



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: NOVEMBER 14, 2019

Record No.: 2017-000140CUA
Project Address: **2299 MARKET ST**
Zoning: Upper Market Neighborhood Commercial Transit
50-X Height and Bulk District
Block/Lot: 3564/162
Project Sponsor: Deedee Crossett
2299 Market Street
San Francisco, CA 94113
Property Owner: Glen Cove Marina Road LLC
P.O. Box 5155
San Ramon, Ca 94583
Staff Contact: Cathleen Campbell – (415) 575-8732
Cathleen.campbell@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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415.558.6377

PROJECT DESCRIPTION

The proposal is for the legalization of an existing Formula Retail Use (d.b.a Dermalogica, a.k.a Skin on Market) within an approximately 339 square-foot tenant space located at the ground floor of an existing mixed-use building. The subject tenant space was previously unoccupied. No interior alterations of the subject tenant space are proposed. The existing Formula Retail sign is unauthorized and requires a building permit.

BACKGROUND

The subject project began operation as "Skin on Market" in 2014, which appeared to have a standardized array of merchandise and standardized décor of the trademarked brand "Dermalogica". On August 26th, 2014, a permit was issued to erect a sign with copy "Skin on Market". However, a sign with the copy "Dermalogica" was erected. As the business maintains more than two standardized features, it is considered a Formula Retail use. In addition to the unauthorized Formula Retail use, the signage on the front façade of the subject building has been installed without benefit of a Building Permit Application. On January 27, 2017, a notice of enforcement was issued to the business owner for the operation of a Formula retail use.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303(c), 303.1, and 764 to legalize the existing Formula Retail Use (d.b.a Dermalogica, a.k.a Skin on Market).

The existing sign is unauthorized, the Planning Commission may review and exercise discretion to require changes in the time, place and manner of the proposed signage for the proposed Formula Retail use, applying the Performance-Based Design Guidelines.

ISSUES AND OTHER CONSIDERATIONS

Signs must comply with the requirements of Article 6 of the Planning Code and Formula Retail sign guidelines. The existing unauthorized sign requires a building permit application for legalization. The Planning Department does not support the legalization of the unpermitted Formula Retail sign. In the review of the unpermitted sign based on the Performance-Based Design Guidelines, the Department found the sign inappropriate as it is not aesthetically compatible with the neighborhood. Signs should be constructed of durable high-quality materials that retain their characteristics within a high-traffic area over time. Signage is to be scaled and placed primarily for pedestrian legibility, and secondarily for vehicular visibility. Signs should not extend beyond with width of the storefront opening.

The department recommends the following conditions to modify the formula retail sign design:

- A pin mounted aluminum channel lettering halo lit sign is supported.
- Reduce the size of the Formula retail sign to be no larger than the width of the entrance doors (6'6").
- Center the sign within the transom above the entrance doors. Mount the sign between the door framing and the transom window framing above the entrance door.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department finds that the the legalization of the unauthorized Formula retail use, on balance, consistent with the Objectives and Policies of the General Plan and meets all applicable requirements of the Planning Code. The Project will provide a service that both enhances and reinforces the neighborhood's existing commercial corridor. Additionally, the Project will not displace an existing neighborhood serving retail use, but rather provide new business and job opportunities to the neighborhood. The Department finds also the legalization of the unauthorized Formula retail use to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity. The existing sign is unauthorized, the Planning Commission may review and exercise discretion to require changes by applying the Performance-Based Design Guidelines.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos

Executive Summary
Hearing Date: November 14, 2019

RECORD NO. 2017-000140CUA
2299 Market Street

Exhibit F - Public Correspondence
Exhibit G – Formula Retail Affidavit



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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303(c), 303.1, AND 764 TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE (D.B.A. DERMALOGICA, A.K.A SKIN ON MARKET) AT 2299 MARKET STREET WITHIN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 10, 2018, Deedee Crossett of Skin on Market (hereinafter "Project Sponsor") filed Application No. 2017-000140PRJ (hereinafter "Application") with the Planning Department (hereinafter "Department") to legalize a Formula Retail Use (d.b.a. Dermalogica, a.k.a. Skin on Market, skin care Retail Sales and Services use) within an approximately 339 square feet ground floor commercial space (previously unoccupied) (hereinafter "Project") at 2299 Market Street, Block 3564 Lot 162 (hereinafter "Project Site").

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

On November 14, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-000140CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2017-000140CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

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 as requested in Application No. 2017-000140CUA, 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. **Project Description.** The proposal is a request for Conditional Use Authorization pursuant to Planning Code Sections, 303(c), 303.1, and 764 to establish a Formula Retail Use within the Upper Market Neighborhood Commercial Transit and a 50-X Height and Bulk District. The proposal is to legalize a Formula Retail Use (d.b.a. Dermalogica, a.k.a. Skin on Market, a skin care Retail Sales and Services use) within an existing ground floor commercial space with approximately 339 square feet of floor area (previously unoccupied).
3. **Site Description and Present Use.** 2299 Market Street is developed on a corner lot located on the south side of the intersection of Market, Noe, and 16th Streets in the Upper Market neighborhood. The property is located in the Upper Market Neighborhood Commercial District just outside the boundaries of the Market/Octavia Plan Area. The property is also located within the area covered by the Upper Market Community Design Plan. The lot has approximately 60’-9” of frontage on Noe Street, 85’-2” of frontage on 16th Street, and 19’-6” of frontage on Market Street along a gore corner. The approximately 7,250 square-foot project site is currently under construction for a five-story mixed-use building with 18 dwelling units, 18 below grade parking spaces, and approximately 4,500 square-feet ground floor commercial space.

Currently, the commercial spaces are occupied by Bank of the West, Ritual Coffee, Giddy, and the subject project d.b.a. Dermalogica (a.k.a. Skin on Market). The subject project began operation as “Skin on Market” in 2014, which appeared to have a standardized array of merchandise and standardized décor of the trademarked brand “Dermalogica”. On August 26th, 2014, a permit was issued to erect a sign with copy “Skin on Market”. However, a sign with the copy “Dermalogica” was erected. As the business maintains more than two standardized features, it is considered a Formula Retail use. In addition to the unauthorized Formula Retail use, the signage on the front façade of the subject building has been installed without benefit of a Building Permit Application. On January 27, 2017, a notice of enforcement was issued to the business owner for the operation of a Formula retail use.

4. **Surrounding Properties and Neighborhood.** The Upper Market Street Neighborhood Commercial District, on Market Street from Church to Castro, and on side streets off Market, is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose commercial district that provides limited convenience

goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets. Some areas of the District are noticeably low-rise, automobile-oriented lots, with gas stations and single-story commercial establishments with surface parking lots. Just off Market Street there are small-scale residential streets that support the district. In general, the district is a full-service shopping area providing a variety of uses within easy walking distance.

The Upper Market Street district controls are designed to promote moderate-scale development that contributes to Market Street's design and character. They are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. Large-lot and use development is reviewed for consistency with existing development patterns. Rear yards are protected at residential levels. To promote mixed-use buildings, most commercial uses are permitted with some limitations above the second story. In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial service uses are limited. Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

5. **Public Outreach and Comments.** The Department has 1 letter of support from Castro Merchants. All the feedback has been positive in nature and supported the locally owned and operated Formula Retail Use.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use Size.** Planning Code Section 764 states that a Conditional Use Authorization is required for uses 3,000 square feet or greater.

The subject tenant space is approximately 339 square feet in area and does not require the issuance of Conditional Use Authorization for use-size.

- B. **Parking.** Planning Section 151 of the Planning Code does not require off street parking for Retail Sales and Services uses. A Maximum 1.5 parking spaces for each 500 square feet of Occupied Floor Area up to 20,000 where the Occupied Floor Area exceeds 5,000 square feet, plus 1.5 spaces for each 250 square feet of Occupied Floor Area in excess of 20,000.

The project does not include off street parking.

- C. **Hours of Operation.** Planning Code Section 764 states that a Conditional Use Authorization is required for maintaining hours of operation from 2:00am to 6:00am, as defined by Planning Code Section 102.

The proposed business (d.b.a. Dermalogica, a.k.a. Skin on Market) will operate within the principally permitted hours of operation. The proposed business hours are Monday through Friday 11 A.M. - 7 P.M., Saturday 10:00 A.M.-6:00 P.M., Sunday 12 – 6 P.M.; therefore, the Project complies with Planning Code Section 764.

- D. **Street Frontage** in Neighborhood Commercial Districts. Section 145.1 of the Planning Code 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 subject commercial space has approximately 22-feet of frontage on Noe Street, with fenestration devoted to either the entrance or window space. The windows are clear and unobstructed. The existing unauthorized sign is required to have a sign permit and comply with the requirements of Article 6 of the Planning Code and the Formula Retail sign guidelines.

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

Signs must comply with the requirements of Article 6 of the Planning Code and Formula Retail sign guidelines. The existing unauthorized sign requires a building permit application for legalization. In the review of the unpermitted sign based on the Performance-Based Design Guidelines, the Department found the sign inappropriate as it is not aesthetically compatible with the neighborhood. Signs should be

constructed of durable high-quality materials that retain their characteristics within a high-traffic area over time. Signage is to be scaled and placed primarily for pedestrian legibility, and secondarily for vehicular visibility. Signs should not extend beyond with width of the storefront opening. The department recommends the following conditions to modify the formula retail sign design:

- *A pin mounted aluminum channel lettering halo lit sign is supported.*
- *Reduce the size of the Formula retail sign to be no larger than the width of the entrance doors (6'6").*
- *Center the sign within the transom above the entrance doors. Mount the sign between the door framing and the transom window framing above the entrance door.*

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 size of the proposed use is in keeping with other storefronts on the block face. The proposed Formula Retail Sales and Services use does not impact traffic or parking in the District because it is not a destination retail use. The proposed Retail Sales and Services use will provide nearby residents and employees with a neighborhood amenity. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront.

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:

(1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same. The proposal includes the legalization of an existing retail space. A permit is required for the unauthorized signage.

(2) 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 Planning Code does not require parking or loading for a 339 square-foot Retail Sales and Services use. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. The

project site is well served by public transit and located between the Castro and Church Street Stations.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposal will not produce, nor include, and uses that would emit noxious or offensive emissions such as noise, glare, dust, or odor, and will provide proper ventilation for the space in compliance with the San Francisco Building Code.

