



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: MAY 12, 2016

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Information:  
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*Date:* May 12, 2016  
*Case No.:* **2015-009753CUA**  
*Project Address:* **555 9TH STREET**  
*Zoning:* UMU (Urban Mixed Use)  
40-X Height and Bulk District  
*Block/Lot:* 3781/003  
*Project Sponsor:* Mark Loper, Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Esmeralda Jardines – (415) 575-9144  
[esmeralda.jardines@sfgov.org](mailto:esmeralda.jardines@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The applicant proposes to convert a vacant formula retail sales and service space to a formula retail sales and service (personal service) (DBA Ulta Beauty).

Ulta Beauty is the largest beauty retailer in the United States and the premier beauty destination for cosmetics, fragrance, skin care products, hair care products and salon services. Since opening its first store 25 years ago, Ulta Beauty has grown to become the top national retailer providing All Things Beauty, All in One Place™. The Company offers more than 20,000 products from over 500 well-established and emerging beauty brands across all categories and price points, including Ulta Beauty's own private label. Ulta Beauty also offers a full-service salon in every store featuring hair, skin and brow services. Ulta Beauty is recognized for its commitment to personalized service, fun and inviting stores and its industry-leading Ultimate Rewards loyalty program. As of January 30, 2016 Ulta Beauty operates 874 retail stores across 48 states; 105 of which are located in California, one in San Francisco.

Ulta Beauty currently operates as a cosmetic store and salon in the City Center along Geary Boulevard and is seeking approval to operate another retail sales and service including a personal service at 555 9th Street.

The commercial space Ulta Beauty intends to occupy was previously used by Pier 1 Imports for over 18 years. Prior to Pier 1 Imports, Toys R Us, also a formula retail establishment, occupied the tenant space for over 5 years. The proposal includes interior tenant improvements but the existing commercial space would not be enlarged nor its façade altered, with the exception of a new code-complying signage program. The existing commercial space is 7,190 square feet with no proposed increase in use size.

With over eleven national locations, the proposed use is a formula retail use which requires neighborhood notification. A Planning Code 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process.

The proposed operation consists of 25 employees; seventeen of which are expected to be part-time and eight expected to be full-time. Ulta's hiring program will follow its corporate recruiting efforts, post all applicable jobs positions on San Francisco's First Source website and comply with all applicable local ordinances.

Trash is stored in an enclosed and locked trash room in the interior of the shopping center. Golden Gate Disposal accesses the trash room directly for pick-ups daily except for Thursdays, during their normal route schedule. The pick-up times vary but typically occur in the early morning before most tenants are open for business.

## **SITE DESCRIPTION AND PRESENT USE**

The project is located on the north side of 9th Street, on the northwest corner of the intersection with Brannan Street, Block 3781, Lot 003. The property is developed with a two-story shopping center (555 9th Street), including a parking garage with 330 spaces.

The approximately 148,832 square-foot retail shopping center was built in the early 1990s. Pier 1 Imports vacated the ground floor tenant space in question fronting 9th Street, June of 2015; however, had occupied the space since 1997. Prior to Pier 1 Imports, Toys R Us occupied the same tenant space from approximately 1992 to 1997.

The ground floor of the subject building is developed with numerous storefronts including: Nordstrom Rack, JP Morgan Chase, Peet's Coffee & Tea, Trader Joe's, and Bed Bath & Beyond as well as two parking garage entrances and a pedestrian entrance along on Brannan, Bryant and 9th Street, respectively. The subject property is a corner lot, with approximately 275 feet of frontage on Brannan Street, 275 feet of frontage on Bryant Street and 550 feet on 9th Street. The lot is primarily covered by the subject building, with an open deck parking garage in the rear of the lot.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located at the intersection of Brannan, Bryant and 9th Streets. To the west are commercial uses as well as an off-ramp for Highway 101. To the northeast is the San Francisco Cultural Center, office and commercial uses; further north is Highway 80. The project site is located in an UMU District with a variety of neighborhood-serving uses. A mixture of retail establishments, offices and food establishments, are located in the vicinity. The surrounding properties are located in numerous Eastern Neighborhood Mixed-Use Districts including: SALI, RED, RED-MX, WMUG, WMUO, UMU as well as the Folsom NCT and the PDR-1-D and PDR-1-G Districts, which include low to medium density neighborhoods with a mix of uses. The MUNI line 83X-Mid-Market Express runs in front of the project site, along 9th Street, and provides service inbound to Civic Center and Outbound to Caltrain. The Folsom Street NCT is two blocks west of the project site. Buildings facing the subject block range from two to five stories in height. Commercial uses on the subject and facing blocks include: a grocery store,

limited restaurants, a large retail department store, home furnishing stores, and an electronic device store.

## ENVIRONMENTAL REVIEW

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

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 22, 2016	April 20, 2016	22 days
Posted Notice	30 days	April 12, 2016	April 12, 2016	30 days
Mailed Notice	30 days	April 12, 2016	April 12, 2016	30 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 public comment neither in favor nor in opposition to the proposal.

Community Outreach: A pre-application meeting was conducted on July 15, 2015; three community members attended.

## ISSUES AND OTHER CONSIDERATIONS

- The Planning Department has adopted new legislation regarding Formula Retail establishments in the City, which expands the Citywide definition of formula retail to include business that have 11 or more outlets worldwide, to include businesses that are at least 50% owned by a formula retail businesses and in any of the following land use categories: Limited Financial Service, Fringe Financial Service, Business and Professional Service, Personal Services, Massage Establishment and Tobacco Paraphernalia Establishment, which were not previously included in the City's formula retail definition. The proposed establishment is considered a formula retail use with approximately 874 national locations.
- There are approximately 22 existing formula retail establishments out of 176 retail uses within a quarter mile from the UMU, amounting to a total concentration of approximately 12.5%.
- Within a quarter mile from the UMU district, there are 14 retail sales and services, 12 of which are formula retail, and no full-service salons. Ulta Beauty is the largest beauty retailer in the United States and the premier beauty destination for cosmetics, fragrance, skin care products, hair care products and salon services. Ulta Beauty also offers a full-service salon in every store featuring hair, skin and brow services. The company has approximately 105 locations in California, one of which is in San Francisco.

- The Showplace Square/Potrero Hill Area Plan encourages the transition of portions of Showplace Square to a more mixed use and neighborhood-serving character. In the northern part of Showplace Square (around 8th and Brannan), the Plan encourages allowing limited amounts of retail, office, and research and development uses. Further, it allows for active ground floor uses and a more neighborhood commercial character in newly designated mixed use areas within Showplace Square. 555 9th Street is located in the northern part of Showplace Square and is proposing a limited amount of retail use to further diversify the mixed use area it is located within. The interior renovations will activate the ground floor that has remained vacant since Pier 1 Imports moved.
- The Showplace Square/Potrero Hill Area Plan encourages instituting flexible “legal nonconforming use” provisions to ensure a continued mix of uses in Showplace Square/Potrero. The Plan encourages continuing existing legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place. 555 9th Street is a pre-existing structure with legally non-confirming use sizes. Though the 7,190 square foot tenant space is not conforming to the new zoning provisions and limitations, per the Showplace Square Area Plan, it may remain as the use was previously legally established.
- The Commerce and Industry Element of the General Plan encourages managing and enhancing a sound and diverse economic base and fiscal structure for the city. It promotes seeking to retain existing commercial and industrial activity and to attract new such activity to the City. The project will add a new commercial activity into a previously-vacant formula retail space and will enhance the diverse economic base of the City. The proposed location will be the second Ulta Beauty within San Francisco; the other operating location is at the City Center on Geary Boulevard. Opening the SOMA location will contribute to the overall diversity of retail sales and services as well as personal service options within the District and City at large. Furthermore, by establishing a new commercial activity in a vacant space, the neighborhood retains a commercial use at this site and enables the Project to enhance the economic base of the City and immediate area.
- The Transportation Element of the General Plan instructs to provide secure and convenient parking facilities for bicycles. Further, to provide parking facilities which are safe, secure and convenient. 555 9th Street currently provides 28 Class II bicycle parking spaces for its patrons. The aforementioned are not exclusively used by Ulta Beauty; however, are located near Ulta Beauty’s entrance.
- The Urban Design Element encourages improving the neighborhood environment to increase personal safety, comfort, pride and opportunity. Further, it instructs the removal of cluttering elements. In an effort to reduce the visual clutter at 555 9th Street, Ulta Beauty will only install code-complying signage at the subject site. The proposed sign program includes: one projecting sign along 9th Street and one wall sign along the parking garage entrance. All illegal awning signage will be removed to bring the Project into greater conformity with the Planning Code.

## **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 sales and service (personal service) in the UMU, pursuant to Planning Code Sections 303.1, 803.6 and 843.46. In addition, the Commission would need to grant

Conditional Use Authorization to permit a retail sales and service use larger than 4,000 square feet, pursuant to Planning Code Section 843.45.

