

### SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: MAY 11, 2017

Date:	May 1, 2017
Case No.:	2016-014422CUA
Project Address:	1899 Union Street
Zoning:	Union Street NCD (Neighborhood Commercial District)
	40-X Height and Bulk District
Block/Lot:	0543/023
Project Sponsor:	Chloe Angelis
	Reuben, Junius & Rose, LLP
	1 Bush Street, Suite 600
	San Francisco, CA 94104
Staff Contact:	Wayne Farrens – (415) 575-9172
	wayne.farrens @sfgov.org

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

Reception: 415.558.6378

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Planning Information: **415.558.6377** 

#### **PROJECT DESCRIPTION**

The project sponsor proposes to expand the existing Formula Retail Limited Restaurant use (dba "Starbucks Coffee") at 1899 Union Street into the vacant retail space (formerly dba "The Enchanted Crystal") at 1895 Union Street. The project will result in a single commercial space measuring approximately 3,070 square feet in size. The proposal includes minor changes to the exterior and will retain existing signage.

#### SITE DESCRIPTION AND PRESENT USE

The project site is located at the southeast corner of Union and Laguna Streets in the Marina neighborhood, Assessor's Block 0543, Lot 023. The parcel is approximately 3,808 square feet in area and is occupied by a two-story mixed-use building constructed circa 1908. The ground floor consists of two commercial spaces – an approximately 1,400 square-foot vacant retail space at 1895 Union Street and the approximately 1,670 square-foot Limited Restaurant (dba "Starbucks Coffee") at 1899 Union Street. The top level consists of three dwelling units.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located on the Union Street commercial corridor at the southeast corner of Union and Laguna Streets. The Union Street NCD covers approximately 8 blocks of Union Street between Van Ness Avenue in the east and Steiner Street in the west, as well as portions of Fillmore Street between Union and Lombard Streets. The surrounding development consists of a variety of commercial and mixed-use buildings. The scale of development consists primarily of structures two to three stories in height, the majority of which feature residential uses above ground floor commercial. The surrounding zoning is

primarily RH-2 (Residential, House, Two-Family) and NC-3 (Neighborhood Commercial, Moderate Scale).

#### ENVIRONMENTAL REVIEW

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

#### HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 21, 2017	April 19, 2017	22 days
Posted Notice	20 days	April 21, 2017	April 21, 2017	20 days
Mailed Notice	30 days	April 11, 2017	April 11, 2017	30 days

#### PUBLIC COMMENT/COMMUNITY OUTREACH

• The Planning Department has not received any public comment in support of or in opposition to the proposed project.

#### ISSUES AND OTHER CONSIDERATIONS

- <u>Conditional Use Authorization</u>: The proposal requires a Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1, 703.3, 703.4, 725.21, and 725.43 to allow the expansion of an existing Formula Retail Limited Restaurant use and a use size greater than 2,499 square feet, within the Union Street NCD (Neighborhood Commercial District) Zoning District and the 40-X Height and Bulk District.
- <u>Formula Retail Use</u>: The proposed establishment is considered a Formula Retail use with approximately 24,464 locations around the world. There are approximately 22 existing Formula Retail establishments out of 251 commercial uses within the district, amounting to a total concentration of approximately 8.76%. The proposal will increase this concentration to approximately 8.8%.
  - <u>Union Street Commercial Corridor</u>: The Union Street corridor is a bustling commercial district with a low vacancy rate and a high level of foot traffic. The commercial uses in the Union Street NCD are predominately restaurants, personal services, and retail. There are approximately 251 commercial ground floor storefronts within this area, 22 of which are Formula Retail, amounting to a concentration of approximately 8.76%. These include four Financial Service uses, four Limited Restaurant uses, two Personal Service uses, three Professional Service uses, and nine Retail uses.

Of the 251 commercial uses within the Union Street NCD, there are 14 Limited Restaurant uses, three of which are cafes similar to Starbucks Coffee. Of these three similar uses, one is Formula

Retail (dba "Illy Café"). Approval of this project would not affect the availability of similar retail uses within the district.

LAND USE TYPE	TOTAL STREET FRONTAGE IN UNION STREET NCD (FT)	PERCENTAGE OF DISTRICT	TOTAL STREET FRONTAGE IN ¼ MILE VICINITY	PERCENTAGE OF VICINITY
Animal Hospital	0	0%	31.2	0.2%
Automotive	0	0%	295.3	2%
Bar	325.5	3.2%	407.4	2.8%
Financial Services (incl. Limited)	304	3%	304	2.1%
Hotel	116.4	1.2%	1127.8	7.7%
Limited Restaurant	579.8	5.8%	752.7	5.2%
Medical Service	375	3.7%	435	3%
Personal Service	1901.1	18.9%	3014.3	20.7%
Professional Service	1244.9	12.4%	1937	13.3%
Restaurant	639.8	6.4%	907.8	6.2%
Retail	3777.3	37.5%	4138.2	28.4%
Vacant	810.5	8.1%	1248.7	8.6%
Total	10,074.3	100%	14,599.4	100%

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

#### REQUIRED COMMISSION ACTION

For the project to proceed, the Commission must grant Conditional Use authorization to allow the expansion of an existing Formula Retail Limited Restaurant use and a use size greater than 2,499 square feet, within the Union Street NCD (Neighborhood Commercial District) Zoning District, pursuant to Planning Code Sections 303, 303.1, 703.3, 703.4, 725.21, and 725.43.

#### BASIS FOR RECOMMENDATION

- The proposal expands a popular neighborhood-serving use and fills a space that has been vacant for approximately two years.
- The proposed use would slightly increase the Formula Retail concentration in the district from approximately 8.76% to approximately 8.8%.

<sup>&</sup>lt;sup>1</sup> 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 2017.

- The subject site is within close access to public transit, including Muni lines 22, 41, and 45.
- 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

#### Attachments:

Block Book Map Sanborn Map Zoning Map Aerial Photograph Site Photograph Map of Formula Retail Locations Project Sponsor Submittal

## **Exhibit Checklist**

$\square$	Executive Summary	$\square$	Project sponsor submittal
$\square$	Draft Motion		Drawings: Existing Conditions
	Environmental Determination		Check for legibility
$\square$	Zoning District Map		Drawings: Proposed Project
	Height & Bulk Map		Check for legibility
$\square$	Block Book Map		Health Dept. review of RF levels
$\square$	Sanborn Map		RF Report
$\square$	Aerial Photos		Community Meeting Notice
	Context Photo		Public Correspondence
$\square$	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)

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

## Planning Commission Draft Motion

HEARING DATE: MAY 11, 2017

Date:	May 1, 2017
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Project Address:	1899 Union Street
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 303.1, 703.3, 703.4, 725.21, AND 725.43 OF THE PLANNING CODE TO ALLOW THE EXPANSION OF AN EXISTING FORMULA RETAIL LIMITED RESTAURANT USE (DBA "STARBUCKS COFFEE") AND A USE SIZE GREATER THAN 2,499 SQUARE FEET, WITHIN THE UNION STREET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.