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

The proposed legalization of a Retail Sales and Services formula retail use will provide a compatible development that is both necessary and desirable for the neighborhood. While not altering the character of the existing building or neighborhood, the Project will preserve and activate commercial tenant space along a vibrant commercial corridor, complement the mix of goods and services currently available in the neighborhood, and maintain business and job opportunities for the residents of the neighborhood. The proposed does not require any additional tenant improvements the Department shall review all lighting and signs proposed for the new business in accordance with Condition 10 of Exhibit A. Signs will require permit and must comply with the requirements of Article 6 of the Planning Code as well as the Formula Retail sign guidelines.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purposed of the Upper Market Neighborhood Commercial Transit District in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

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

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

The Project Sponsor conducted a Formula Retail survey March 19, 2019. Based on the survey, the concentration of all Formula Retail establishments in the 300' radius from the project site is 15.18% of total commercial frontage.

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

There are 9 personal service uses that offer skin care services within the Upper Market NCT, including BiaoHealth, M Spa, Rose Waxing for Women & Men, People Hair & Nail Spa, Face It Salon & Spa, Queen Bee Nails, Simply Unique Nails, Bank's Aesthetics & Massage, SEV Laser. Face It Salon is a retailer of Dermalogica and an array of other branded products. However, the subject property is a Dermalogica Circle center, with high level of commitment to the Dermalogica by selling only Dermalogica branded products. Skin care services are performed by skin therapists that are licensed and certified by The International Dermal Institute, a Dermalogica training center.

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

The project seeks to legalize the unpermitted occupancy in a commercial space in a new development and no exterior alterations are proposed. The existing unauthorized sign requires a building permit application for legalization. The Planning Department does not support the legalization of the unpermitted formula retail sign. In the review of the unpermitted sign based on the Performance-Based Design Guidelines, the Department found the sign inappropriate as it is not aesthetically compatible with the neighborhood. Signs should be constructed of durable high-quality materials that retain their characteristics within a high-traffic area over time. Signage is to be scaled and placed primarily for pedestrian legibility, and secondarily for vehicular visibility. Signs should not extend beyond with width of the storefront opening. The department recommends the following conditions to modify the formula retail sign design:

- A pin mounted aluminum channel lettering halo lit sign is supported.*
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- Center the sign within the transom above the entrance doors. Mount the sign between the door framing and the transom window framing above the entrance door.*

D. The existing retail vacancy rates within the district.

Based on the provided survey, the vacancy rate within a 300' radius from the project site is 4.6% of total commercial frontage.

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

The Upper Market NCD/NCT contains eating and drinking establishments, retail, services and institutions that generally serve the immediate neighborhood. These aforementioned uses are primarily locally-owned, independent uses. Formula retail uses can be found scattered across the district. The proposed use is intended to be primarily neighborhood-serving and is locally owned and operated.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1

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

Policy 1.2

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

Policy 1.3

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

The Project Site is located within a NCD and is consistent with activities in the commercial land use plan because it would provide a neighborhood serving use within a ground floor commercial space.

OBJECTIVE 4:

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 proposed Project is designed to serve the needs of nearby residents. It will also provide resident employment opportunities to those in the community.

OBJECTIVE 6:

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

Policy 6.1

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

The subject commercial space is new and has never been tenant occupied so no commercial tenant would be displaced by the Project.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies 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 enhance the district by providing skin care services in an area that is not over concentrated.

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

The existing units in the surrounding neighborhood would not be adversely affected. The proposal does not include extended hours of operation.

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

The No housing is removed for this Project.

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

The site is on Church Street and is well served by transit including the K, L, M, N, and 22 bus lines. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking.

- 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 impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2017-000140CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 14, 2019, 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. 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 November 14, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

Draft Motion
October 31, 2019

RECORD NO. 2017-000140CUA
2299 MARKET ST

ADOPTED: June 2, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Formula Retail Use (d.b.a. Dermalogica, a.k.a. Skin on Market) located at **2299 Market Street**, Block 3651, and Lot 162, pursuant to Planning Code Section **303(c), 303.1, and 764** within the Upper Market Neighborhood Commercial Transit District and a **50-X** Height and Bulk District and subject to conditions of approval reviewed and approved by the Commission on **XXXXXX** under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **XXXXXX** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

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

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

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

The Project Sponsor shall continue to work with Planning Department on the building design with respect to the following:

- A pin mounted aluminum channel lettering halo lit sign is supported.
- Reduce the size of the Formula retail sign to be no larger than the width of the entrance doors (6'6").

- Center the sign within the transom above the entrance doors. Mount the sign between the door framing and the transom window framing above the entrance door.

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

MONITORING - AFTER ENTITLEMENT

11. **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

12. **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

OPERATION

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

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

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

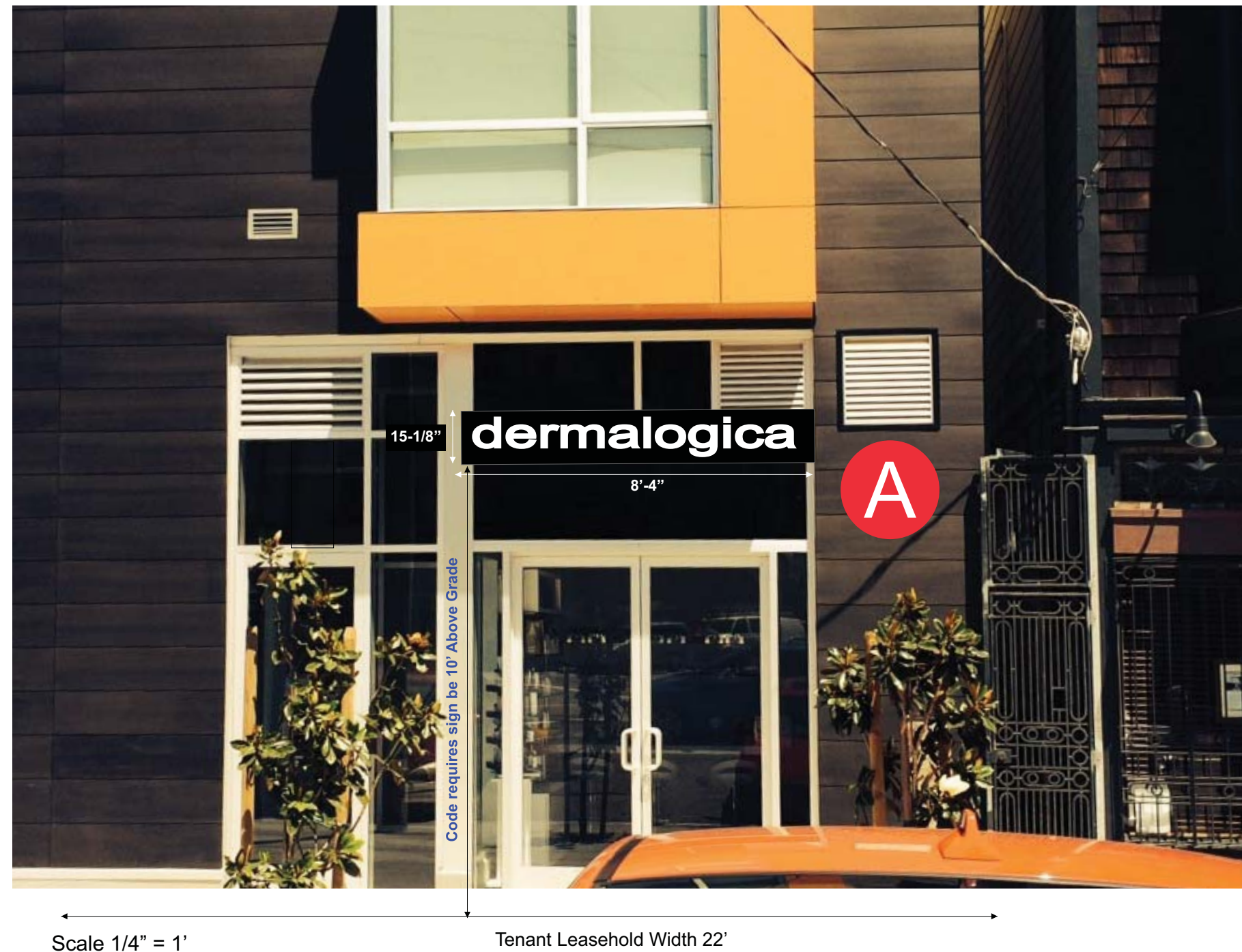
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

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

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

16. **Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00a.m. to 2:00a.m. daily.

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



Neon Images, Inc.
243 N. Escalante Dr.
Elk Ridge, UT 84651
P: (801) 423-3051
F: (419) 715-6078

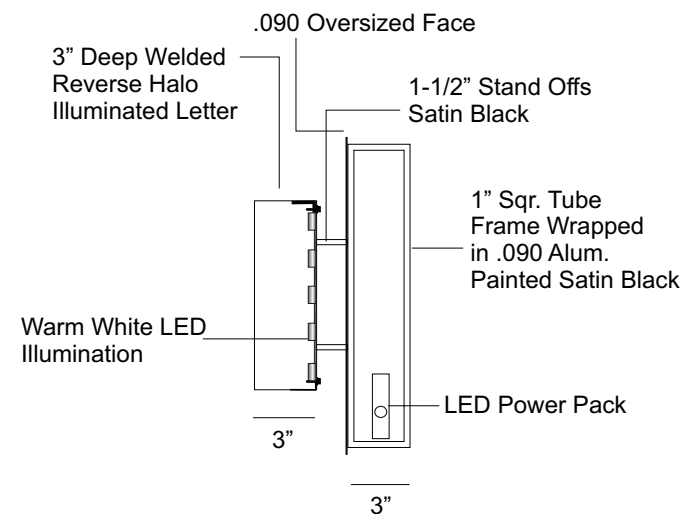
Client: Dermalogica Approved: _____
Address: 2299 Market St.
City, State: San Francisco, CA
Date: _____
Revision Date: _____



Reverse Halo Illuminated Letters
Mounted on Background
15-1/8" x 8'-4" = 10.51 SF



Scale 1" = 1'



Attach to window mullions
with 3/8 #12 Hexhead
Self Tapping Screws
2' O.C.