## **BASIS FOR RECOMMENDATION**

- The project promotes to re-establish a neighborhood-serving use that will contribute to the viability of the overall UMU District.
- Considering the existing retail tenant space has been vacant since 2015, the project would not displace an existing retail tenant but rather replace it to provide convenient goods and services to the neighborhood.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with, the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
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### **Attachments:**

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Site Photographs

Project Sponsor Submittal, including:

- Reduced Plans

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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 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"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input type="checkbox"/> Context Photos                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

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

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# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

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

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## Planning Commission Draft Motion

HEARING DATE: MAY 12, 2016

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303.1, 803.6, 843.45 AND 843.46 OF THE PLANNING CODE TO ALLOW THE CONVERSION OF A VACANT FORMULA RETAIL SALES AND SERVICE TENANT SPACE (PREVIOUSLY DBA PIER 1 IMPORTS) TO A FORMULA RETAIL SALES AND SERVICE (PERSONAL SERVICE) (DBA ULTA BEAUTY); EXCEEDING THE PRINCIPALLY PERMITTED USE SIZE OF 3,999 GROSS SQUARE FEET WITHIN THE URBAN MIXED USE (UMU) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On July 30, 2015 Mark Loper (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303.1, 803.6, 843.45 and 843.46 to allow the conversion of a vacant formula retail sales and service tenant space (previously DBA Pier 1 Imports) to a formula retail sales and service (personal service) (DBA Ulta Beauty); exceeding the principally permitted use size of 3,999 gross square feet within the UMU (Urban Mixed Use) District and a 40-X Height and Bulk District.

On May 12, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009753CUA.

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

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-009753CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the north side of 9th Street, on the northwest corner of the intersection with Brannan Street, Block 3781, Lot 003. The property is developed with a two-story shopping center (555 9th Street), including a parking garage with 330 spaces.

The approximately 148,832 square-foot retail shopping center was built in the early 1990s. Pier 1 Imports vacated the ground floor tenant space in question fronting 9th Street, June of 2015; however, had occupied the space since 1997. Prior to Pier 1 Imports, Toys R Us occupied the same tenant space from approximately 1992 to 1997.

The ground floor of the subject building is developed with numerous storefronts including: Nordstrom Rack, Chase, Peet's Coffee & Tea, Trader Joe's, and Bed Bath & Beyond as well as two parking garage entrances and a pedestrian entrance along on Brannan, Bryant and 9th Street, respectively. The subject property is a corner lot, with approximately 275 feet of frontage on Brannan Street, 275 feet of frontage on Bryant Street and 550 feet on 9th Street. The lot is primarily covered by the subject building, with an open deck parking garage in the rear of the lot.

3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Brannan, Bryant and 9th Streets. To the west are commercial uses as well as an off-ramp for Highway 101. To the northeast is the San Francisco Cultural Center, office and commercial uses; further north is Highway 80. The project site is located in an UMU District with a variety of neighborhood-serving uses. A mixture of retail establishments, offices and food establishments, are located in the vicinity. The surrounding properties are located in numerous Eastern Neighborhood Mixed-Use Districts including: SALI, RED, RED-MX, WMUG, WMUO, UMU as well as the Folsom NCT and the PDR-1-D and PDR-1-G Districts, which include low to medium density neighborhoods with a mix of uses. The MUNI line 83X-Mid-Market Express runs in front of the project site, along 9th Street, and provides service inbound to Civic Center and Outbound



to Caltrain. The Folsom Street NCT is two blocks west of the project site. Buildings facing the subject block range from two to five stories in height. Commercial uses on the subject and facing blocks include: a grocery store, limited restaurants, a large retail department store, home furnishing stores, and an electronic device store.

4. **Project Description.** The applicant proposes to convert a vacant formula retail sales and service space to a formula retail sales and service (personal service) (DBA Ulta Beauty).

Ulta Beauty is the largest beauty retailer in the United States and the premier beauty destination for cosmetics, fragrance, skin care products, hair care products and salon services. Since opening its first store 25 years ago, Ulta Beauty has grown to become the top national retailer providing All Things Beauty, All in One Place™. The Company offers more than 20,000 products from over 500 well-established and emerging beauty brands across all categories and price points, including Ulta Beauty's own private label. Ulta Beauty also offers a full-service salon in every store featuring hair, skin and brow services. Ulta Beauty is recognized for its commitment to personalized service, fun and inviting stores and its industry-leading Ultimate Rewards loyalty program. As of January 30, 2016 Ulta Beauty operates 874 retail stores across 48 states and also distributes its products through its website, which includes a collection of tips, tutorials and social content.

Ulta Beauty currently operates as a cosmetic store and salon in the City Center along Geary Boulevard and is seeking approval to operate another retail sales and service including a personal service at 555 9th Street.

The commercial space Ulta Beauty intends to occupy was previously used by Pier 1 Imports for over 18 years. Prior to Pier 1 Imports, Toys R Us, also a formula retail establishment, occupied the tenant space for over 5 years. The proposal includes interior tenant improvements but the existing commercial space would not be enlarged nor its façade altered, with the exception of a new code-complying signage program. The existing commercial space is 7,190 square feet with no proposed increase in use size.

With over eleven national locations, the proposed use is a formula retail use which requires neighborhood notification. A Planning Code 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process.

The proposed operation consists of 25 employees; seventeen of which are expected to be part-time and eight expected to be full-time. Ulta's hiring program will follow its corporate recruiting efforts, post all applicable jobs positions on San Francisco's First Source website and comply with all applicable local ordinances.

Trash is stored in an enclosed and locked trash room in the interior of the shopping center. Golden Gate Disposal accesses the trash room directly for pick-ups daily except for Thursdays, during their normal route schedule. The pick-up times vary but typically occur in the early morning before most tenants are open for business.

5. **Public Comment/Community Outreach.** The Department has not received public comment neither in favor nor in opposition to the proposal.

Community Outreach: A pre-application meeting was conducted on July 15, 2015; three community members attended.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code 843.45 principally permits retail sales and services as defined in 890.104.

*As defined in 890.104, the existing and proposed use is a retail sales and service use. Further, the proposed full-service salon is considered a personal service as defined in 890.116, which is also considered a retail use.*

- B. **Use Size.** Planning Code 843.45 principally permits retail sales and service uses under 3,999 square feet and requires Conditional Use Authorization for those larger than 4,000 square feet. Criteria for the consideration of larger uses pertain to the intensity of the use, provision of neighborhood goods and services, and overall design.

*The existing 7,190 square-foot use is legally non-confirming in regards to use size because it was established prior to the adoption of the Planning Code; more specifically, the building was constructed and use size established prior to the creation of the Eastern Neighborhoods, UMU District and corresponding use size limitations.*

- C. **Formula Retail Use.** Planning Code Section 843.46 conditionally permits formula retail uses. If approved, the proposed use is subject to the size controls in Planning Code Section 843.45.

*The proposed Ulta Beauty is a formula retail use and is exceeding the aforementioned use size limitations; therefore, is seeking a Conditional Use Authorization.*

- D. **Off-Street Parking.** Planning Section 843.10 of the Planning Code does not require off-street parking for non-residential uses and limits are set forth per Planning Code Section 151.1.

*The subject property contains non-residential uses and thus does not require any off-street parking within the UMU District. A parking garage, accessed from both Brannan and Bryant Street, is located on the subject site and provides 330 spaces, which are accessible to all 555 9th Street Shopping Center patrons. None of the aforementioned spaces are exclusive to Ulta Beauty.*

- E. **Street Frontage in Mixed Use Districts.** Section 145.1 of the Planning Code requires that within UMU Districts space for active uses 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 must be

fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 110 feet of frontage on 9th Street with the entirety devoted to fenestration that displays the cosmetic store's interior layout and full-service salon. The windows are clear and unobstructed with no changes proposed to the commercial frontage.*

- F. **Signage.** The Project Sponsor has submitted a sign program for the project. The proposed signage complies with the limitations of the Planning Code and individual signs are subject to the review and approval of the Planning Department.