#### PREAMBLE

On November 1, 2016, Chloe Angelis (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303, 303.1, 703.3, 703.4, 725.21, and 725.43 to allow the expansion of an existing Formula Retail Limited Restaurant use (dba "Starbucks Coffee") and a use size greater than 2,499 square feet, within the Union Street NCD (Neighborhood Commercial District) Zoning District and the 40-X Height and Bulk District.

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

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

Reception: 415.558.6378

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Planning Information: 415.558.6377 On May 11, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-014422CUA.

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. 2016-014422CUA, 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 at the southeast corner of Union and Laguna Streets in the Marina neighborhood, Assessor's Block 0543, Lot 023. The parcel is approximately 3,808 square feet in area and is occupied by a two-story mixed-use building constructed circa 1908. The ground floor consists of two commercial spaces an approximately 1,400 square-foot vacant retail space at 1895 Union Street and the approximately 1,670 square-foot Limited Restaurant (dba "Starbucks Coffee") at 1899 Union Street. The top level consists of three dwelling units.
- 3. **Surrounding Neighborhood.** The project site is located on the Union Street commercial corridor at the southeast corner of Union and Laguna Streets. The Union Street NCD covers approximately 8 blocks of Union Street between Van Ness Avenue in the east and Steiner Street in the west, as well as portions of Fillmore Street between Union and Lombard Streets. The surrounding development consists of a variety of commercial and mixed-use buildings. The scale of development consists primarily of structures two to three stories in height, the majority of which feature residential uses above ground floor commercial. The surrounding zoning is primarily RH-2 (Residential, House, Two-Family) and NC-3 (Neighborhood Commercial, Moderate Scale).
- 4. **Project Description.** The project sponsor proposes to expand the existing Formula Retail Limited Restaurant use (dba "Starbucks Coffee") at 1899 Union Street into the vacant retail space (formerly dba "The Enchanted Crystal") at 1895 Union Street. The project will result in a single commercial space measuring approximately 3,070 square feet in size. The proposal includes minor changes to the exterior and will retain existing signage.

The proposal requires a Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1, 703.3, 703.4, 725.21, and 725.43 to allow the expansion of an existing Formula Retail

Limited Restaurant use and a use size greater than 2,499 square feet, within the Union Street NCD (Neighborhood Commercial District) Zoning District and the 40-X Height and Bulk District.

- 5. **Public Comment**. The Planning Department has not received any public comment in support of or in opposition to the proposed 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. 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 Union Street 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.

**B.** Off-Street Parking. Per Planning Code Section 151, off-street vehicle parking is not required for retail uses that are 5,000 square feet in size or smaller.

The proposal does not include off-street vehicle parking.

**C. Loading.** Planning Code Section 152 requires off-street freight loading for uses above a certain size. 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. Use.** Per Planning Code Section 725.43, Limited Restaurant uses in the Union Street NCD require Conditional Use authorization.

The project expands the existing Limited Restaurant use at 1899 Union Street into the adjacent commercial space at 1895 Union Street, the last legal use of which was a retail use (dba "The Enchanted Crystal"). Therefore the project requires Conditional Use authorization for the change of use at 1895 Union Street.

E. Use Size. Planning Code Section 725.21 establishes size limits on nonresidential uses in the Union Street NCD. Within the district, Conditional Use authorization is required for any nonresidential use that is 2,500 square feet or larger.

The project expands the existing use from approximately 1,670 square feet to approximately 3,070 square feet. Therefore the project requires Conditional Use authorization for use size.

- 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:
  - i. 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 expands an existing Daily Needs use within the district and is compatible with the surrounding commercial nature of the Union Street corridor. The expanded use size, while slightly above the principally permitted 2,499 square feet, is compatible with the fine grain pattern of the Union Street NCD.

ii. 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.

iii. 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 22, 41, and 45.

iv. 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.

v. 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 sites landscaping, open spaces, parking and loading areas, service areas, lighting, or signage.

vi. 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.

vii. 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 Union Street NCD in that it will provide a commercial development that is in keeping with the existing scale and character of the district and promotes a continuous retail frontage.

8. Eating and Drinking Uses. With regard to a Conditional Use authorization application for a Restaurant, Limited-Restaurant and Bar uses the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c) above, the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The existing concentration of eating and drinking uses (Restaurant, Limited Restaurant and Bar uses combined) within the Union Street NCD is approximately 15.3% of commercial frontage. The project will slightly increase this number to approximately 15.6% of commercial frontage.

- **9.** Formula Retail. Planning Code Section 703.3 provides additional criteria for the Planning Commission to consider when considering any Conditional Use pursuant to Section 703.3, Formula Retail Uses:
  - a. The existing concentrations of Formula Retail uses within the district.

There are approximately 22 existing ground story Formula Retail establishments out of approximately 251 commercial establishments within the district. The existing concentration of

Formula Retail uses is approximately 8.76% of all businesses within the district and 10.22% of the total commercial retail street frontage. Although the project does not add any new Formula Retail uses to the subject district, the merging of the two commercial spaces results in a slight increase to concentration. The proposed concentration of Formula Retail uses is approximately 8.8% of all businesses within the district and 10.46% of the total commercial retail street frontage.

Based on an evaluation of the linear frontage of all retail locations located within a ¼ mile of the subject property, 32 of 341 commercial establishments are Formula Retail. The existing concentration of Formula Retail uses is approximately 9.38% of all businesses within the district and 12.1% of the total commercial retail street frontage. Although the project does not add any new Formula Retail uses within ¼ mile of the subject property, the merging of the two commercial spaces results in a slight increase to concentration. The proposed concentration of Formula Retail uses is approximately 9.41% of all businesses within the district and 12.27% of the total commercial retail street frontage.

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

Within the district there are 14 Limited Restaurant uses, three of which are cafes similar to Starbucks Coffee. Of these three similar uses, one is Formula Retail (dba "Illy Café"). Approval of this project would not affect the availability of similar retail uses within the district.

