block, there are a variety of existing uses including other Limited Restaurants, Retail Sales and Services and Personal Services. Five Formula Retail Sales and Service uses are located within 300 feet of the Project Site – two mobile wireless retailers (Metro PCS and Simple), two Limited Restaurants (Round Table Pizza and Goldilocks Bakery), and one other Retail use (O'Reilly Auto Parts).

Surrounding the Excelsior Outer Mission NCD are residential zoning districts, predominantly zoned RH-1, consisting of single-family residences, along with some small pockets of RH-2 Districts.

4. **Project Description.** The Project Sponsor is requesting a Conditional Use authorization to establish a Formula Retail Limited Restaurant use (d.b.a. Quickly) at the site of an existing Limited Restaurant (d.b.a. Cones N Cakes Mocha Chaca), in an approximately 1,400 square-foot retail storefront space. The Project Site is already currently operating as the Formula Retail (Quickly) use and selling the products of that company, including milk teas, snack foods and desserts. However, the business is also continuing to market the previous establishment's items, such as ice cream, coffee drinks and snacks. Interior modifications to the space were approved under Building Permit Application No. 2014.05.28.6926; however, upon transitioning to the Quickly establishment, exterior signage was altered and a new awning with illuminated channel lettering was installed at the property without benefit of permit.

Department staff and the Project Sponsor have worked together on signage modifications to meet the requirements for Neighborhood Commercial Districts under Planning Code Section 607.1 as well as the recently adopted Performance Based Design Guidelines for Formula Retail Establishments. The current number of four (4) unique signs will be reduced to one (1). Specifically, the unpermitted awning with illuminated lettering will be removed, along with the various hanging signs displayed in the window, so that the only sign remaining will be the circular projecting sign above the storefront. The portion of the façade behind the awning, also the location where the previous business' wall sign was located, will be restored with wood shingle siding, to match the rest of the existing façade.

This Conditional Use Authorization request is part of the process to abate a Planning Code Enforcement violation for opening as a Formula Retail use without proper permits.

5. **Public Comment/Community Outreach.** To date, the Department has not received any comments with regard to the Project. The Project Sponsor has conducted outreach to the adjacent neighbors and business owners, and has received generally positive feedback regarding the Formula Retail use and the operation of a Quickly in this storefront.
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. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that within NC Districts, space for active uses shall be provided within the first 25

feet of building depth on the ground floor, and frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The Project provides an active use for the first 25 feet of building depth and is located on the ground floor. The subject commercial space has approximately 18 feet of frontage along Mission Street with approximately 15'-6", or approximately 86%, devoted to transparent windows or doorways. No alterations to the storefront are proposed with the Project, except for a reduction in the current amount of signage, including the removal of the awning that was installed without benefit of permit.

- B. **Parking.** Planning Code Section 151 requires retail stores to provide one parking space for every 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The existing retail space does not have any off-street parking and the Project does not propose any new parking. At approximately 1,400 square feet in size, no parking is required.

- C. **Loading.** Planning Code Section 152 requires off-street freight loading for retail uses above 10,000 square feet in gross floor area.

The existing retail space does not provide any loading and the Project does not propose any new loading area. At approximately 1,400 square feet in size, no loading is required.

- D. **Use Size.** Planning Code Section 745.21 establishes size limits on non-residential uses in the Excelsior Outer Mission NCD. Within the District, Conditional Use Authorization is required for any non-residential use that is 6,000 square feet and above.

The subject retail space is approximately 1,400 square feet, thus is permitted and does not require Conditional Use Authorization.

- E. **Hours of Operation.** Planning Code Section 745.27 requires Conditional Use Authorization for business hours of operation between 2 a.m and 6 a.m.

The hours of operation are between 11:30 a.m and 7 p.m. daily, thus are permitted and do not require Conditional Use Authorization.

- F. **Signage.** Planning Code Section 607.1 regulates signs within the Excelsior Outer Mission NCD, limiting window signs to one-third the area of the window on or in which the sign is located. Projecting signs shall not exceed one per business, the area of such sign may not exceed 24 square feet, the height not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower; additionally, it may not project either more than 75% of the distance from property line to curb or 6'-6", whichever is less. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs, and the area of such sign copy

shall not exceed 30 square feet, and may be non-illuminated or indirectly illuminated, or during business hours may be directly illuminated.

Currently the subject storefront contains four signs – two window signs, a projecting sign, and an awning sign with illuminated channel lettering. The Project will remove the two window signs and the unpermitted awning, leaving only the projecting sign to remain. The projecting sign previously existed under the previous business; it measures approximately 16 square feet in size, does not exceed the permitted height allowed under Code, and does not project more than 6'-6" from the property line. The projecting sign is non-illuminated. The modified signage proposed in the Project meets the Performance Based Design Guidelines for Formula Retail Establishments.

7. **Planning Code Section 303(c)** 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 Project maintains the existing storefront size at approximately 1,400 square feet. Limited Restaurants are permitted within the Excelsior Outer Mission NCD.

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

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the subject building will not be altered as part of this Project. The proposed work will include some reduction in existing signage in order to meet the Performance Based Design Guidelines for Formula Retail Establishments, but no other work is proposed for the Project. Interior tenant improvements were completed under a previous building permit.

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

The Project will not affect public transit or overburden the existing supply of parking in the neighborhood. The Project is not intended to be a destination use, but one that is meant to serve the needs of local residents who visit the commercial district for other goods and services. The District is well-served by public transit. The subject storefront is located on Mission Street, which is a main corridor for a number of Muni bus lines, including the 14, 14X, 14R, and 49, and is additionally served by the 52 Muni bus line.

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

The Project will not produce noxious or offensive emissions related to noise, glare and dust.

- iv. 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 spaces, parking and loading areas, service areas, and lighting. The signage will be reduced from what currently exists at the site and will comply with the requirements 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 Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The Project is consistent with the stated purpose of the Excelsior Outer Mission Neighborhood Commercial District in that the intended commercial use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

- E. That the existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of Section 303(o) of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The existing total commercial frontage within 300 feet of the Subject Property is approximately 1,580 linear feet, and the existing concentration of eating and drinking uses within 300 feet is approximately 392 linear feet, or roughly 24.8%. The Project would not change the concentration of eating and drinking uses in the area.

- 8. **Planning Code Section 303.1** provides additional criteria for the Planning Commission to consider when considering any Conditional Use authorization pursuant to Section 303.1(d) for Formula Retail Uses.

- A. The existing concentrations of formula retail uses within the district, and within the vicinity of the proposed Project. To determine the existing concentration, the Planning Commission shall consider the percentage of the total linear street frontage within a 300-foot radius or a

quarter-mile radius, at the Planning Department's discretion, from the subject property that is occupied by Formula Retail and non-Formula Retail businesses.

