



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: APRIL 14, 2016

Date: April 4, 2016
Case No.: **2015-015784CUA**
Project Address: **1905 Fillmore Street**
Zoning: Upper Fillmore Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 0659/005
Project Sponsor: Lucian Blazej
50 Laidley Street
San Francisco, CA 94131
Staff Contact: Wayne Farrens – (415) 575-9172
wayne.farrens@sfgov.org

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PROJECT DESCRIPTION

The Project Sponsor proposes to establish an approximately 1,550 square-foot Formula Retail use (a clothing retailer dba "45RPM") in the existing tenant space. 45RPM is a Japanese clothing brand which currently operates 61 locations worldwide. The proposed location would be the second in the United States and the first in San Francisco. A new business sign is the only exterior change proposed.

The proposal requires a Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1, 703.3, and 703.4 to establish a Formula Retail use within the Upper Fillmore NCD Zoning District.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the west side of Fillmore Street between Wilmot and Bush Streets in the Western Addition neighborhood, Assessor's Block 0659, Lot 005. The parcel is approximately 10,366 square feet in area and is occupied by a one-story commercial building containing three tenant spaces constructed circa 1904. The subject tenant space on the ground floor is approximately 1,550 square feet, including a 250 square-foot mezzanine. The last use of the subject tenant space was a home furnishings store (dba "Zinc Details"), which has relocated to 1633 Fillmore Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located on the Fillmore Street commercial corridor on the west side of Fillmore Street. The Upper Fillmore Neighborhood Commercial District covers approximately six blocks of Fillmore Street between Jackson Street in the north and Bush Street in the south, as well as portions of Pine and California Streets. The surrounding development consists of a variety of commercial and mixed-use

buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of two- to four-story structures mostly built between 1900 and the 1930s. The Upper Fillmore NCD is intended to provide convenience goods and services to the surrounding neighborhoods as well as comparison shopping goods and services on a specialized basis for a wider trade area. Commercial businesses are active during the day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores. The surrounding zoning is primarily RH-2 (Residential House, Two-Family), RH-3 (Residential House, Three-Family), and the Fillmore Street Neighborhood Commercial Transit District (NCT).

There are 165 commercial storefronts within the district, 42 of which are Formula Retail establishments, amounting to a concentration of approximately 25.5%. The proposed establishment would increase this figure slightly to approximately 26.1%.

Table 1. District and Vicinity Ground Floor Frontage Breakdown per Land Use¹

LAND USE TYPE	TOTAL STREET FRONTAGE IN UPPER FILLMORE NCD (FT)	PERCENTAGE OF DISTRICT	TOTAL STREET FRONTAGE IN ¼ MILE VICINITY	PERCENTAGE OF VICINITY
Automotive	464	7.0%	564	4.3%
Bar	0	0.0%	70	0.5%
Entertainment	33	0.5%	620	4.8%
Financial Services (incl. Limited)	218	3.3%	404	3.1%
Hotel	0	0.0%	207	1.6%
Medical Service	0	0.0%	282	2.2%
Personal Service	762	11.5%	1344	10.3%
Professional Service	831	12.5%	1136	7.6%
Restaurant (incl. Limited)	1587	23.8%	3413	26.2%
Retail, Other	2986	44.9%	4731	36.4%
Vacant	235	3.5%	235	1.8%
Total	6652	100%	13006	100%

These calculations do not include non-retail establishments, such as institutions, parking, or public services.

ENVIRONMENTAL REVIEW

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

¹ The District and Vicinity Ground Floor Frontage Breakdown per Land Use table was developed using data collected by the project sponsor and reviewed by Planning Department Staff in 2016.

HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	March 25, 2016	March 23, 2016	22 days
Posted Notice	20 days	March 25, 2016	March 23, 2016	22 days
Mailed Notice	30 days	March 15, 2016	March 15, 2016	30 days

PUBLIC COMMENT

- The Planning Department has received a letter of support from the Fillmore Merchants and Neighborhood Association, attached as Exhibit A. There is no known opposition to the project.

ISSUES AND OTHER CONSIDERATIONS

- The proposed establishment is considered a Formula Retail use with approximately 61 locations worldwide. The proposed location would be the first in San Francisco and the second in the United States. Formula Retail findings are included in the Draft Motion for the Commission to consider.
- There are 42 existing Formula Retail establishments out of 165 commercial uses within the Upper Fillmore NCD Zoning District, amounting to a total concentration of approximately 25.5%. The proposal would increase this figure slightly to approximately 26.1%.
- Of the 165 commercial uses within the Upper Fillmore NCD Zoning District, 38 are clothing retailers, of which 16 are considered Formula Retail.

REQUIRED COMMISSION ACTION

For the project to proceed, the Commission must grant Conditional Use authorization to establish a Formula Retail use (dba "45RPM") in the Upper Fillmore NCD Zoning District, pursuant to Planning Code Sections 303, 303.1, 703.3, and 703.4.

BASIS FOR RECOMMENDATION

- The project would fill an existing vacancy and continue the historic retail use of the subject tenant space.
- The proposed use would only slightly increase the Formula Retail concentration within the district and ¼ mile vicinity.
- The subject site is within close access to public transit, including Muni lines 1, 2, 3, and 22.
- 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 and has the support of the Fillmore Merchants and Neighborhood Association.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photograph
- Site Photograph
- Map of Formula Retail Locations in the Vicinity
- Project Sponsor Submittal
- Reduced Plans

Exhibit 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"/> Block Book Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photos | <input type="checkbox"/> Community Meeting Notice |
| <input type="checkbox"/> Context Photo | <input type="checkbox"/> Public Correspondence |
| <input checked="" type="checkbox"/> Site Photo | |

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

WF
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: APRIL 14, 2016

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 303.1, 703.3, AND 703.4 OF THE PLANNING CODE TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE (DBA “45RPM”), WITHIN THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 9, 2015, Lucian Blazej (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303 and 303.1 to allow the establishment of a Formula Retail use (dba “45RPM”), located within the Upper Fillmore Neighborhood Commercial District and the 40-X Height and Bulk District.

45RPM is a Japanese clothing retailer with approximately 61 locations worldwide. The proposed location would be the second in the United States and the first in San Francisco.

On April 14, 2016, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-015784CUA.

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. 2015-015784CUA, 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 Fillmore Street between Wilmot and Bush Streets in the Western Addition neighborhood, Assessor's Block 0659, Lot 005. The parcel is approximately 10,366 square feet in area and is occupied by a one-story commercial building containing three tenant spaces constructed circa 1904. The subject tenant space on the ground floor is approximately 1,550 square feet, including a 250 square-foot mezzanine. The last use of the subject tenant space was a home furnishings store (dba "Zinc Details"), which has relocated to 1633 Fillmore Street.
3. **Surrounding Neighborhood.** The project site is located on the Fillmore Street commercial corridor on the west side of Fillmore Street. The Upper Fillmore Neighborhood Commercial District covers approximately six blocks of Fillmore Street between Jackson Street in the north and Bush Street in the south, as well as portions of Pine and California Streets. The surrounding development consists of a variety of commercial and mixed-use buildings mostly featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists of a mix of two- to four-story structures mostly built between 1900 and the 1930s. The Upper Fillmore NCD is intended to provide convenience goods and services to the surrounding neighborhoods as well as comparison shopping goods and services on a specialized basis for a wider trade area. Commercial businesses are active during the day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores. The surrounding zoning is primarily RH-2 (Residential House, Two-Family), RH-3 (Residential House, Three-Family), and the Fillmore Street Neighborhood Commercial Transit District (NCT).
4. **Project Description.** The Project Sponsor proposes to establish an approximately 1,550 square-foot Formula Retail use (a clothing retailer dba "45RPM") in the existing tenant space. 45RPM is a Japanese clothing brand which currently operates 61 locations worldwide. The proposed location would be the second in the United States and the first in San Francisco. A new business sign is the only exterior change proposed.

5. **Public Comment.** The Planning Department has received a letter of support from the Fillmore Merchants and Neighborhood Association, attached as Exhibit A. There is no known opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:

A. Formula Retail. Planning Code Section 703.3 provides additional criteria for the Planning Commission to consider when considering any discretionary review pursuant to Section 703.3, Formula Retail Uses:

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

There are 42 existing ground story Formula Retail establishments out of 165 commercial establishments within the district. The existing intensity of Formula Retail uses is approximately 25.5% of all businesses within the district, and 28.8% of the total commercial retail street frontage. The proposed establishment would increase these figures slightly to 26.1% and 29.2% respectively.

Based on an evaluation of the linear frontage of all retail locations located within a ¼ mile of the subject property, 62 of 288 commercial establishments are Formula Retail. This comprises approximately 21.5% of the businesses and 26.1% of the commercial street frontage at the ground floor. The proposed establishment would increase these figures slightly to 21.9% and 26.3% respectively.

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

Within the district there are 38 clothing retailers, 16 of which are considered Formula Retail. These figures are similar within the ¼ mile vicinity, with 42 clothing retailers, 17 of which are Formula Retail.

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

The project will occupy an existing tenant space and does not propose any façade changes, with the exception of new signage. The proposed signage utilizes an existing blade sign fixture which is consistent in size and shape with the other commercial tenants on the subject block.