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

The project consists primarily of interior renovations related to the merger of the two existing commercial spaces. Exterior changes are minor and have been reviewed by historic preservation staff. The project does not propose any changes to existing signage.

d. The existing retail vacancy rates within the district.

*There are currently 23 vacancies out of 251 commercial locations within the district, equating to a vacancy rate of approximately 9.56%. The proposal would reduce the vacancy rate to approximately 8.8%.* 

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

Approximately 37% (92 locations) of the ground floor commercial uses in the district are "Daily-Needs," or neighborhood-serving; of these, 14 are Formula Retail. Approximately 54% (135 locations) of ground floor commercial uses in the district are considered "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.

LAND USE TYPE	TOTAL STREET FRONTAGE IN NCD (FT)	PERCENTAGE OF DISTRICT
Automotive	0	0.0%
Bar	325.5	3.2%
Financial Services (incl. Limited)	304	3.0%
Hotel	116.4	1.2%
Limited Restaurant	579.8	5.8%
Medical Service	375	3.7%
Personal Service	1901.1	18.9%
Professional Service	1244.9	12.4%
Restaurant	639.8	6.4%
Retail	3777.3	37.5%
Vacant	810.5	8.1%
Total	10074.3	100%

Table 1. Union Street NCD Ground Floor Frontage Breakdown per Land Use<sup>1</sup>

The use mix is varied in the district. Limited Restaurant uses, including the proposed use, comprise approximately 5.8% of the commercial frontage. These calculations do not include non-retail establishments, such as institutions, parking, or public services.

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.* 

10. **General Plan Compliance.** The project is consistent with the Objectives and Policies of the General Plan:

#### NEIGHBORHOOD COMMERCE

#### **Objectives and Policies**

<sup>&</sup>lt;sup>1</sup> The Union Street 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 2017.

#### **OBJECTIVE 1:**

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

#### Policy 1.1:

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

#### Policy 1.2:

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

#### Policy 1.3:

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

The 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 Zoning 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 retain the existing commercial use and fill an existing vacancy within the district.

- 11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would expand an existing neighborhood-serving use and would not displace any other neighborhood-serving use. The expanded commercial space will create additional opportunities for resident employment.

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 22, 41, and 45.

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 minimal and have been reviewed by historic preservation staff.

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 or open spaces.

12. 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.

13. 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. 2016-014422CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 1, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 11, 2017.

Jonas P. Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 11, 2017

## **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for a conditional use to allow the expansion an existing Formula Retail Limited Restaurant use and a use size larger than 2,499 square feet, located at 1899 Union Street , Block 0543, Lot 023 pursuant to Planning Code Sections 303, 303.1, 703.3, 703.4, 725.21, and 725.43 within the **Union Street NCD (Neighborhood Commercial District) Zoning District**, and a **40-X** Height and Bulk District; in general conformance with plans, dated **November 1, 2016** and stamped "EXHIBIT B" included in the docket for Case No. **2016-01422CUA** and subject to conditions of approval reviewed and approved by the Commission on **May 11, 2017** 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 **May 11, 2017** 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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>.

#### 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, <u>www.sf-planning.org</u>

#### 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

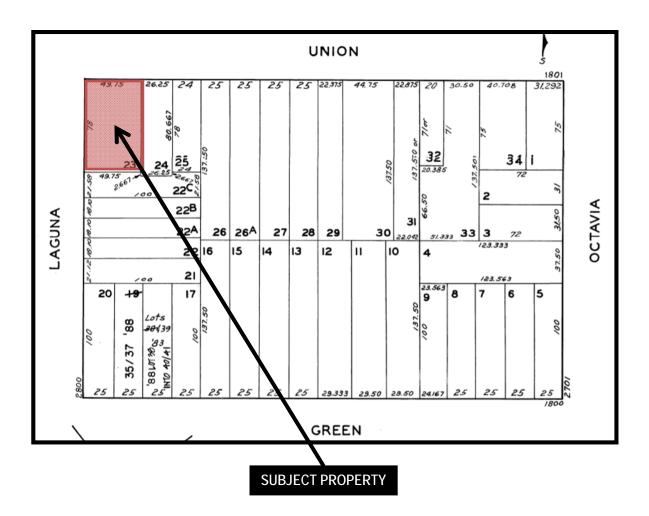
5. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the tenant space and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017,.<u>http://sfdpw.org/</u> 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.

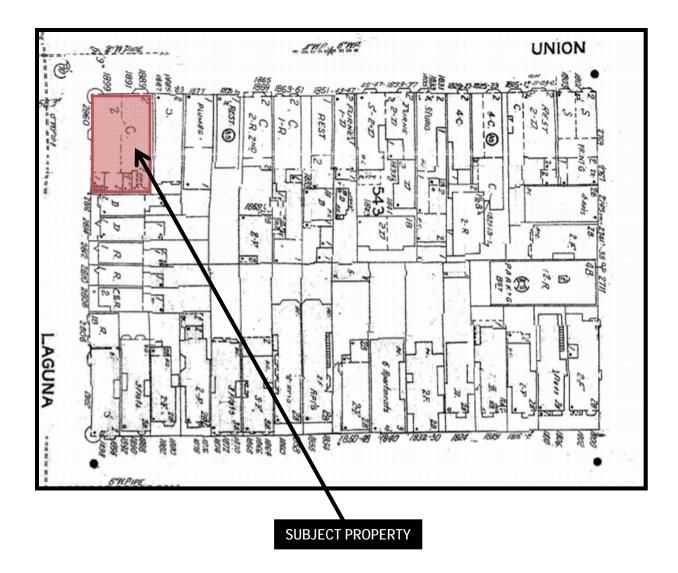
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