A quarter-mile radius was selected for this Project as the Excelsior Outer Mission NCD is approximately 2 miles in length. Within a quarter-mile of the Project Site, there are 16 Formula Retail establishments or approximately 11.4% of the 140 total commercial businesses. These Formula Retail businesses occupy approximately 1,551 linear feet of commercial frontage, or 21.7% of the total commercial frontage. The addition of one Formula Retail business would increase these totals to 17 establishments (12.1%) and 1,569 linear feet of frontage (21.9%). It is worth noting that a large portion of the total Formula Retail frontage is due to large Financial Institutions, with frontages along multiple streets. These numbers and patterns found within a quarter-mile are also representative of the entire Neighborhood Commercial District, as a whole.

- B. The availability of other similar retail uses within the district, and within the vicinity of the proposed Project.

Within a quarter-mile of the Project Site, there are 40 Eating and Drinking establishments (28.6% of the 140 total businesses), which occupy approximately 1,556 linear feet of commercial frontage, or 21.8% of the total commercial frontage in the vicinity. The proposed Project would have no effect on these concentrations, and they are representative of the District as a whole.

- C. The compatibility of the proposed formula retail use within the existing architectural and aesthetic character of the district.

The character of the District along the Mission Street corridor is mixed between pedestrian- and auto-oriented scales. Many storefronts have canvas awnings with large, painted lettering, or illuminated signage. The buildings are predominantly one-story over commercial, with occasional two-story over commercial buildings, especially at corner locations. This stretch of Mission Street has been identified as a pedestrian high-injury corridor.

The Project does not propose any storefront alterations, other than modifications to its current storefront signage, to meet the requirements of the Performance-Based Design Standards for Formula Retail Establishments. When the current awning is removed, the existing wood-shingle siding of the building will again be visible.

- D. The existing retail vacancy rates within the district, and within the vicinity of the proposed Project.

Within a quarter-mile of the Project Site, there were 13 vacant storefronts at the time of survey, with approximately 493 linear feet of frontage, or almost 7% of the total. The proposed Project would have no effect on this concentration, which is representative of the District as a whole. By permitting the business to sell Formula Retail goods of the Quickly brand, it will help the business remain viable and prevent a vacancy for the space.

- E. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district and within the vicinity of the Project.

Within a quarter-mile of the Project Site, there are 51 establishments (36% of the total) that qualify as daily needs, neighborhood-serving retail uses. These uses occupy approximately 1,955 linear feet of commercial frontage, or 27% of the total frontage. The Project would have no effect on these concentrations, and they are representative of the District as a whole.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will continue an existing commercial activity and will maintain the diverse economic base of the City.

OBJECTIVE 6:

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

Policy 6.1:

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

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

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

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

The proposal would introduce a new Formula Retail use and would have a net increase of Formula Retail uses in the District; however, the increase to the percent of concentration is negligible. Financial Institutions with large amounts of frontage account for the majority of the Formula Retail frontage in the District. The use will remain a neighborhood-serving Limited Restaurant use and the Project will not adversely affect opportunities for resident employment or ownership of such businesses.

- 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 would not adversely affect the character or diversity of the neighborhood. The Project includes modified signage to meet the Performance Based Design Guidelines for Formula Retail Establishments.

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

The Project would not have any adverse effects 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 site is on Mission Street and is well served by transit with several MUNI bus lines in the vicinity of the site. The Project would not adversely affect public transit or place a burden on the existing supply of parking 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.

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

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

The Project will not adversely affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Neither a landmark nor historic building occupies the Project Site.

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

The Project would not have any adverse effects on existing parks and open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-000491CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 16, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on February 11, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 11, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow a Formula Retail Limited Restaurant (d.b.a. Quickly) located at 4482 Mission Street, Block 6796, Lot 008, pursuant to Planning Code Sections 303, 303.1, and 703.4 within the Excelsior Outer Mission Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated January 16, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-000491CUA and subject to conditions of approval reviewed and approved by the Commission on February 11, 2016 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 February 11, 2016 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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

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

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

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

DESIGN

6. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code, and meet the Performance Based Design Guidelines for Formula Retail Establishments as reflected in the stamped "Exhibit B" included in the docket for Case No. 2015-000491CUA.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9017, www.sf-planning.org.

OPERATION

7. **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/>

8. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

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 with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

MONITORING – AFTER ENTITLEMENT

10. **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

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

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

Exhibits

Block Book Map

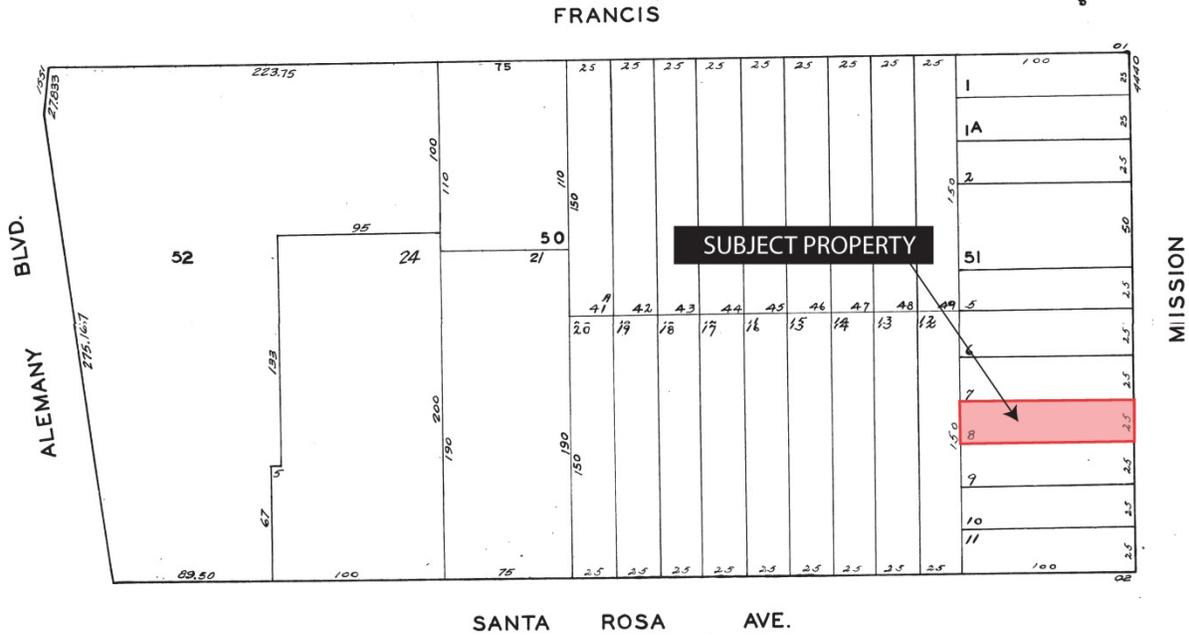
© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