*The proposed signage complies with the limitations of the Planning Code and individual signs are subject to the review and approval of the Planning Department. The Project Sponsor will continue to work with staff to propose a signage program that is more aligned with the intent of the Formula Retail Performance-Based Design Guidelines.*

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

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Ulta Beauty store will replace a vacant storefront along 9th Street with a specialty store offering a variety of mass and prestige beauty and hair care products at various price points. It will also provide: makeup, fragrance, skincare, bath and hair care supplies, as well as a full-service salon. The store is offering cosmetic and beauty products and salon services on a site where formula retailers have historically occupied the site; however, none of which have provided these goods and services. Ulta Beauty will provide another shopping destination for people of all income levels. By filling a prominent vacant retail space along 9th Street, Ulta Beauty will also contribute to the long-term stability and viability of the shopping center. With seventeen full-time and eight part-time expected employees, it will provide numerous employment opportunities for San Francisco residents.*

In the Urban Mixed Use District, if the proposed use is to be located at a location in which the square footage exceeds the limitations found in Planning Section 843.45, the following shall be considered:

- a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

*The previous retail tenant, Pier 1 Imports, occupied the subject property in its entirety. The intensity of activity proved necessary and desirable for the neighborhood. However, since vacating the subject property in 2015, the retail store has remained unoccupied and underutilized. The project will not displace any neighborhood-serving uses; rather, it will reinstate a previous retail opportunity.*

- b. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

*The proposed Ulta Beauty will be the primary cosmetic store and full-service salon option for the SOMA residents within the vicinity. The proposed use size is appropriate to accommodate demand. Furthermore, the proposed retail store and full-service salon will occupy the same area than the former tenant and thus, the scale will continue to be appropriate to meet the needs of the neighborhood.*

- c. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*The Project does not include any changes to the existing building footprint or volume.*

- 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 height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The property is developed with a two-story shopping center (555 9th Street). The lot is primarily covered by the subject building, with an open deck parking garage in the rear of the lot. Buildings facing the subject block range two to five stories in height. The proposed work will not affect the building envelope as Ulta Beauty is not proposing an expansion which would affect the aforementioned.*

- 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 site is well-served by public transit and existing on-site parking spaces. Several MUNI transit lines run near the site. The transit lines which serve the area include: 8-Bayshore, 8AX-Bayshore A Express, 8BX-Bayshore B Express, 9-San Bruno, 9R-San Bruno Rapid, 10-*

*Townsend, 12-Folsom/Pacific, 14X-Mission Express, 19-Polk, 27-Bryant, 47-Van Ness, 83X-Mid-Market Express, 90-San Bruno Owl. An off-street loading space is not required for a 7,190 square-foot retail sales and service use nor is off-street parking required. However, the Shopping Center maintains a multi-level garage with 330 parking spaces and 28 bicycle parking spaces. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

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

*No noxious or offensive emissions will be associated with the project.*

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

*The proposed Ulta Beauty store will be undertaking mostly interior tenant improvements and minor exterior improvements. The Department shall review all lighting and signs proposed for the new business in accordance with Conditions of Approval listed in Exhibit A.*

- 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 purpose of UMU Districts in that the intended use is located at the ground floor, will provide a compatible convenient service for the immediately surrounding neighborhoods during daytime hours and further promotes a vibrant mix of uses.*

- 8. **Formula Retail Use.** Planning Code Sections 803.6 and 843.46 state that a Conditional Use Authorization is required for formula retail uses within an UMU (Urban Mixed Use) zoning district. The proposed tenant, Ulta Beauty, is a national chain establishment with more than eleven stores. Planning Section 303.1 requires that, with respect to an application for Conditional Use Authorization for a formula retail use, the Planning Commission shall consider the following criteria:

- i. The existing concentrations of Formula Retail uses within the district and within the vicinity of the proposed project.

*The UMU district at the subject site consists solely of the subject parcel. Consequently, a quarter mile buffer vicinity was assessed to understand formula retail concentrations within the surrounding districts. There are approximately 22 existing ground story formula retail establishments out of*

*approximately 176 retail establishments. The aforementioned establishments include: 12 retail sales and services, three automotive uses, two limited restaurants, two financial services, one gymnasium and two other retail sales and services (grocery stores). The existing intensity of formula retail uses is 12.5% of all businesses within a quarter mile from the UMU district, and 24.2% of the total commercial retail street frontage. The proposed establishment would increase the concentration of formula retail establishments to approximately 13.1% and would nominally increase the formula retail commercial frontage in the district to 24.9%.*

- ii. The availability of other similar retail uses within the district and within the vicinity of the proposed project.

*Within a quarter mile from the UMU district, there are fourteen existing retail sales and service and no full-service salons. Ulta Beauty is the largest beauty retailer in the United States and the premier beauty destination for cosmetics, fragrance, skin care products, hair care products and salon services. Ulta Beauty also offers a full-service salon in every store featuring hair, skin and brow services. As of January 30, 2016 Ulta Beauty operates 874 retail stores across 48 states, 105 of which are located in California, one of which is currently located in San Francisco. It also distributes its products through its website.*

*There is only one other beauty supply retailer in the vicinity, a Sally Beauty store which is located in the Potrero Center Shopping Center, east of 555 9th Street. Similar to ULTA Beauty, Sally Beauty is also a formula retailer, and is also located in an area historically occupied by formula retail uses. The addition of a single new beauty store will not adversely affect any neighborhood-serving businesses in or around the Project site. Instead, it will provide another retail option for residents and people who work in the neighborhood whilst increasing consumer choice.*

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

*The proposed use is compatible with how the subject property has always been used. Since its construction in the early 1990s, a formula retail tenant has occupied the space. The proposal is to continue with the previously existing use. The project will occupy an existing storefront previously occupied by a formula retailer, which has since vacated, and therefore, will have no impact on the architectural and aesthetic character of the district.*

*The Project's design primarily involves interior tenant improvements. Its exterior renovations will be consistent with the existing Shopping Center and the proposed signage program will bring the tenancy into greater compliance with the Planning Code.*

- iv. The existing retail vacancy rates within the district and within the vicinity of the proposed project.

*The existing retail vacancy rate within a quarter mile from the UMU district is 5.68%. Pier 1 Imports vacated the property in 2015 and the commercial space in question has remained vacant in the interim.*

*Within a quarter mile from the UMU District, are 10 vacancies out of 176 establishments. 1,036 of 15,478.08 linear feet or 6.7% of the total street frontages is vacant.*

- v. The existing mix of Citywide-serving retail uses and daily needs-serving retail uses within the district and within the vicinity of the proposed project.

*Approximately 78.41% of the existing mixes of uses are citywide-serving, 15.91% are daily needs-serving and the remainder 5.68% is vacant within a quarter mile from the subject property.*

*The Project vicinity, particularly the 555 9th Street retail center, is comprised of mostly Citywide-serving retail uses such as: Bed Bath and Beyond, Nordstrom Rack and a JP Morgan Chase Bank; with some daily needs serving uses including: Trader Joe's, Peet's Coffee & Tea and other limited restaurants and bars. Similar to the City Center, where the other Ulta Beauty is located, it is somewhat unique to have such a concentration of these kinds of uses in one place located in San Francisco. However, the aforementioned were designed and approved to function as formula retail concentration hubs. The project would not alter the historic mix of neighborhood-serving to citywide-serving uses, as the property has always housed a variety of formula retail stores that provided needs for both the neighborhood and city at large. The project will simply replace one former homewares formula retailer (Pier 1 Imports) with a retail sales and service (personal service) formula retailer, Ulta Beauty.*

*A walking survey prepared by the Project Sponsor established a total of 176 commercial uses within a quarter mile from the subject property. Of the 176 commercial establishments, 138 are city-wide serving uses, 28 are daily-needs serving, while ten remain vacant.*

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

*Of the approximate 176 commercial establishments within a quarter mile of the UMU, there are approximately 22 formula retail establishments amounting to 12.5% formula retail concentration. The subject project would add an additional formula retail establishment to the district; thus, increasing the intensity to approximately 13.1%. There is a notable concentration of formula retail clothing and sports gear stores within the vicinity including: Nordstrom Rack, Ross Dress for Less, REI, Sports Authority and Sports Basement, respectively. Other retail stores include: Bed Bath & Beyond, Trader Joe's, JP Morgan Chase, two Peet's Coffee & Tea, Costco, Glidden Professional Paint, Enterprise, Shell Gas Station, Union Bank, Best Buy, O'Reilly Auto Parts, Safeway, Sally Beauty, 24 Hour Fitness, Petco, and Mercedes Benz of San Francisco.*

*The use mix is varied within a quarter mile from the UMU District. Retail sales and services comprise of approximately 7.9%; other retail sales and services comprise of 37.5%; offices of 15.34%; professional services of 9.66%; automotive uses of 9%; limited restaurants of 6.82%; personal services of 1.7%; financial services of 1.1%; public uses of 1.1%; restaurants of 1.1%; non-retail sales and service of 2.84%; whilst 5.68% remain vacant.*

- vii. For Formula Retail uses of 20,000 gross square feet or more, except for General or Specialty Grocery stores as defined in Articles 2, 7 and 8 of this Code, the contents of an economic impact study prepared pursuant to Section 303(i) of this Code.

*The proposed 7,190 square foot formula retail use is less than 20,000 gross square feet; therefore, it is not required to provide an economic impact study prepared pursuant to Section 303(i) of the Planning Code.*

- viii. Notwithstanding anything to the contrary contained in Planning Code Article 6 limiting the Planning Department's and Planning Commission's discretion to review signs, the Planning Department and Planning Commission may review and exercise discretion to require changes in the time, place and manner of the proposed signage for the proposed Formula Retail use, applying the Performance-Based Design Guidelines.

*The Project Sponsor has submitted a sign program for the project. The proposed signage complies with the limitations of the Planning Code and individual signs are subject to the review and approval of the Planning Department. The Project Sponsor will continue to work with staff to propose a signage program that is more aligned with the intent of the Formula Retail Performance-Based Design Guidelines.*

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

## SHOWPLACE SQUARE/POTRERO HILL AREA PLAN

### LAND USE

#### 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 1.1.6

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

*555 9th Street is located in the northern part of Showplace Square and is proposing a limited amount of retail use to further diversify the mixed use area it is located within. The interior renovations will activate the ground floor, which is currently vacant.*



**OBJECTIVE 1.3**

INSTITUTE FLEXIBLE “LEGAL NONCONFORMING USE” PROVISIONS TO ENSURE A CONTINUED MIX OF USES IN SHOWPLACE SQUARE / POTRERO

**Policy 1.3.1**

Continue existing legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place.