Specifications:

Faces:	Reverse Aluminum Halo Illuminated Letters .090 Welded Construction White
Returns:	.063 Aluminum White
Backs:	3/16" Clear Lexan with 1-1/2" Stand Offs
Background:	3" Deep 1" Square Tube Frame Wrapped in .090 Aluminum - Painted Black
Illumination:	Warm White LED's, Power Packs Located in Background

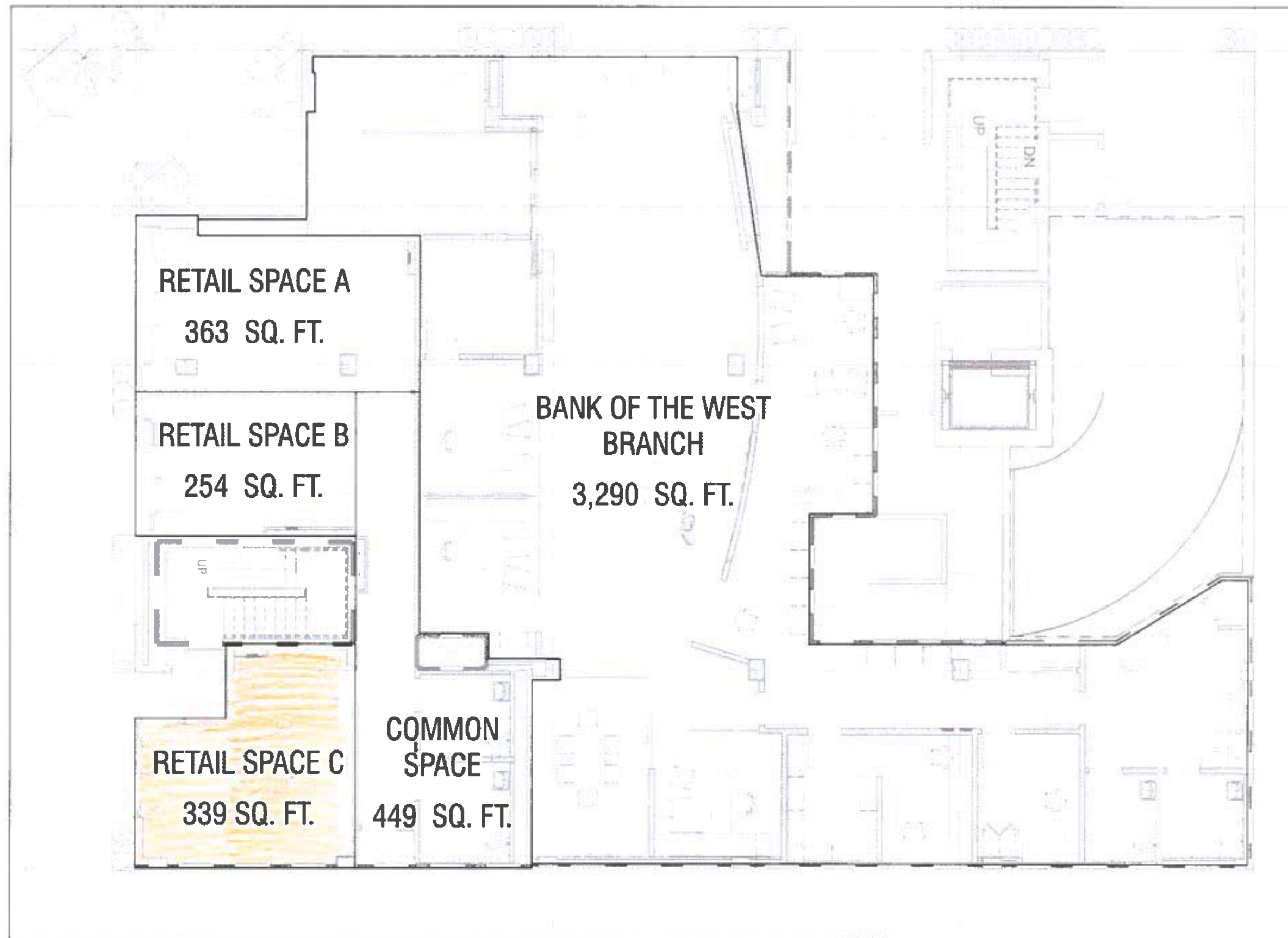
Neon Images, Inc.
243 N. Escalante Dr.
Elk Ridge, UT 84651
P: (801) 423-3051
F: (419) 715-6078

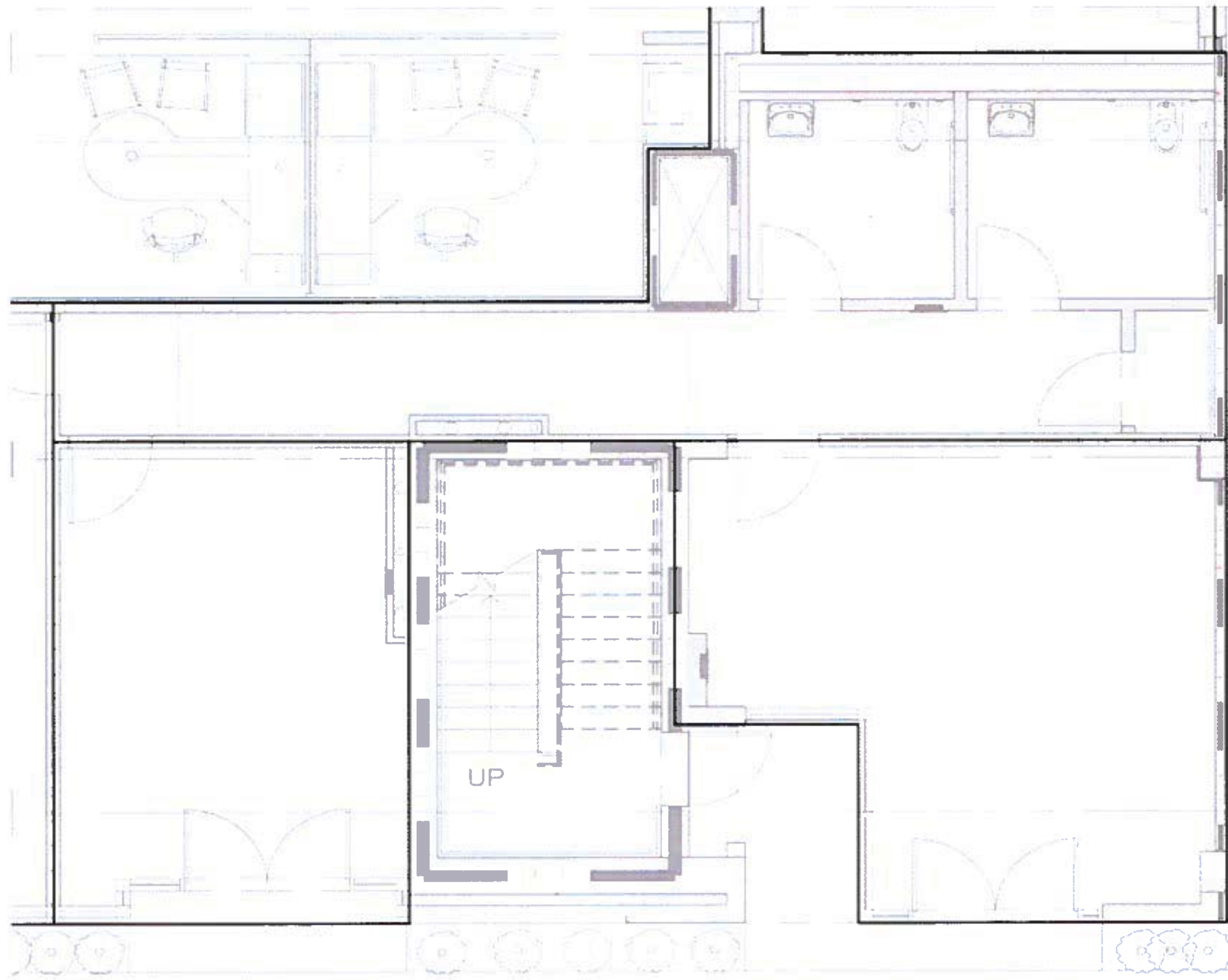
Client: Dermalogica Approved: _____
Address: 2299 Market St.
City, State: San Francisco, CA
Date: _____
Revision Date: _____