6796

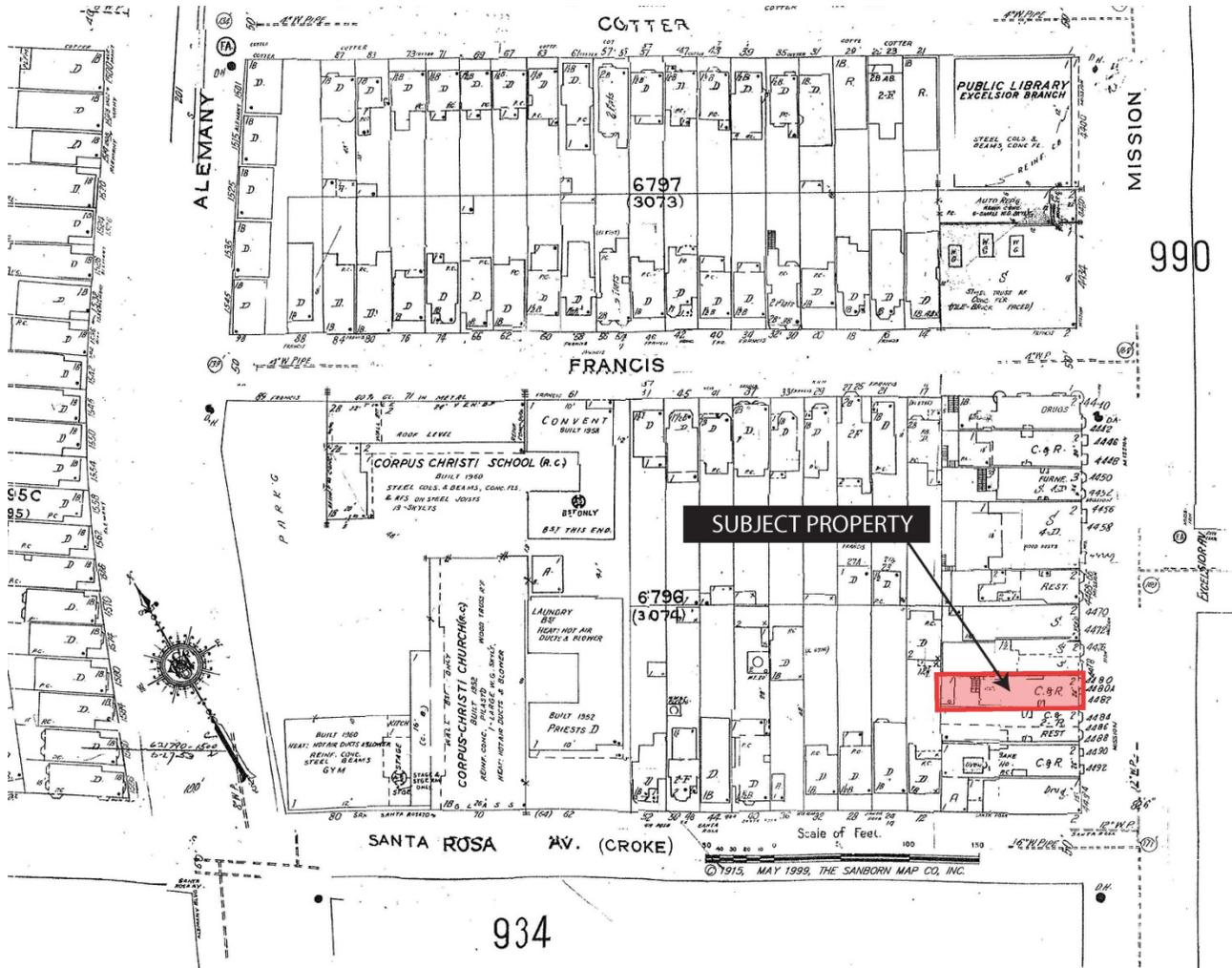
LOTS	MERGED	INTO	LOT
22/23	"	21	'53'
26/27	"	24	"
34/38	"	33	"
30/33	"	29	"