# **Block Book Map**



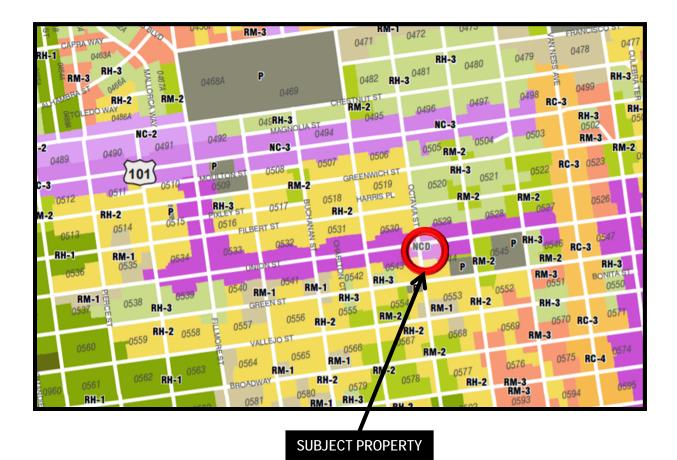


# Sanborn Map





# **Zoning Map**





# **Aerial Photo**

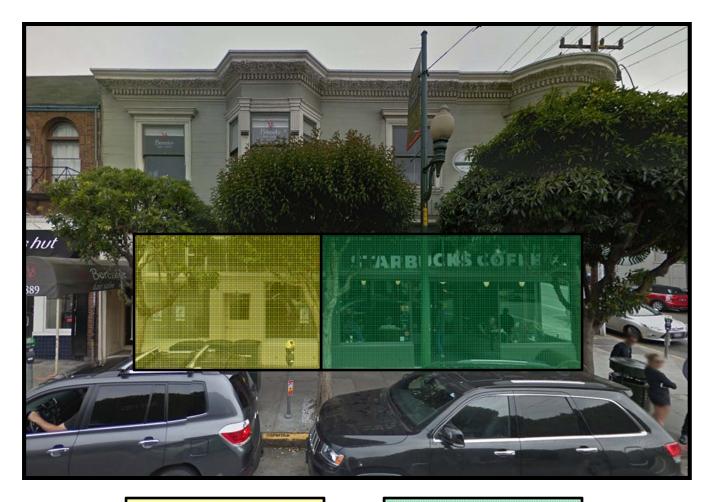


SUBJECT PROPERTY





# Site Photo



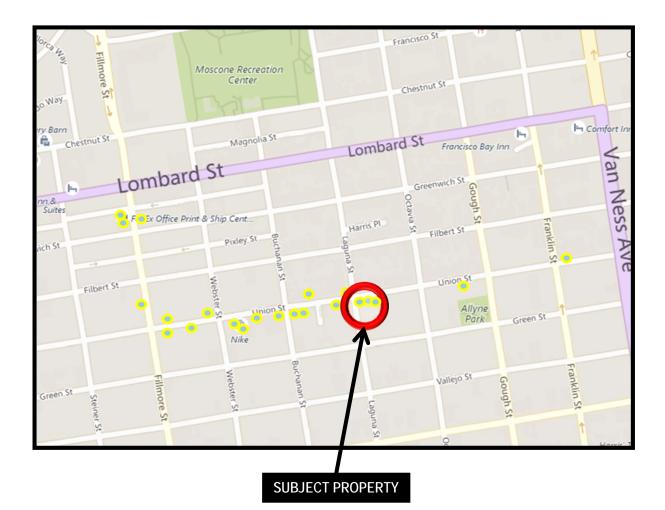
Proposed Expansion

**Existing Location** 





# Formula Retail Locations Within Union Street NCD





## REUBEN, JUNIUS & ROSE, LLP

April 26, 2017

#### **Delivered Via Email**

Rich Hillis, President San Francisco Planning Commission 1650 Mission Street, 4th Floor San Francisco, California 94103

#### Re: 1899 Union Street – Starbucks Planning Department Case No. 2016-014422CUA Hearing Date: May 11, 2017 Our File No.: 7686.08

Dear President Hillis and Commissioners:

This office represents Starbucks Coffee Company, the Project Sponsor of the proposed expansion of the existing Starbucks cafe (the "Project") at 1899 Union Street (the "Property"). The Property is located on the south side of Union Street, at the corner of Union Street and Laguna Street, within the Union Street Neighborhood Commercial District ("NCD"). Because the Project would enlarge a formula retail use and would result in a commercial use over 2,499 square feet within the Union Street NCD, a Conditional Use Authorization is required.

#### A. Project Description

The existing Starbucks coffee shop at the corner of Union Street and Laguna Street has operated at the Property since 1992. During that time, Starbucks has been an active and engaged member of the Cow Hollow community.

The Project Sponsor now proposes to expand into the adjacent vacant retail space at 1895 Union Street. The 1895 Union Street storefront has been unoccupied since fall 2015 although two "pop-ups" operated in the space from February-April 2016 and July-December 2016. The current store is approximately 1,670 square feet, and the expansion would add approximately 1,400 square feet—creating a 3,070-squre-foot cafe. A floor plan, elevations and signage for the proposed store are attached as **Exhibit A**.

As part of the expansion, the Project Sponsor proposes to execute an interior redesign of the space, with serving bars in the center and an abundance of seating surrounding the

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup> Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight Chloe V. Angelis | Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup> San Francisco Office One Bush Street, Suite 600, San Francisco, CA 94104

www.reubenlaw.com

tel: 415-567-9000 | fax: 415-399-9480

Oakland Office 827 Broadway, Suite 205, Oakland, CA 94607 tel: 510-257-5589 President Rich Hillis San Francisco Planning Commission April 26, 2017 Page 2

serving area. The expansion will allow for new offerings and events not feasible in the current space. The expanded offerings will showcase refined coffee brewing methods and an array of new products, while creating a re-imagined in-store experience for shoppers, employees and neighborhood residents. Offerings will continue to be limited to coffee, tea, other non-alcoholic beverages, pastries, and light food items. The store is currently open until 9:30 p.m. and no changes to the operating hours are proposed as part of this Project.

#### **B. Project Benefits**

The Project would result in the following benefits:

- The Project Sponsor proposes to reactivate and renovate a retail space that has been without a permanent tenant since fall 2015.
- The Project would not result in a net increase of formula retail uses, as the Project proposes merely to expand an existing, long-standing use.
- The Project is appropriate for the Union Street corridor and compatible with the presence of other national retailers in the neighborhood.
- The expanded cafe will have the capacity to serve as a community gathering place for area residents and patrons visiting Cow Hollow from other parts of the city.
- The larger store will require an expanded workforce.

### C. Neighborhood Outreach

The Project Sponsor began its neighborhood outreach efforts in the fall of 2015, a year before the Conditional Use application was submitted. Outreach between then and now has included the following (a more detailed outreach overview is attached at **Exhibit B**):

- <u>October and November 2015</u>: Meeting with the Union Street Association to introduce the project and receive initial feedback. The team also spoke with leadership from other neighborhood organizations and stakeholders, including Supervisor Farrell's office, the Cow Hollow Neighbors and Merchants, and the Golden Gate Valley Neighborhood Association.
- <u>August 2016</u>: Meeting with Golden Gate Valley Neighborhood Association pastpresident to discuss the site plan and programming updates.