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

There are currently nine vacancies out of 165 commercial locations within the district, equating to a vacancy rate of approximately 5.5%. The proposed establishment would fill one of these existing vacancies, reducing the vacancy rate to approximately 4.9%.

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

Approximately 24% (39 locations) of the ground floor commercial uses in the district are "Daily-Needs," or neighborhood-serving; of these, 12 are Formula Retail. Approximately 71% (117 locations) of ground floor commercial uses in the district are considered "Citywide-serving." The proposed use is considered a Citywide-serving use, resulting in a slight shift to approximately 23% Daily-Needs and 72% Citywide-serving.

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

The proposed use is consistent with the existing character of the district, which is composed of many Formula Retailers who specialize in a variety of goods and services.

Table 1. Upper Fillmore NCD Ground Floor Frontage Breakdown per Land Use¹

LAND USE TYPE	TOTAL STREET FRONTAGE IN UPPER FILLMORE NCD (FT)	PERCENTAGE OF DISTRICT
Automotive	464	7.0%
Bar	0	0.0%
Entertainment	33	0.5%
Financial Services (incl. Limited)	218	3.3%
Hotel	0	0.0%
Medical Service	0	0.0%
Personal Service	762	11.5%
Professional Service	831	12.5%
Restaurant (incl. Limited)	1587	23.8%
Other Retail	2986	44.9%
Vacant	235	3.5%
Total	6652	100%

The use mix is varied in the district. Other Retail, the use category of the proposed establishment, makes up the largest percentage of the district at approximately 45%. These calculations do not include non-retail establishments, such as institutions, parking, or public services.

¹ The Upper Fillmore NCD Ground Floor Frontage Breakdown per Land Use table was developed using data collected by the Project Sponsor and reviewed by Planning Department Staff in 2016.

- 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.

- B. 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 ground floor 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 at the ground floor will be used. The project does not propose any decorative railings or grillwork in front of or behind existing windows.

- C. Off-Street Parking.** Section 151 requires retail uses 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 therefore does not require the provision of off-street parking. No off-street parking is proposed.

- D. 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. No off-street freight loading is proposed.

- E. Use Size.** Section 718.21 establishes size limits on nonresidential uses in the Upper Fillmore NCD. Within the District, conditional use authorization is required for any nonresidential use that exceeds 2,499 square feet.

The subject space occupies less than 2,499 square feet; therefore the Project does not require Conditional Use authorization for use size.

- F. Hours of Operation.** Pursuant to Sections 718.27 of the Code, the principally permitted hours of operation are from 6 a.m. to 2 a.m.

The proposed hours of operation are 10 a.m. to 6 p.m., seven days a week.

- G. 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:

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

The proposed project is desirable because it will fill an existing vacancy and add a unique product line that complements the diverse offerings along Fillmore Street. The proposed project has received support from the Fillmore Merchants and Neighborhood Association.

- 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:

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.

- c. 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 may attract residents and visitors from outside of the neighborhood; however, this area is well serviced by transit, including Muni lines 1, 2, 3, and 22.

- d. 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.

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

The project would not alter the site's landscaping, open spaces, parking and loading areas, service areas, and lighting. Any new signage will be required to comply with the requirements of the Planning Code.

- f. 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.

- g. That the use as proposed would provide development that is in conformity with the purpose of the applicable Zoning District.

The proposed project is consistent with the stated purpose of the Upper Fillmore NCD Zoning District in that the intended use will provide a compatible retail use and is compliant with the limitations on certain uses within the district.

- 8. **General Plan Compliance.** The project is 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 1.2:

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

Policy 1.3:

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

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

OBJECTIVE 2:

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

Policy 2.1:

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

The project will fill an existing vacancy with commercial activity similar to the one that vacated the site in 2015, and will help maintain the diverse economic base of the City.

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

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

The proposal is considered a Citywide-serving use and fills a vacancy that was last occupied by a Citywide-serving use.

- 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.

- 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.

- 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, including Muni lines 1, 2, 3, and 22.

- 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.

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 landmark. Exterior improvements are not proposed other than new signage.

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

The project will have no negative effect on existing parks and open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-015784CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 9, 2015, 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 April 14, 2016.

Jonas Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 14, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to establish a Formula Retail use (dba "45RPM") located at 1905 Fillmore Street, Block 0659, Lot 005 pursuant to Planning Code Sections 303, 303.1, 703.3, and 703.4 within the **Upper Fillmore NCD (Neighborhood Commercial District) Zoning District**, and a **40-X** Height and Bulk District; in general conformance with plans, dated **December 9, 2015** and stamped "EXHIBIT B" included in the docket for Case No. **2015-015784CUA** and subject to conditions of approval reviewed and approved by the Commission on **April 14, 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 **April 14, 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

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

MONITORING

4. **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

OPERATION

5. **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/>

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

MONITORING - AFTER ENTITLEMENT

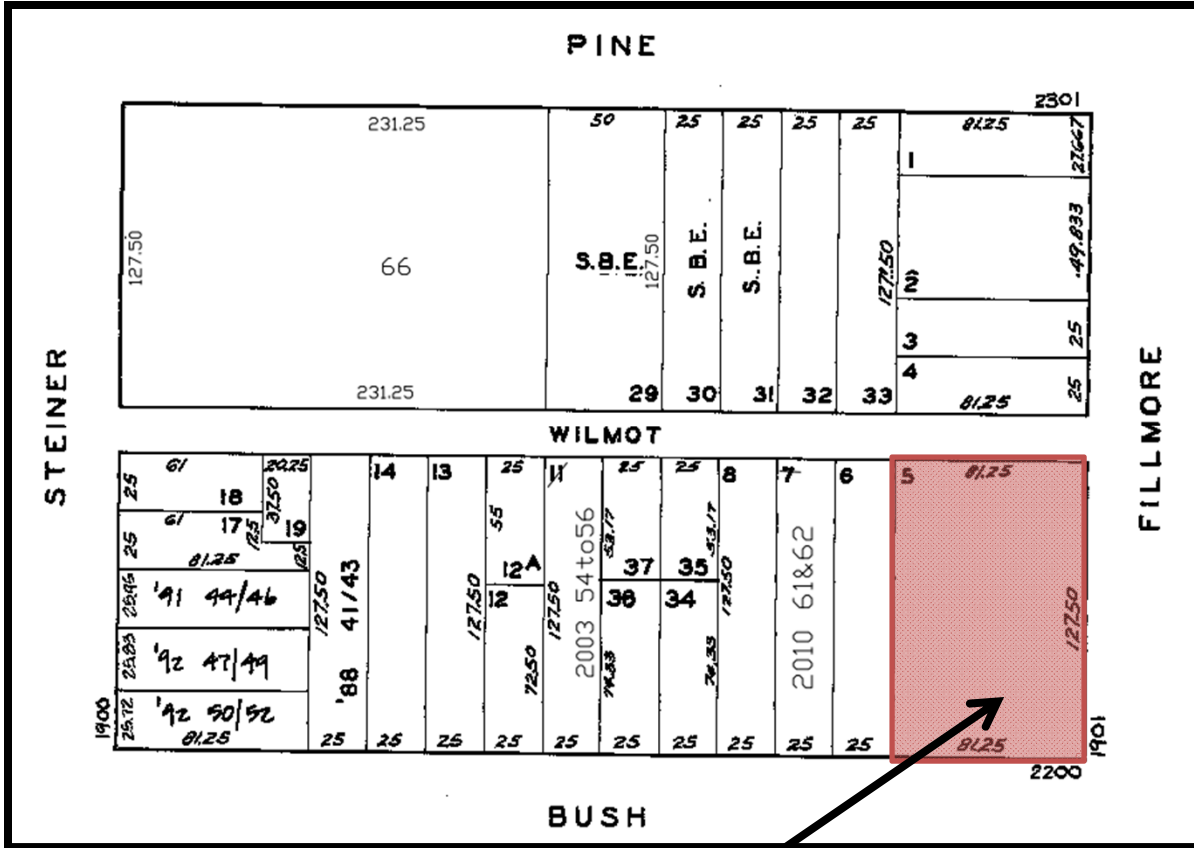
6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176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