FEMALE ACADEMY TR

REVISED '60
" '63
" '72

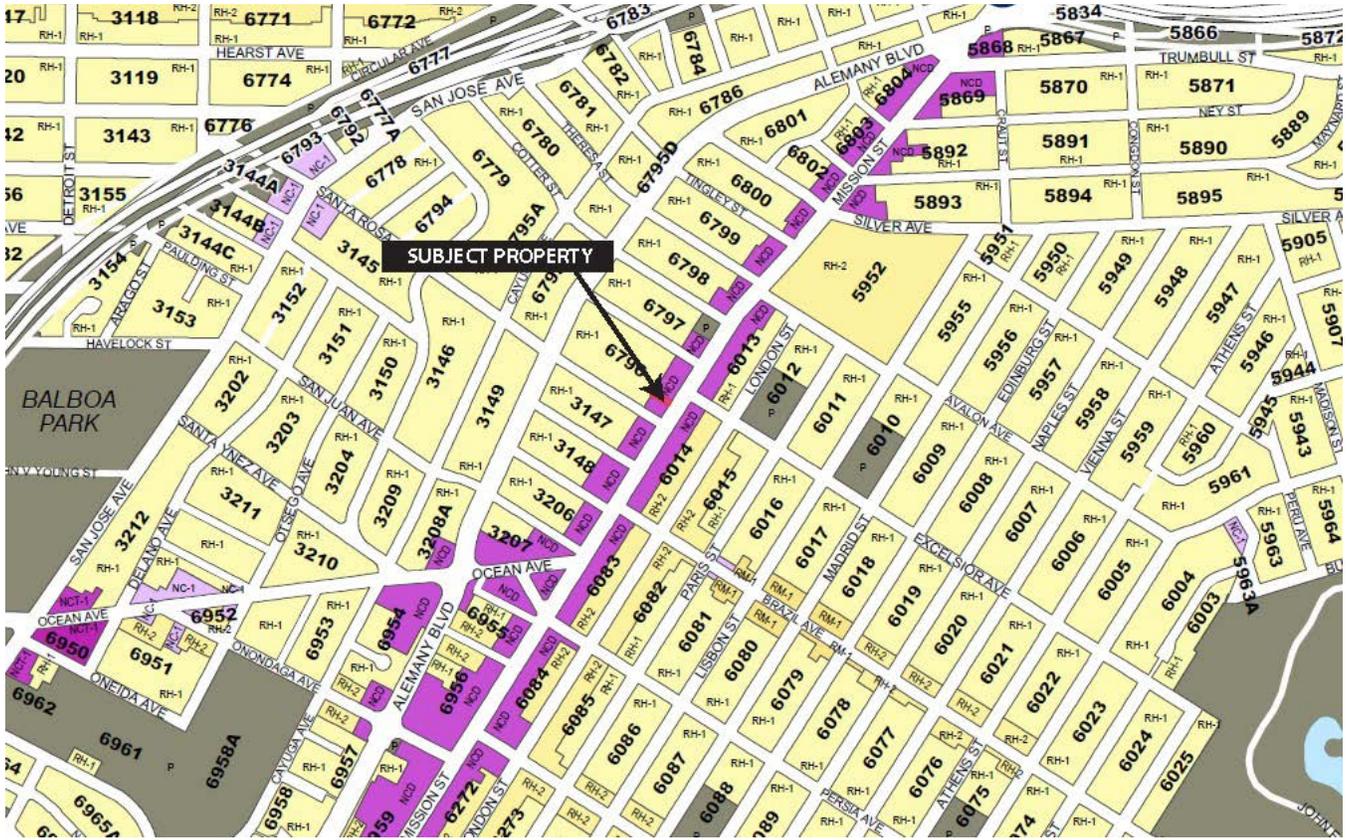


Sanborn Map*

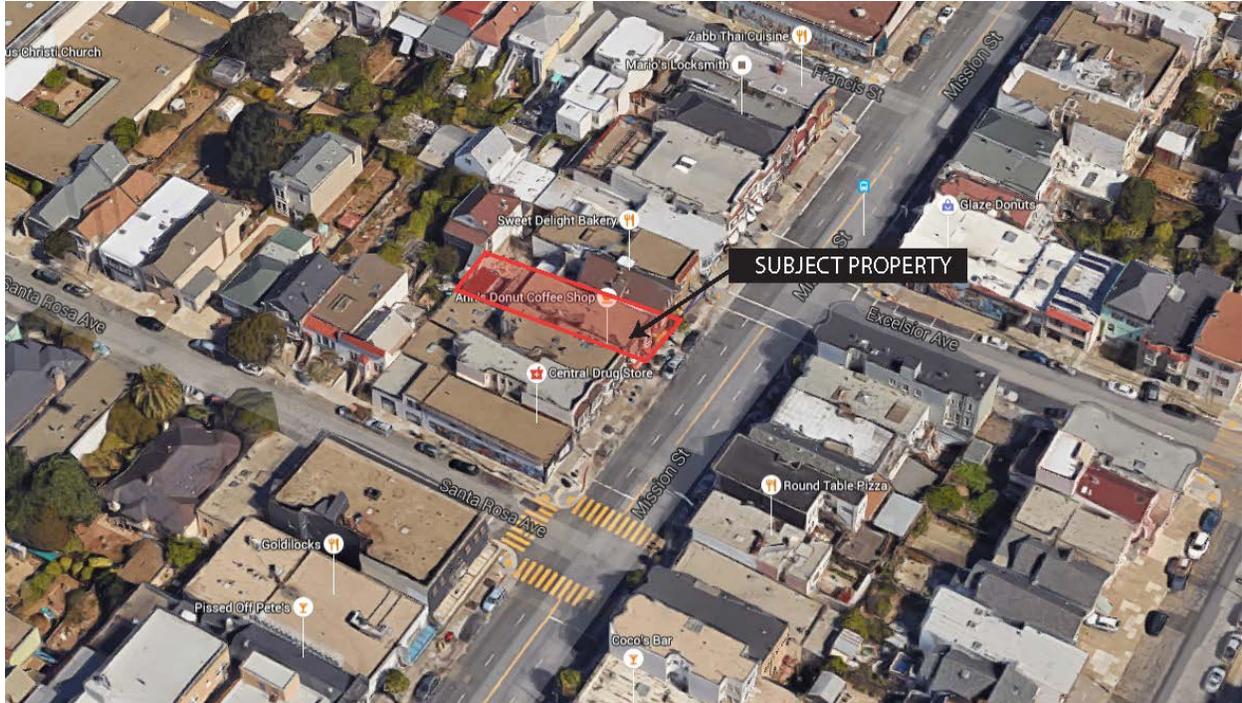
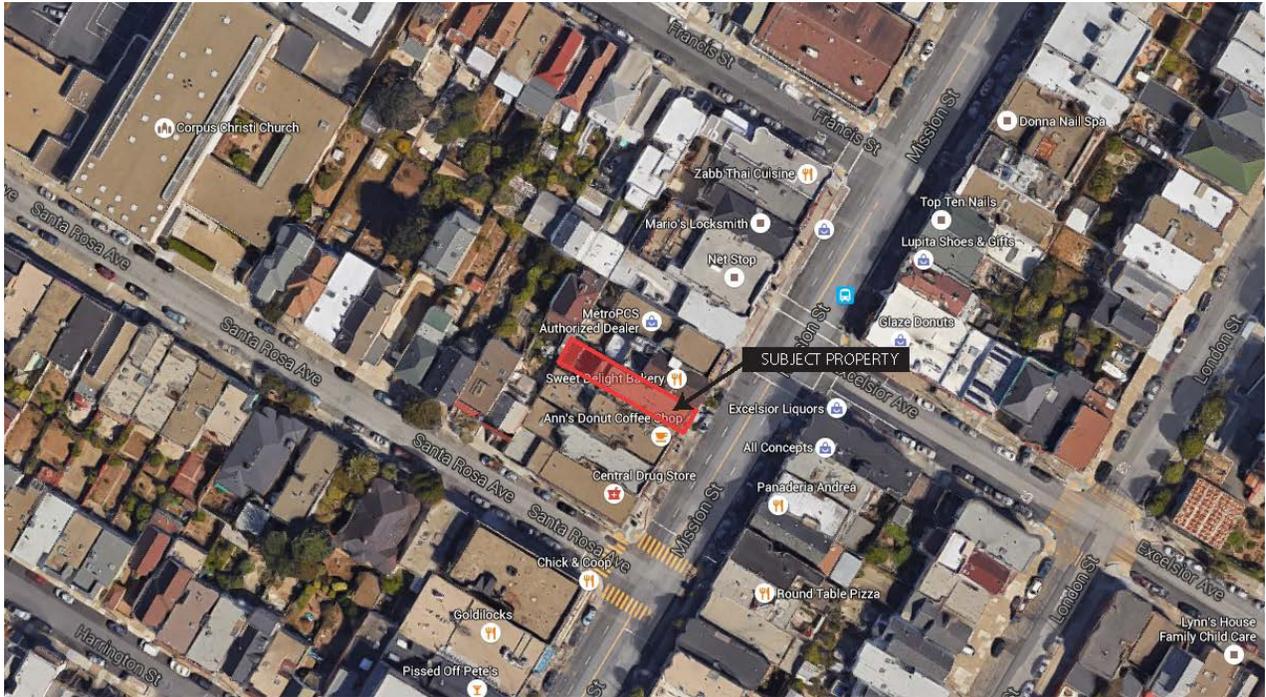


* The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Zoning Map



Aerial Photo (oriented north)



Context Photos
(Current Façade - Quickly)



(Current Façade At Night)



(Previous Façade – Cones N Cakes Mocha Chaca)





SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
4482 Mission Street		6796/008	
Case No.	Permit No.	Plans Dated	
2015-000491CUA		1/16/16	
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Change of Use to Formula Retail Limited Restaurant. Reduction in signage to meet Performance Based Design Guidelines for Formula Retail, includes removal of awning installed without permit.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<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)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<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? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I

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

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

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Parcel 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**

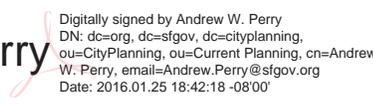
Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window 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 PRESERVATION 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 to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<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 type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Andrew Perry	Signature: 
	Project Approval Action: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

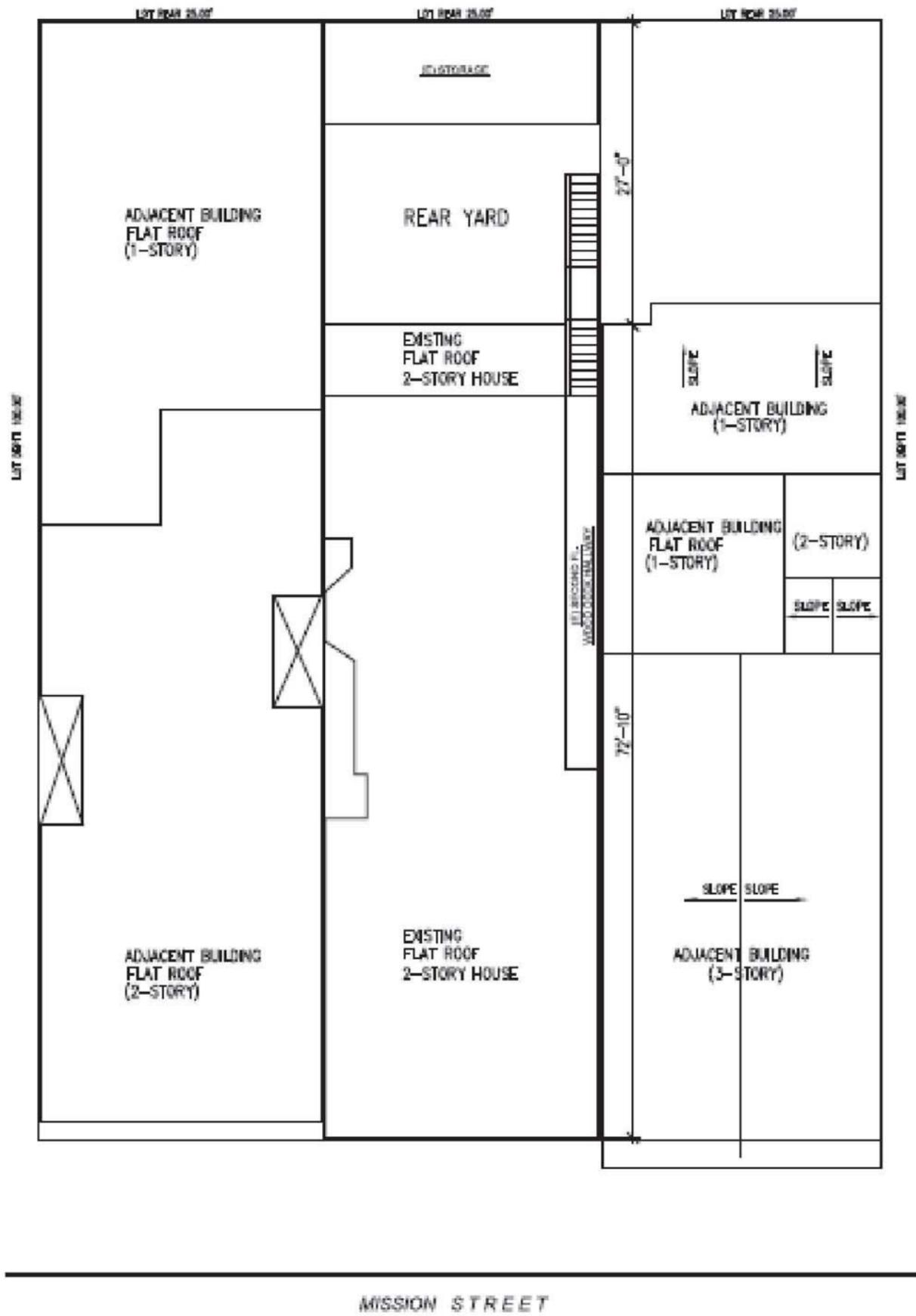
DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

CATEX FORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



MISSION STREET

SUBJECT PROPERTY: 4482 MISSION STREET, SAN FRANCISCO, CA 94112

1 PLOT PLAN
NTS



PROJECT SITE



General Notes

PROJECT DATA

JOB ADDRESS: 4482 MISSION STREET
SAN FRANCISCO, CA
94112
LOT AREA: 25' FRONTAGE x100'
DEPTH
AREA = 2,500 SF
BLOCK & LOT: 6796 / 008
ZONING:
CONSTRUCTION TYPE: V-B
OCCUPANCY GROUP: R-3
NO. OF STORIES: 2
NO. OF BASEMENT: 0
NO. OF DWELLING UNIT: 3

DRAWING INDEX

- SN-1 PROJECT DATA
TITLE SHEET,
PLOT PLAN,
PROJECT SITE MAP
- SN-2 (E) FRONT ELEVATION VIEW
(E) SIDE ELEVATION VIEW
(E) SIGN IMAGE
- (N) FRONT ELEVATION VIEW
(N) FRONT ELEVATION VIEW
(N) SIGN IMAGE