*555 9th Street is a pre-existing structure with legally non-confirming use sizes. Though the 7,190 square foot tenant space is not conforming to the new zoning provisions and limitations, per the Showplace Square Area Plan, it may remain as the use was previously legally established.*

**TRANSPORTATION**

**OBJECTIVE 4.7**

IMPROVE AND EXPAND INFRASTRUCTURE FOR BICYCLING AS AN IMPORTANT MODE OF TRANSPORTATION

**Policy 4.7.1**

Provide a continuous network of safe, convenient and attractive bicycle facilities connecting Showplace Square/Potrero Hill to the citywide bicycle network and conforming to the San Francisco Bicycle Plan.

**Policy 4.7.2**

Provide secure, accessible and abundant bicycle parking, particularly at transit stations, within shopping areas, and at concentrations of employment.

*555 9th Street currently provides 28 Class II bicycle parking spaces for its patrons. The aforementioned are not exclusively used by Ulta Beauty; however, are located near Ulta Beauty's entrance.*

**COMMERCE AND INDUSTRY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG 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 project will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the project site is located within a Mixed Use District which promotes a vibrant mix of uses.*

**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 add a new commercial activity into a previously-vacant formula retail space and will enhance the diverse economic base of the City. The proposed location will be the second Ulta Beauty within San Francisco; the other operating location is at the City Center on Geary Boulevard. Opening the SOMA location will contribute to the overall diversity of retail sales and services as well as personal service options within the District and City at large. Furthermore, by establishing a new commercial activity in a vacant space, the neighborhood retains a commercial use at this site and enables the Project to enhance the economic base of the City and immediate area.*

**TRANSPORTATION ELEMENT**

**OBJECTIVE 28**

Provide secure and convenient parking facilities for bicycles.

**Policy 28.3**

Provide parking facilities which are safe, secure, and convenient.

*555 9th Street currently provides 28 Class II bicycle parking spaces for its patrons. The aforementioned are not exclusively used by Ulta Beauty; however, are located near Ulta Beauty's entrance.*

**URBAN DESIGN**

**OBJECTIVE 4**

Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

**Policy 4.14**

Remove and obscure distracting and cluttering elements.

*In an effort to reduce the visual clutter at 555 9th Street, Ulta Beauty will only install code-complying signage at the subject site. The proposed sign program includes: one projecting sign along 9th Street and one wall sign along the parking garage entrance. All illegal awning signage will be removed to bring the Project into greater conformity with the Planning Code.*

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 shopping center has historically been occupied by an array of formula retail stores that served a clientele from the immediate neighborhood and city at large. No neighborhood-serving retail uses will be displaced by the project; the tenant space in question is vacant. The project will provide goods and services that cannot be found elsewhere in the neighborhood and will provide resident employment opportunities to those in the community.*

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

*The existing units in the surrounding neighborhood would not be adversely affected.*

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

*No housing is removed for this Project. No housing exists on the project site.*

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

*The project site is well-served by public transit and existing on-site parking spaces. Several MUNI transit lines run near the site. The transit lines which serve the area include: 8-Bayshore, 8AX-Bayshore A Express, 8BX-Bayshore B Express, 9-San Bruno, 9R-San Bruno Rapid, 10-Townsend, 12-Folsom/Pacific, 14X-Mission Express, 19-Polk, 27-Bryant, 47-Van Ness, 83X-Mid-Market Express, 90-San Bruno Owl. In addition, the shopping center maintains a multi-level garage with 330 parking spaces and 28 Class II bicycle parking spaces.*

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

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

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

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

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on 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. 2015-009753CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 30, 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 May 12, 2016.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 12, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow the conversion of a vacant formula retail sales and service tenant space (previously DBA Pier 1 Imports) to a formula retail sales and service (personal service) (DBA Ulta Beauty); exceeding the principally permitted use size of 3,999 gross square feet located at 555 9th Street, Block 3781, and Lot 003 pursuant to Planning Code Section(s) 303.1, 803.6, 843.45 and 843.46 within the Urban Mixed Use District and a 40-X Height and Bulk District; in general conformance with plans, dated March 30, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009753CUA and subject to conditions of approval reviewed and approved by the Commission on May 12, 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 May 12, 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

**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)*

**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)*

**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)*

**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)*

### DESIGN – COMPLIANCE AT PLAN STAGE

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and

compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

**Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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



**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)*

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

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

## OPERATION

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

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

**Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

**Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

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

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

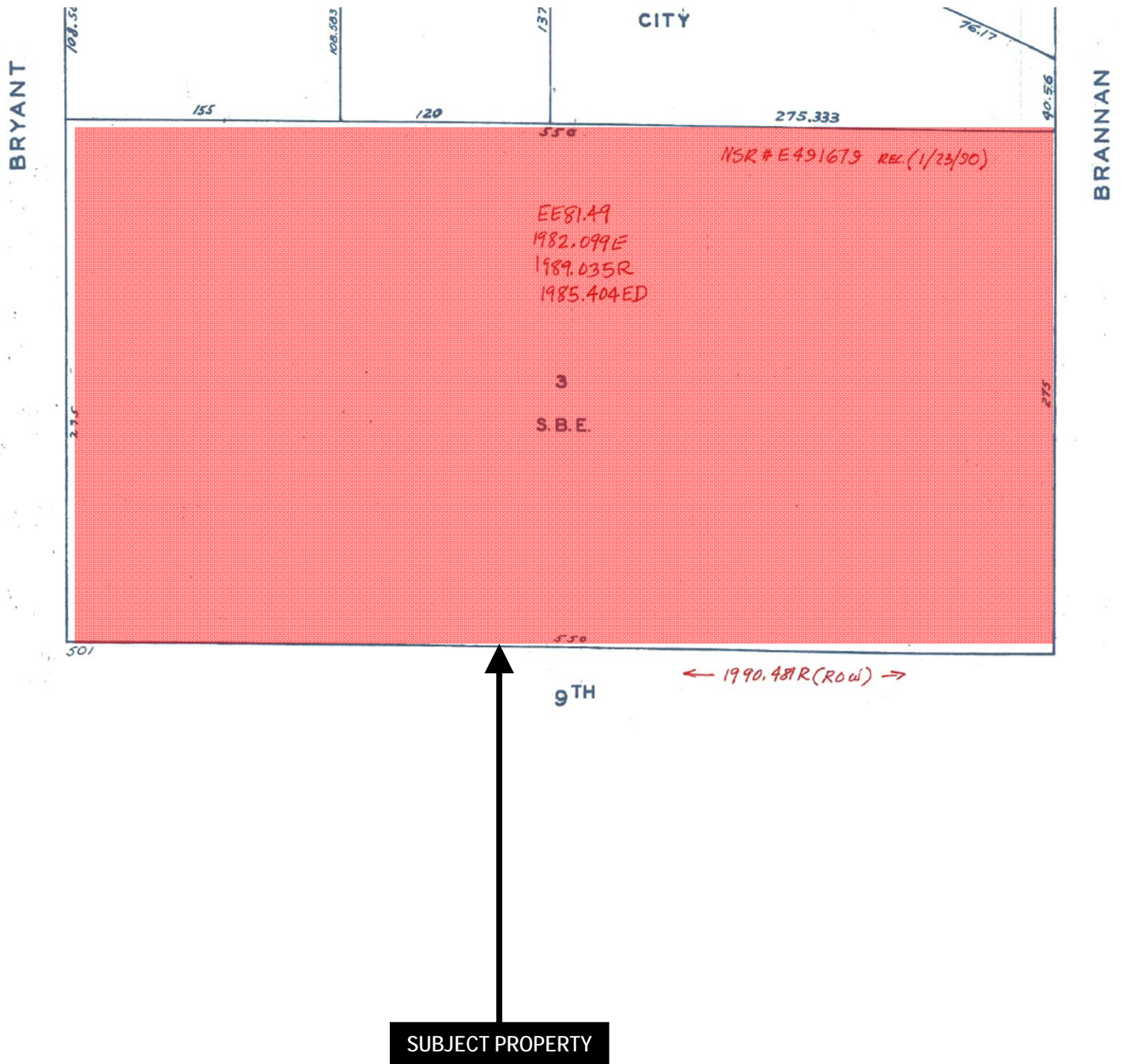
**Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

