



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: JULY 7, 2016

Date: June 30, 2016
Case No.: **2015-010426CUA**
Project Address: **2490 San Bruno Avenue**
Zoning: NC-2 (Small Scale Neighborhood Commercial District)
40-X Height and Bulk District
Block/Lot: 5925/012
Project Sponsor: Thomas Tunny, Reuben, Junius & Rose LLP
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San Francisco, CA 94104
Staff Contact: Kimberly Durandet – (415) 575-6816
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PROJECT DESCRIPTION

The applicant proposes to establish a 2,163 square foot Formula Retail use (a wireless store d.b.a. AT&T Authorized Retailer) in an existing commercial space formerly occupied by another Formula Retail use (d.b.a. RadioShack). AT&T is a multinational telecommunications corporation headquartered in Dallas with approximately ten San Francisco locations. The project includes minor tenant improvements and new signage.

The store offers products, accessories, services and support for AT&T mobility customers. The proposed hours of operation will generally be from 9 a.m. to 9 p.m. weekdays; 10 a.m. to 6 p.m. Saturday and 11 a.m. to 5 p.m. Sunday. The store will employ approximately six full-time employees.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the west side of San Bruno Avenue between Felton and Silliman Streets in the Excelsior Neighborhood. The parcel is approximately 2,500 square feet in area (measuring 25-ft by 100-ft) and is occupied by a two-story commercial building constructed circa 1927. The existing building measures 2,163 square foot, and has one commercial storefront at the ground floor and a mezzanine level. The 2,163 square foot space intended for the project is currently vacant and was formerly occupied by a Formula Retail use (d.b.a. RadioShack), which closed in March 2015.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the northern portion of the San Bruno Avenue commercial corridor which extends from Silver Avenue to Dwight Street / Paul Avenue. Adjacent properties on San Bruno Avenue are also zoned NC-2. The scale of development in the area consists of a mix of one- to three-story structures constructed during the early to mid-1900s. The NC-2 zoning district is intended to offer a wide

variety of comparison and specialty goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. Surrounding development consists of an assortment of commercial uses including a wide range of restaurants and retail stores. The surrounding zoning is primarily RH-1 (Residential, House, Single-Family) and RH-2 (Residential, House, Two-Family).

Table 1. NC-2 Ground Floor Frontage Breakdown per Land Use¹

Land Use Type	NC-2 (San Bruno Avenue frontage from Silver and Paul Avenues) Frontage Total (feet)	NC-2 %
Automotive	644	15%
Financial	233	6%
Grocery	272	6%
Limited-Restaurant	452	10%
Restaurant	342	8%
Medical	403	9%
Personal Service	413	10%
Professional Service	299	7%
Other Retail	771	18%
Vacant	481	11%
Total	4310	100%

The San Bruno Avenue corridor is a bustling commercial district with a low vacancy rate and a high level of foot traffic. The commercial uses in the NC-2 District on San Bruno Avenue are predominately restaurants, personal services, and professional services. There are approximately 100 commercial ground floor storefronts within this area, 14 are formula retail, amounting to a concentration of approximately 14%. These include four automotive, four financial services, one limited-restaurant, two professional services, two retail stores and one restaurant. There is one Metro PCS wireless store.

ENVIRONMENTAL REVIEW

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

¹ The NC-2 Land Use table was developed using data collected by the project sponsor and reviewed by Planning Department Staff in 2016.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 15, 2016	June 17, 2016	22 days
Posted Notice	30 days	June 7, 2016	June 7, 2016	30 days
Mailed Notice	30 days	June 7, 2016	June 7, 2016	30 days

The proposal requires a Section 312 Neighborhood notification, which was conducted in conjunction with the required hearing notification for the Conditional Use Authorization.

PUBLIC COMMENT/COMMUNITY OUTREACH

- To date the Department has received no public comment.
- The project sponsor held a pre-application community outreach meeting on July 29, 2015.

ISSUES AND OTHER CONSIDERATIONS

- Conditional Use Authorization: The proposal requires Conditional Use Authorization from the Planning Commission, pursuant to Planning Code Sections 303, 303.1, 703.4 and 711.40 to establish a Formula Retail use at the ground floor of a commercial building located in the NC-2, Neighborhood Commercial District and a 40-X Height and Bulk District.
- Formula Retail Use (AT&T Authorized Retailer): The proposed establishment (d.b.a. AT&T Authorized Retailer) is considered a Formula Retail use with over 2,200 company-owned retail stores nationwide. There are approximately 14 existing Formula Retail establishments out of 100 commercial uses within this segment of San Bruno Avenue zoned NC-2, amounting to a total concentration of approximately 14%.
- San Bruno Avenue Commercial Corridor: The San Bruno Avenue corridor is a bustling commercial district with a relatively low vacancy rate and a high level of foot traffic. The commercial uses in the NC-2 District on San Bruno Avenue are predominately restaurants, personal services, and professional services. There are approximately 100 commercial ground floor storefronts within this area, 14 are Formula Retail, amounting to a concentration of approximately 14%. These include four automotive, four financial services, one limited-restaurant, two professional services, two retail stores and one restaurant.

Of the 100 commercial uses within the studied portion of the subject NC-2 Zoning District, there is one existing store similar to the proposed AT&T store (dba Metro PCS). AT&T has no stores located in the Excelsior District. The three sites nearest the project site are located in the Mission District at 2410 Mission Street and in the Sunset District at 244 West Portal Avenue and at Stonestown Mall.

The use mix is varied in the NC-2 District. Eating establishments (limited restaurants and restaurants combined) and other retail each comprise 18% of the ground floor frontage, followed by automotive at 15%, medical, personal and professional services together comprise 26% of the ground floor frontage. These calculations do not include non-retail establishments, such as residences, institutions, parking, or public services.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow the establishment of a 2,163 square foot Formula Retail use (d.b.a AT&T) within the NC-2 Zoning District, pursuant to Planning Code Sections 303, 303.1, 703.4 and 711.40.

BASIS FOR RECOMMENDATION

- The subject tenant space is currently vacant and would not displace an existing tenant.
- The project would help contribute to the vitality of the overall neighborhood.
- The proposed use would not have any effect on the Formula Retail concentration within the subject NC-2 District.
- The proposed project would not be expected to affect existing traffic patterns.
- The project site is well-served by public transit lines. Metered and non-metered parking spaces are provided on the streets.
- The Project meets all applicable requirements of the Planning Code.
- The project meets the requirements of the Planning Commission's Performance-Based Design Guidelines.
- The Project is desirable for and compatible with the surrounding neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photographs

Project Sponsor Submittal, including:

- Formula Retail Map

- Reduced Plans

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 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

KJD
Planner's Initials



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: JULY 7, 2016

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Staff Contact: Kimberly Durandet – (415) 575-6816
kimberly.durandet@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 303.1, 703.4 and 711.40 OF THE PLANNING CODE TO ESTABLISH A FORMULA RETAIL STORE (D.B.A. AT&T AUTHORIZED RETAILER), WITHIN THE NC-2 (SMALL SCALE NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 13, 2015, Reuben, Junius & Rose LLP, on behalf of Spring Communications Holding, Inc. (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 303.1, 703.4 and 711.40 to establish a Formula Retail use (a wireless retailer d.b.a. AT&T Authorized Retailer) in the existing 2,163 square-foot tenant space previously occupied by a Formula Retail use (d.b.a. RadioShack) located within the NC-2 (Small Scale Neighborhood Commercial District) and a 40-X Height and Bulk District.

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

On July 7, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-010426CUA.