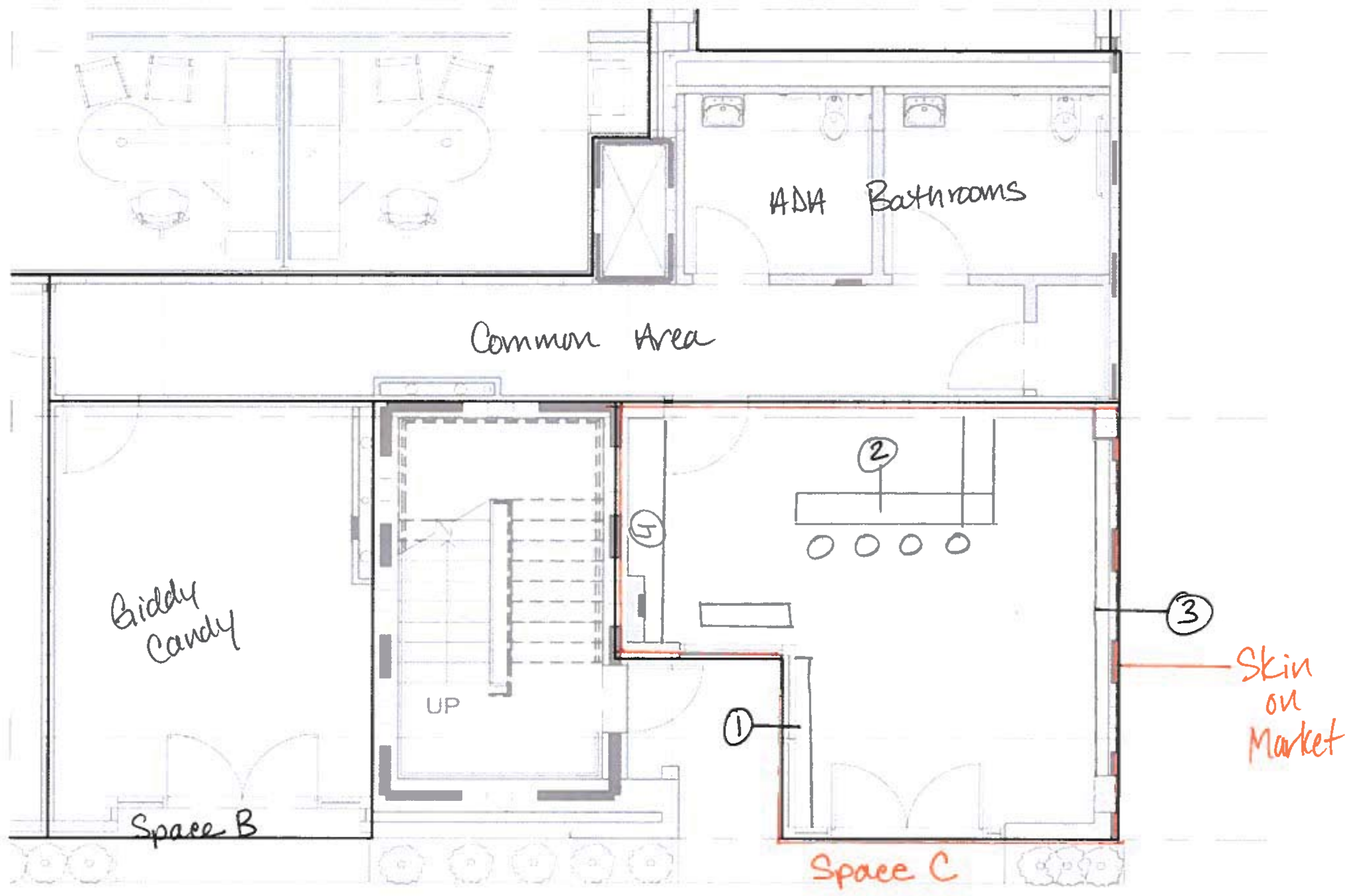


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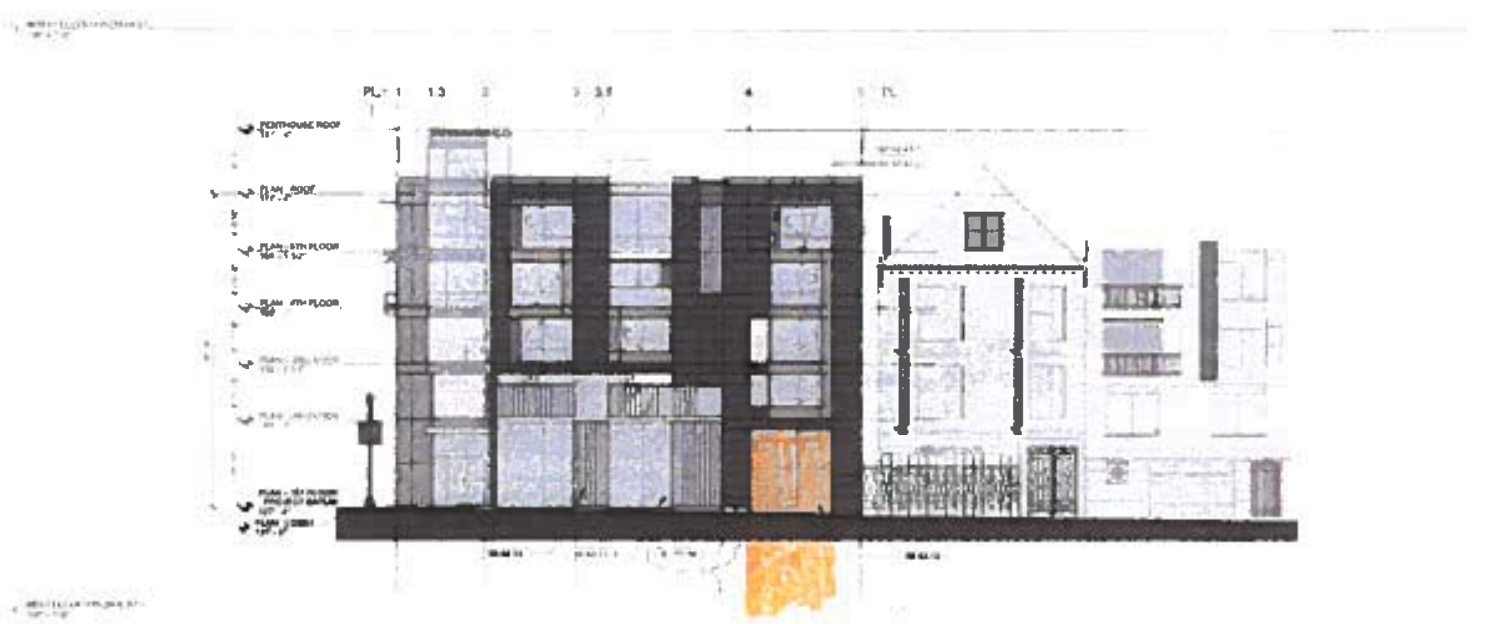
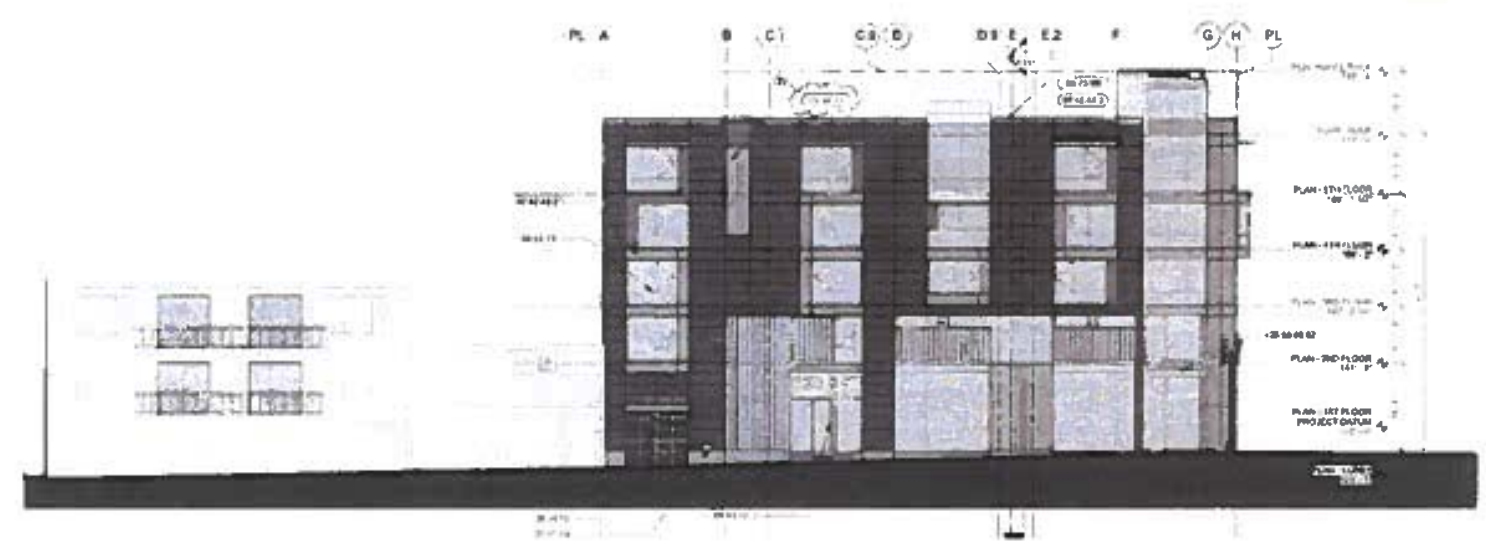
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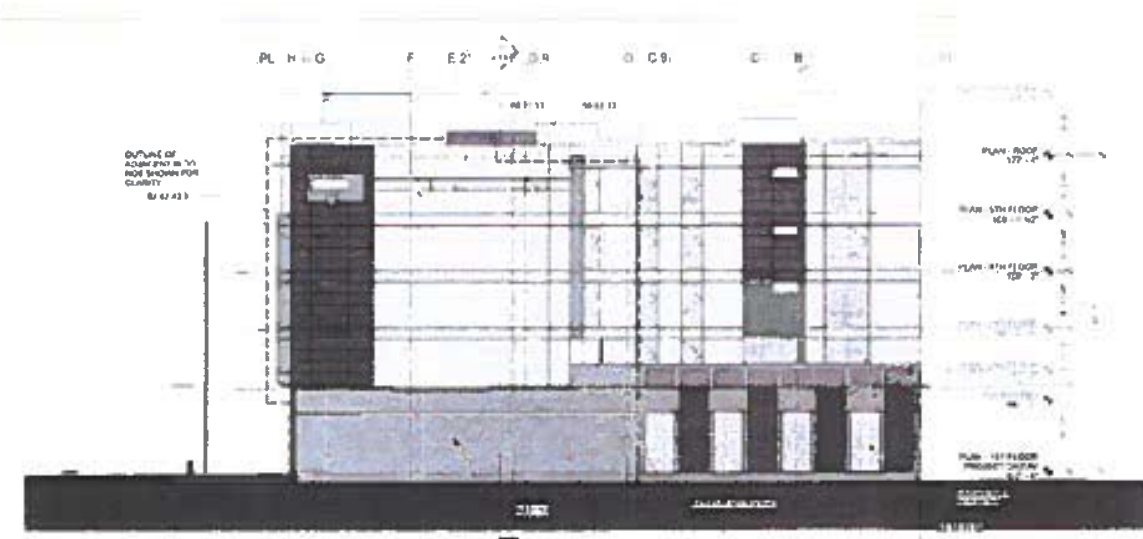


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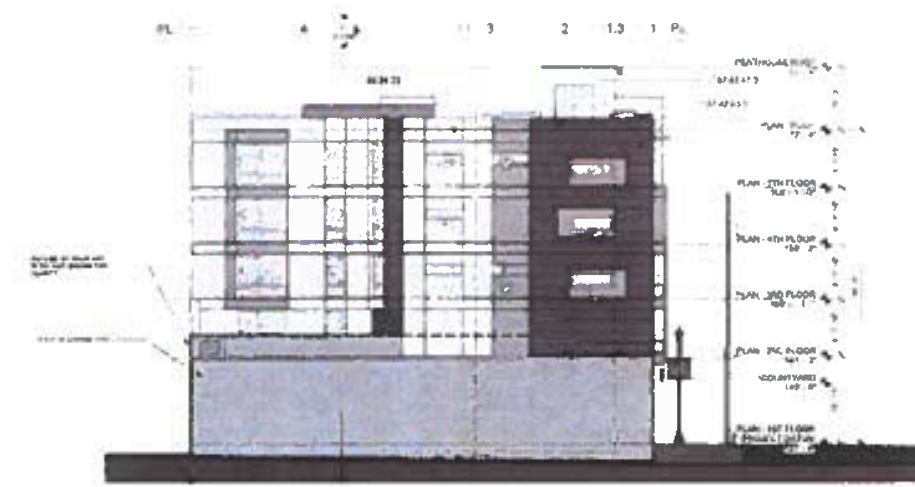