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

7. **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

Block Book Map



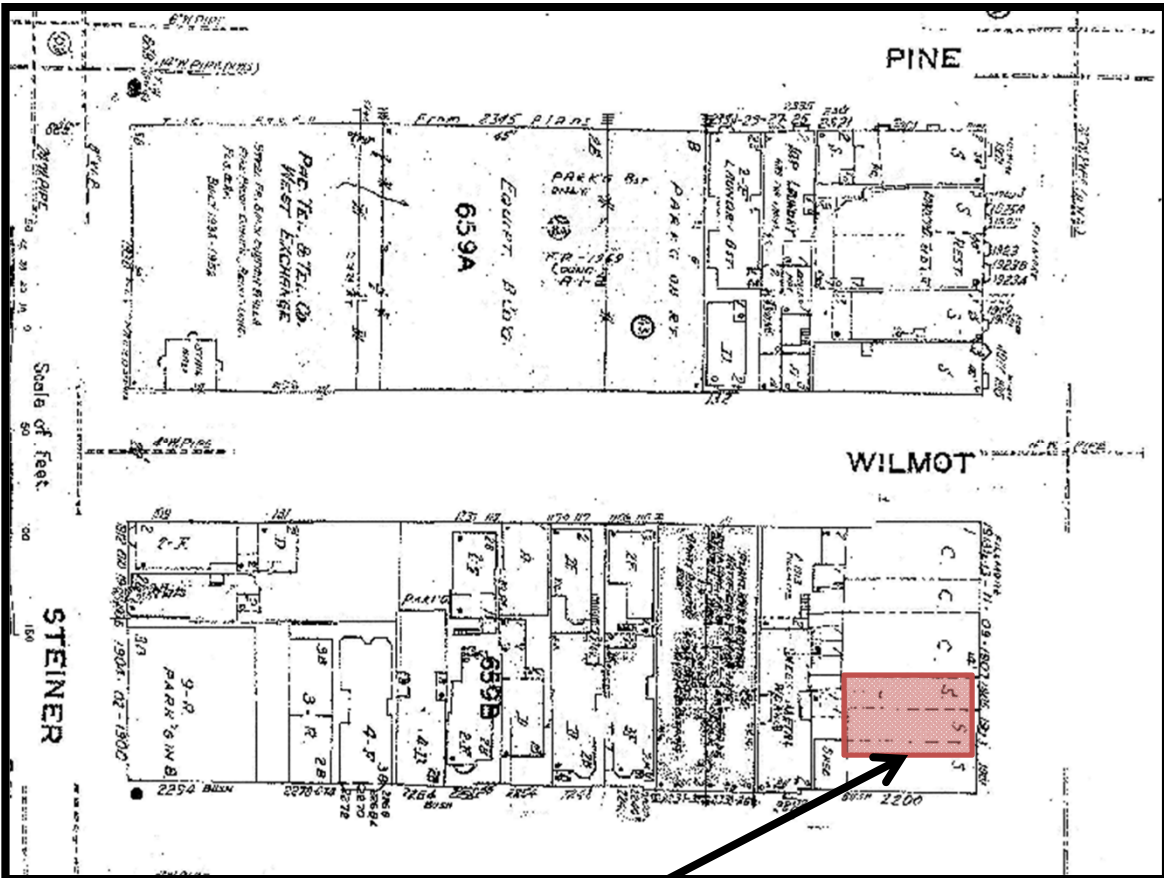
SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-015784CUA
1905 Fillmore Street
Block 0659 Lot 005

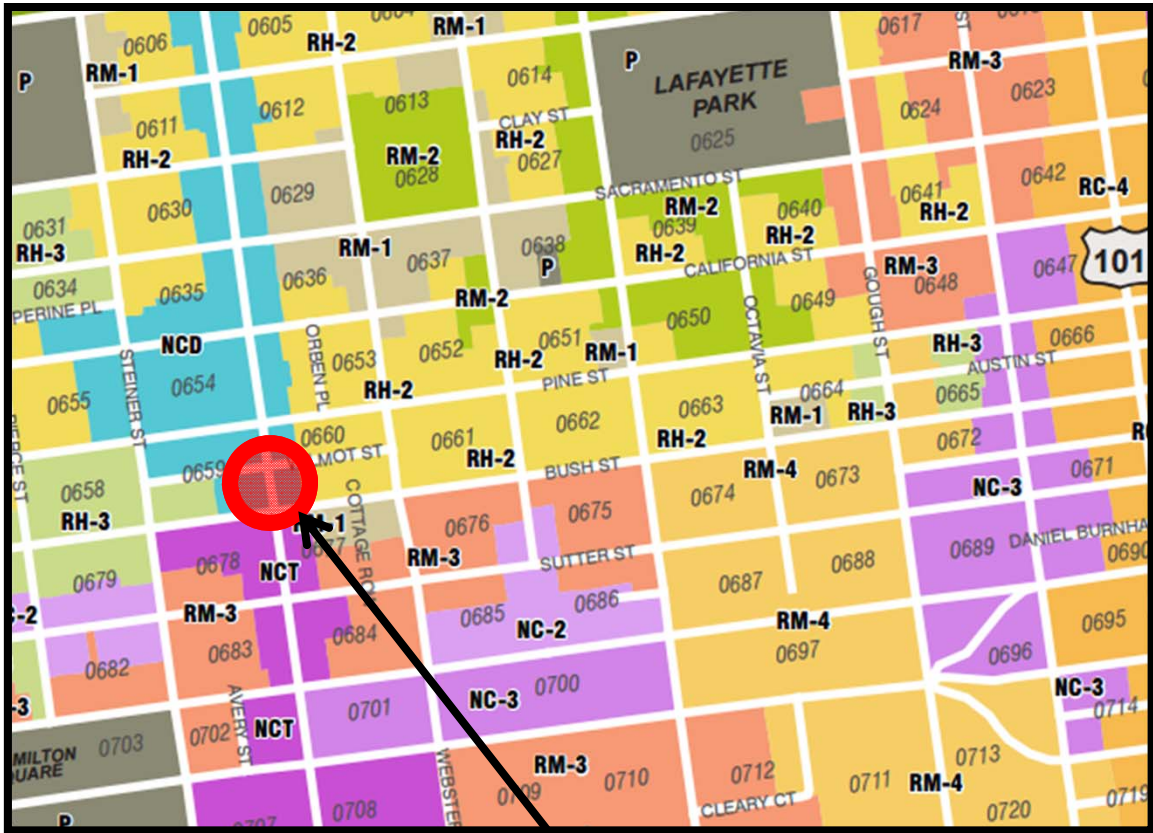
Sanborn Map



SUBJECT PROPERTY



Zoning Map



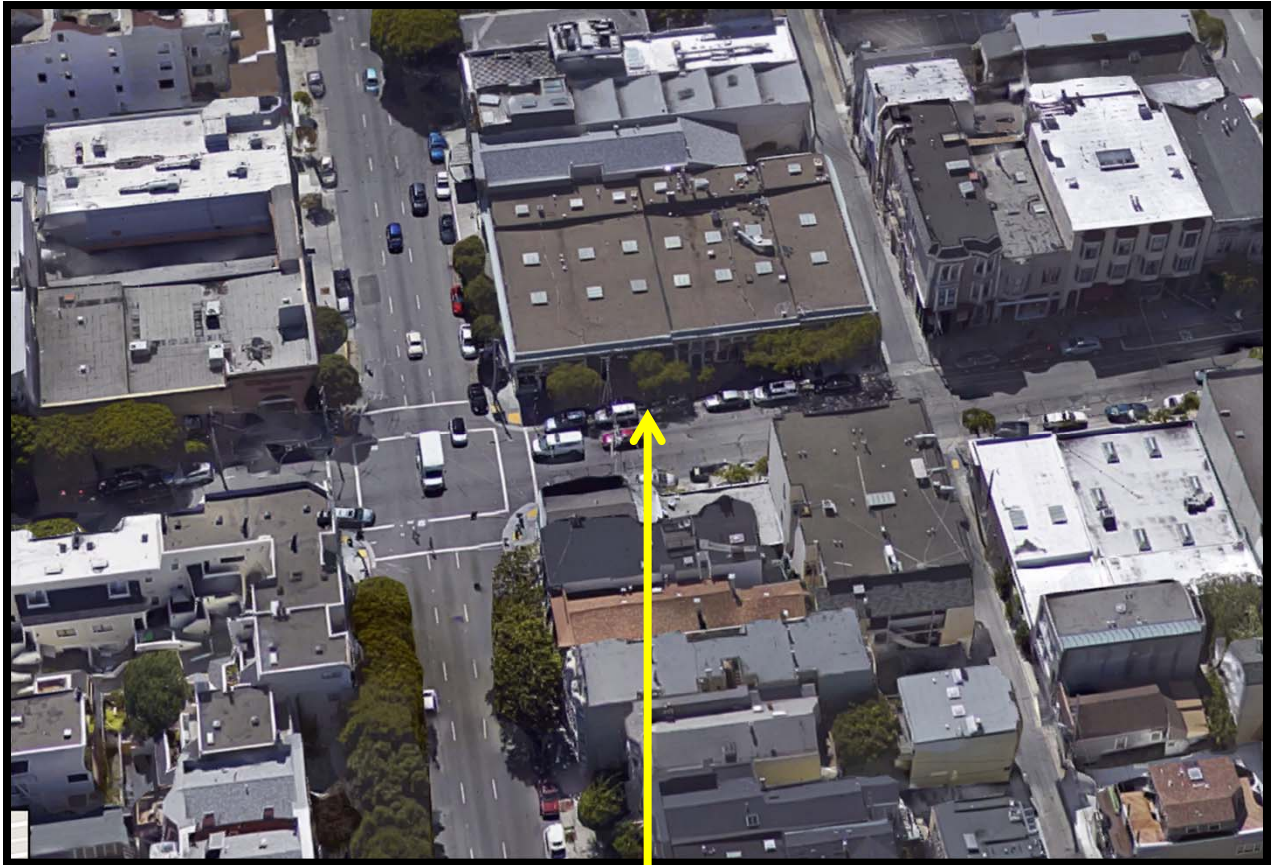
SUBJECT PROPERTY

**SAN FRANCISCO
PLANNING DEPARTMENT**



Conditional Use Hearing
Case Number 2015-015784CUA
1905 Fillmore Street
Block 0659 Lot 005