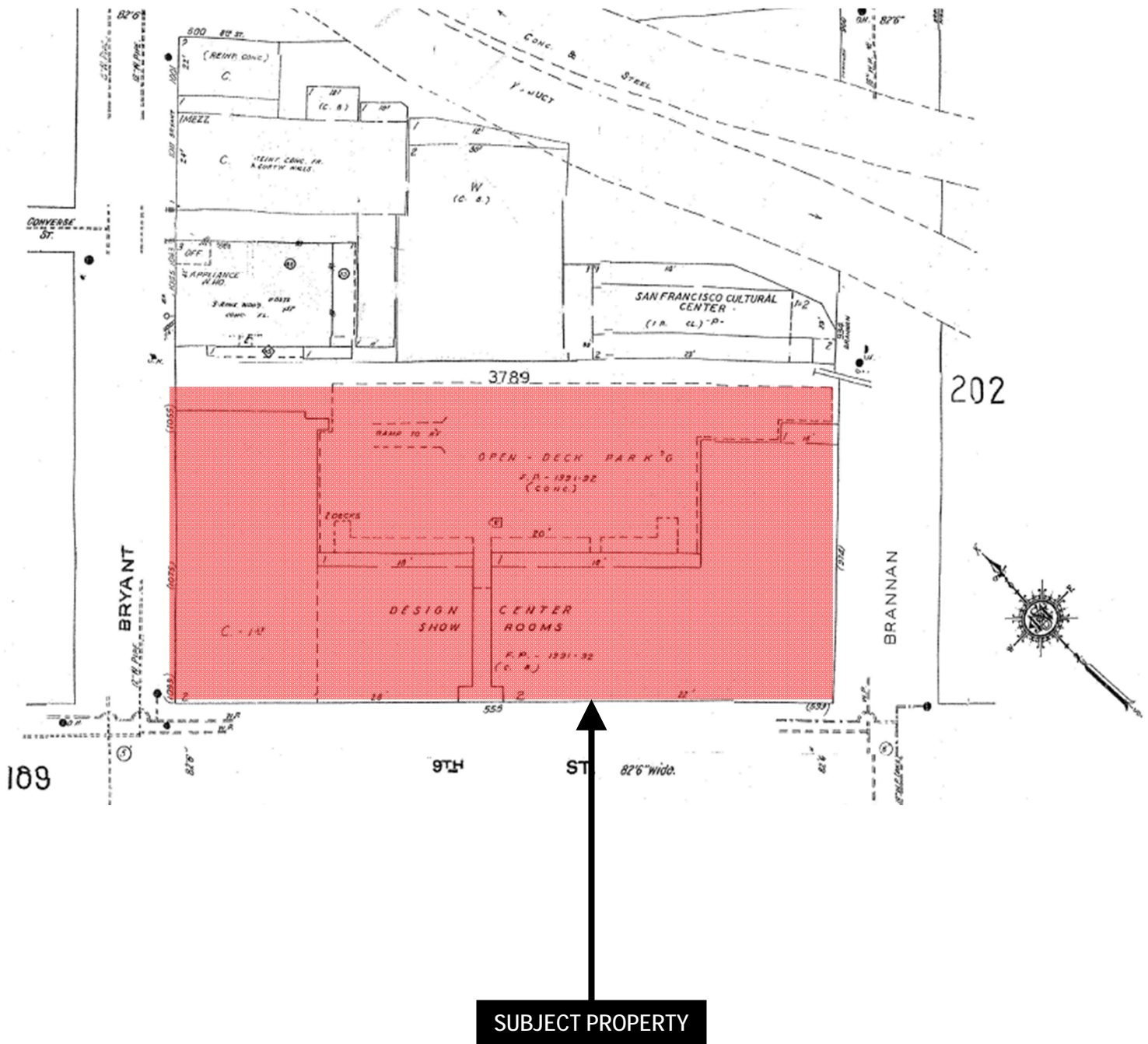
**Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

# Parcel Map



# Sanborn Map\*



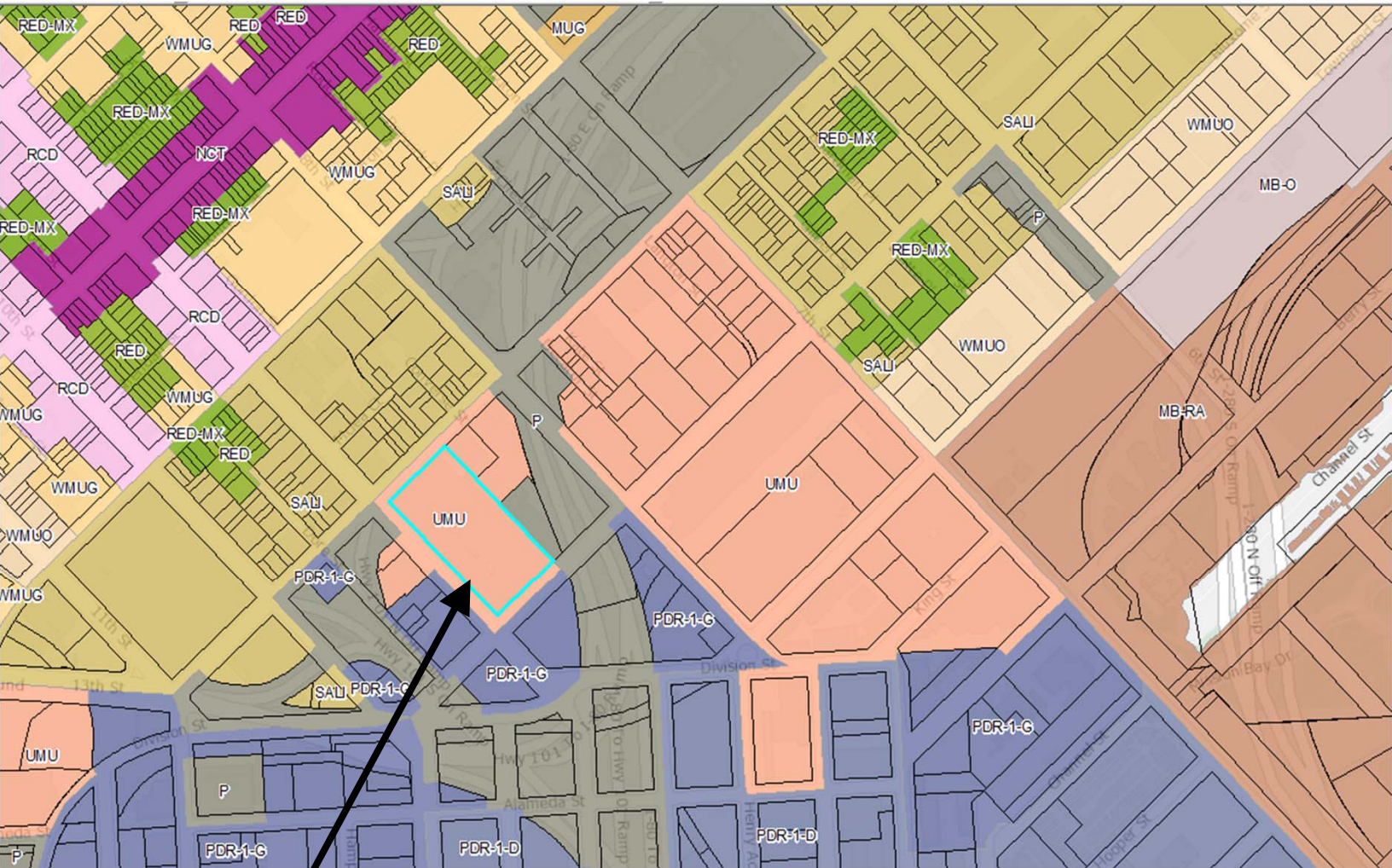
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
Case Number 2015-009753CUA  
555 9th Street  
Block 3781 Lot 003



# Zoning Map



SUBJECT PROPERTY



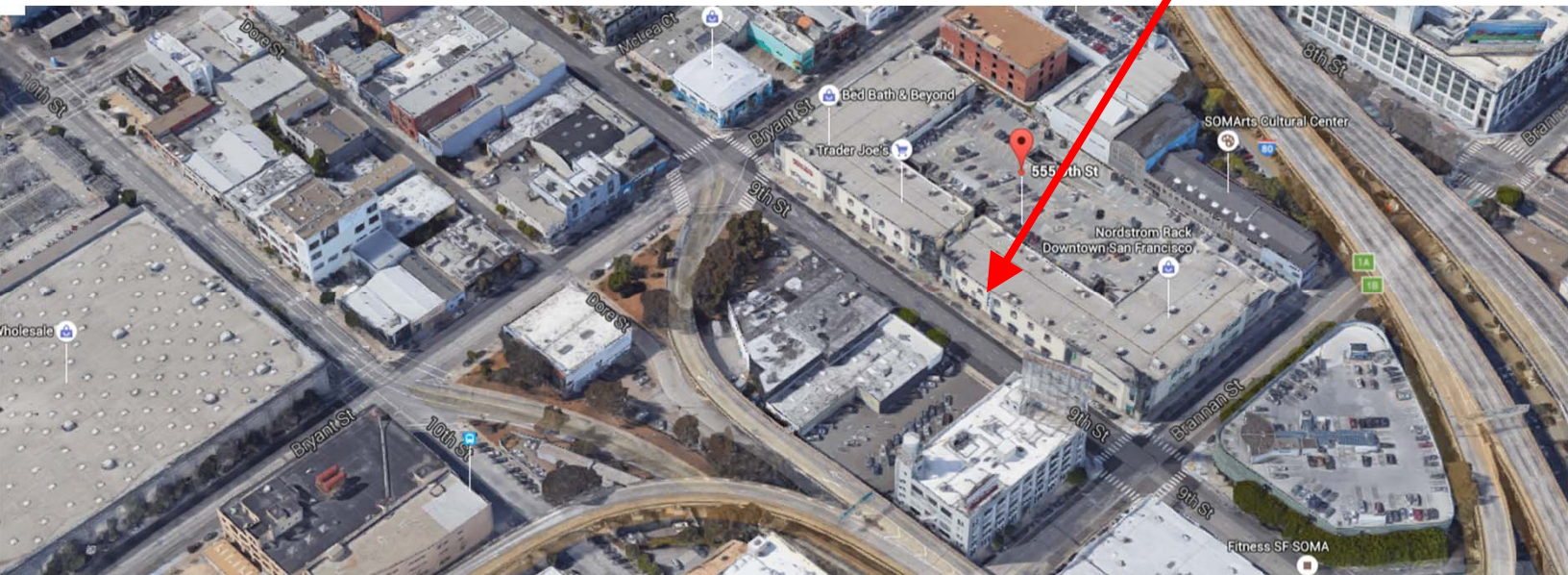
Conditional Use Hearing  
Case Number 2015-009753CUA  
555 9th Street  
Block 3781 Lot 003