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. 2015-010426CUA, 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.** The project site is located on the west side of San Bruno Avenue between Felton and Silliman Streets in the Excelsior Neighborhood. The parcel is approximately 2,500 square feet in area (measuring 25-ft by 100-ft) and is occupied by a two-story commercial building constructed circa 1927. The existing building measures 2,163 square foot, and has one commercial storefront at the ground floor and a mezzanine level. The 2,163 square foot space intended for the project is currently vacant and was formerly occupied by a Formula Retail use (d.b.a. RadioShack), which closed in March 2015.
3. **Surrounding Neighborhood.** The project site is located at the northern portion of the San Bruno Avenue commercial corridor which extends from Silver Avenue to Dwight Street / Paul Avenue. Adjacent properties on San Bruno Avenue are also zoned NC-2. The scale of development in the area consists of a mix of one- to three-story structures constructed during the early to mid-1900s. The NC-2 zoning district is intended to offer a wide variety of comparison and specialty goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. Surrounding development consists of an assortment of commercial uses including a wide range of restaurants and retail stores. The surrounding zoning is primarily RH-1 (Residential, House, Single-Family) and RH-2 (Residential, House, Two-Family).

The San Bruno Avenue corridor is a bustling commercial district with a low vacancy rate and a high level of foot traffic. The commercial uses in the NC-2 District on San Bruno Avenue are predominately restaurants, personal services, and professional services. There are approximately 100 commercial ground floor storefronts within this area, 14 are formula retail, amounting to a concentration of approximately 14%. These include four automotive, four financial services, one

limited-restaurant, two professional services, two retail stores and one restaurant. There is one Metro PCS wireless store.

4. **Project Description.** The applicant proposes to establish a 2,163 square foot Formula Retail use (a wireless store d.b.a. AT&T Authorized Retailer) in an existing commercial space formerly occupied by another Formula Retail use (d.b.a. RadioShack). AT&T is a multinational telecommunications corporation headquartered in Dallas with approximately ten San Francisco locations. The project includes minor tenant improvements and new signage.

The store offers products, accessories, services and support for AT&T mobility customers. The proposed hours of operation will generally be from 9 a.m. to 9 p.m. weekdays; 10 a.m. to 6 p.m. Saturday and 11 a.m. to 5 p.m. Sunday. The store will employ approximately six full-time employees.

5. **Public Comment.** The project sponsor held a pre-application community outreach meeting on July 29, 2015. To date, the Department has received no public comment.
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 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The first 25' of building depth on the San Bruno Avenue frontage is devoted to an active retail use. The primary façade of the subject storefront is glazed and the proposed storefront design would respect the existing storefront transparency. No obscured glazing or other elements that would reduce the level of transparency will be used. The project currently has a roll down door that does not meet these Code requirements but will remove and/or provide decorative railings or grillwork in front of or behind existing windows per Code requirements of Section 145.1.

- B. Off-Street Parking and Loading.** 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 project does not occupy more than 5,000 square feet of floor area, and is therefore not required to provide off-street parking.

- C. Loading.** Section 152 requires off-street freight loading for uses above a certain size. Eating Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

The project is less than 10,000 square feet in gross floor area and is therefore not required to provide off-street freight loading.

- D. Hours of Operation.** Pursuant to Sections 711.27 of the Planning Code, permitted hours of operation are limited to 6:00am to 2:00am and require conditional use from 2:00am to 6:00am.

The proposed hours of operation are 9 a.m. to 9 p.m. Monday through Friday; 10 a.m. to 6 p.m. Saturday; and 11 a.m. to 5 p.m. Sunday and are within permitted hours of operation.

- 7. Conditional Use Authorization.** 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:

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

The proposed use would continue the Formula Retail use at the site. The project is desirable because it provides a centrally located retail service center for a widely used wireless service provider. The use is compatible with the surrounding commercial and residential uses.

- 2) Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- a) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the size, shape and arrangement of the building will not be altered as part of this project. The proposed work will not affect the building envelope.

- b) 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 will attract residents and visitors from outside of the neighborhood; however, this area is well served by transit.

- c) 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.

- d) 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 or lighting. New signage is required to comply with the requirements of the Planning Code and Formula Retail signage guidelines.

- e) 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.

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

The NC-2 districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes. Neighborhood-serving businesses are strongly encouraged. The proposed project is consistent with the stated purpose of the NC-2 District in that the intended use will provide a compatible service use for the immediately surrounding neighborhoods during daytime and evening hours, and is compliant with the limitations on certain uses within the NC-2 District.

- 8. **Formula Retail.** Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any conditional use pursuant Section 303.1, Formula Retail Uses:

- a. The existing concentrations of Formula Retail uses within the district.

There are 14 existing ground story Formula Retail establishments out of 100 retail establishments within this segment of San Bruno Avenue that are located within the NC-2 Zoning District. Therefore, the existing intensity of Formula Retail uses is approximately 14% of all businesses within the district. The proposed establishment would increase the concentration of Formula Retail establishments by 1%, which is a nominal increase in the Formula Retail commercial frontage in this district.

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

The San Bruno Avenue NC-2 District is a linear commercial street in the southeastern part of the City. Within the vicinity of the project site as shown on the Formula Retail Map, there is one existing Formula Retail wireless store (d.b.a. Metro PCS).

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

The project will occupy a vacant commercial space previously occupied by another Formula Retail use (d.b.a. RadioShack) and no exterior alterations are proposed. Therefore, the proposed use will have no effect on the architectural and aesthetic character of the district. Proposed signage will be limited to one pedestrian-scaled projecting sign and one halo illuminated wall sign.

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

According to the Project Sponsor, there are eleven other vacancies within the NC-2 District fronting on San Bruno Avenue. The vacancy rate within the ¼ mile vicinity is approximately 11%.

- e. The existing mix of citywide-serving retail uses and neighborhood-serving retail uses within the district.

39% (39) of the occupied retail uses in this segment of San Bruno Avenue zoned NC-2 are considered "Daily-Needs," or neighborhood-serving; of these, 2 are Formula Retail. The remaining 53% (53 locations) which do not serve daily needs are composed of 19 food and beverage uses, 8 other retail uses, 9 auto related uses, and 17 business, financial and professional service uses. The proposed retail use does not qualify as a "Daily-Needs" use. 11% (11 locations) sites are vacant.

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

Of the 100 commercial establishments within this segment of NC-2 zoned properties fronting on San Bruno Avenue, there are 14 Formula Retail establishments amounting to 14% Formula

Retail. The subject project would add an additional Formula Retail establishment to the district, increasing the intensity by 1%.

Land Use Type	NC-2 (San Bruno Avenue frontage from Silver and Paul Avenues) Frontage Total (feet)	NC-2 %
Automotive	644	15%
Financial	233	6%
Grocery	272	6%
Limited-Restaurant	452	10%
Restaurant	342	8%
Medical	403	9%
Personal Service	413	10%
Professional Service	299	7%
Other Retail	771	18%
Vacant	481	11%
Total	4310	100%

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

As the subject retail use is less than 20,000 square feet, an economic impact study is not required for this project.

9. **General Plan Compliance.** The Project is, on balance, consistent with the 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 1.3:

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

The proposed development will provide desirable services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the project site is located within a Small Scale Neighborhood Commercial District that runs along a heavily trafficked thoroughfare 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 occupy an existing vacancy with commercial activity similar to the one vacated from the subject project site in 2015, and will help 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. The project will provide the neighborhood with a retail store for a popular wireless service provider.

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.