Aerial Photo



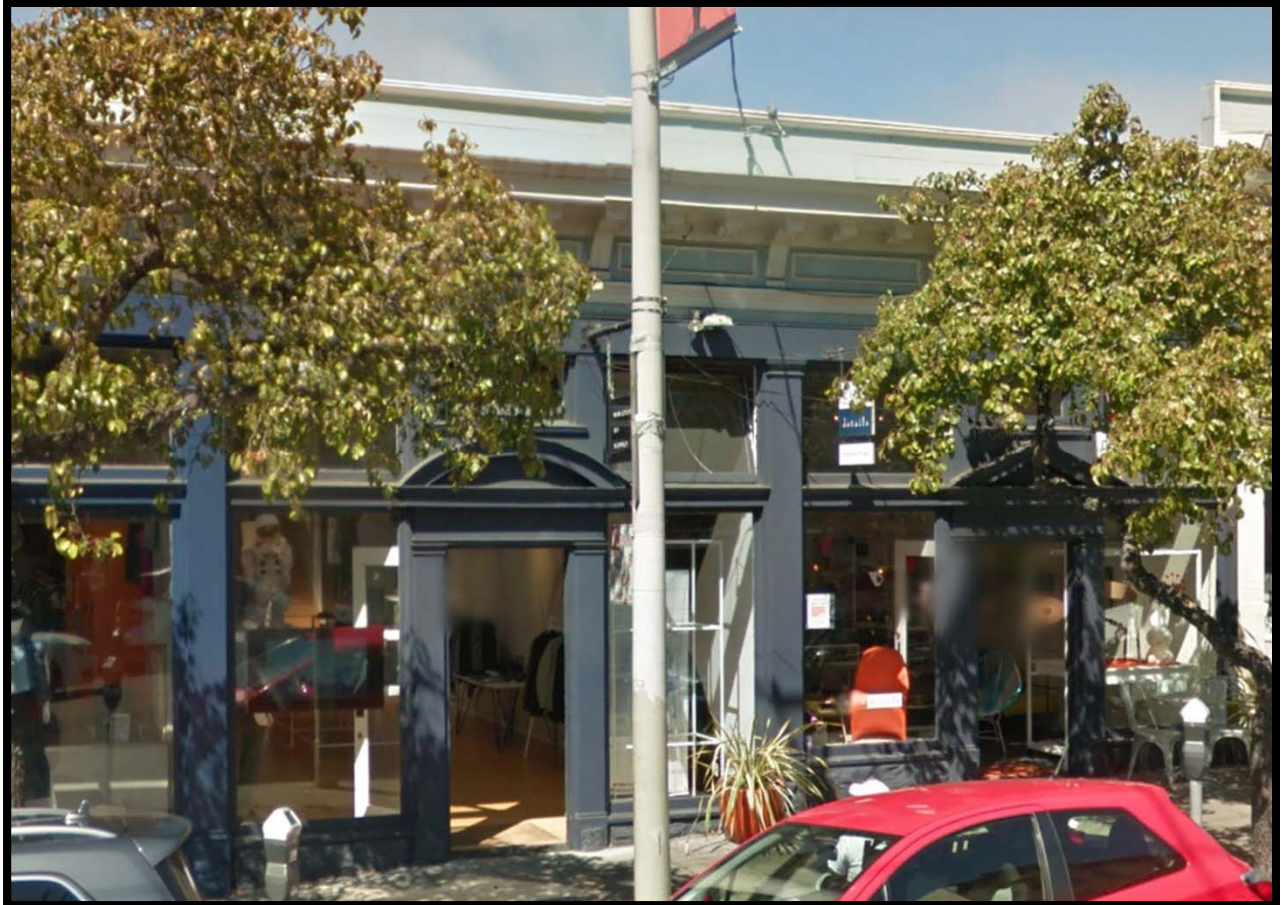
SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-015784CUA
1905 Fillmore Street
Block 0659 Lot 005

Site Photo

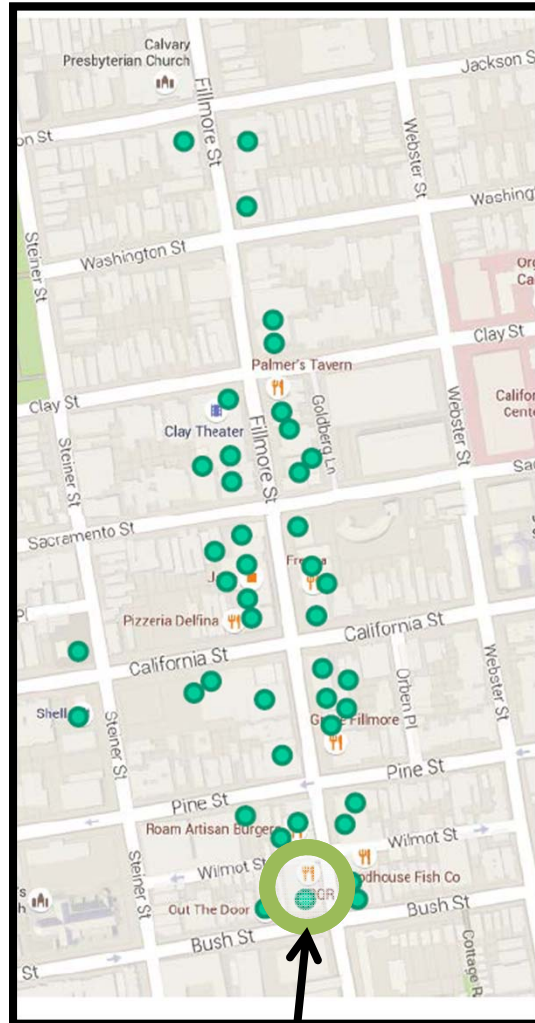


SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-015784CUA
1905 Fillmore Street
Block 0659 Lot 005

Formula Retail Locations Within Upper Fillmore NCD



SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-015784CUA
1905 Fillmore Street
Block 0659 Lot 005



*45rpm studio usa inc. 169 Mercer Street, New York, NY 10012
+1 917 237 0045 www.rby45rpm.com*

March 18, 2016

Honorable Members
San Francisco City Planning Commission
1660 Mission Street, 4th Floor
San Francisco, CA 94103

Project: Case No. 2015-015784CUA – 1905 Fillmore - “45RPM”
Subject: Requesting Approval – CU Hearing – April 14, 2016

Honorable Commissioners:

45RPM Studio, an apparel manufacturer and retailer based in Japan, would like to open its second store in America at 1905 Fillmore, a space that was recently vacated by Zinc Details which moved to a larger space at 1633 Fillmore.

45RPM Studio offers a variety of men’s and women’s high quality garments that are hand crafted using traditional techniques including Ai-dye, shibori (tie-dye), khadi, homespun, hand-dye and embroidery. Ai-dye, which is known as “Japan Blue”, is our specialty and is incorporated in many of our merchandise. The resulting garments are of unique and artistic quality, maintaining comfort as a daily wear and durability over time.

45RPM takes great pride not only in the quality and uniqueness of our merchandise, but also in the quality and expression of how we design our stores and how we display our merchandise in them. Each 45RPM store is uniquely designed and fabricated by Japanese artists and artisans, reflecting a unique contemporary Japanese cultural expression using such design materials as stone, wood, mud, and ceramics. We offer Japanese hospitality by satisfying customers with our sense of beauty.

45RPM stores are typically open from 10 AM to 6 PM, seven days a week. It is anticipated that approximately three full time and three part time employees will staff the facility.

We feel that 45RPM will be a good fit within the overall mix of merchants on Upper Fillmore Street because we offer a unique product line that will complement the mix of retailers on Fillmore Street. We feel that 45RPM will strengthen and reinforce the quality and breadth in apparel merchandise selection on Fillmore Street, and consequently attract additional shoppers and provide a more satisfying shopping experience.

We respectfully request your support and approval of this project.

Sincerely,

Fumie Mizunaga
President



45 **α**

45rpm studio co., ltd.



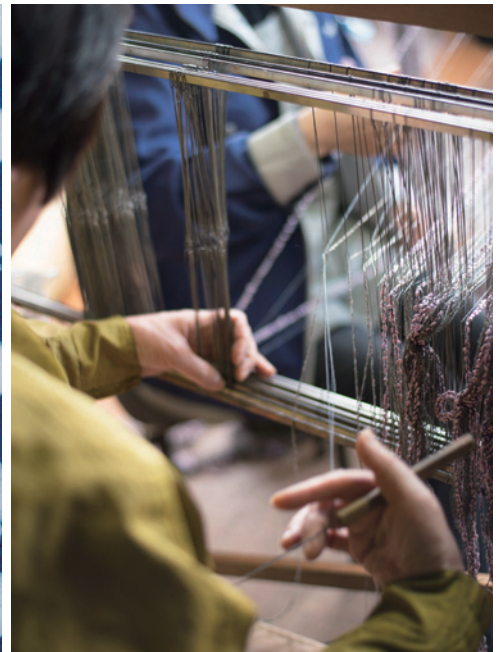
45rpm Corporate Philosophy

“Providing comfortable clothes.”