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SECTION ELEVATION
1/2" = 1'-0"

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1	FOUNDATION	11	WALLS	21	ROOF	31	MECHANICAL
2	FOUNDATION	12	WALLS	22	ROOF	32	MECHANICAL
3	FOUNDATION	13	WALLS	23	ROOF	33	MECHANICAL
4	FOUNDATION	14	WALLS	24	ROOF	34	MECHANICAL
5	FOUNDATION	15	WALLS	25	ROOF	35	MECHANICAL
6	FOUNDATION	16	WALLS	26	ROOF	36	MECHANICAL
7	FOUNDATION	17	WALLS	27	ROOF	37	MECHANICAL
8	FOUNDATION	18	WALLS	28	ROOF	38	MECHANICAL
9	FOUNDATION	19	WALLS	29	ROOF	39	MECHANICAL
10	FOUNDATION	20	WALLS	30	ROOF	40	MECHANICAL

ib+a
ARCHITECTURE

1000 Market Street, Suite 200
San Francisco, CA 94102
Tel: (415) 398-0000
Fax: (415) 398-0001
www.ibaarchitect.com

2299
MARKET ST

San Francisco, CA

2299 MARKET ST
LLC

1000 Market Street
San Francisco, CA 94102

Project Name



SCHEMATIC DESIGN

NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1	FOUNDATION	11	WALLS	21	ROOF	31	MECHANICAL
2	FOUNDATION	12	WALLS	22	ROOF	32	MECHANICAL
3	FOUNDATION	13	WALLS	23	ROOF	33	MECHANICAL
4	FOUNDATION	14	WALLS	24	ROOF	34	MECHANICAL
5	FOUNDATION	15	WALLS	25	ROOF	35	MECHANICAL
6	FOUNDATION	16	WALLS	26	ROOF	36	MECHANICAL
7	FOUNDATION	17	WALLS	27	ROOF	37	MECHANICAL
8	FOUNDATION	18	WALLS	28	ROOF	38	MECHANICAL
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10	FOUNDATION	20	WALLS	30	ROOF	40	MECHANICAL

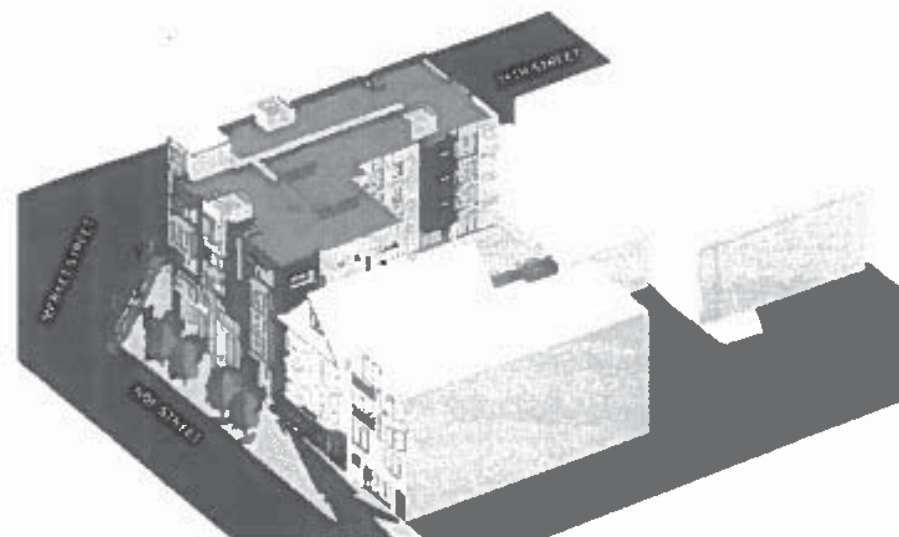
FOR SET, PERMIT ONLY

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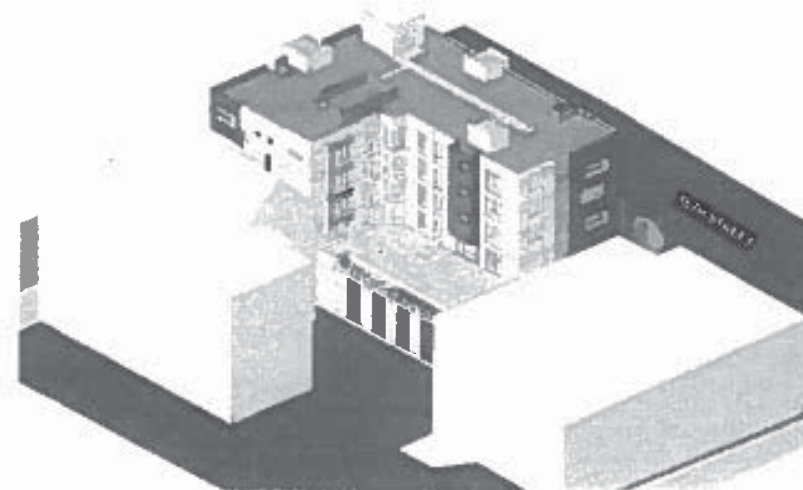
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SCALE: 1/8" = 1'-0"

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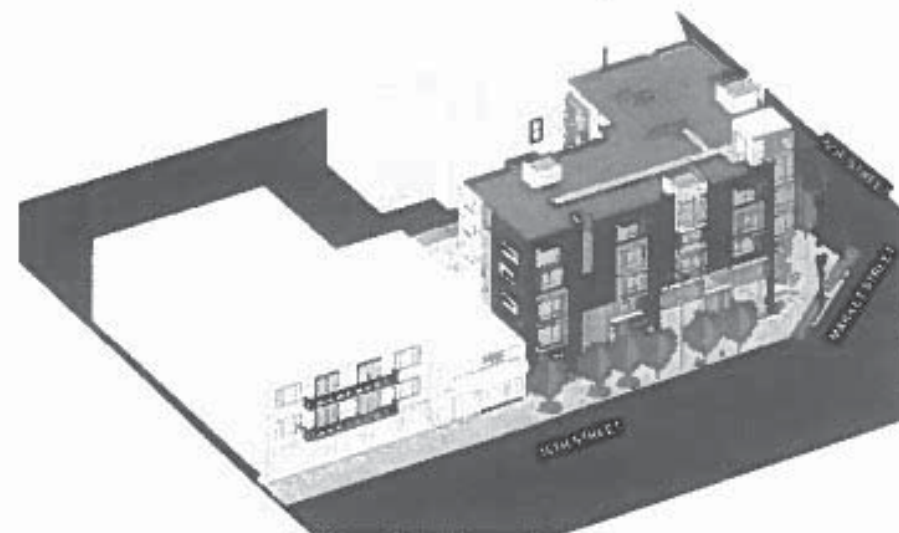
As shown, and unless otherwise noted, the construction shall be in accordance with the latest edition of the Uniform Building Code and the International Building Code, and all applicable local codes and ordinances.



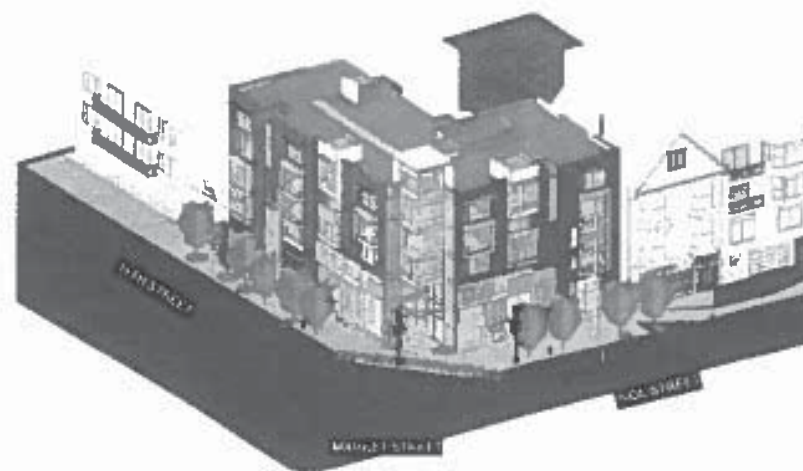
North-West View



North-East View



South-West View



South-East View

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architecture

100 South Street, Suite A
San Francisco, CA 94109
Tel: (415) 398-0000
Fax: (415) 398-0001
www.ib+a.com

2299
MARKET ST.

Client: **COMMERCIAL 1.51 LLC**

Architect: **ib+a**
Contract No. **1.51-0001**

Scale: **1/8" = 1'-0"**
Date: **10/10/08**

Sheet: **A-0.2**

Project: **2299 MARKET ST.**

Location: **San Francisco, CA**

Site: **2299 MARKET ST.**

Scale: **1/8" = 1'-0"**

Date: **10/10/08**

Sheet: **A-0.2**

Project: **2299 MARKET ST.**

Location: **San Francisco, CA**

Site: **2299 MARKET ST.**

Scale: **1/8" = 1'-0"**

Date: **10/10/08**

Sheet: **A-0.2**

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ib+a
architecture

With Honorable Dis. and. Nathan A.
Harris, Esq., Chairman, C.A. 04-1006
Box 410, 612 Elder
St., St. Louis, Mo. 63102
www.thefarmers.org

2299
MARKET ST

Dana F. Moore, PhD

2299 MARKET ST
LLC

உதாரணம்: பின்வரும் கட்டளைகளைப் பார்ப்போம்.