# Aerial Photos



SUBJECT PROPERTY



SUBJECT PROPERTY

Conditional Use Hearing  
Case Number 2015-009753CUA  
555 9th Street  
Block 3781 Lot 003

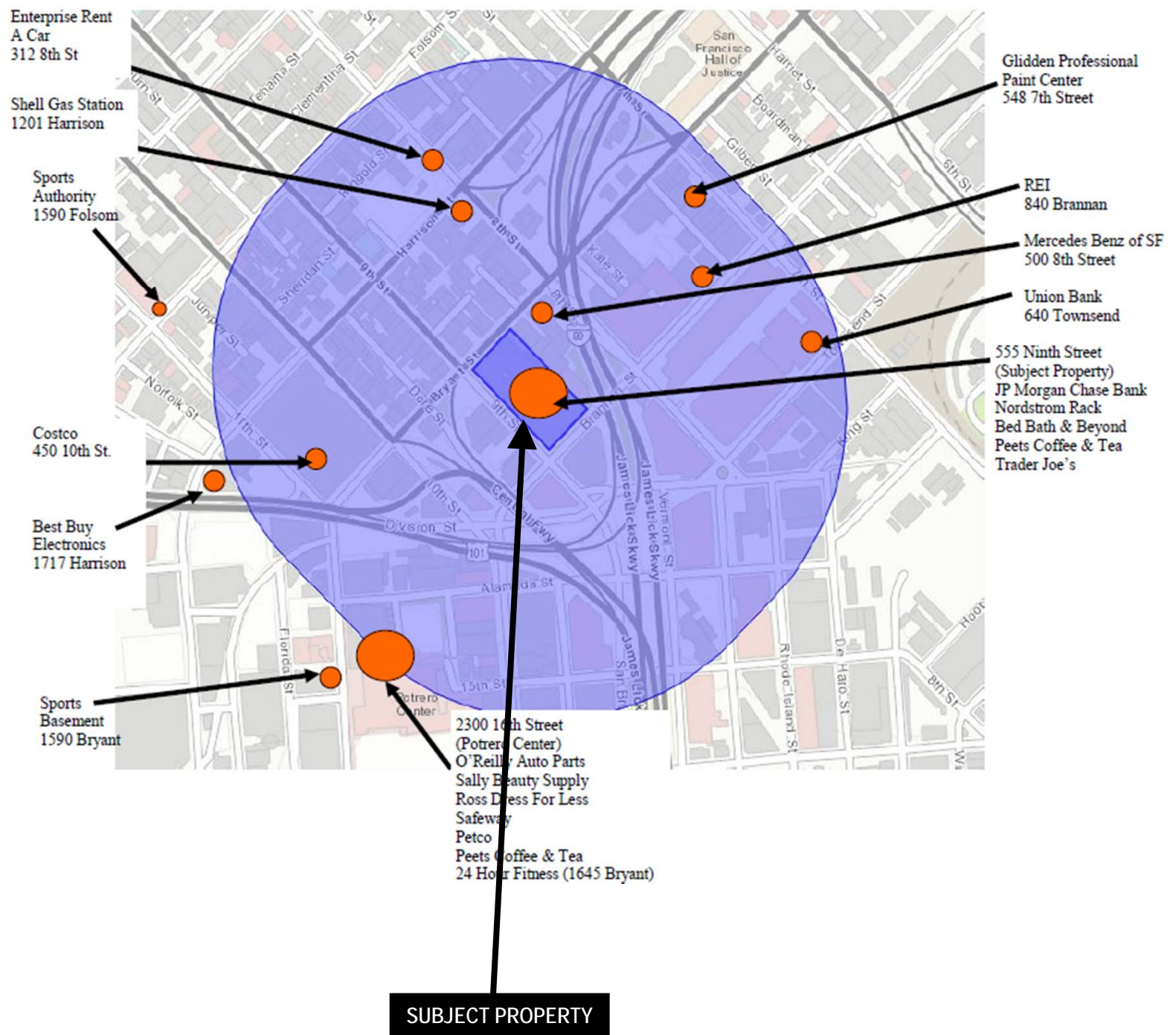


# Site Photos



Conditional Use Hearing  
Case Number 2015-009753CUA  
555 9th Street  
Block 3781 Lot 003

# Existing Formula Retail within a quarter mile from the subject UMU (Urban Mixed Use) District



Conditional Use Hearing  
**Case Number 2015-009753CUA**  
 555 9th Street  
 Block 3781 Lot 003





555 NINTH STREET  
SAN FRANCISCO, CALIFORNIA

SUBMITTAL - 07.15.2015  
REV. #1 - 03.03.2016  
REV.#2 - 03.30.2016



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EXISTING SIGN TO BE REMOVED & REPLACE WITH NEW ULTA SIGN AND ENTRY.



A NORTH PARKING VIEW



B SECOND LEVEL LOOKING DOWN



C VIEW FROM PARKING GARAGE

EXISTING BLADE SIGN TO RECEIVE NEW "ULTA LOGO"