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**Oakland Office** 827 Broadway, Suite 205, Oakland, CA 94607 tel: 510-257-5589 President Rich Hillis San Francisco Planning Commission April 26, 2017 Page 3

- <u>September 2016</u>: Attended the monthly Union Street Association meeting. The team shared updates and answered questions from membership. A pre-application meeting was held at the store on September 28, 2016. The team shared a fact sheet and renderings that provided context for the proposed updates to the store.
- <u>April 2017</u>: The project team met with Cow Hollow Merchants leadership to provide an update on project and thematic updates. The Project also received the endorsement of the Union Street Association. (See Union Street Association endorsement letter, attached at **Exhibit C**.)

#### D. Compliance with Conditional Use Criteria for a Formula Retail Use

The Project requires Conditional Use Authorization because it would expand a formula retail use pursuant to Planning Code Section 303.1, and because the Project would result in a commercial use over 2,499 square feet within the Union Street NCD, pursuant to Planning Code Section 121.2. The Conditional Use Authorization is appropriate because the Project meets the Conditional Use criteria set forth in Planning Code Section 303.1.

There are approximately 31 other formula retail uses within the vicinity of the Property. Retail vacancy rates in the area are fairly high—with 34 vacant spaces as of February 2017—and the space at 1895 Union Street has been without a permanent tenant since late 2015. Two "pop-ups" used the space between February and April 2016, and from July through December 2016—1895 Union Street has been empty since then.

While there are other cafes in the neighborhood, a Starbucks coffee shop has operated at the current location since 1992, and the expanded space will allow for new product offerings and a spacious community gathering space. The Union Street NCD is an active corridor comprised of a mix of neighborhood-serving retail locations and citywide-serving retail destinations. The Project is consistent with the existing mix of uses—of which the existing Starbucks is one—and the larger space would allow the cafe to better serve neighborhood residents and visiting patrons.

#### E. Conclusion

Starbucks has operated successfully at the corner of Union Street and Laguna Street for 25 years. It now proposes to reactivate the adjacent vacant retail space in order to expand the existing cafe. An interior remodel will result in a 3,070-square-foot space with central serving bars surrounded by an abundance of seating. The expanded cafe will provide for a

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President Rich Hillis San Francisco Planning Commission April 26, 2017 Page 4

variety of new offerings and will create a spacious community gathering place. Therefore, we respectfully request that you grant this Conditional Use Authorization to permit the enlargement of the existing formula retail use.

Thank you.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP** 

**Chloe Angelis** 

Enclosures

cc: Dennis Richards, Commission Vice-President Rodney Fong, Commissioner Christine D. Johnson, Commissioner Joel Koppel, Commissioner Myrna Melgar, Commissioner Kathrin Moore, Commissioner Wayne Farrens, Project Planner

> San Francisco Office One Bush Street, Suite 600, San Francisco, CA 94104 tel: 415-567-9000 | fax: 415-399-9480

Dakland Office 827 Broadway, Suite 205, Oakland, CA 94607 tel: 510-257-5589

**REUBEN, JUNIUS & ROSE**, LLP I:\R&A\768608\PC Materials\LTR - President Hillis and Commissioners 4.26.17.doc

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### LIST OF EXHIBITS

- Exhibit A Existing and Proposed Floor Plans, Site Plan, and Signage
- Exhibit B BergDavis Outreach Memo
- Exhibit C Union Street Association Letter of Support

## **EXHIBIT** A







### UNION & LAGUNA

1895-1899 union street san francisco, ca 94123

March 21, 2017



### **Project Team**

Project Sponsor

Starbucks Attn: Leslie Mitchell 60 Spear Street 7th floor San Francisco, CA 94105 Tel: (510) 435-0196 Email: Imitchel@starbucks.com

#### Property Owner

**1889-1899 Union Street, LLC** 840 Lombardi Lane Hillsborough, CA 94010 Tel: (650) 347-9555

#### Project Contact

Reuben, Junius & Rose, LLP *Attn: Chloe V. Angelis* One Bush Street, Suite 600 San Francisco, CA. 94104 Tel: (415) 567-9000 Fax: (415) 399-9480 Email: cangelis@reubenlaw.com

#### <u>Architect</u>

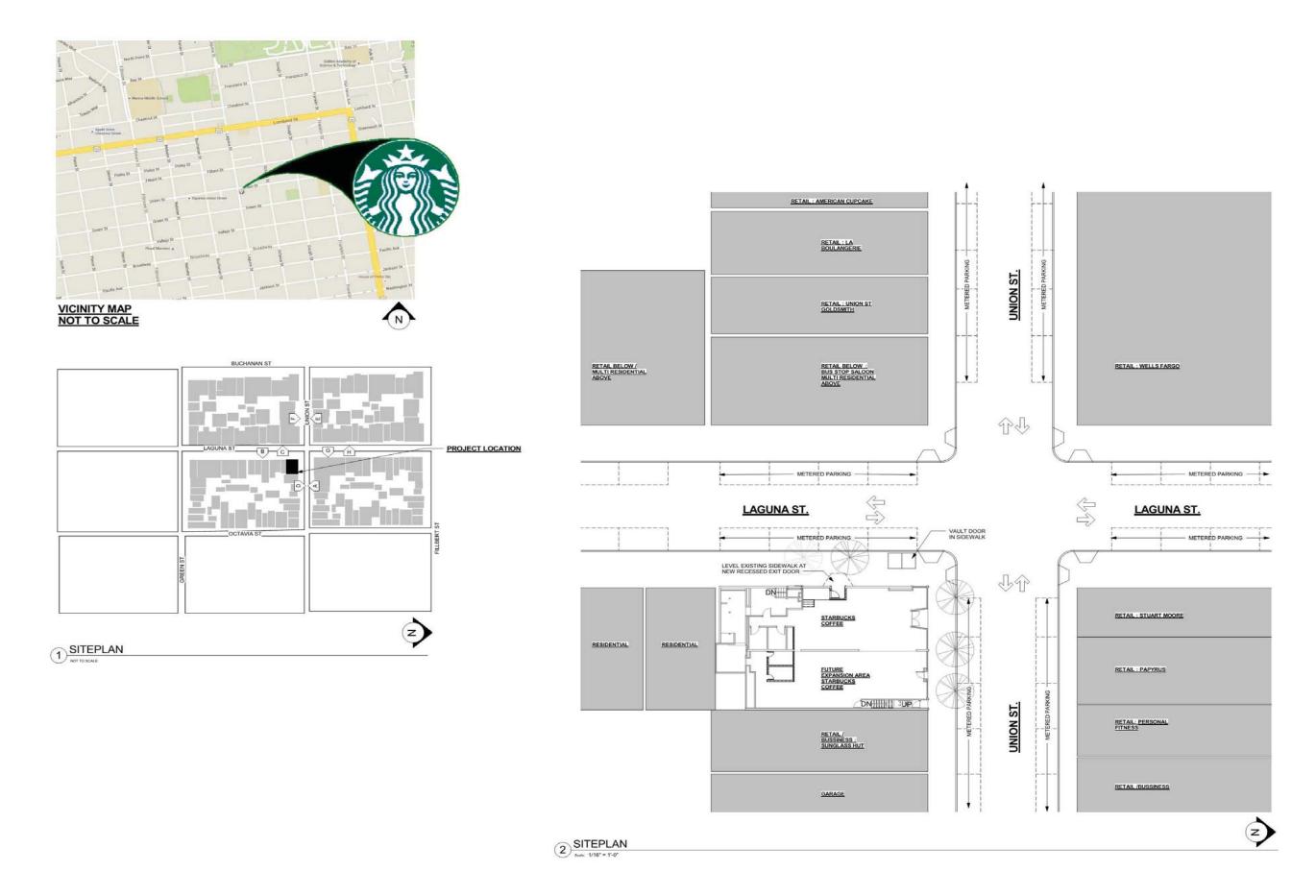
MSA architecture + design *Attn: Ron Raiche* 360 22nd Street, Ste 800 Oakland, CA. 94612 Tel: (415) 852-4925 Fax: (415) 852-4902 Email: ronr@msasf.com