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FOR HTC PHONE ONLY

SITE PLAN & STREET SCAPE IMPROVEMENT

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ՏԵՐՄԻՆ անգլ.
Term, Երաժշտություն

Այս բառը կարող է օգտագործվել հետևյալ իմաստներով՝

1. Երաժշտության մեջ՝ երգի, օպերայի, օրատորիայի և այլ երաժշտական ստեղծագործության ժանրը, որը որոշվում է ըստ ժանրի, ժանրի, ժանրի և այլ ժանրի:

2. Երաժշտության մեջ՝ երգի, օպերայի, օրատորիայի և այլ երաժշտական ստեղծագործության ժանրը, որը որոշվում է ըստ ժանրի, ժանրի, ժանրի և այլ ժանրի:

100

Skin on Market





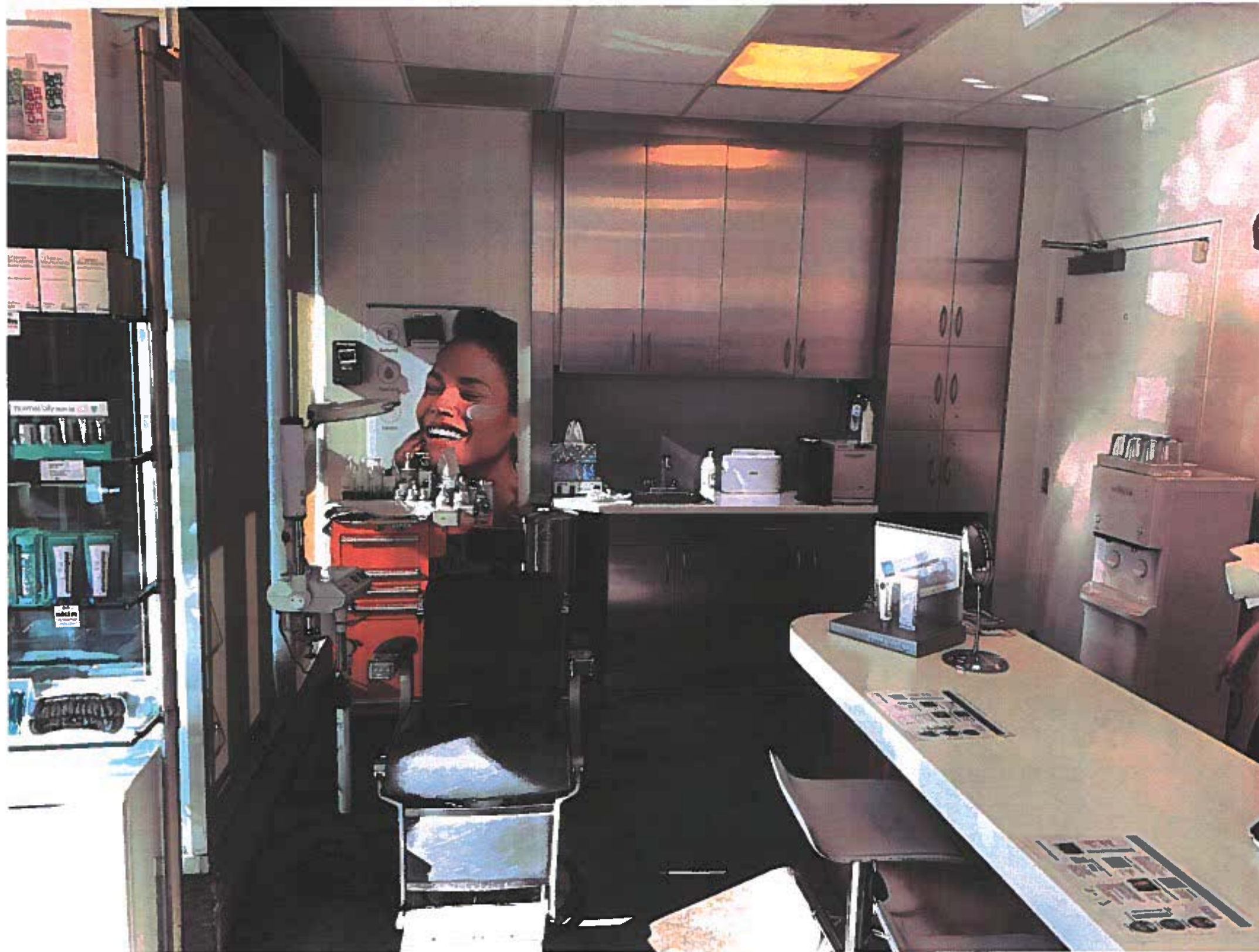


1.a.iii.Photos



Skin on Market, 2299 Market St. C 2017-000140CUA/2017-000140PRJ

1.a.iii.Photos



Skin on Market, 2299 Market St. C 2017-000140CUA/2017-000140PRJ

1.a.iii.Photos



1.a.iii.Photos



Skin on Market, 2299 Market St. C 2017-000140CUA/2017-000140PRJ



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2299 MARKET ST		3564162
Case No.		Permit No.
2017-000140PRJ		
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Conditional Use Authorization to permit formula retail use d.b.a Dermalogica.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input checked="" type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? <i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): 	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Cathleen Campbell 10/17/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
2299 MARKET ST		3564/162
Case No.	Previous Building Permit No.	New Building Permit No.
2017-000140PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Planning Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 2299 MARKET ST
RECORD NO.: 2017-000140CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Lot Area	7,252	7,252	
Residential			
Commercial/Retail	339	339	
Office			
Industrial/PDR <i>Production, Distribution, & Repair</i>			
Parking			
Usable Open Space			
Public Open Space			
Other ()			
TOTAL GSF	339	339	339
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Market Rate			
Dwelling Units - Affordable			
Hotel Rooms			
Parking Spaces			
Loading Spaces			
Car Share Spaces			
Bicycle Spaces			
Number of Buildings	1	1	
Number of Stories			
Height of Building(s)			
Other ()			

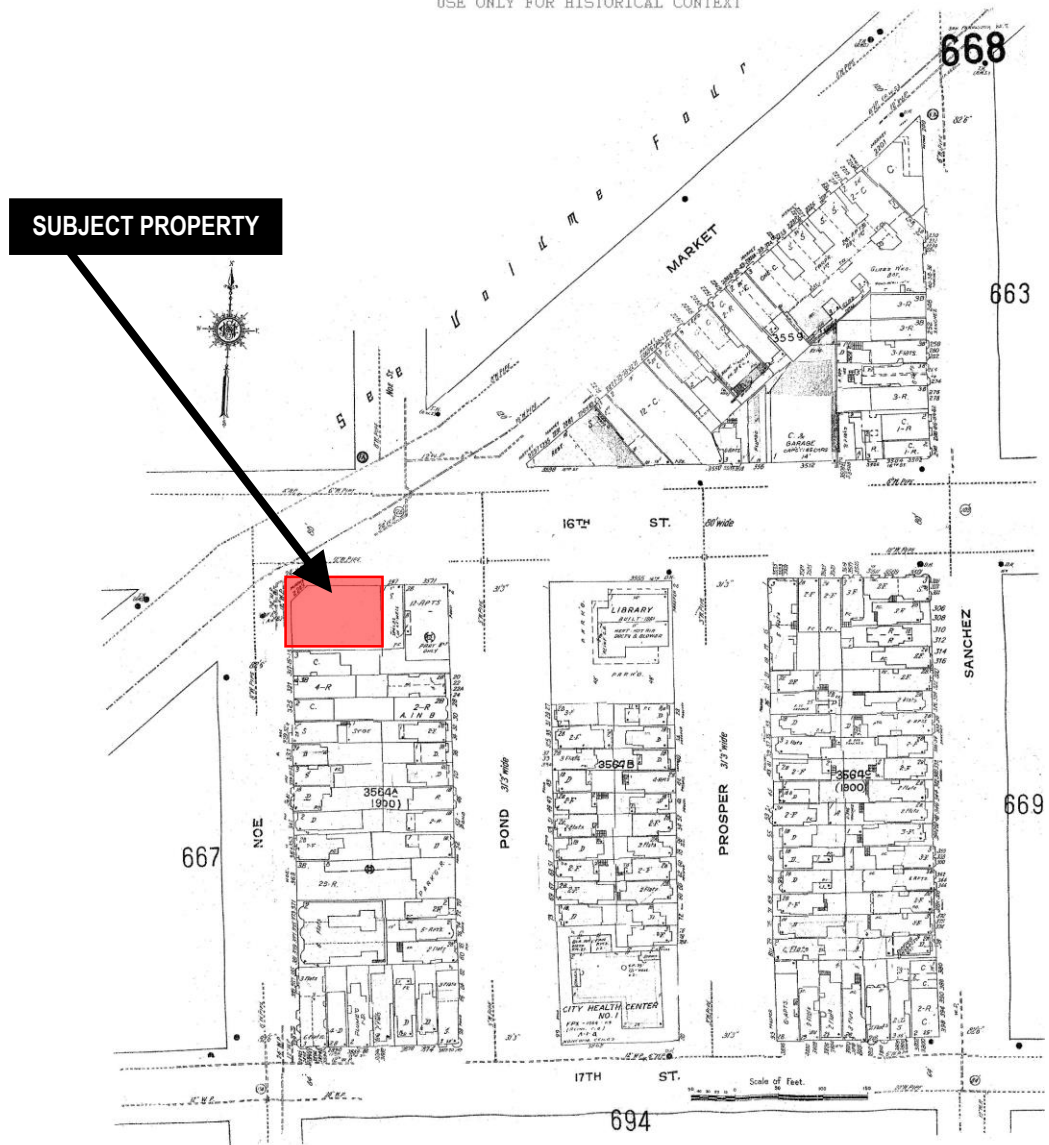
[illegible]

Conditional Use Hearing
Case Number 2017-000140CUA
 CUA Legalize Formula Retail Use
 2299 Market Street