D VIEW ALONG THE NINTH STREET



E CLOSE UP VIEW OF THE WINDOW BAY

EXISTING PANELS TO RECEIVE NEW ORANGE VINYL



F SOUTH FACADE OF THE SHOPPING CENTER

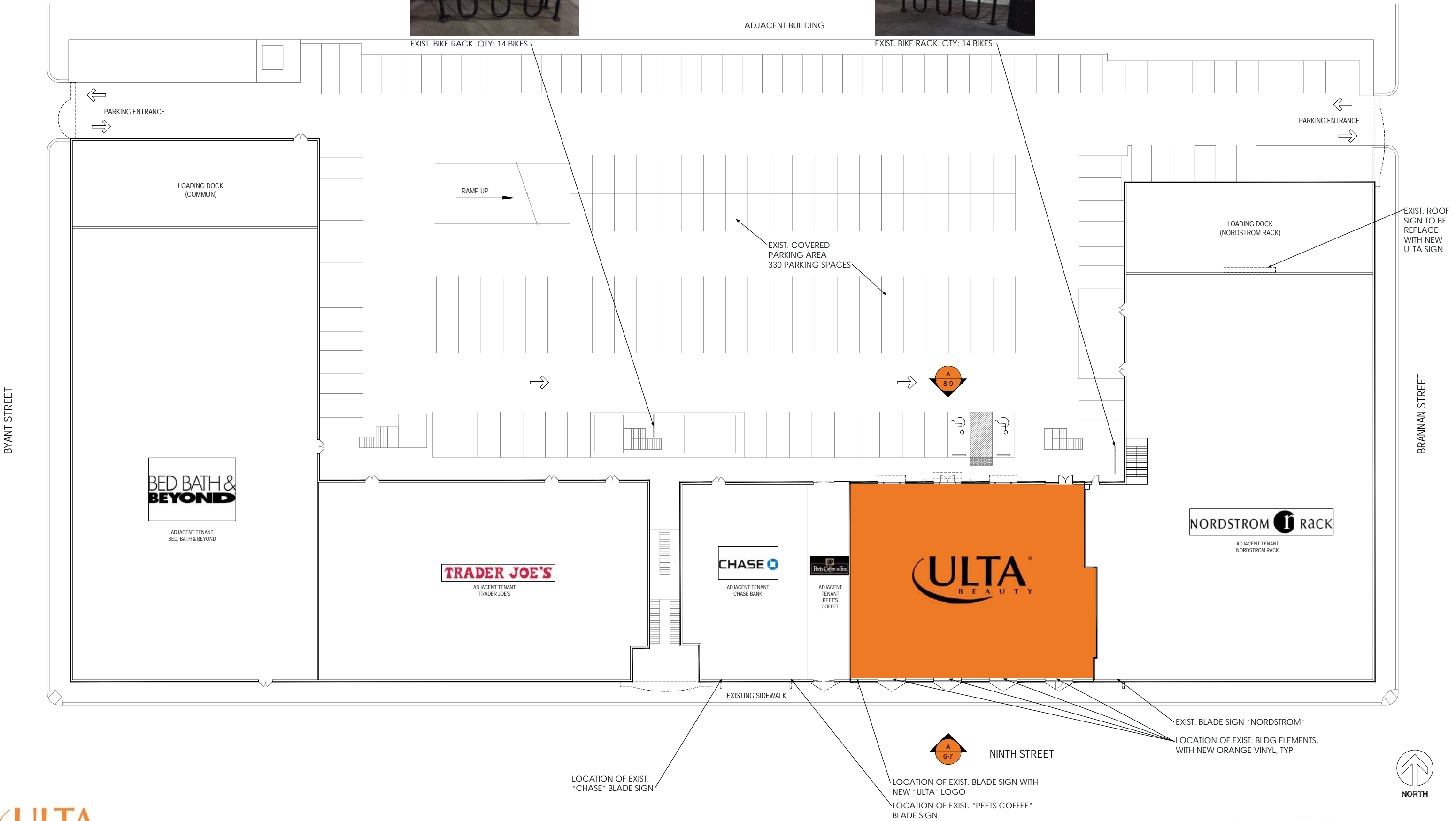


## EXISTING CONDITIONS PHOTOGRAPHS

555 NINTH STREET - SAN FRANCISCO, CA 94103



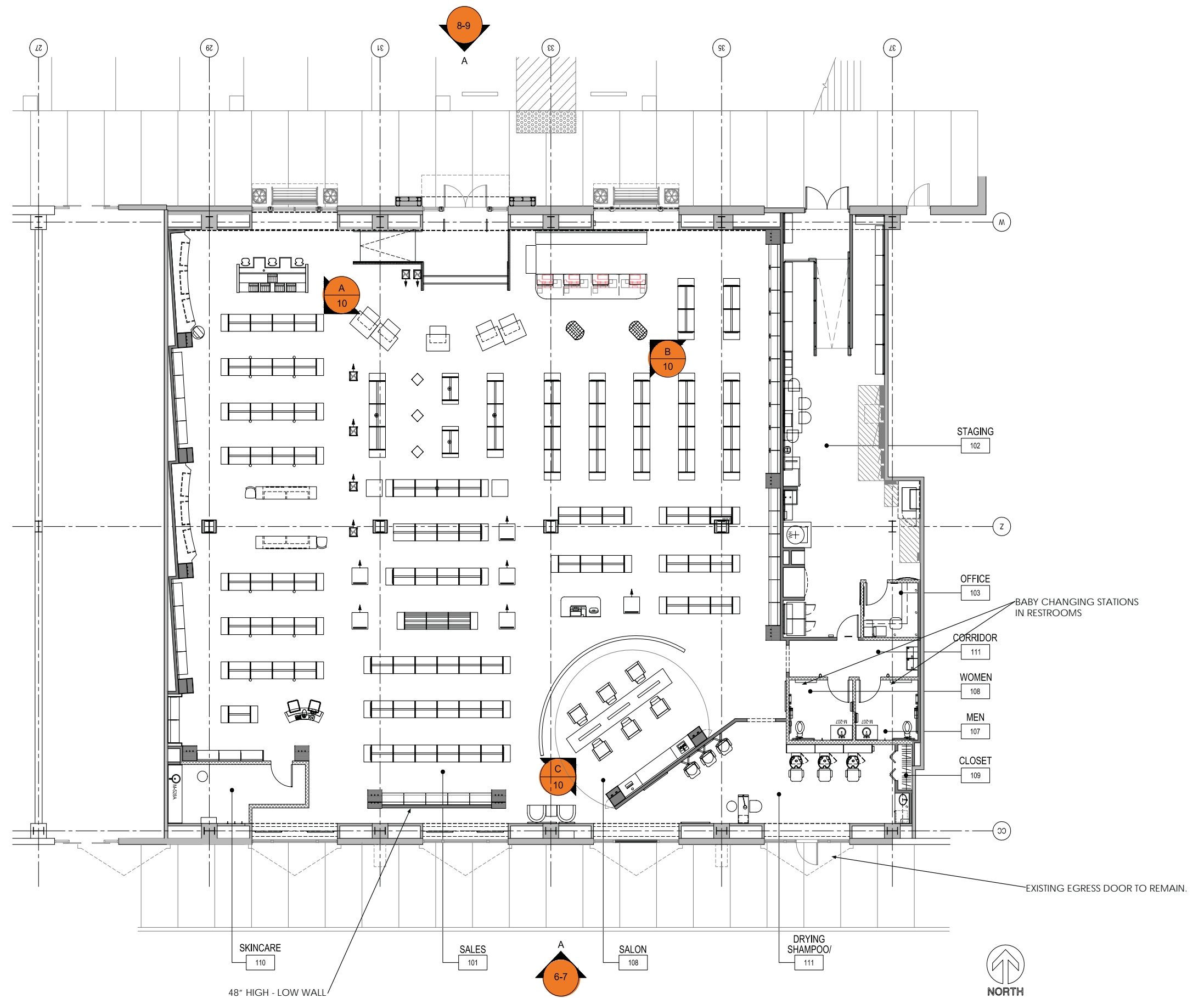




## SITE PLAN

555 NINTH STREET - SAN FRANCISCO, CA 94103





SALON AREA	1,610 S.F.
SALES FLOOR AREA	7,190 S.F.

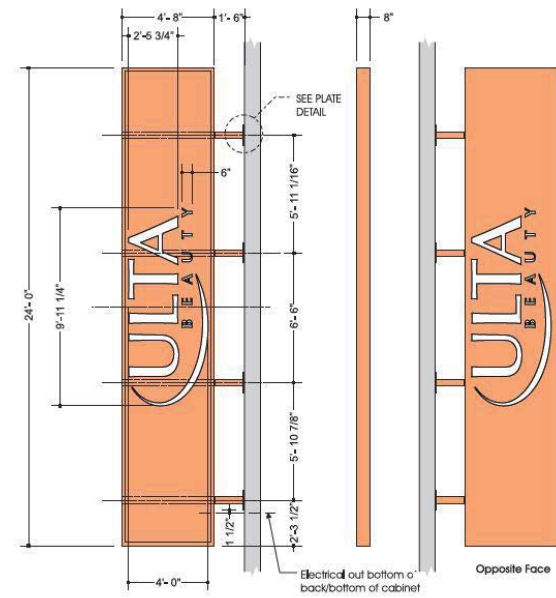


# FLOOR PLAN

555 NINTH STREET - SAN FRANCISCO, CA 94103



**ChipmanDesignArchitecture**  
ATLANTA | BOGOTA | CHICAGO | LOS ANGELES | NEW YORK



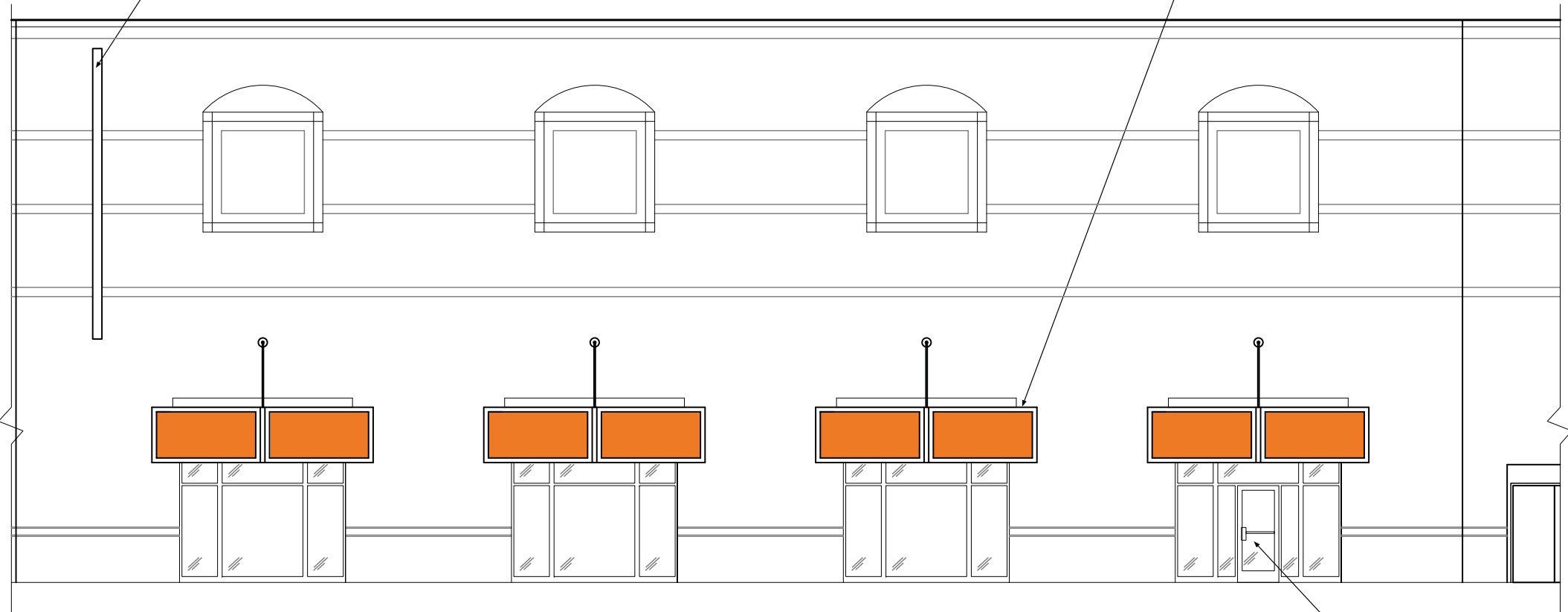
EXISTING PROJECTING BLADE SIGN WITH NEW ULTA LOGO & ORANGE PANEL.