No neighborhood-serving retail uses will be displaced by the project. The proposal would retain the previous mix of neighborhood-serving retail uses by replacing a Formula Retail use with a new Formula Retail use. The proposal would enhance the district by providing a convenient retail outlet for

a popular wireless provider in an area that contains only one similar store. The project will provide desirable goods and will provide 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 Project would not affect the character or diversity of the neighborhood. The project site does not possess any residential uses.

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

The Project would not have any effect on the City's supply of affordable housing. The project site does not possess any residential uses.

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

The Project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The project site is well-served by public transit.

- 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 due to commercial office development. The Project does not include commercial office development. Ownership of industrial or service sector businesses will not be affected by this project. The Project will enhance the future opportunity for resident employment by providing a new business within a vacant commercial space.

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

This proposal will not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing building is not a City Landmark, and has not been studied as a historic building.

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

The project will have no effect 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. 2015-010426CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 18, 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 July 7, 2016.

Jonas Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 7, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Formula Retail establishment (d.b.a. AT&T Authorized Retailer) located at 2490 San Bruno Avenue, Block 5925, Lot 012 pursuant to Planning Code Sections 303(c), 303.1, 703.4 and 711.40 within the NC-2 (Small Scale 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. **2015-010426CUA** and subject to conditions of approval reviewed and approved by the Commission on **July 7, 2016** under Motion No. **xxxxx**. 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 **July 7, 2016** under Motion No. **xxxxx**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **xxxxx** 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) **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 architectural addenda. 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.

- 7) **Signage.** The applicant will obtain a separate sign permits for one wall sign over the entry and one projecting sign per plans submitted. No animated signs are permitted.

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

OPERATION

- 8) **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the tenant space 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/>

- 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

- 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

Parcel Map

BLOCK 5925



SUBJECT PROPERTY

Printed: 18 June, 2016

Conditional Use Authorization
Case Number 2015-010426CUA
2490 San Bruno Avenue



Sanborn Map*

44 DATED TO THE MID 1990's
HISTORICAL CONTEXT
AV. THORNTON ST 845 SAN FRANCISCO VOL 8
856



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



Conditional Use Authorization
Case Number 2015-010426CUA
2490 San Bruno Avenue

Aerial Photo

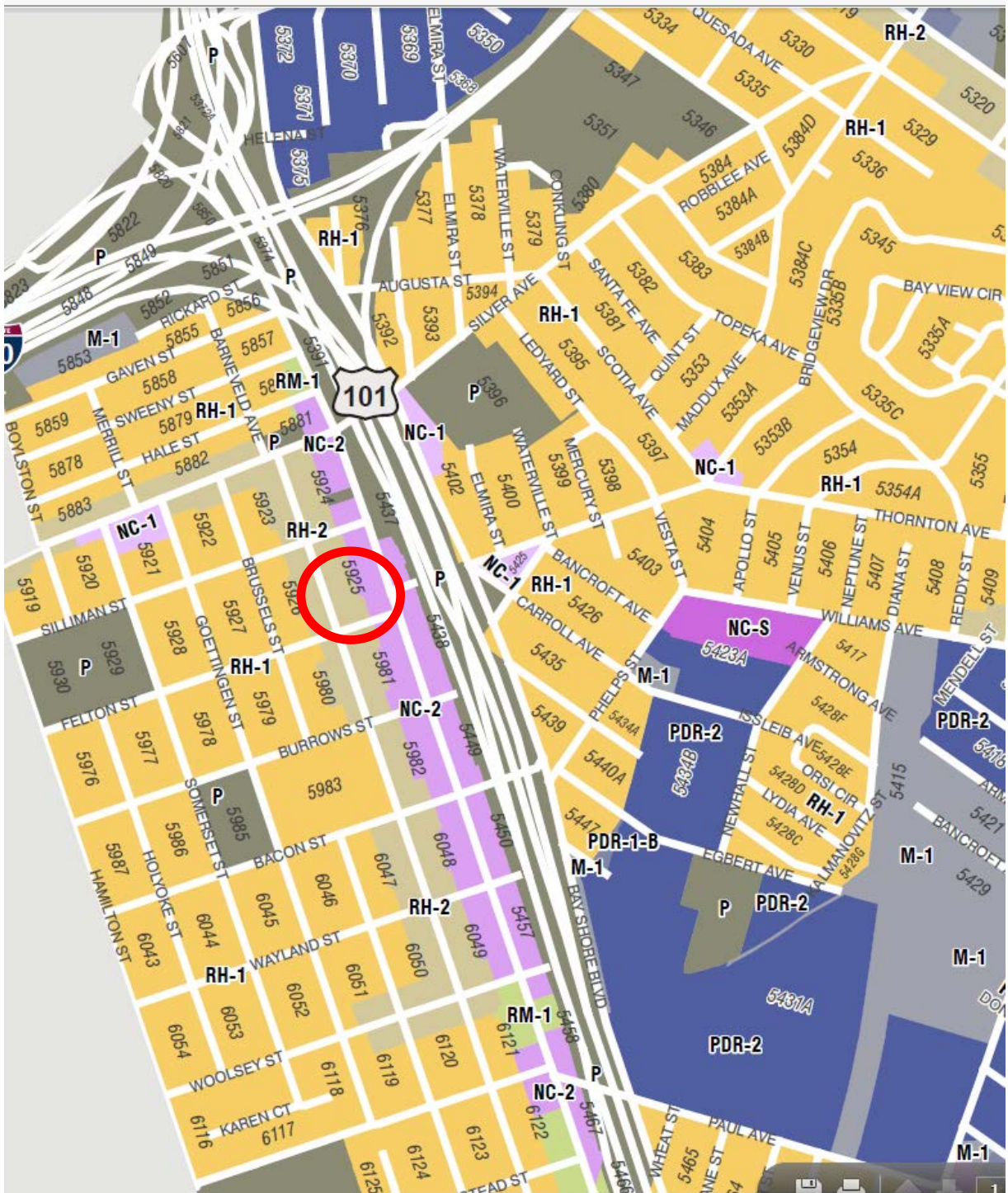


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2015-010426CUA
2490 San Bruno Avenue

Zoning Map



Conditional Use Authorization
Case Number 2015-010426CUA
2490 San Bruno Avenue

Site Photo



Street Frontage

Conditional Use Authorization
Case Number 2015-010426CUA
2490 San Bruno Avenue

REUBEN, JUNIUS & ROSE, LLP

June 22, 2016

Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, California 94103

**Re: 2490 San Bruno Avenue – AT&T Authorized Retailer
Planning Department Case No. 2015-010426CUA
Hearing Date: July 7, 2016
Our File No.: 8901.03**

Dear President Fong and Commissioners:

On behalf of Spring Communications Holding, Inc., a Delaware limited liability company dba AT&T Authorized Retailer (“**Spring Communications**”), this office is the project sponsor of a proposed formula retail AT&T Authorized Retailer use (the “**Project**”) located in an existing vacant formula retail space at 2490 San Bruno Avenue (the “**Property**”), on the west side of San Bruno Avenue between Felton and Silliman Streets in the Excelsior neighborhood. The Excelsior neighborhood is characterized by residential neighborhoods with San Bruno Avenue as the main commercial corridor.

The Property is an appropriate location for formula retail, and particularly for this AT&T Authorized Retailer, which does not have an adequate presence in this area for its customers. Pursuant to Planning Code Section 703.4(b), the Project seeks a conditional use authorization to establish a formula retail use at the Property.

A. Project Description

Spring Communications is the leading wireless solutions retailer for AT&T mobility products and services operating approximately 900 stores nationwide. Spring Communications will provide a full range of mobile products and services at the Property, including mobility devices, service plans and accessories.