Site Location ••••••••••••••••••••••••••••••••••••
Union Street Retail Map •••••••••••••••••••••••••••••••••••
Exiting Condition Photos • • • • • • • • • • • • • • • • • • •
Existing and Proposed Ground Floor Plans •••••••••••••••••••••
Existing and Proposed Basement Plans •••••••••••••••••••••
Existing and Proposed Union Street Elevations
Existing and Proposed Laguna Street Elevations •••••••••••••••••••••••••••
Enlarged Proposed Perspective •••••••••••••••••••••••••••••••



Table of Contents / Project Team



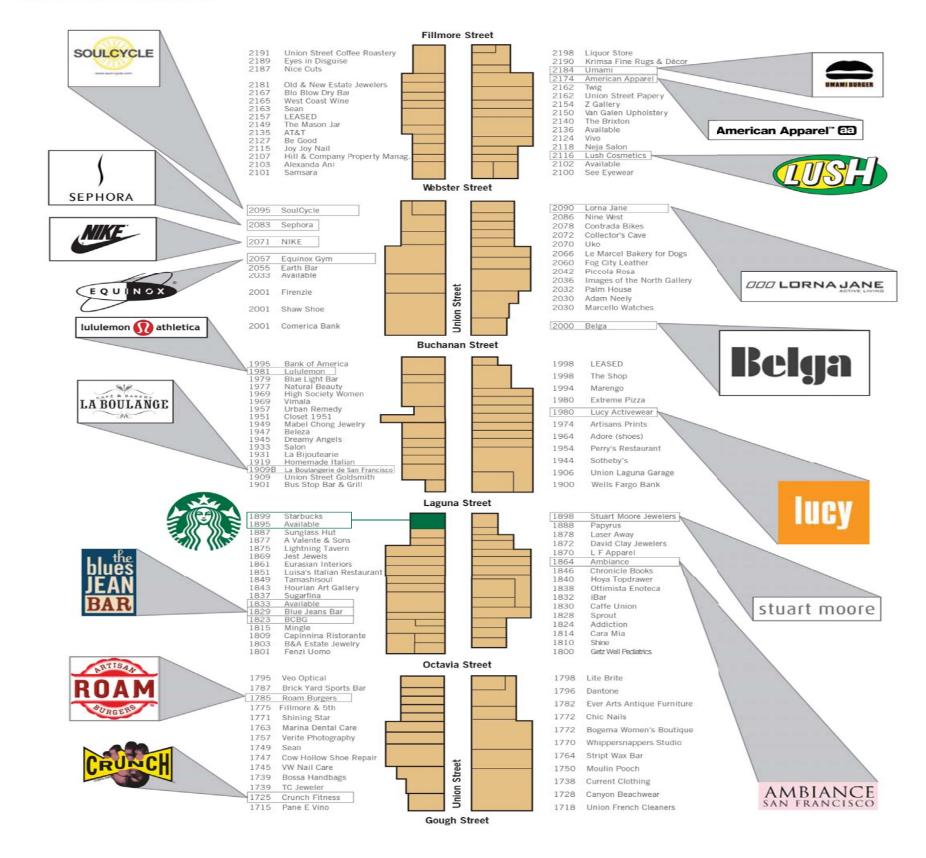






Site Location

#### UNION ST RETAIL MAP





Union Street Retail Map





ELEVATION A ALONG UNION ST (AT STARBUCKS COFFEE SIDE)





ELEVATIÓN B ALONG LAGUNA ST (AT STARBUCKS COFFEE SIDE)





ELEVATION C ALONG LAGUNA ST (ACROSS OF STARBUCKS COFFEE)

ELEVATION D ALONG UNION ST ( ACROSS OF STARBUCKS COFFEE)



ELEVATION E ALONG UNION ST ( ACROSS OF STARBUCKS COFFEE)



ELEVATION F ALONG UNION ST ( ACROSS OF STARBUCKS COFFEE)





**Existing Conditions** 





ELEVATION G ALONG LAGUNA ST (ACROSS OF STARBUCKS COFFEE)



ELEVATION H ALONG LAGUNA ST (ACROSS OF STARBUCKS COFFEE)