Sanborn Map*

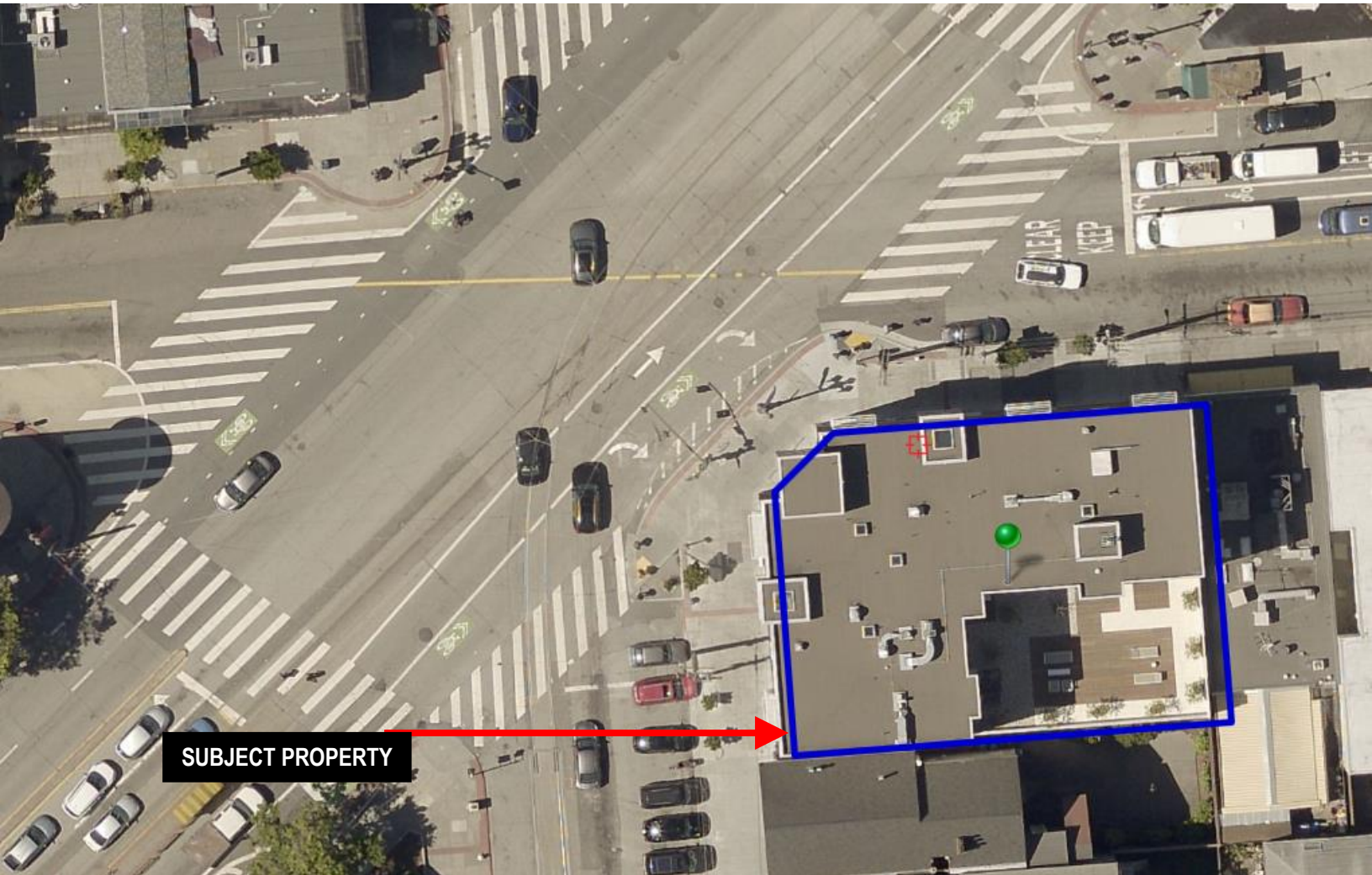
THESE SANBORN MAPS ARE DATED TO THE MID 1990's
USE ONLY FOR HISTORICAL CONTEXT



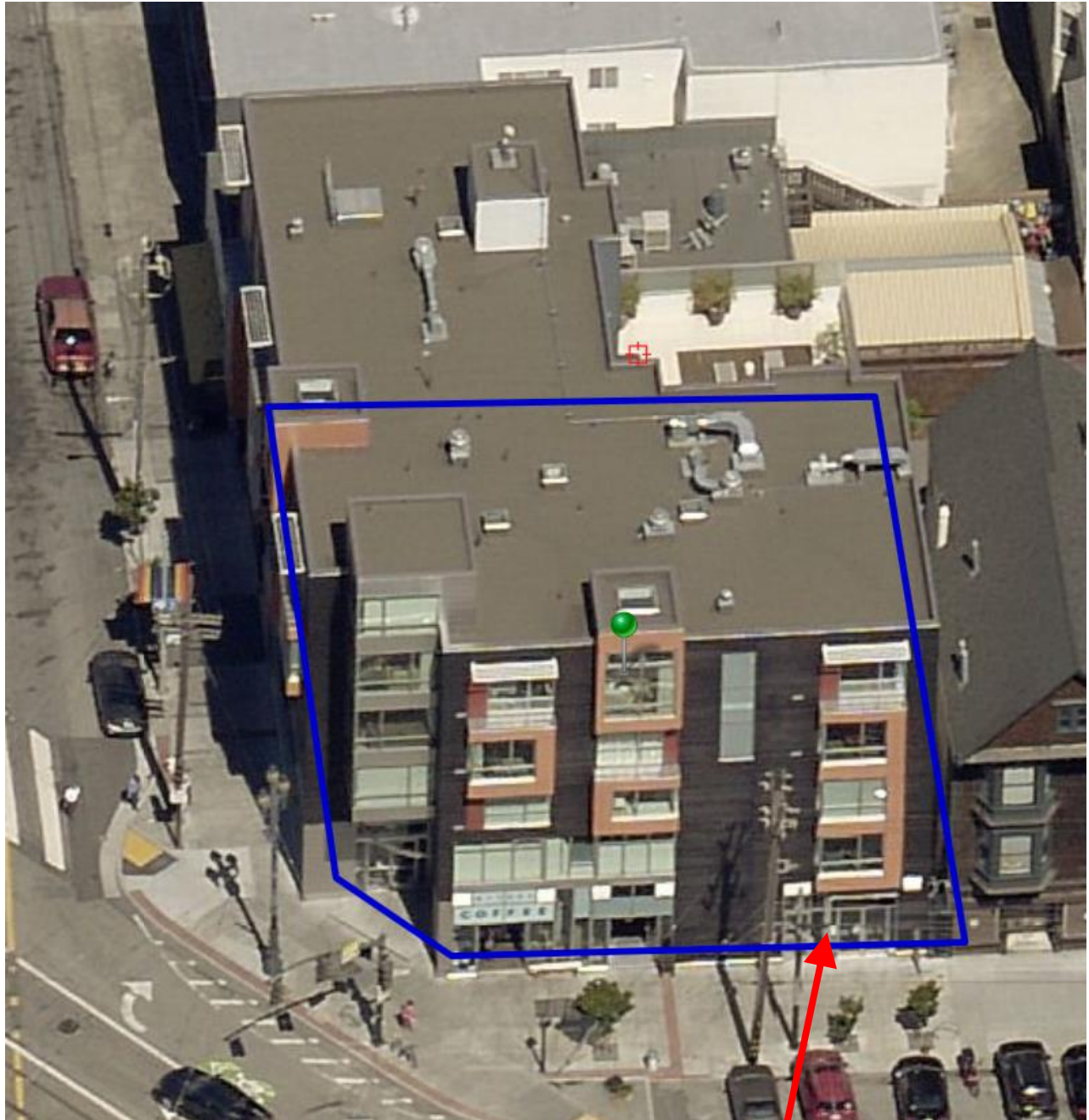
**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*



Aerial Photo – View 2



Aerial Photo – View 1

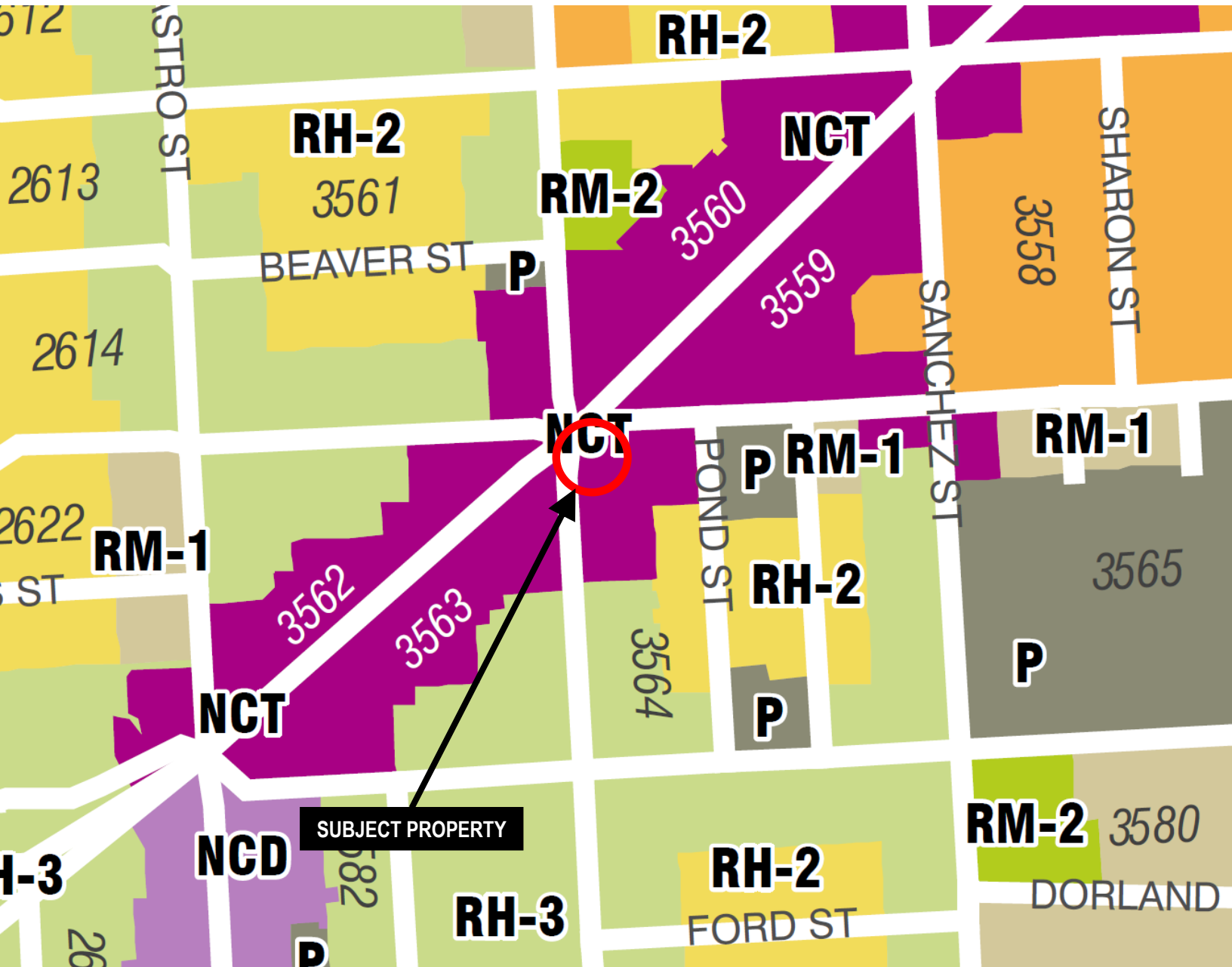


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-000140CUA
CUA Legalize Formula Retail Use
2299 Market Street