We aim to produce durable, long-lasting, comfortable clothing as we, Japanese, have been doing for many years. We rediscover such Japan’s superiority and influence the world.

“Providing comfortable clothes to the people around the world.”

Based on such a simple philosophy, 45rpm is determined to create products, personnel, and a company that can contribute to the happiness of our team of craftsmen, our customers and to each region we represent.



45rpm Products

45rpm produces its original clothes almost all made in Japan working with the experts in each area of profession from the spinning, the weaving, and the sewing to the special processing, all known for the detailed and the delicate crafting we, Japanese, are proud of. Eighty percent of all our items are made of cotton. The cotton we use is free from defoliants, but is handpicked and is gentle to people and the environment. We also incorporate Japanese globally known traditional techniques such as Ai-dye (indigo dye), Shibori-dye (tie-dye) and embroidery into our modern casual wear, which as a result contribute to the succession of such techniques to the next generation.



45rpm's Contribution to the Japanese Textile Industry

Among the current trend of outsourcing many textile works to outside of Japan, mainly to China, 45rpm has been working together with about 50 companies of spinning, weaving, sewing and the processing in Japan's textile industry to organize a union to improve techniques of each area of specialty and to stabilize the economy of each other. We also operate manufacturing factories for the knitted items as well as for the cut and sew items in Aichi prefecture contributing to the employment of youth and women who resides in the area.



45rpm Shops

Our shops are designed based on Japanese architecture including the refined and well-cultivated taste of teahouse aesthetics. We choose natural materials like wood, stone and mud for the environmental sustainability.



Globalization and the Opening of a shop on Fillmore Street, San Francisco

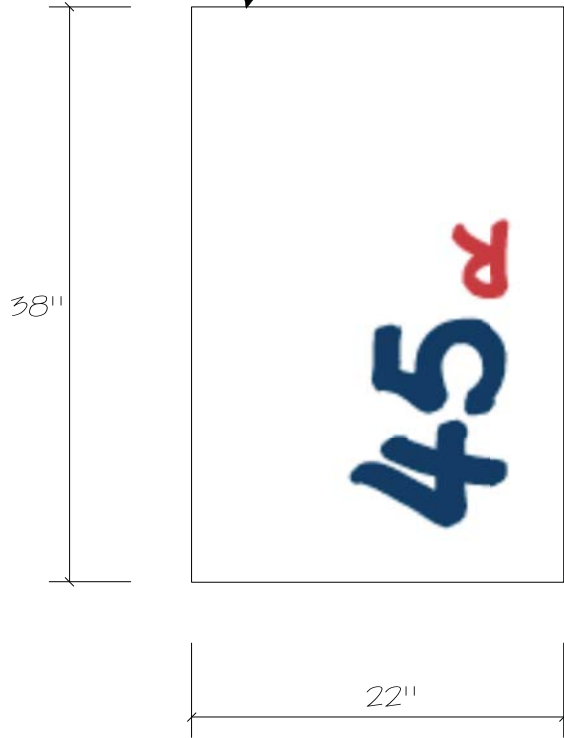
45rpm opened its first store outside of Japan in SoHo, New York city in the year 2000. This shop has been well-received by the local customers who have been looking for a unique casual clothing brand.

They highly appreciate our original items made possible only by Japanese traditional techniques such as Ai-dye, the exquisite store design and the displays and Japanese hospitality our sales staff offer to them.

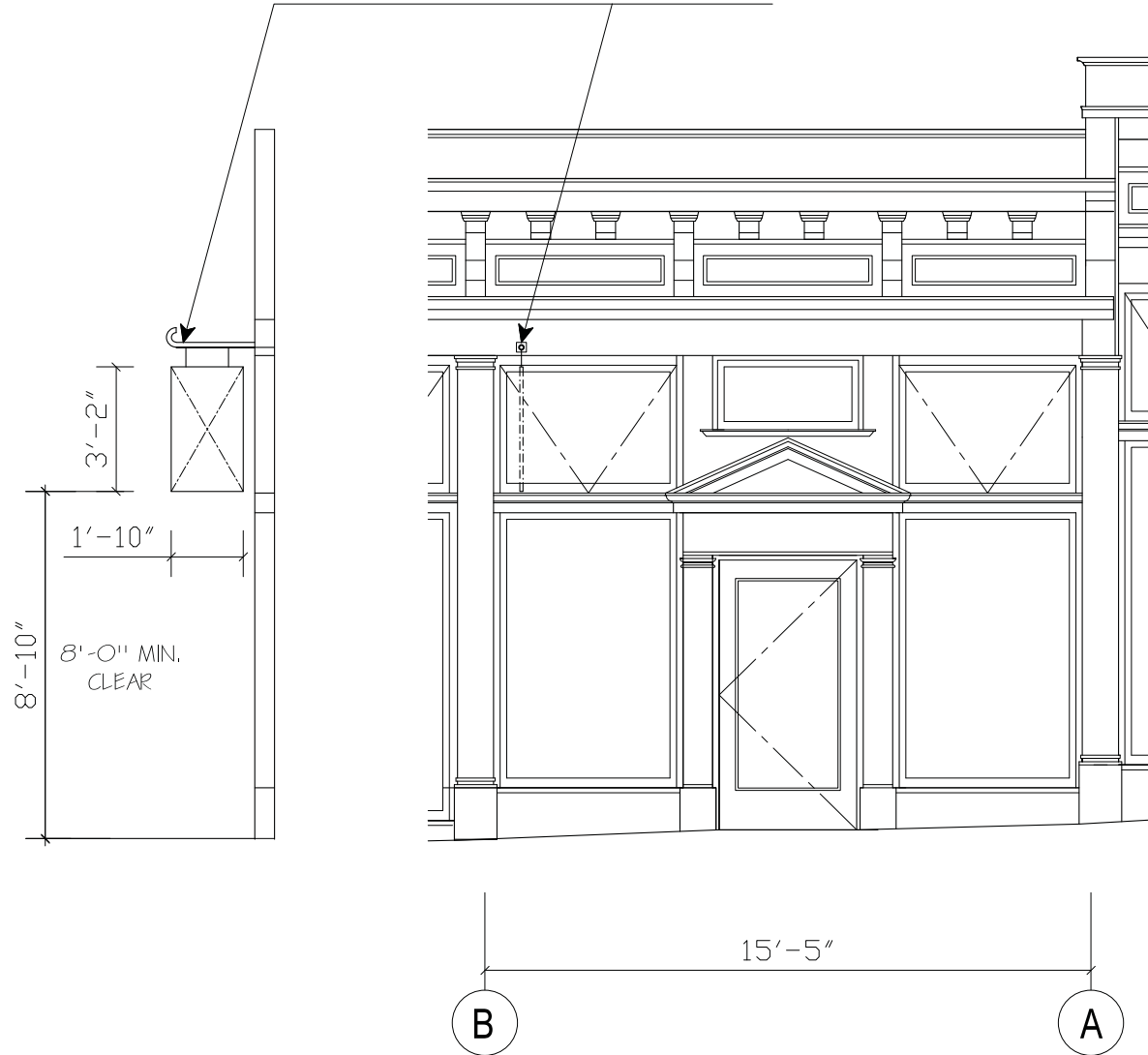
After the successful introduction of our brand to NY, we opened a shop in Paris, France in 2003.

We feel Fillmore Street is the right place for our next business opportunity because many unique brands are found on the historical street surrounded by beautiful residential neighborhoods. In addition, our SoHo store has been receiving many customers traveling from Los Angeles and San Francisco. We are confident that we can contribute to the further development of Fillmore Street and the surrounding neighborhood by influencing each other with existing stores on the street and by providing pleasure to people who reside in the area.

(N) SIGN BOARD
22"W x 38"H
SOLID WOOD W/ LOGO



(E) BRACKET TO REMIAN
REPLACE (E) SIGN BOARD





March 5, 2016

Honorable Members
San Francisco City Planning Commission
1660 Mission Street, 4th Floor
San Francisco, CA 94103

Project: Case No. 2015-015784CUA – 1905 Fillmore - “45RPM”
Subject: Letter of Support – CU Hearing – April 14, 2016

Honorable Commissioners:

Representatives of “45RPM,” an apparel retailer based in Japan, with a unique product line, have met with members of the Fillmore Merchants and Neighborhood Association (FMNA) to introduce themselves and to request that FMNA support their opening a small store at 1905 Fillmore Street.

It is the consensus of FMNA that “45RPM” would be a welcomed addition to the mix of retailers on Fillmore Street by strengthening and reinforcing the quality and breadth in apparel merchandise selection, consequently attracting additional shoppers and providing a more satisfying shopping experience.

Another reason we support “45RPM” coming to Fillmore Street is the fact that “45RPM” is not a “mall” retailer. Rather, “45RPM” takes pride in making each one of their stores a unique shopping experience, within a traditional retail setting such as Fillmore Street. The proposed “45RPM” on Fillmore Street is only the second outlet in the United States, and a fitting addition to our greater “Fillmore/ Japan Town” community.