1895 UNION ST (EXPANSION SPACE)







1899 UNION STREET (EXISTING STORE)













MSA





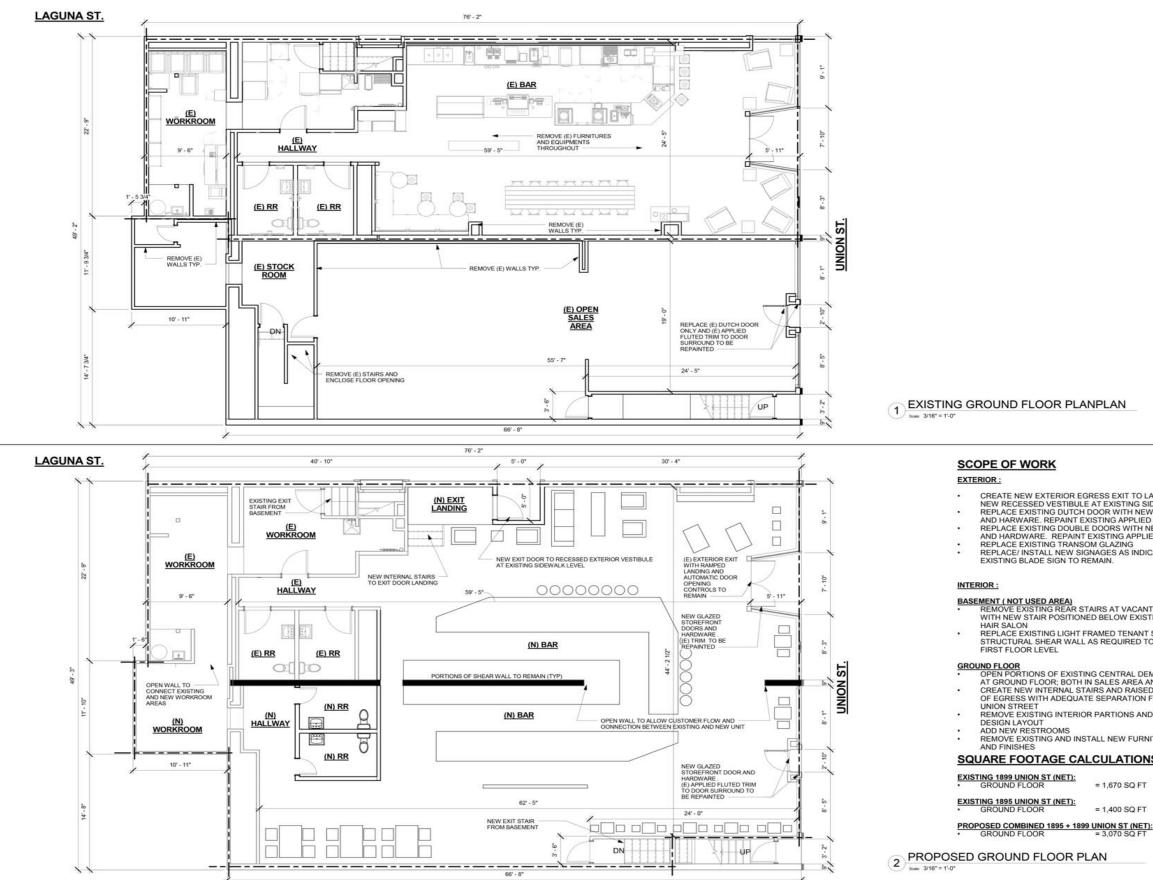






#### Existing Conditions









CREATE NEW EXTERIOR EGRESS EXIT TO LAGUNA STREET OPENING INTO NEW RECESSED VESTIBULE AT EXISTING SIDEWALK HEIGHT REPLACE EXISTING DUTCH DOOR WITH NEW GLAZED STOREFRONT DOOR AND HARWARE. REPAINT EXISTING APPLIED FLUTED ENTRY PORTAL TRIM REPLACE EXISTING DOUBLE DOORS WITH NEW GLAZED STOREFRONT DOORS AND HARDWARE. REPAINT EXISTING APPLIED PORTAL TRIM PEDIACE EXISTING TRANSOM GLAZING

REPLACE EXISTING TRANSOM GLAZING REPLACE INSTALL NEW SIGNAGES AS INDICATED ON EXTERIOR ELEVATIONS . EXISTING BLADE SIGN TO REMAIN.

BASEMENT ( NOT USED AREA) REMOVE EXISTING REAR STAIRS AT VACANT EXPANSION UNIT AND REPLACE WITH NEW STAIR POSITIONED BELOW EXISTING STAIRS TO SECOND FLOOR

REPLACE EXISTING LIGHT FRAMED TENANT SEPARATION WALL WITH NEW STRUCTURAL SHEAR WALL AS REQUIRED TO ALLOW NEW WALL OPENINGS AT

GROUND FLOOR • OPEN PORTIONS OF EXISTING CENTRAL DEMISING WALL TO CONNECT UNITS AT GROUND FLOOR, BOTH IN SALES AREA AND IN WORKROOM CREATE NEW INTERNAL STAIRS AND RAISED PLATFORM AS SECOND MEANS OF EGRESS WITH ADEQUATE SEPARATION FROM EXISTING EXIT DOOR TO