Spring Communications proposes to occupy a vacant, approximately 1,908-square-foot retail space along San Bruno Avenue that was most recently occupied by a RadioShack store. The Property has been vacant since March 2015. The Project will involve interior tenant improvements, but will not expand the size of the existing unit or involve any exterior improvements aside from the installation of new signage that is consistent with other uses along

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600
San Francisco, CA 94104

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fax: 415-399-9480

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San Bruno Avenue. A floor plan, elevations and signage for the Project are attached as **Exhibit A**.

The Project, along with related Conditional Use Applications filed by Spring Communications for 1567 Sloat Boulevard and 5644 Geary Boulevard, will result in 13 stores in San Francisco that provide AT&T mobility products and services. A map showing the locations of the existing 10 AT&T stores in San Francisco and the location of the proposed Project is attached as **Exhibit B**.

Spring Communications has conducted significant community outreach for the Project since July 2015. It held a community meeting on the Project on July 29, 2015.

B. Benefits of the Project

The benefits of the Project will include:

- Renovating and re-activating an existing retail space that has been vacant for more than one year;
- Contributing to the viability of the San Bruno Avenue corridor by offering a variety of AT&T mobility products and services not otherwise available in the area;
- Reducing the number of automobile trips made by Excelsior residents to existing AT&T stores throughout the City;
- Creating new construction jobs during unit remodeling;
- Creating at least six new jobs in the City; and
- Generating new economic activity and production of business tax revenue to the City.

C. Compliance with Conditional Use Criteria for a Formula Retail Use

The Project meets and exceeds the requirements necessary to grant a conditional use authorization for a formula retail use at the Property.

The Property has sat vacant for more than one year and had been a source of blight in the neighborhood. Many community members expressed their discontent with the current state of the space during the public outreach that Spring Communications conducted. The façade of the Property was frequently covered with graffiti. In response to the community's feedback, Spring

Communications power washed the sidewalk in front of the Property, repainted the façade of the Property, and applied an anti-graffiti coating over the new paint on the façade of the Property. Photographs showing the graffiti removal and beautification of the Property are attached as **Exhibit C**.

The Project will not displace any existing retail uses, as it will occupy one of the approximately eight vacant retail spaces in the vicinity of the Property. By occupying one of these vacant spaces, the Project will help improve the retail market in the Excelsior neighborhood, while also beautifying a storefront and keeping it clear of garbage and graffiti. Also, the Project will attract more customers to this part of the City – customers who are more likely to support nearby businesses while they are in the area. The Project will contribute to the overall viability of the San Bruno Avenue corridor by offering AT&T mobility products and services that are not otherwise available in the area. There are currently no other retailers in the Excelsior neighborhood offering AT&T mobility products and services comparable to those provided by Spring Communications.

The Project will not result in a net increase in formula retail, and will provide a use that is appropriate for the San Bruno Avenue corridor. The Project will not involve any exterior renovations and will not expand the existing commercial space. It will have no effect on San Bruno Avenue's existing mix of Citywide and neighborhood-serving and retail uses.

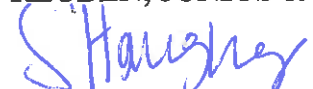
D. Conclusion

The Project requires conditional use authorization to operate a formula retail AT&T Authorized Retailer store in a vacant retail unit along San Bruno Avenue. An AT&T Authorized Retailer is a desirable new retail presence within the Excelsior neighborhood and will provide residents of the surrounding neighborhoods with access to a variety of AT&T mobility products and services not otherwise available. The Project will also create approximately six new jobs, most of which are anticipated to be filled by San Francisco residents. For all of these reasons and those described in the conditional use application, we respectfully request that this Commission grant this conditional use authorization.

We look forward to presenting the Project to you on July 7, 2016.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP


Stephanie L. Haughey

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San Francisco, CA 94104

tel: 415-567-9000
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REUBEN, JUNIUS & ROSE, LLP

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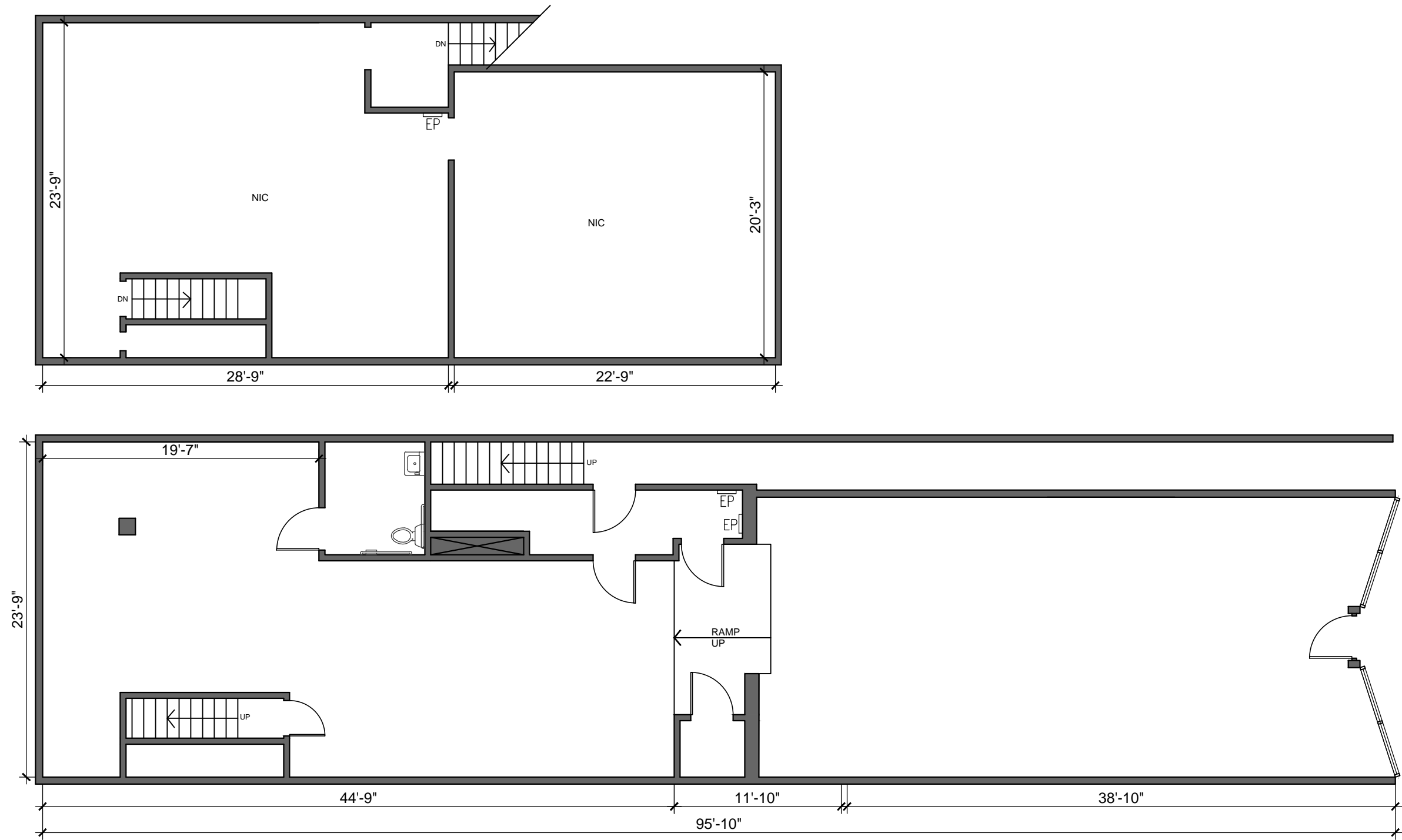
Enclosures

cc: Vice President Dennis Richards
Commissioner Michael J. Antonini
Commissioner Rich Hillis
Commissioner Christine D. Johnson
Commissioner Kathrin Moore
Commissioner Cindy Wu
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Jonas P. Ionin – Commission Secretary
Kimberly Durandet – Planning Department

Exhibit A

WALL LEGEND

EXISTING WALL
TO REMAIN.