REFERENCE DRAWING

- A-1 (E) FIRST FLOOR PLAN
(N) FIRST FLOOR PLAN

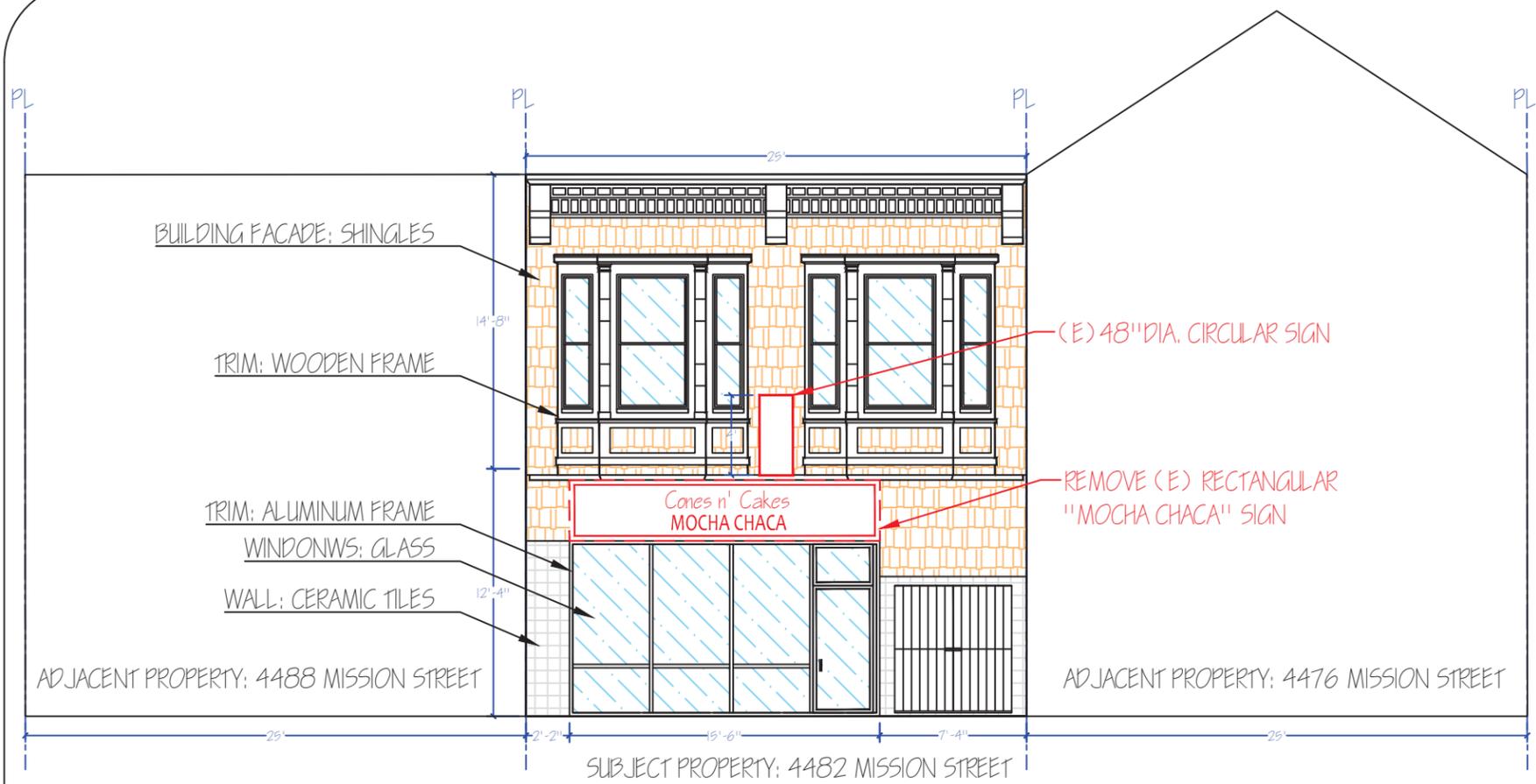
* ALL INTERIOR WORK IN DWG A-1 WAS COMPLETED UNDER PERMIT NO. 2014.25.6926. ALL EXISTING WORK TO REMAIN. NO FURTHER WORK PROPOSED.

No.	Revision/Issue	Date

Firm Name and Address

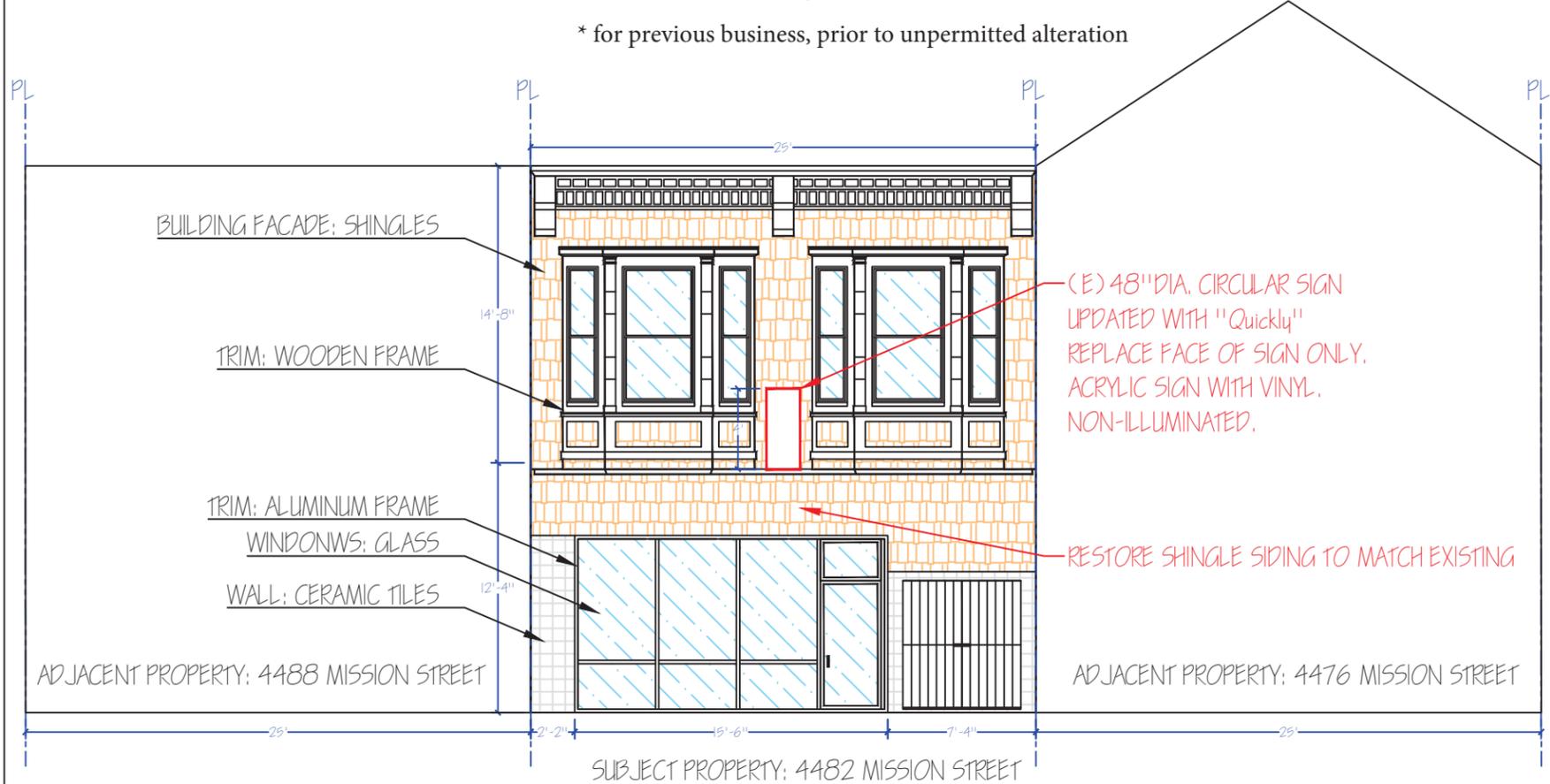
Project Name and Address
Signage Updates
4482 Mission Street,
San Francisco, CA 94112