45 RPM has given every indication that they will be active and supportive participants within the greater Fillmore community. We feel that 45 RPM is an appropriate use at this location and we support the approval of this project.

Yours Truly,

Vas Kiniris, President
Fillmore Merchants and Neighborhood Association

Copy: Supervisor London Breed
Wayne Farrens, City Planner, San Francisco Planning Department

PROJECT INFORMATION	
PROJECT NAME	TENANT IMPROVEMENT 45rpm RETAIL STORE
PROJECT ADDRESS	1905 FILLMORE STREET SAN FRANCISCO, CA 94115
BUILDING OWNERS	COUCH FAMILY TRUST OF 1990 998 MAGNOLIA AVE LARKSPUR CA. 94939
TENANT	45rpm studio u.s.a. inc. 169 Mercer St. New York, NY 10012 917-237-0045
CONTACT PERSON	LUCIAN ROBERT BLAZEJ STRATEGIC SOLUTIONS 50 Laidley St. San Francisco, CA 94131 415-695-1111
CIVIL ENGINEER	HIROSHI SAKAMOTO STATE OF CALIFORNIA REGISTERED ENGINEER LICENCE # 33824 Space Design and Consulting 111 E Poplar Ave. San Mateo, CA 94401 650-773-8165
ZONING	NCD - UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT
EXISTING USAGE	RETAIL
PROPOSED USAGE	RETAIL (NO CHANGE)
PARCELS (Block/Lot)	0659/005
BUILDING LEVELS	1STORY + (E) MEZZANINE
TENANT SPACE AREA	RETAIL SPACE : 987.0 SQ. FT. (NO CHANGE) STORAGE (GROUND FLOOR): 195.7 SQ. FT. (NO CHANGE) BATHROOM : 47.3 SQ. FT. (NO CHANGE) STORAGE (E) MEZZANINE : 243.0 SQ. FT. (NO CHANGE) TOTAL FLOOR AREA (GIA): 1473.0 SQ. FT.(NO CHANGE)
BUILDING TYP	COMMERCIAL STORES
TYPE OF CONSTRUCTION	TYPE V - B
SPRINKLER SYSTEM	SPRINKLERED
OCCUPANCY TYPE	B/M
PLANNING HISTORICAL RESOURCE	B - UNKNOWN
YEAR BUILT	1904

APPLICABLE CODE

ALL WORK SHALL CONFORM TO ALL APPLICABLE CODES, ORDINANCES AND REGULATION AS PRESCRIBED BY THIS CITY OF SAN FRANCISCO

THESE PLAN AND DETAILS WERE DESIGNED IN COMPLIANCE WITH THE CALIFORNIA BUILDING, FIRE, MECHANICAL AND PLUMBING CODES, 2013 CBC, 2013 CMC, 2013 CPC, 2013 CEC, AND 2013 CFC

FEDERAL AND STATE DISABILITIES GUIDELINES AND REGULATIONS AND ANY OTHER REGULATIONS, CODES OR ORDINANCES AS AMENDED BY THE STATE OF CALIFORNIA AND CITY OF SAN FRANCISCO THAT ARE APPLICABLE TO THIS PROJECT.

CLOTHING STORE "45rpm" 1905 FILLMORE STREET SAN FRANCISCO, CA94115

SCOPE OF WORK - TENANT IMPROVEMENT

THE SCOPE OF WORK INCLUDES TENANT IMPROVEMENTS FOR A CLOTHING STORE "45rpm." EXISTING TENANT USE : RETAIL

THIS PROJECT PROPOSES TO INSTALL NEW WALLS TO CREATE TWO FITTING ROOMS, ADD NEW DOOR TO THE BACK AREA, INSTALL NEW CEILING AND REPLACE FLOORING.

ADA BATHROOM UPGRADE IN REAR CORNER.

FIRE SPRINKLERS : EXISTING FIRE SPRINKLERS SHALL BE MODIFIED TO MATCH NEW CEILING HEIGHT

LIGHTING : REMOVE AND REPLACE EXISTING LIGHTING FIXTURES

HVAC : EXISTING A/C AND HEATER TO REMAIN

GENERAL NOTES

ALL CONSTRUCTION WORK SHALL COMPLY WITH THE APPLICABLE FEDERAL, STATE AND LOCAL CODES, LAWS AND REGULATIONS.

CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AT JOB SITE REPORT ALL DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.

VERIFY LOCATIONS OF ALL UTILITY LINES, CONDUITS, SURFACE OR SUBSURFACE STRUCTURES, ETC., OF ANY NATURE THAT MAYBE AFFECTED BY THE WORK BEFORE STARTING THE WORK.

SHOULD ANY OF THE ABOVE ITEMS BE DISTURBED, DISCONNECTED, OR DAMAGED DURING THE WORK, BEAR ALL EXPENSES OF WHATEVER NATURE ARISING FROM SUCH DISTURBANCE OR THE REPLACEMENT OR REPAIR THEREOF, AND REPLACE OR REPAIR SUCH ITEMS AS REQUIRED.

FLOOR AND EXISTING / NEW WALLS TO BE READY FOR NEW FINISH INSTALLATION AND APPLICATION. ALL SURFACES SHALL BE CLEARED AND FREE OF DEBRIS AND ADHESIVE.

CONTRACTOR SHALL PROTECT NEW OR EXISTING WORK, EQUIPMENT, MATERIALS AND FINISHES. DAMAGED ITEMS SHALL BE REPAIRED OR REPLACED AT THE EXPENSE OF THE CONTRACTOR.

CONTRACTOR SHALL, AT ALL TIMES DURING THE COURSE OF THE WORK, KEEP THE CONSTRUCTION AREA, THE OWNER'S PREMISES, INCLUDING STREETS AND OTHER AREAS USED BY THE CONTRACTOR, CLEAN AND FREE FROM ACCUMULATION OF WASTE MATERIALS AND RUBBISH. CONTRACTOR SHALL PROVIDE DUST CONTROL MEASURES AS REQUIRED.

AT COMPLETION OF THE WORK, REMOVE FROM THE BUILDING AND THE PREMISES ALL SURPLUS MATERIALS AND DEBRIS, AND CLEAN UP THOROUGHLY TO THE OWNER'S SATISFACTION.

ALL DIMENSIONS SHOWN ON FLOOR PLAN ARE TO FACE OF FINISH, UNLESS OTHERWISE NOTED.

ALL OPEN JOINTS, PENETRATIONS AND OTHER OPENINGS IN THE BUILDING ENVELOPED SHALL BE SEALED, CAULKED, GASKETED OR WEATHER-STRIPPED TO LIMIT AIR LEAKAGE.

SUPPLY AND INSTALLATION OF FIRE EXTINGUISHERS ARE PART OF THIS CONTRACT. FIRE EXTINGUISHERS ARE TO BE INSTALLED PER FIRE DEPARTMENT REQUIREMENTS BY THE CONTRACTOR.

CONSTRUCTION CONTRACTORS SHALL MUFFLE AND SHIELD INTAKES AND EXHAUSTS, SHROUD IMPACT TOOLS, AND USE ELECTRIC POWERED RATHER THAN DIESEL-POWERED CONSTRUCTION EQUIPMENT (AS FEASIBLE)

ALL STATIONARY NOISE - GENERATING EQUIPMENT SHALL BE LOCATED AS FAR AS POSSIBLE FROM NEIGHBORING PROPERTY LINES.

ALL CONSTRUCTION EQUIPMENTS SHALL BE MAINTAINED AND OPERATED ACCORDING TO MANUFACTURE'S MAINTENANCE SCHEDULES AND RECOMMENDATIONS TO MINIMIZE NOISE AND EXHAUST EMISSIONS (PARTICULARLY NITROGEN OXIDES).