Zoning Map

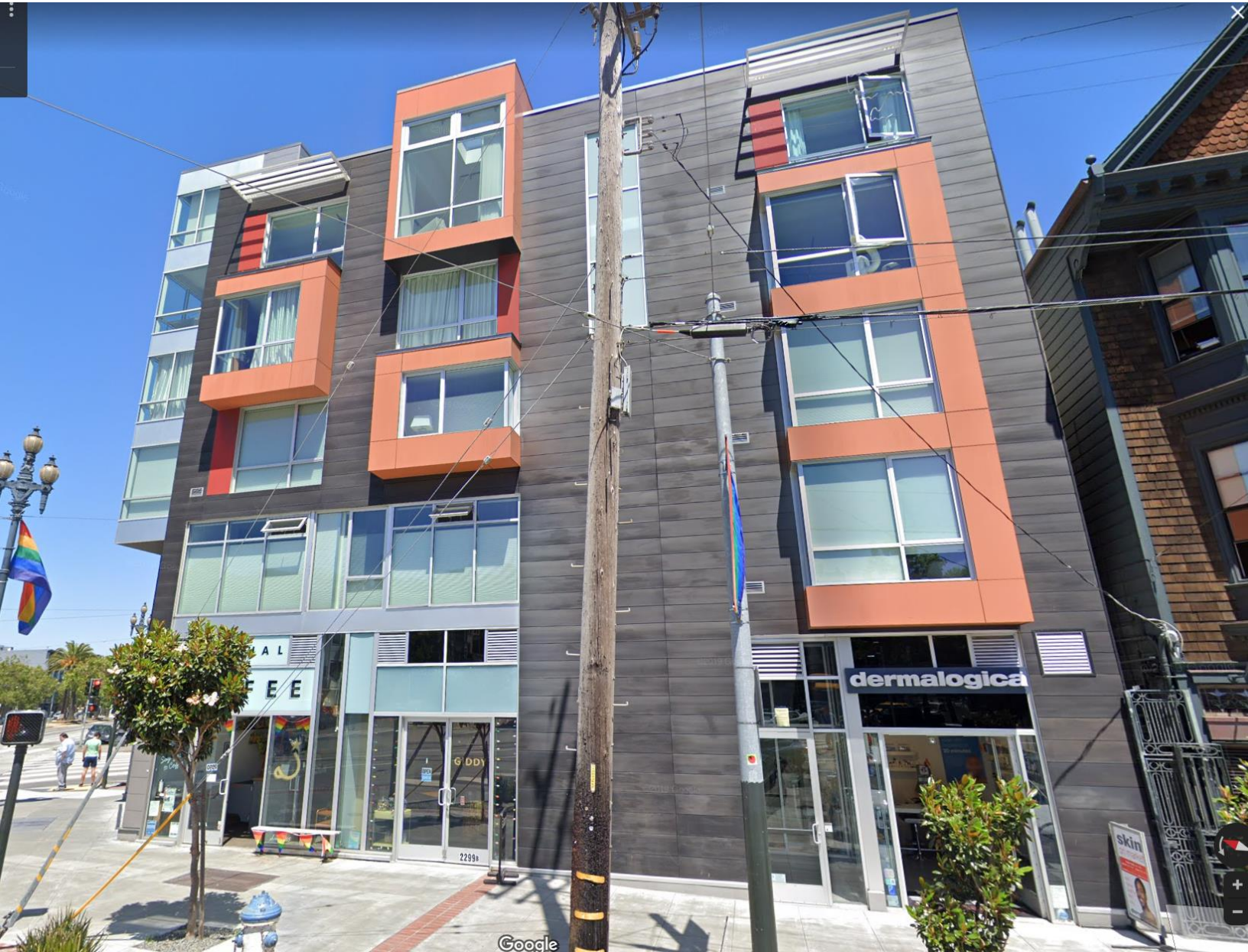


Conditional Use Hearing
Case Number 2017-000140CUA
 CUA Legalize Formula Retail Use
 2299 Market Street

Site Photo



Site Photo



Conditional Use Hearing
Case Number 2017-000140CUA
CUA Legalize Formula Retail Use
2299 Market Street

Site Photo



Conditional Use Hearing
Case Number 2017-000140CUA
CUA Legalize Formula Retail Use
2299 Market Street



**584 Castro Street #333
San Francisco CA 94114-2512**

formerly "Merchants of Upper Market & Castro – MUMC"
415/431-2359

Info@CastroMerchants.com
www.CastroMerchants.com

December 21, 2017

To Be Hand-Carried on January 4, 2018 by Deedee Crossett

Erica Russell, Southern Planner Technician
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103

Re: Proposed CUA – Formula Retail
for Skin on Market, 2299-C Market Street (Deedee Crossett)

Dear Ms. Russell,

I am honored to write this Letter on behalf of Ms. Crossett, and to provide background information on our relationship with her and Skin on Market. We understand that Ms. Crossett currently is scheduled for an Intake Appointment with you for January 4, 2018.

Ms. Crossett (for Skin on Market) has been a continuous, paid, and actively-participating Member of Castro Merchants since spring 2014, when she was planning and before the business opened. We have been aware since it began about three years later, of the issue regarding whether the business should be classified "Formula Retail." Many other observers and I believe that it's an unfair, too-narrow interpretation in this case, although Planning Department reportedly has ruled otherwise. Ms. Crossett has kept me closely informed, and has kept our Members advised of her situation at our regular Member Meetings. As an organization I lead, Castro Merchants has supported Ms. Crossett in her efforts to reasonably resolve the "Formula Retail" issue. CM plans to continue to do so.

Now that we are aware that Ms. Crossett's case must process thru Planning Department's Conditional Use Authorization (CUA) process, we are arranging for Ms. Crossett to present her case and formal request for CM Member support of her CUA Application, at CM's next Members Meeting on February 1, 2018. Based on my extensive familiarity with Ms. Crossett's case and experience with our Members' response to similar Applications, I expect that Members will strongly SUPPORT Ms. Crossett's Application when requested on February 1. We expect to promptly write her assigned Staff Planner with results of the Members' consideration, promptly after it is completed.

.... continued



CASTRO MERCHANTS

S.F. Planning Department

December 21, 2017

Re: Pending CU Application for Skin on Market, 2299-C Market Street (Deedee Crossett)

Castro Merchants represents business owners and managers in San Francisco's Castro-Upper Market area, generally along Upper Market Street from Castro Street to Octavia Blvd.; Castro from Market to 19th Street; and commercially-zoned portions of cross streets throughout that area. Castro Merchants has over 320 paid Members for 2017 through April 30, 2018, and expects continued local business support at that level for the 2018-19 Membership year. Skin on Market's location is within Castro Merchants' primary service area.

Let us know if you have any questions regarding Castro Merchants' involvement in and expected, continuing support for this Application. Please include this letter in the matter's permanent file and any successor files, and assure that our involvement is communicated to all applicable Planning Staff and to all Commissioners prior to any Hearing(s) on this matter, and to any Appeal panels at the time that this matter may be considered by them.

Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Bergerac".

Daniel Bergerac, President

email cc: S.F. District 8 Supervisor Jeff Sheehy and staff (Barnes, Jones)
Deedee Crossett – Skin on Market

,,, LtrPlanningSkin122117

AFFIDAVIT FOR Formula Retail Uses

1. Location and Classification

STREET ADDRESS OF PROJECT:		
2299 Market Street, space C		
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
3564/162 /	Upper Market	50-x

2. Proposed Use Description

PROPOSED USE (USE CATEGORY PER ARTICLE 7 OR 8):
Retail store
PROPOSED BUSINESS NAME:
Skin on Market
DESCRIPTION OF BUSINESS, INCLUDING PRODUCTS AND/OR SERVICES:
<i>Skin on Market is a skin studio providing education to clients wanting to improve the health & wellness of their skin thru retail product purchases & services.</i>
BUILDING PERMIT APPLICATION NO.: (if applicable)
PLANNING DEPARTMENT CASE NO.: (if applicable)

3. Quantity of Retail Locations

		TOTAL
3.a	How many retail locations of this business are there worldwide? Please include any property for which a land use permit or entitlement has been granted.	0
3.b	How many of the above total locations are in San Francisco? NA	

If the number entered on Line 3.a above is 11 or more, then the proposed use *may* be a Formula Retail Use. Continue to section 4 below.

If the number entered on Line 3.a above is 10 or fewer, no additional information is required. Proceed to section 5 on the next page and complete the Applicant's Affidavit.

4. Standardized Features

Will the proposed business use any of the following Standardized Features?

	FEATURES	YES	NO
A	Array of Merchandise	<input type="checkbox"/>	<input type="checkbox"/>
B	Trademark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Servicemark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Décor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Color Scheme	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Façade	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G	Uniform Apparel	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL		2	

Enter the total number of Yes/No answers above.

If the total YES responses are **two (2) or more**, then the proposed use is a Formula Retail Use.

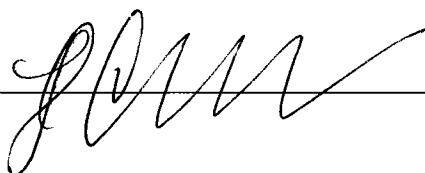
5. Applicant's Affidavit

NAME: Deedee Crossett		<input type="checkbox"/> Property Owner	<input checked="" type="checkbox"/> Authorized Agent
MAILING ADDRESS: (STREET ADDRESS, CITY, STATE, ZIP) 2299 Market St, space C			
PHONE: (415) 577.6021		EMAIL: deedee@skinonmarket.com	

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Applicant's Signature: _____



Date: Jan. 1-2018

PLANNING DEPARTMENT USE ONLY

PLANNING CODE SECTION(S) APPLICABLE:

303.1

HOW IS THE PROPOSED USE REGULATED AT THIS LOCATION?

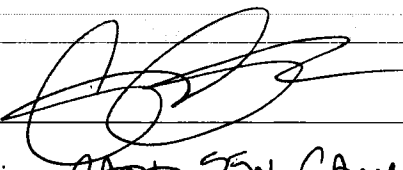
- ☐ Principally Permitted
- ☐ Principally Permitted, Neighborhood Notice Required (Section 311/312)
- ☐ Not Permitted
- ☒ Conditional Use Authorization Required

COMMENTS:

ARMY of MERCHANTISE, TRADEMARK, PEOPLE COULD SCURVE
SIGNATURE

VERIFIED BY:

Signature: _____



Date: 1/10/18

Printed Name: _____

CAMILLE CAMBER

Phone: 415 575 8732



**SAN FRANCISCO
PLANNING
DEPARTMENT**

FOR MORE INFORMATION:

Call or visit the San Francisco Planning Department

Central Reception

1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**

FAX: **415 558-6409**

WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)

1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*