Project SIGNAGE UPDATES	Sheet SN-1
Date 1/16/2016	
Scale As Noted	



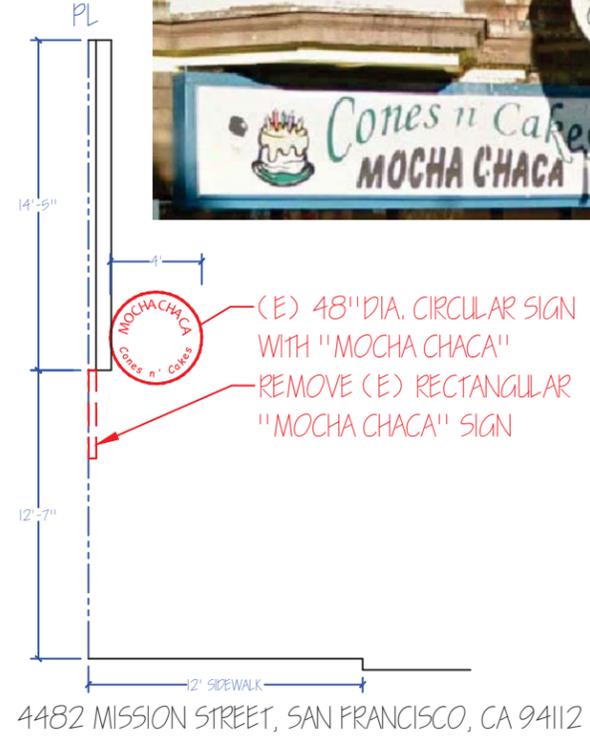
2 (E) FRONT ELEVATION VIEW
SCALE: 1" = 1/8"

* for previous business, prior to unpermitted alteration



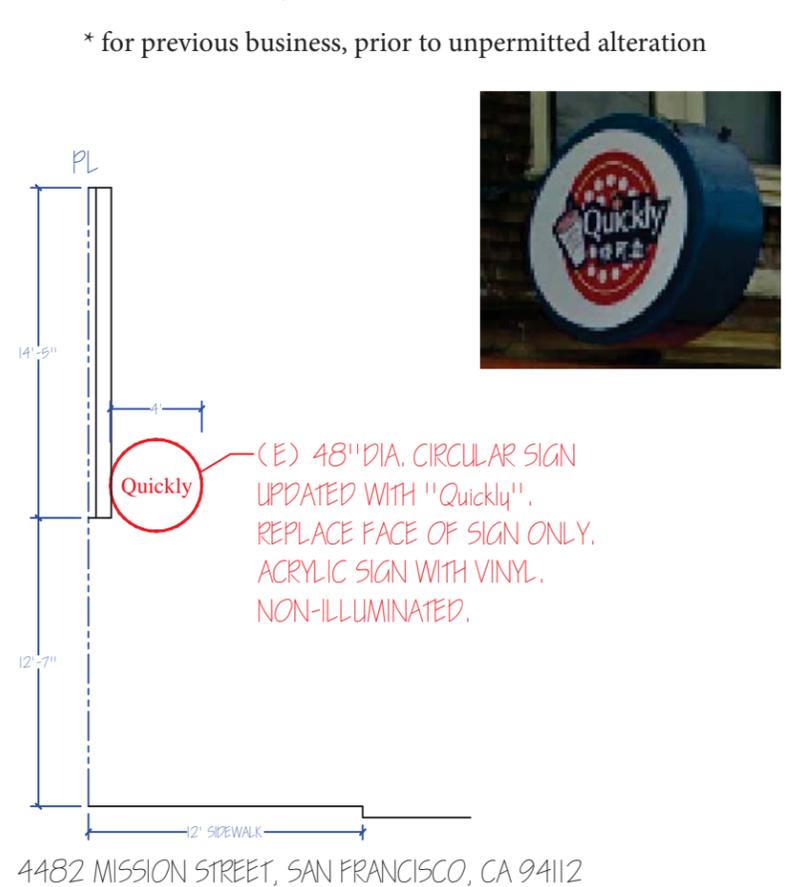
4 (N) FRONT ELEVATION VIEW
SCALE: 1" = 1/8"

* Final façade and signage proposed for project



3 (E) SIDE ELEVATION VIEW
SCALE: 1" = 1/8"

* for previous business, prior to unpermitted alteration



5 (N) SIDE ELEVATION VIEW
SCALE: 1" = 1/8"



* Final façade and signage proposed for project

General Notes

DRAWING INDEX

- SN-1 PROJECT DATA
TITLE SHEET,
PLOT PLAN,
PROJECT SITE MAP
- SN-2 (E) FRONT ELEVATION VIEW
(E) SIDE ELEVATION VIEW
(E) SIGN IMAGE
- (N) FRONT ELEVATION VIEW
(N) FRONT ELEVATION VIEW
(N) SIGN IMAGE

REFERENCE DRAWING

- A-1 (E) FIRST FLOOR PLAN
(N) FIRST FLOOR PLAN

* ALL INTERIOR WORK IN DWG A-1 WAS COMPLETED UNDER PERMIT NO. 2014.25.6926. ALL EXISTING WORK TO REMAIN. NO FURTHER WORK PROPOSED.