INDEX OF DRAWINGS

- A - 0 PROJECT INFORMATION, APPLICABLE CODE, SCOPE OF WORK, GENERAL NOTES, VICINITY MAP, SITE PLAN AND INDEX OF DRAWINGS
- A - 1 GROUND FLOOR PLAN, (E) MEZZANINE FLOOR PLAN AND AREA NOTATION
- A - 2 BUILDING SECTION, (E) FRONT ELEVATION AND (N) SIGN DETAIL
- A - 3 CURRENT PHOTOS

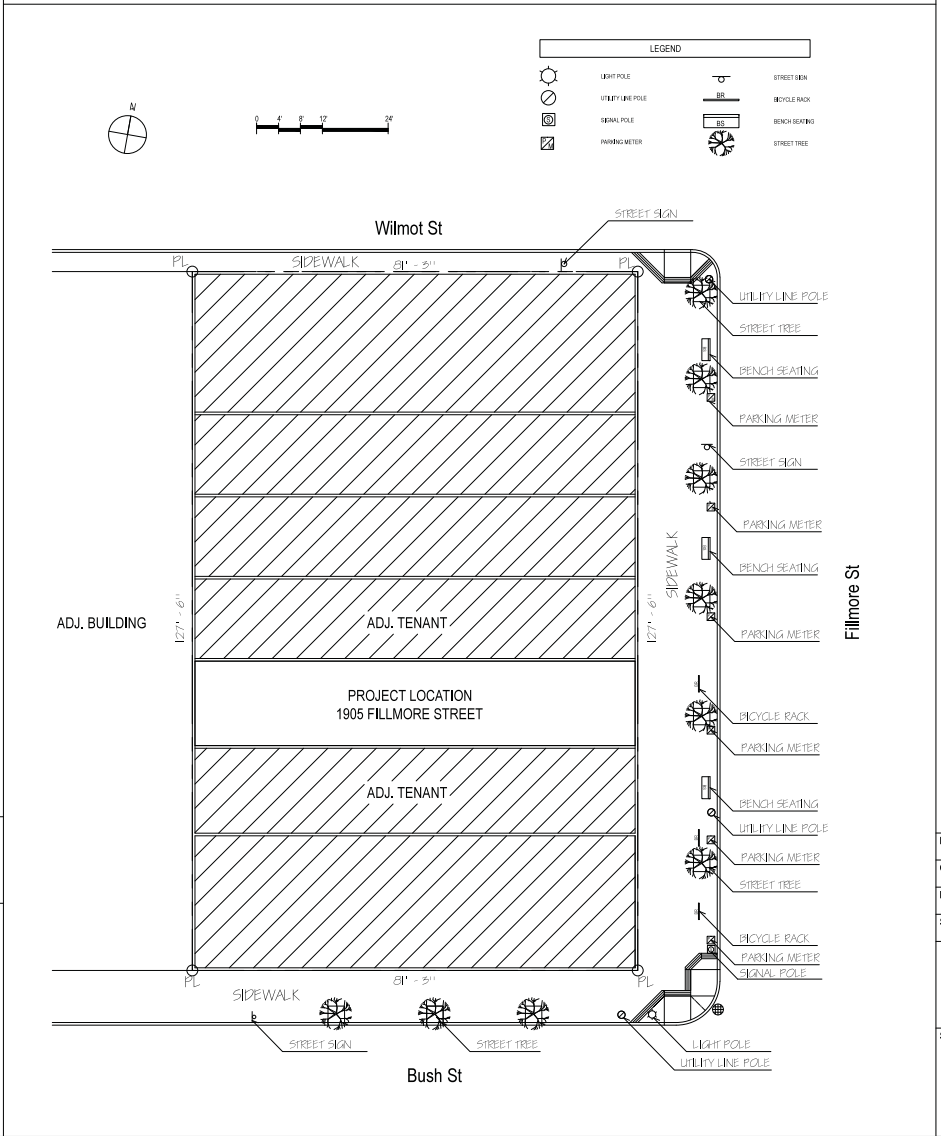
VICINITY MAP

NO SCALE



SITE PLAN

SCALE 1/16" = 1' - 0"

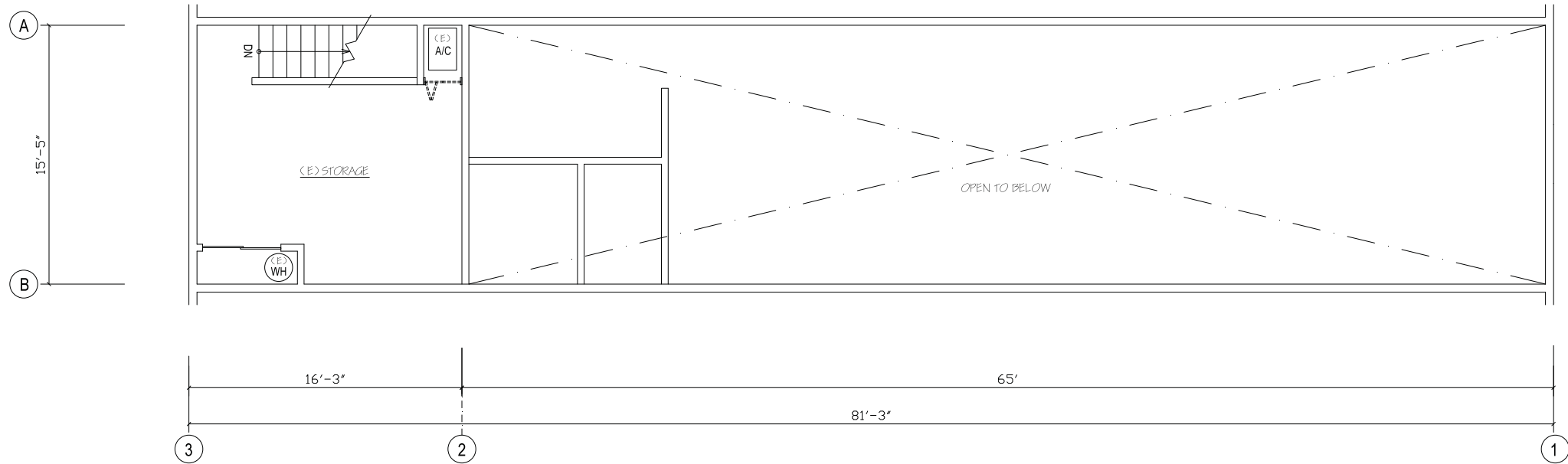


REVISION	

Space Design and Consulting
111 E Poplar Ave. #101
San Mateo, CA94401
650-773-8165

CLOTHING STORE "45rpm"
1905 FILLMORE STREET
SAN FRANCISCO, CA 94115

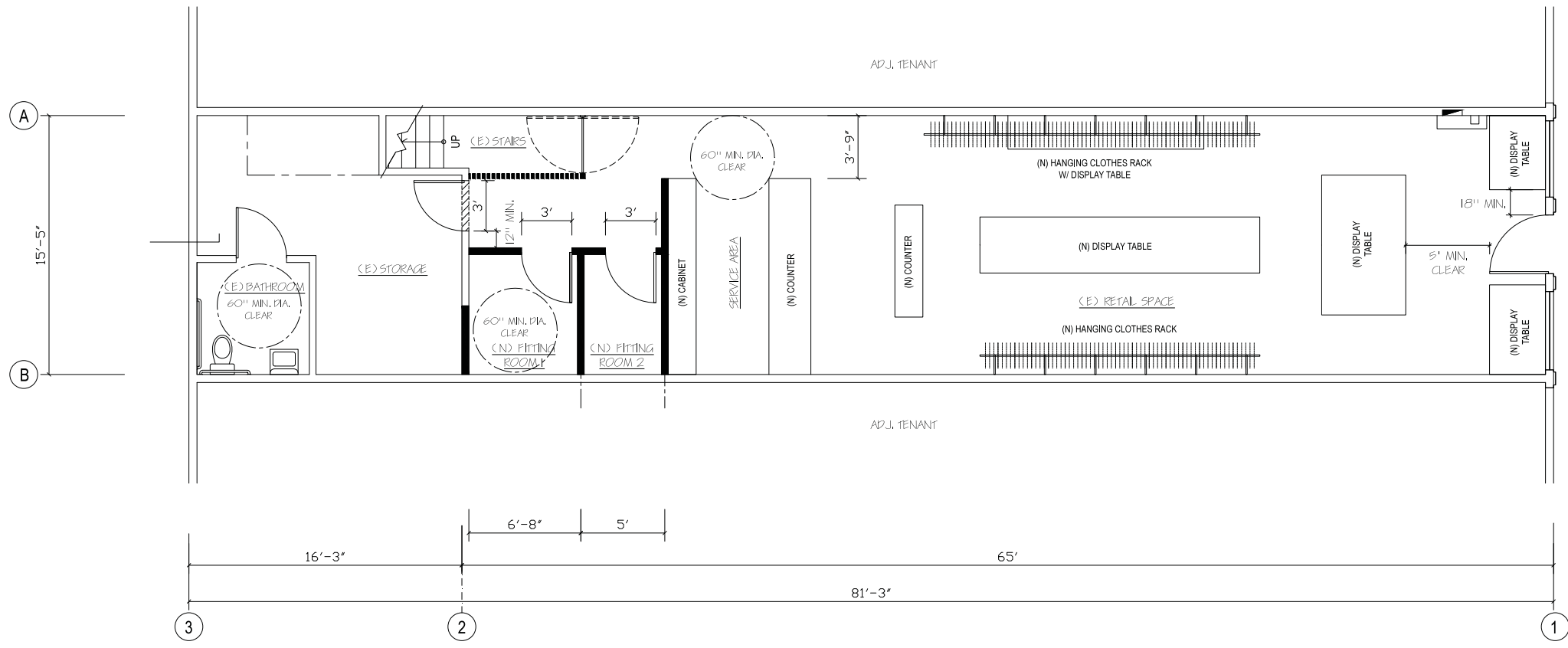
DRAWN	SUGI
CHECKED	H. S.
DATE	11 / 30 /2015
SCALE	AS NOTED
SHEET	A - 0



LEGEND

- EXISTING WALL
- NEW WALL
- REMOVE WALL
- (N) NEW
- (E) EXISTING

2
A-1 (E) MEZZANINE FLOOR PLAN SCALE 1/4" = 1'-0"



ZONE	AREA (GIA)
(E) RETAIL SPACE	987.0 SQ. FT.
(E) STORAGE	195.7 SQ. FT.
(E) BATHROOM	47.3 SQ. FT.
(E) MEZZANINE (STORAGE)	987.0 SQ. FT.
(E) TOTAL FLOOR AREA	1473.0 SQ. FT.