EXISTING FLOOR PLAN

AT&T San Bruno - 2490 San Bruno Ave, San Francisco, CA 94134

Drawing Date: 1.18.2015

SCALE: 1/8" = 1'-0"

KAMUS + KELLER

Interiors | Architecture

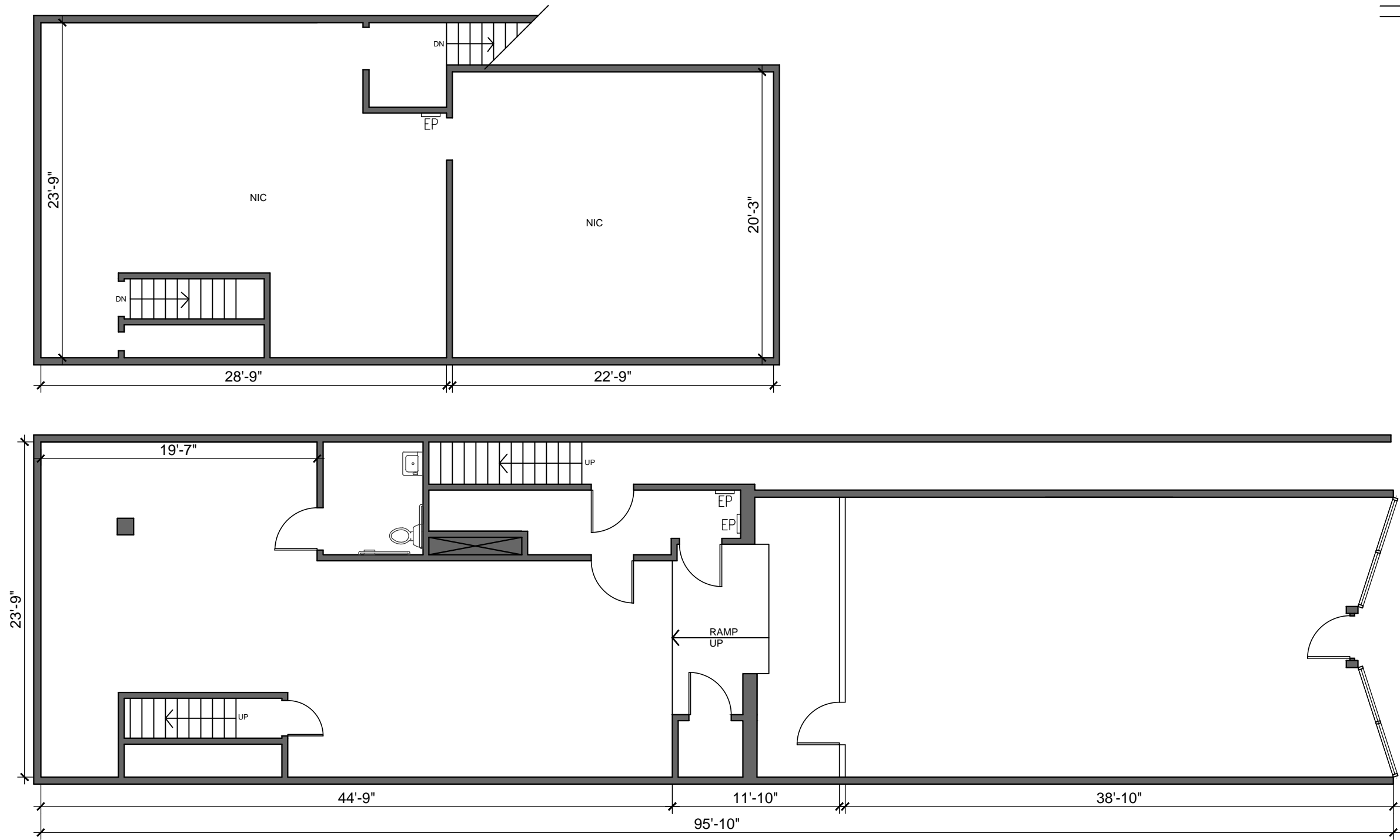
111 W. OCEAN BLVD.
SUITE 1750
LONG BEACH, CA
90802
P: 562.216.5244

WWW.KKAIA.COM

WALL LEGEND

EXISTING WALL
TO REMAIN.

NEW
PARTITION.



PROPOSED FLOOR PLAN

AT&T San Bruno - 2490 San Bruno Ave, San Francisco, CA 94134

Drawing Date: 1.18.2015

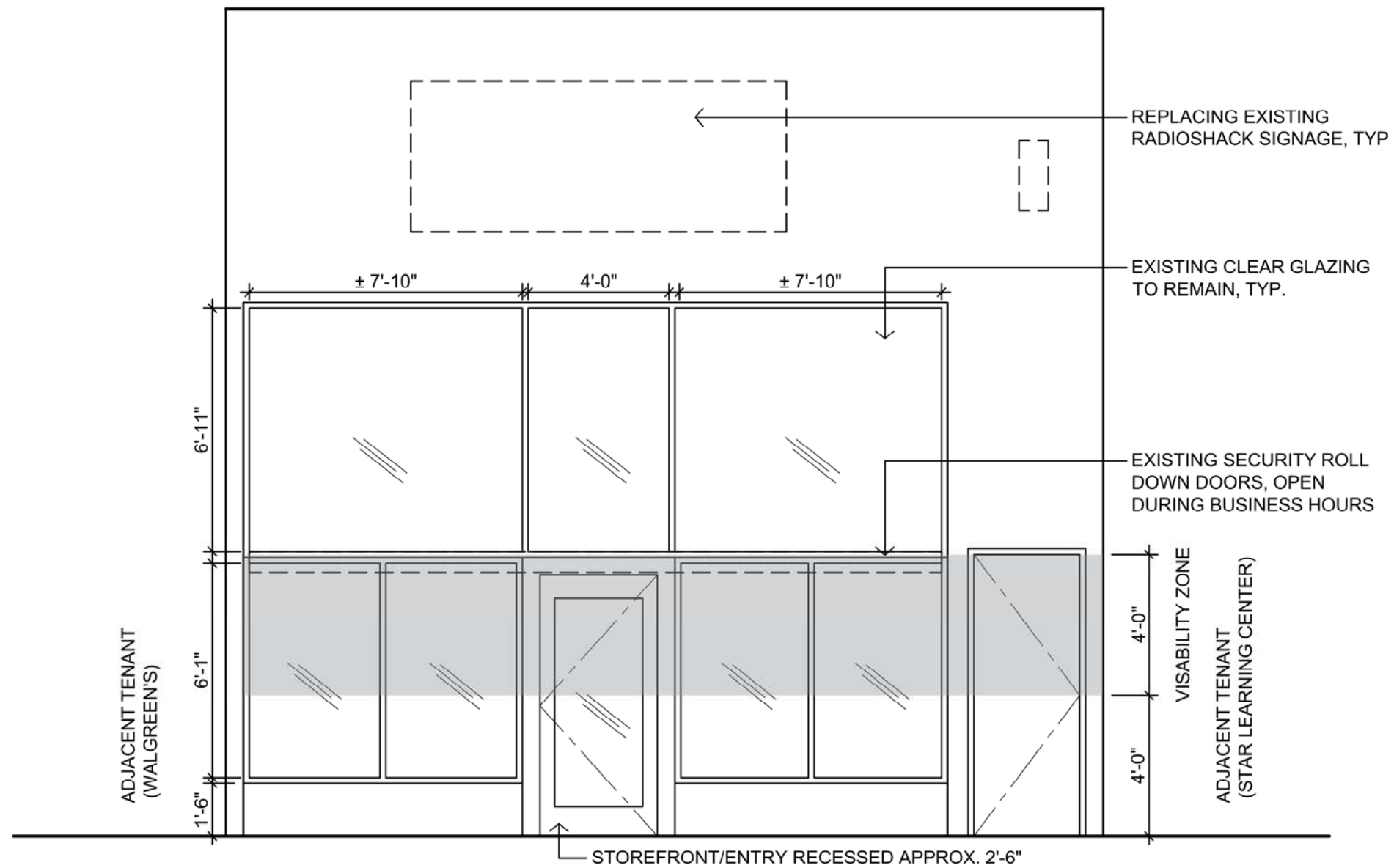
SCALE: 1/8" = 1'-0"