EXISTING SHOPPING CENTER DESIGN ELEMENTS.  
NEW ORANGE VINYL, TYP.

EL = 40'-8"  
T/ EXISTING PARAPET

EL = 12'-8"  
T/ EXISTING STORE  
FRONT - V.I.F.

EL = 0'-0"  
FIN. FLOOR



EXISTING EGRESS DOOR TO REMAIN.

A EXTERIOR ELEVATION - NINTH STREET



## PROPOSED EXTERIOR ELEVATION - NINTH STREET

555 NINTH STREET - SAN FRANCISCO, CA 94103





A EXTERIOR ELEVATION - NINTH STREET



B EXTERIOR ELEVATION - NINTH STREET (CLOSE UP)

EXISTING SHOPPING CENTER  
DESIGN ELEMENTS.  
NEW ORANGE VINYL, TYP.

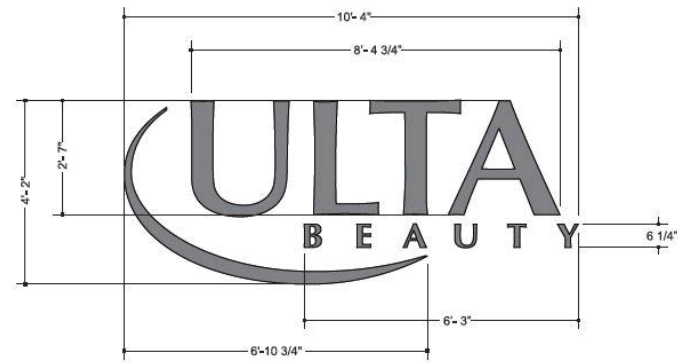
EXISTING PROJECTING BLADE SIGN WITH NEW ULTA LOGO & ORANGE PANEL.



# RENDERINGS - PROPOSED EXTERIOR ELEVATION - NINTH STREET

555 NINTH STREET - SAN FRANCISCO, CA 94103





DAY VIEW



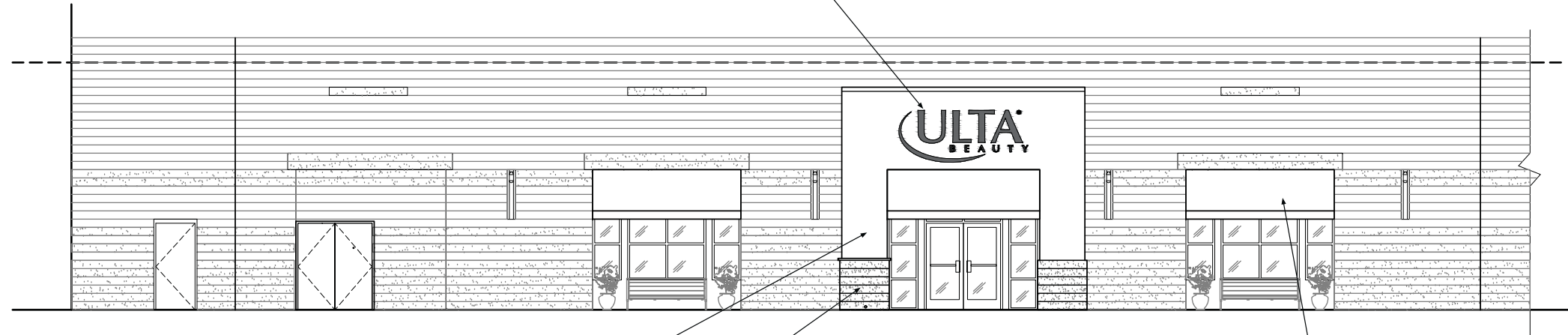
NIGHT VIEW

LOCATION OF NEW ULTA LOGO

EL = 19'-1"  
T/ PARAPET &  
B/ LINE OF EXISTING  
PARKING GARAGE - V.I.F.

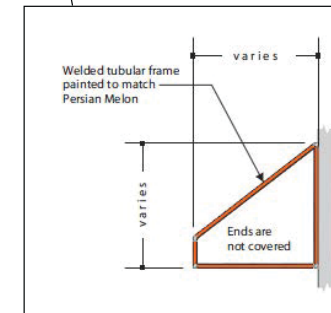
EL = 11'-4"  
T/ EXISTING STORE  
FRONT - V.I.F.

EL = 0'-0"  
FIN. FLOOR



WHITE EIFS FACADE & CORNICE.  
COLOR: PURE WHITE 7005, SHERWIN WILLIAMS.

SPLIT FACE BLOCK TO MATCH EXISTING.  
ADJACENT WITH LIMESTONE CAP AND BASE.



NEW ULTA AWNINGS. COLOR: ORANGE POP -  
SUMBRELLA FABRIC w/ WHITE VINYL LETTERS

A EXTERIOR ELEVATION - PARKING GARAGE



## PROPOSED EXTERIOR ELEVATION - PARKING GARAGE

555 NINTH STREET - SAN FRANCISCO, CA 94103



LOCATION OF NEW ULTA LOGO



A EXTERIOR ELEVATION - PARKING GARAGE



B EXTERIOR ELEVATION - STAIR VIEW PARKING GARAGE

NEW ULTA AWNINGS



RENDERINGS - PROPOSED EXTERIOR ELEVATIONS - PARKING GARAGE

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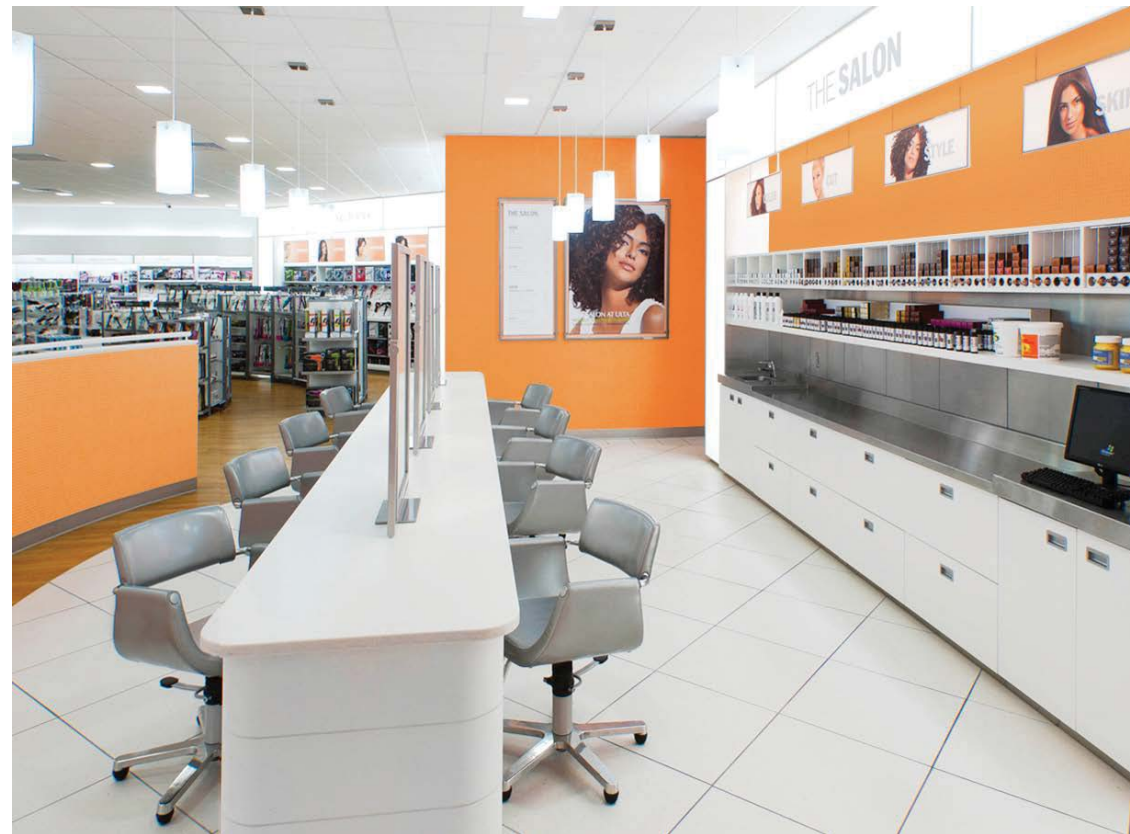




A INTERIOR ELEVATION - WEST DEMISING WALL



B INTERIOR ELEVATION - CASHWRAP



C INTERIOR ELEVATION - SALON AREA



## PROPOSED INTERIOR ELEVATIONS

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