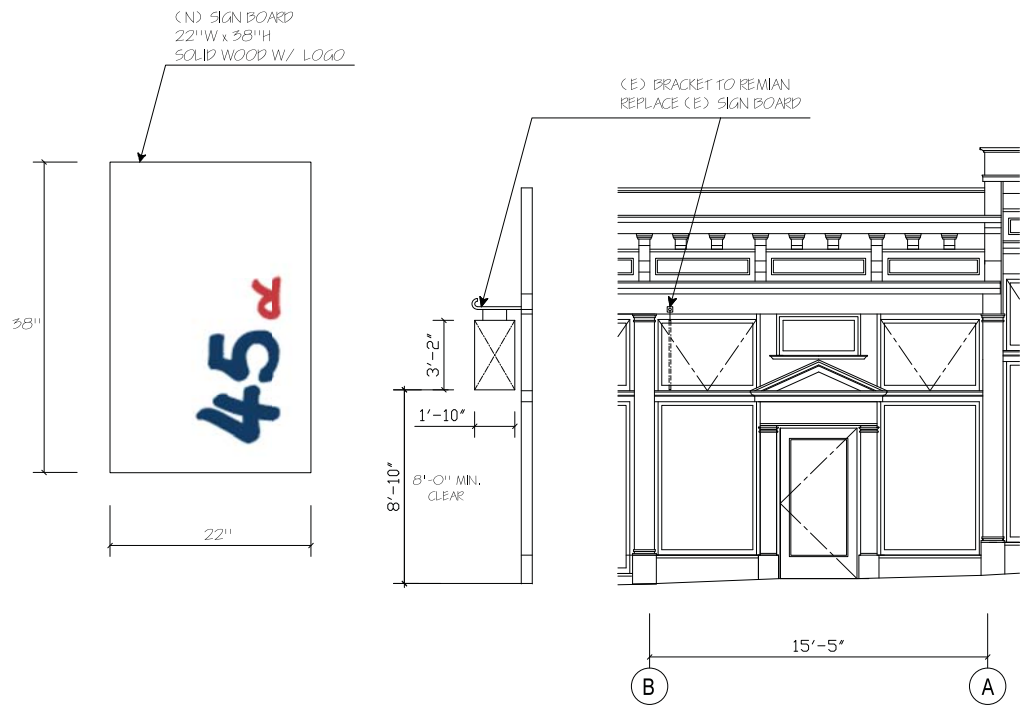
1
A-1 GROUND FLOOR PLAN SCALE 1/4" = 1'-0"

Space Design and Consulting
 111 E Poplar Ave. #101
 San Mateo, CA 94401
 650-773-8165

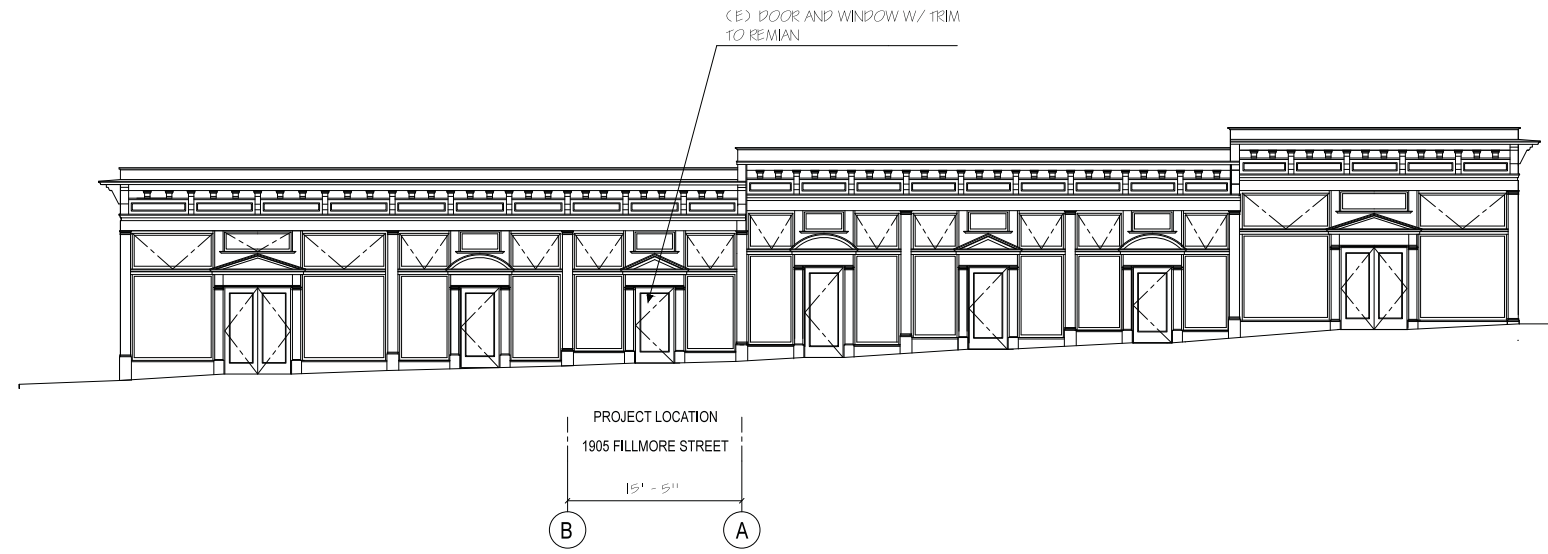
CLOTHING STORE "45rpm"
 1905 FILLMORE STREET
 SAN FRANCISCO, CA 94115

DRAWN	SUGI
CHECKED	H. S.
DATE	11 / 30 / 2015
SCALE	AS NOTED

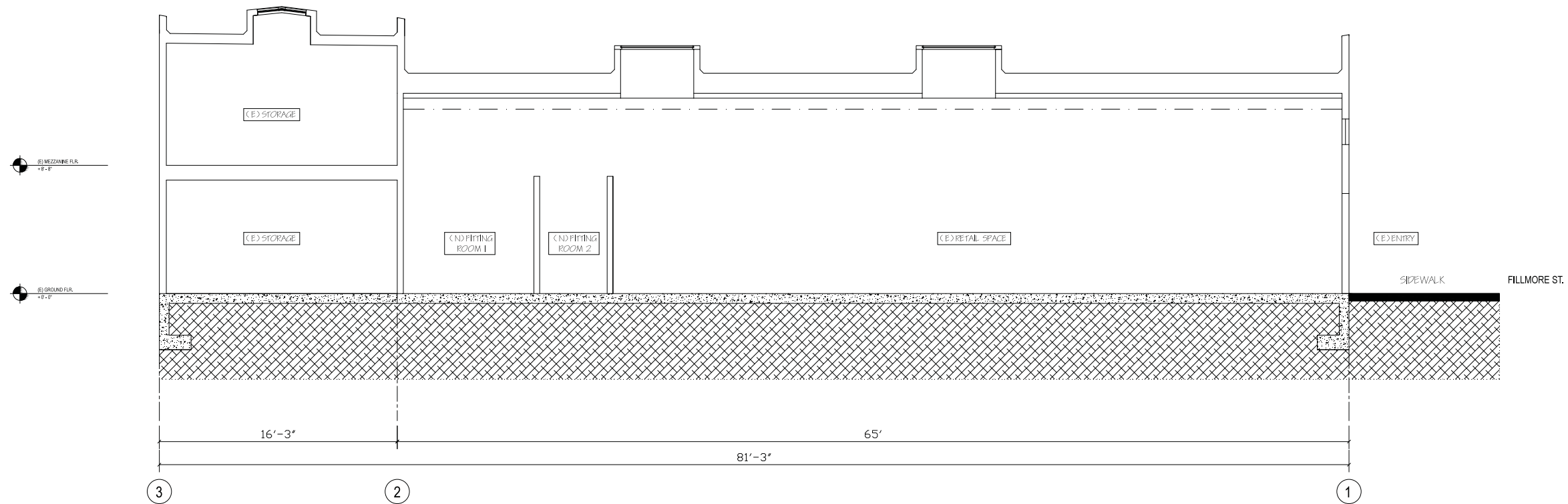
SHEET
A - 1



3
A-2 (N) SIGN DETAIL SCALE 1/4" = 1'-0"



2
A-2 FRONT ELEVATION - FILLMORE ST. SCALE 1/8" = 1'-0"



1
A-2 BUILDING SECTION - EAST/ WEST SCALE 1/4" = 1'-0"

Space Design and Consulting

111 E Poplar Ave. #101
San Mateo, CA 94401
650-773-8165

CLOTHING STORE "45 rpm"

1905 FILLMORE STREET
SAN FRANCISCO, CA 94115

DRAWN SUGI
CHECKED H. S.
DATE 11 / 30 / 2015
SCALE AS NOTED

SHEET

A - 2