KAMUS + KELLER

Interiors | Architecture

111 W. OCEAN BLVD.
SUITE 1750
LONG BEACH, CA
90802
P: 562.216.5244

WWW.KKAIA.COM



EXISTING STOREFRONT ELEVATION

AT&T San Bruno - 2490 San Bruno Ave, San Francisco, CA 94134

Drawing Date: 1.18.2015

SCALE: 1/4" = 1'-0"



at&t

Authorized Retailer



City/State: San Francisco CA
Address: 2490 San Bruno Ave
Creation Date: 3-24-2015
Revised: 4-8-2015, 1-21-2016, 3-9-2016

C44461

S1

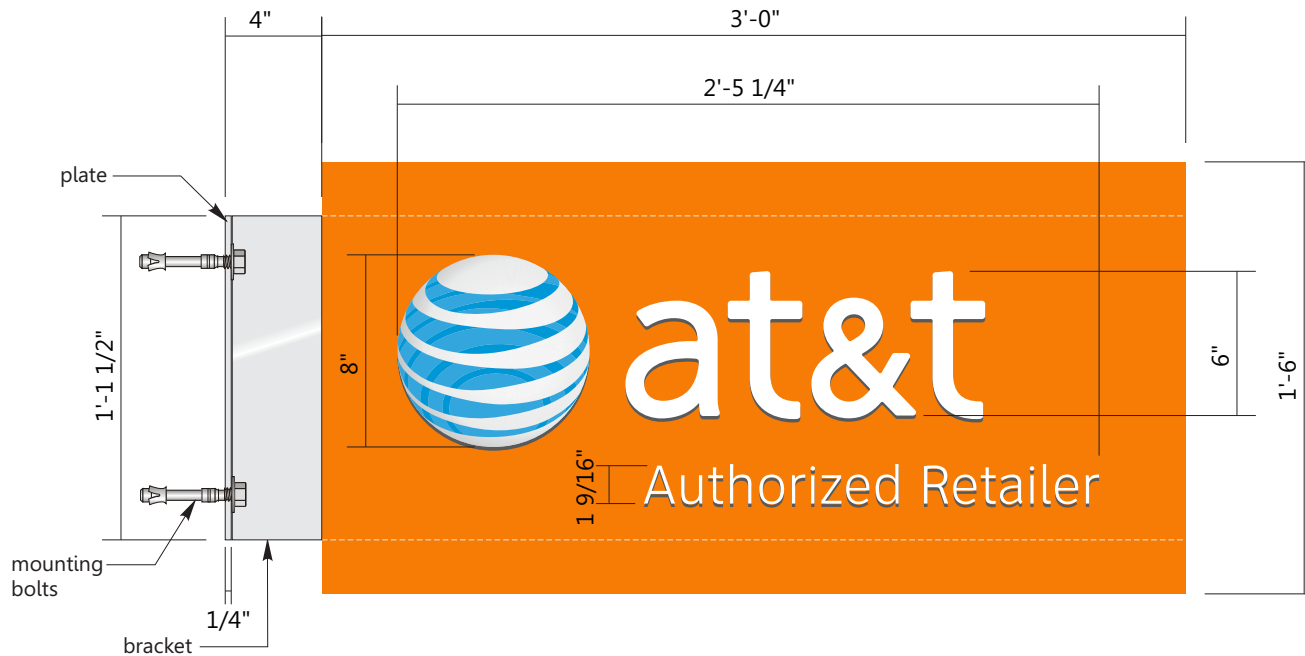
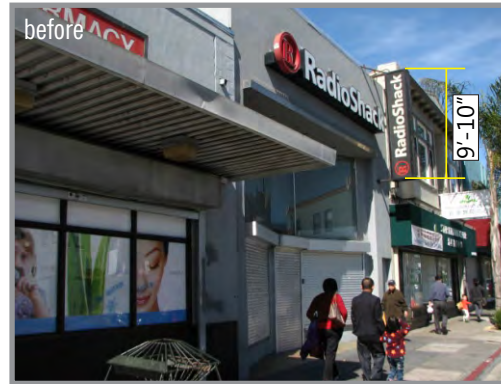
Custom Illuminated Blade Sign

Install custom blade sign. Cabinet to be constructed of 1" aluminum channel with aluminum skin. **LED illumination.** Paint exterior of cabinet PMS1505C Orange. Faces to be routed and backed with push-thru elements of white plex. Globe to receive digital print. Mounting bracket to consist of flat stock .25" thick aluminum welded to flat mounting plate. Weld internally to 1" square tubing welded to cabinet frame. Paint exterior of bracket and plate brushed aluminum.

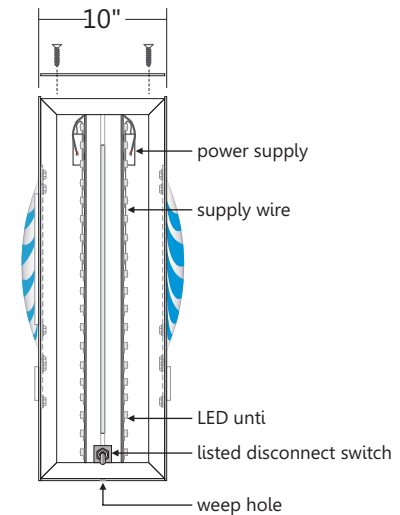
Color Specifications



The globe should be digitally printed at 600 DPI on a white vinyl carrier (3M #IJ-180-10). Artwork must include the full color globe and gradation displayed here. Standard 3M films and translucent inks are to be utilized to meet the required MCS warranty. The globe graphic should be covered with 3M #8519 clear overlaminate.



Scale: 1:8



Sq. Ft.