REMOVE EXISTING INTERIOR PARTIONS AND INSTALL NEW TO SUPPORT

REMOVE EXISTING AND INSTALL NEW FURNITURE, CASEWORK, EQUIPMENT, AND FINISHES

#### SQUARE FOOTAGE CALCULATIONS

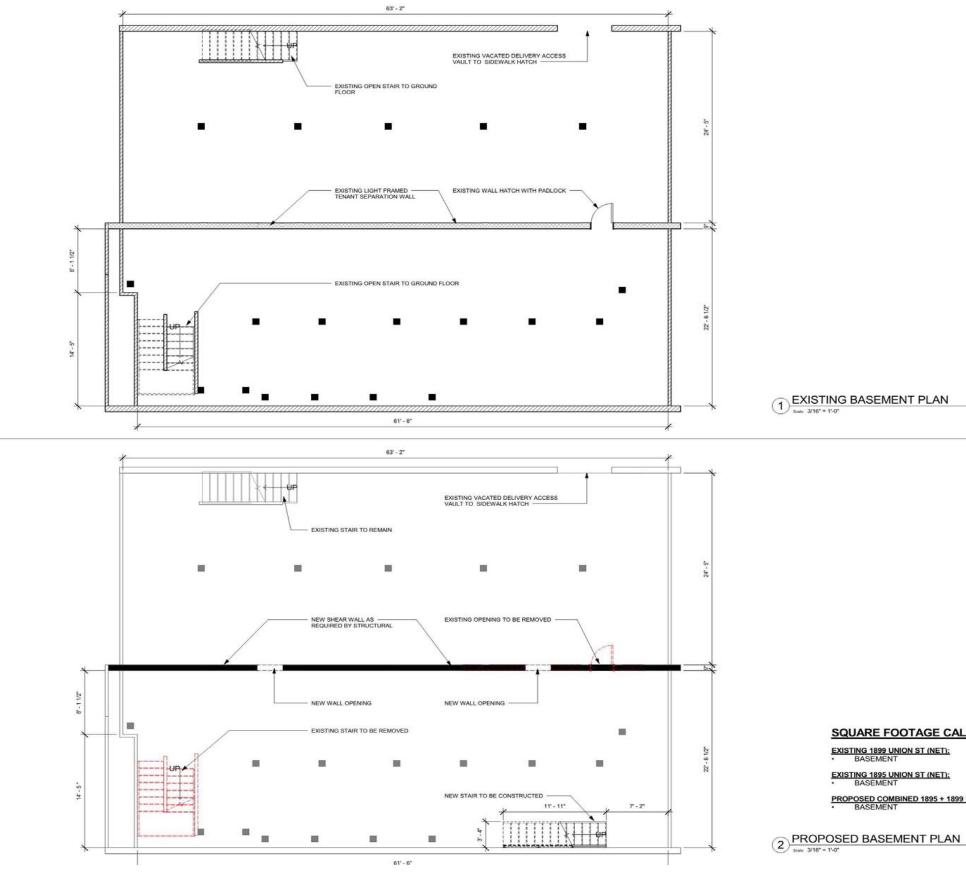
= 1,670 SQ FT

= 1,400 SQ FT



**Ground Floor Plans** 











#### SQUARE FOOTAGE CALCULATIONS

= 1,542 SQ FT

= 1,432 SQ FT

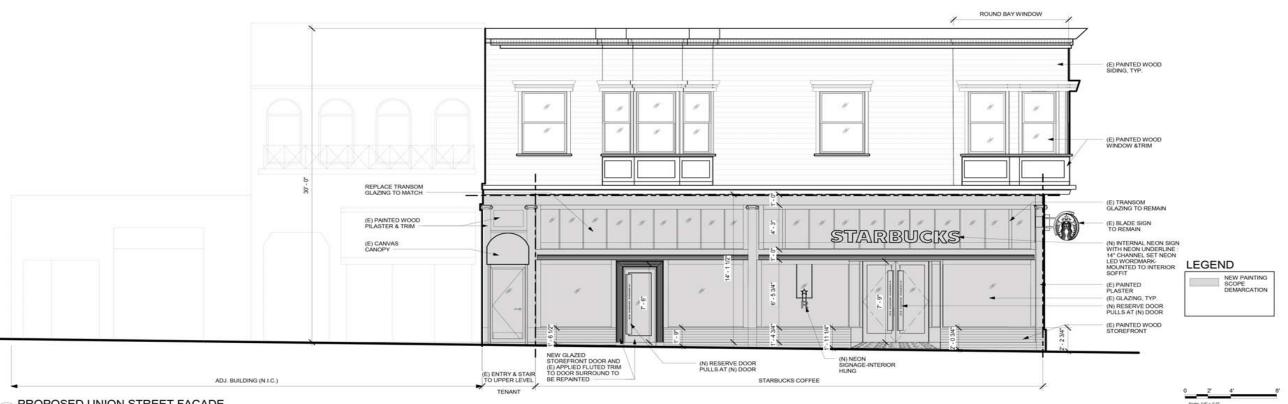
PROPOSED COMBINED 1895 + 1899 UNION ST (NET): • BASEMENT = 2,974 SQ FT



Basement Floor Plans







2 PROPOSED UNION STREET FACADE

MSA

**Union Street Elevations** 







Laguna Street Elevations







#### Proposed 3D Visual



## **EXHIBIT B**

### Starbucks Union Street, 1899 Union Street

#### Outreach Overview

The following is an overview of BergDavis' outreach efforts on behalf of Starbucks' proposed update to its store at 1899 Union Street. The proposal contemplates merging the existing storefront with an adjacent retail space to create a place where neighbors and shoppers can enjoy unique coffee drinks and distinctive preparations in a new, larger space with updated decor.

From the outset, the team was committed to thorough community engagement. Outreach began with a series of meetings with individuals and neighborhood groups, including Supervisor Farrell's Office and the Union Street Association. As the plans were refined and the process advanced, **a public open house was held in September 2016.** Feedback from each meeting and conversation – large and small – provided important opinions, questions and ideas for the project team and has resulted in a thoughtful design that we believe incorporates neighborhood input.

Please find below a summary timeline of our engagement with the local community.

#### October and November 2015

- The team met with the Union Street Association to introduce the project and share early plans. Membership provided initial feedback, and both sides committed to work together to deliver the best and most appropriate project for the neighborhood.
- The project team also met with and spoke to leadership from other nearby organizations and stakeholders, including:
  - o Supervisor Farrell's Office
  - The Cow Hollow Neighbors and Merchants
  - The Golden Gate Valley Neighborhood Association

#### August 2016

• Meeting with Golden Gate Valley Neighborhood Association past-president to discuss site plan and programming updates.

#### September 2016

- Attended the monthly Union Street Association meeting. The team shared updates and answered questions from membership.
- Outreach to the Cow Hollow Merchants went unreturned.
- The pre-application meeting was held at the store. The team shared a fact sheet and renderings that provided context for the proposed updates to the store.

#### April 2017

- The project team met with Cow Hollow Merchants leadership to brief on project and thematic updates.
- The Union Street Association endorsed the proposal.

# **EXHIBIT C**

### UNION STREET ASSOCIATION 2036 UNION STREET SAN FRANCISCO, CA. 94123 T. 415-441-7055 F. 415-928-4750 "www.unionstreetsf.com

April 7, 2017

Bill Hanson Starbucks Coffee Company

Re: Proposed Expansion of Starbucks Store #509 - Union & Laguna

Dear Mr. Hanson,

Thank you for presenting the proposal to expand the existing Starbuck coffee shop located at 1899 Union Street to our members at a meeting last year. At that meeting the members had no concerns with the expansion and felt the larger space would be an asset to the neighborhood.

The Board of Directors recently received a letter from you formally requesting support from the Association which they considered and have approved. This letter serves to communicate our support for your request.

We urge the Planning Commission to approve the application for the expansion with no added conditions called for by the Union Street Association. For many years Starbucks has been a professional and considerate business operation in our neighborhood. As the first Starbucks to locate in SF, we are proud to have them on Union Street and we wish them continued success.

Thank you, Lesley Leonhardt Executive Director and the second s

Starbucks Union Street

Reserve Bar and Store Expansion Supporter Petition

Dear San Francisco Planning Commissioners,

storefront and create San Francisco's first reserve bar location. The expansion will allow for new offerings and events not feasible in the As residents of San Francisco and the Marina neighborhood, we support Starbucks Union Street's proposal to expand to the adjoining existing space. Starbucks is eager to begin serving exotic coffee and showcasing distinctive preparations not found available in most stores.

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Starbucks Union Street

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Name	Signature	Address	Email
JANSAM NOLUJEN	MALAN	1889 United St.	
Melanis Davi D	June	2155 Union 84 .	
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