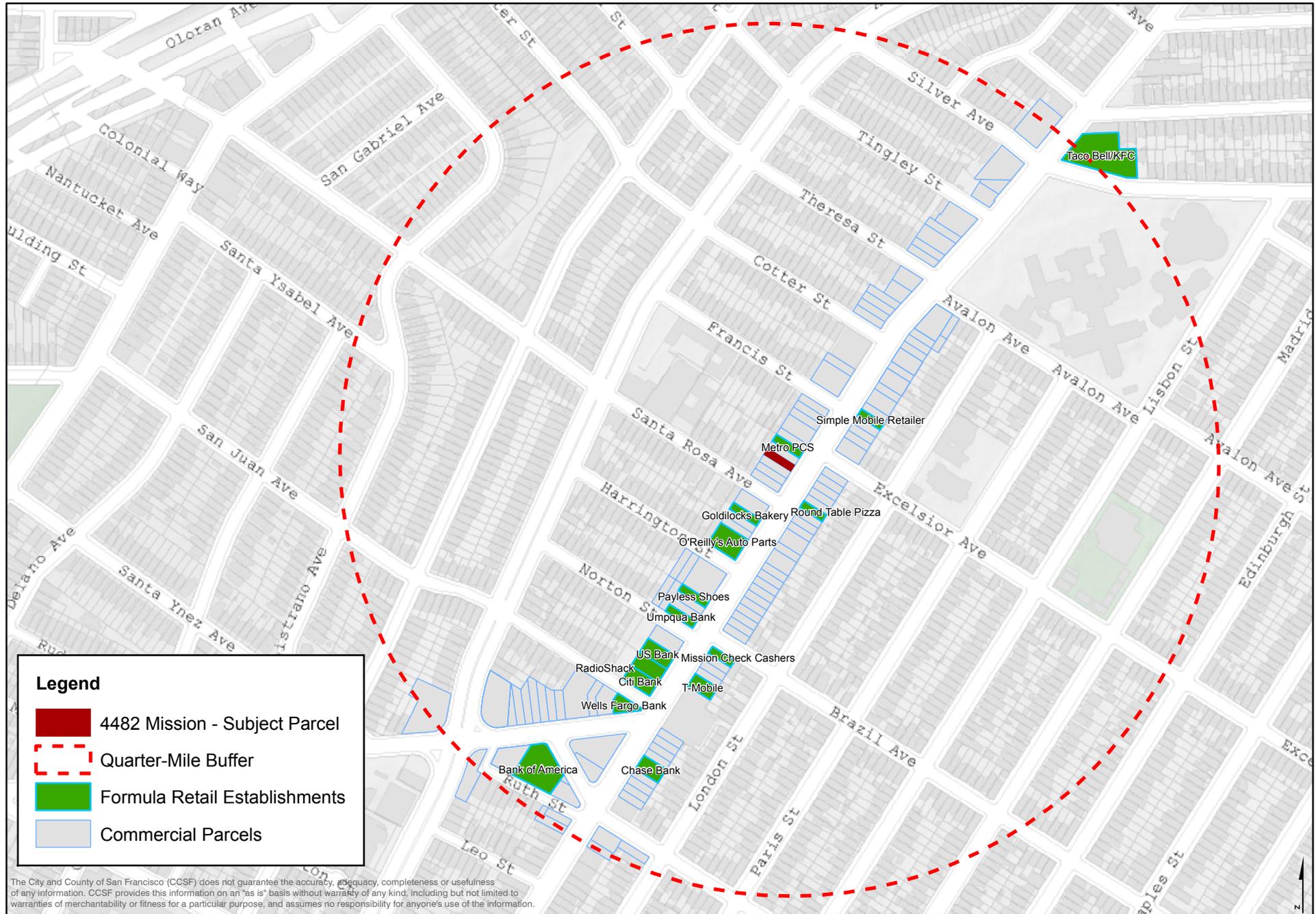
No.	Revision/Issue	Date

Firm Name and Address

Project Name and Address
Signage Updates
4482 Mission Street,
San Francisco, CA 94112

Project SIGNAGE UPDATES	Sheet SN-2
Date 1/16/2016	
Scale As Noted	

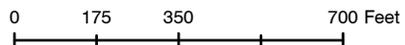
Formula Retail Concentrations



Legend

- 4482 Mission - Subject Parcel
- Quarter-Mile Buffer
- Formula Retail Establishments
- Commercial Parcels

The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.



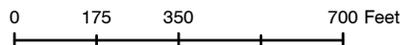
Similar Retail Uses



Legend

- 4482 Mission - Subject Parcel
- Quarter-Mile Buffer
- Eating and Drinking Uses
- Commercial Parcels

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Retail Vacancies



0 175 350 700 Feet

Daily Needs Serving Uses



0 175 350 700 Feet



SAN FRANCISCO PLANNING DEPARTMENT

July 24, 2015

Quickly Corporation
Attn: Raymond Kot, Executive Director, Quickly USA
25011 Viking Street
Hayward, CA 94545
E: info@quicklyusa.com

Dear Mr. Kot:

I am writing on the topic of Quickly stores and a pattern of opening in San Francisco without first obtaining the proper permits from the Planning Department. I expect your immediate cooperation to inform hopeful franchisee owners of these requirements.

Since 2007, eight Quickly locations (out of approximately 15 in San Francisco) have attempted to open for business prior to obtaining the proper permits, including the recent location at 716 Irving Street. These eight locations represent 53% of Quickly locations starting operations without proper permits. Of these eight, some locations have gone through or are going the process to legalize operations, or selected to remove association with the Quickly brand¹.

Within the City and County of San Francisco, Quickly stores are considered a "Formula Retail" use. Formula retailers are establishments with multiple locations and standardized features or a recognizable appearance.² Within many San Francisco neighborhoods, a Formula Retail use will require review by the Planning Commission at a public hearing prior to opening. This process is a request for *Conditional Use Authorization*. The project will be reviewed for compliance with the Planning Code and that certain performance standards are also met. Even if the existing store is a similar use such as a café, opening a Quickly store in the same space may require this higher level of review prior to opening.

An *Affidavit for Formula Retail Uses* must accompany any Permit Application. The establishment of Formula Retail can be triggered when: an alteration is proposed to the interior or exterior for tenant improvements; new construction; a change of use; or installation of signage. Upon review of this *Affidavit*, Staff in the Planning Department

¹ These locations have been cited for Planning Code Enforcement – operating as a Formula Retail : 1522 Fillmore St.; 6901 Geary Blvd.; 331 Clement St.; 2116 Irving St.; 44 West Portal Ave.; 4482 Mission St.; 716 Irving St.; 5301 Mission St. Not all of these locations may still be in operation; however, documentation exists of these addresses opening prior to obtaining correct permits from the Planning Department.

² Under Section 303.1 of the San Francisco Planning Code they are defined as "a type of retail sales activity or retail sales establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven or more other retail sales establishments located in the World, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark."

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

will work with the applicant to determine if the proposed location will necessitate a Conditional Use Authorization.

Enclosed are three pieces of information that we respectfully request are reviewed and distributed to potential Quickly franchisee operators. The first is the Formula Retail Affidavit. The second is an application for Conditional Use Authorization. And, last, included is a copy of the Planning Commission Guide for Formula Retail.

Failure to cooperate in informing potential franchisee operators results in unexpected expenses, time delays and potential closure of the new business. At a recent Planning Commission hearing to legalize a Quickly operation at 44 West Portal Avenue, our Commission expressed displeasure with the Quickly brand that I hope you will work to correct.

We believe that providing the attached information to potential franchisee operators will assist in their business planning. If you would like to partner with my Department on this educational effort, I and the Planning Commission would be appreciative of your efforts. Nonetheless, should this pattern of non-compliance continue, the Department will enact Enforcement measures against Quickly Corporation.

Sincerely,



John Rahaim
Director of Planning

CC:

Dan Sider, Senior Advisor for Special Projects
Scott Sanchez, Zoning Administrator
AnMarie Rodgers, Senior Policy Advisor
Christine Haw, Enforcement Manager
Kate Stacy, City Attorney's Office
Marcelle Boudreaux, Current Planner

Enclosures:

- 1) Formula Retail Affidavit;
- 2) Conditional Use Authorization application;
- 3) Commission Guide for Formula Retail – Performance Based Standards for Formula Retail.