4.5

Revisions:

Revised to remove and replace existing / TD / 4.8.15	X
Added notes / TD / 12.16	X
reduced size and lowered on fascia - JAS - 3.9.16	X

File Location:
ArtDept\ColorColors\AT&T

Date: 03-24-2015

Designer: TD PM: TK

City/State: San Francisco CA

Address: 2490 San Bruno Ave

Drawing #

C44461-SI

Site Name

-

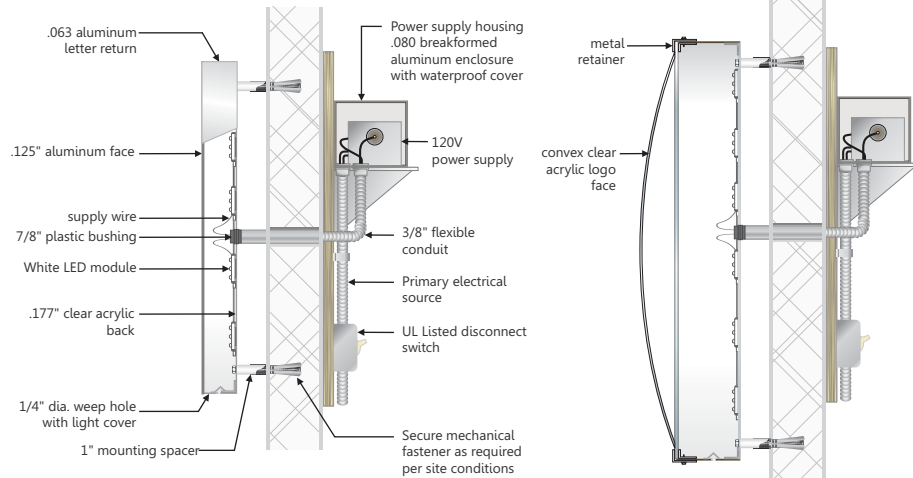
S2

Reverse Channel Illuminated Letterset - Black Faces

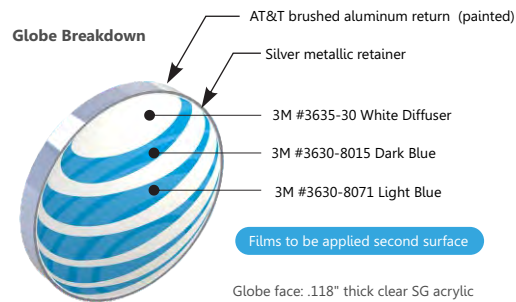
Remove existing letterset from elevation. Patch and paint facade as required. AT&T copy is halo illuminated reverse channel letters. "Authorized Retailer" to be non-illuminated plate letters, stud mounted flush to fascia.

"at&t" Letter Section Detail (typ.)

Globe Section Detail (typ.)



Globe Breakdown



Interior surfaces to be sprayed with Spray-Lat White Light enhancement paint.

"at&t" Breakdown



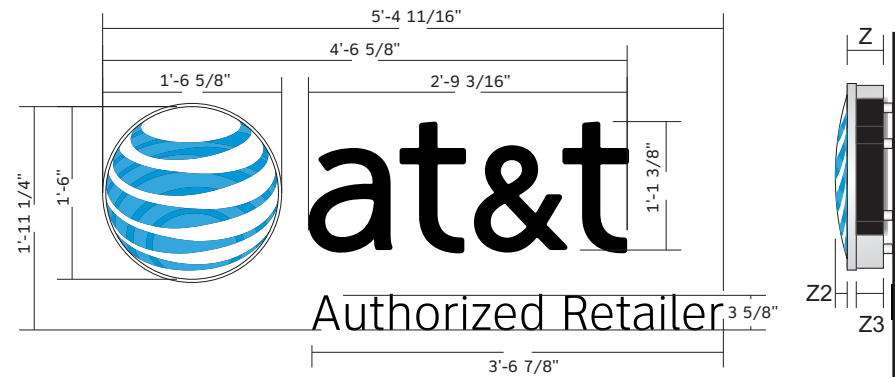
Letter faces: painted AT&T black, satin finish
Letter returns: painted AT&T black, satin finish

Auth ← 1/4" thick hydrojet cut aluminum letters painted AT&T black, satin finish on all surfaces and stud mounted flush to wall

after



Note: Width of sidewalk = 8'-0"



Scale 1:20

R	Z	Z2	Z3	Sq. Ft.
1/2"	4"	1 3/16"	3"	10.89'

Revisions:

Added notes / TD / 12/16
Changed to LHF-AR-BLK-V - custom - JAS - 3/16
X

X
X
X
X

File Location:
ArtDept\CoreColors\AT&T

Date: 03-24-2015

Designer: TD PM: TK

City/State: San Francisco CA

Address: 2490 San Bruno Ave

Drawing #

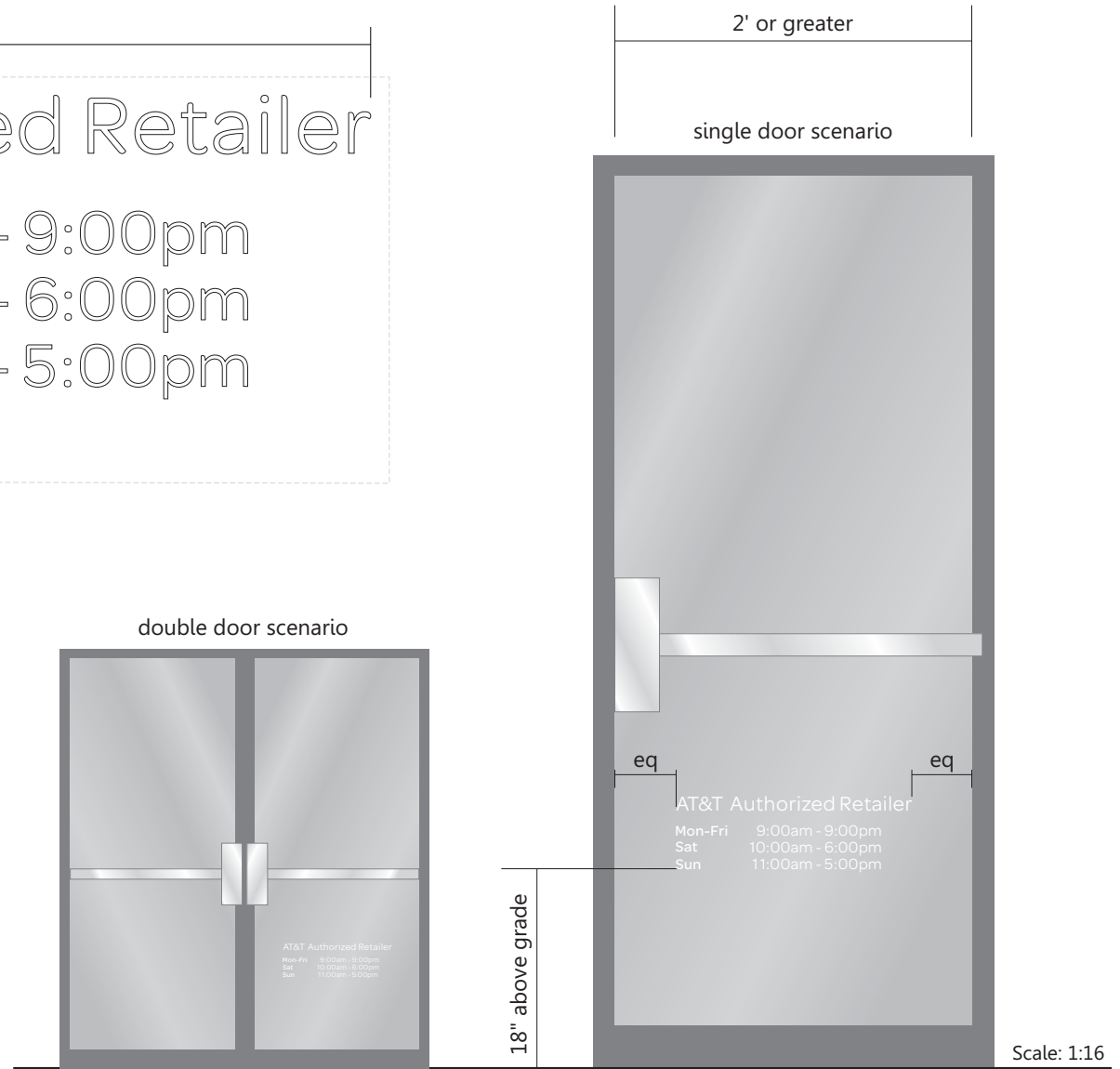
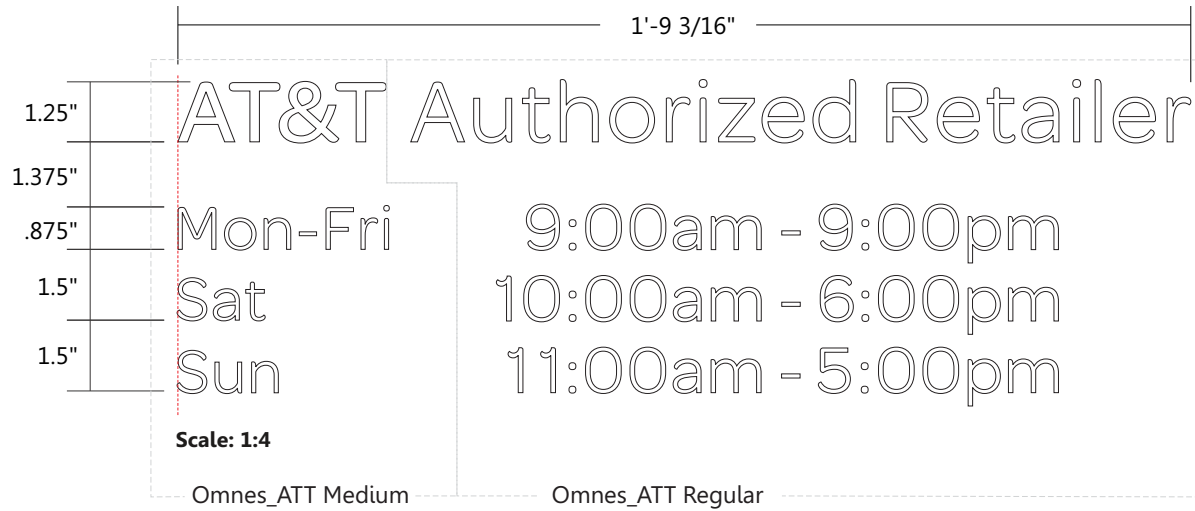
C44461-S2

Site Name

-

S3**Door Vinyl (First Surface)**

Apply new 3M #7725-10 White vinyl as shown. Store hours must be verified prior to manufacture. NOTE: Double door applications to be installed on right hand door only.



Revisions:

X	X
X	X
X	X
X	X

File Location:
ArtDept\CoreColors\AT&T

Date: 03-24-2015

Designer: TD PM: TK

City/State: San Francisco CA

Address: 2490 San Bruno Ave

Drawing #

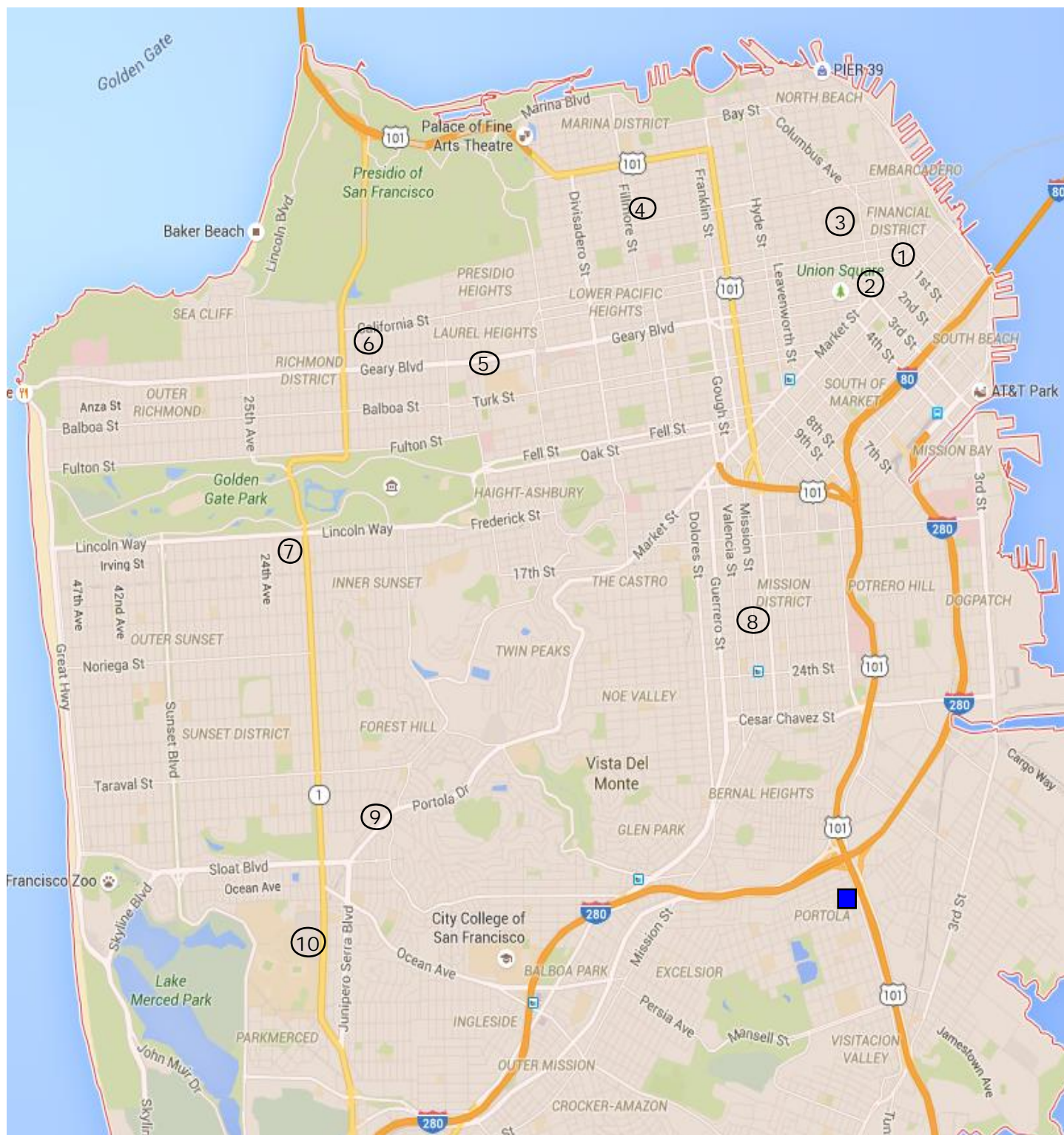
C44461-S3

Site Name

-

Exhibit B

AT&T Retail Stores and AT&T Authorized Retailers in San Francisco



KEY


- 1 - 425 Market Street
 - 2 - 701 Market Street
 - 3 - 851 Clay Street
 - 4 - 2135 Union Street
 - 5 - 3555 Geary Boulevard
 - 6 - 918B Clement Street
 - 7 - 2025 Irving Street
 - 8 - 2410 Mission Street
 - 9 - 244 W Portal Avenue
 - 10 - 3521 20th Avenue (Stonestown Mall)
-  - 2490 San Bruno Avenue (Project Site)

Exhibit C

Pre-Graffiti Removal and Sidewalk Cleanup



Pre-Graffiti Removal and Sidewalk Cleanup



Post-Graffiti Removal and Sidewalk Cleanup



Post-Graffiti Removal and Sidewalk Cleanup

