



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JUNE 23, 2011

Date: June 16, 2011
Case No.: 2011.0212 C
Project Address: 2109 Market Street (aka 210 Church Street)
Zoning: Upper Market Street Neighborhood Commercial Transit District
40-X/50/55-X Height and Bulk District
Block/Lot: 3543/001
Project Sponsor: Ben Stoddard
451 West Lake Center
Daly City, CA 94015
Staff Contact: Adrian C. Putra – (415) 575-9079
adrian.putra@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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Information:
415.558.6377

PROJECT DESCRIPTION

The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 703.3 and 303, to allow a formula retail use (d.b.a. Good Feet) in a vacant storefront that was previously a professional office, and contains approximately 620 square-feet of floor area. The proposed Formula Retail Use would operate as a retail store offering a full range of Good Feet's custom arch support insoles, a select number of health related and aerobic shoes, and diabetic socks. According to the project sponsor, operation of this use would require the hiring of two to four new employees. The store's hours of operation would be from 10:00 AM to 6:00 PM Monday through Saturday, and 11:00 AM to 5:00 PM on Sunday. Based on Good Feet's web site there are no Good Feet retail stores in San Francisco. According to the project sponsor there are approximately 95 Good Feet stores worldwide. The nearest Good Feet store to San Francisco is located in Daly City which is owned and operated by the project sponsor and would be closed for relocation to the project site with the granting of this conditional use authorization. The next nearest location is in Pleasant Hill, approximately 28 miles from the project site.

SITE DESCRIPTION AND PRESENT USE

The project site is a vacant storefront at 2109 Market Street (aka 210 Church Street), located on the southwest corner of Market and Church Streets, and developed with a three-story mixed-use building that contains 16 residential units above seven ground floor commercial storefronts. Businesses located at the subject property include, "Nice Collective M.S.U." (retail store), "Gear Up" (retail store), "Vevo Optics" (retail store), "Crepevine" (full-service restaurant), "Church Street Flowers" (retail store), and

“Fiat Lux” (retail store). The subject property is approximately 6,394 square-feet in area, with approximately 105-feet of frontage along Market Street, and 144-feet of frontage along Church Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Upper Market Street NCT District that runs along Market Street between Noe and Church Street. This district is within the Upper Market Neighborhood that runs along Market Street between Castro and Church Streets. The Upper Market Street NCT District has controls that are designed to encourage a diversified commercial environment with a wide variety of uses, including limited convenience goods to adjacent neighborhoods, as well as a shopping street for a broader trade area. The Upper Market Street NCT District is well served by transit and is anchored by the Market Street subway (with stations at Church and Castro Streets) and the F-Market streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally, Market Street is a primary bicycle corridor. The Upper Market Street NCT controls are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. In order to maintain a 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 services uses are limited.

The subject block of Market Street is developed with a mix of one-to-three story buildings. Businesses found on this block of Market Street that are not located within the subject building include: Crossroads Trading Co. (formula retail use and retail sales and services), Walgreens (formula retail and retail sales and services), Academy of Ballet (personal service), and a 24-Hour Fitness (personal service). The properties on the subject block are all located within the Upper Market Street NCT District. A neighborhood survey conducted by staff found eight formula retail uses and 13 (including project site) vacant storefronts in the Upper Market Neighborhood.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 3, 2011	June 3, 2011	20 days
Posted Notice	20 days	June 3, 2011	June 3, 2011	20 days
Mailed Notice	20 days	June 3, 2011	June 3, 2011	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- On June 4, 2011, the Department received a letter from the Merchants of Upper Market & Castro (MUMC) supporting this project.
- To date, the Department is not aware of any opposition to this project.

ISSUES AND OTHER CONSIDERATIONS

- There are eight formula retail uses and 13 (including project site) vacant storefronts in the Upper Market Neighborhood.
- Formula Retail Uses represent approximately 7% of the total storefronts in this neighborhood.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow a formula retail use service in the Upper Market Street Neighborhood Commercial Transit District.

BASIS FOR RECOMMENDATION

- The project promotes small-business ownership in a neighborhood where there are and 13 vacant ground floor commercial storefronts (including the project site).
- The project will eliminate a vacant storefront and provide local employment opportunities.
- The project will allow a retail use that offers a unique product not currently available in the Upper Market Street neighborhood.
- The Project is within close access to public transit as it is located directly in front of the Church Street MUNI station.
- The proposed Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions
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Attachment Checklist

- Executive Summary
- Draft Motion
- Environmental Determination
- Zoning District Map
- Height & Bulk Map
- Parcel Map
- Sanborn Map
- Aerial Photo
- Context Photos
- Site Photos

- Project sponsor submittal
- Drawings: Existing Conditions
- Check for legibility
- Drawings: Proposed Project
- Check for legibility

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

ACP

Planner's Initials

ACP: G:\Documents\Projects\2109 Market Street - 2011.0212C\2011.0212C - 2109 Market Street ExecutiveSummary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 703.3, OF THE PLANNING CODE TO ALLOW A FORMULA RETAIL USE (D.B.A. GOOD FEET) WITHIN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND A 40-X/50/50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 3, 2011 Ben Stoddard (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 303 and 703.3 of the Planning Code to allow a formula retail use (d.b.a. Good Feet) within the Upper Market Street Neighborhood Commercial Transit (NCT) District and a 40-X/50/50-X Height and Bulk District.

On June 23, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0212 C.

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

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. 2011.0212 C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is a vacant storefront at 2109 Market Street (aka 210 Church Street), located on the southwest corner of Market and Church Streets, and developed with a three-story mixed-use building that contains 16 residential units above seven ground floor commercial storefronts. Businesses located at the subject property include, "Nice Collective M.S.U." (retail store), "Gear Up" (retail store), "Vevo Optics" (retail store), "Crepevine" (full-service restaurant), "Church Street Flowers" (retail store), and "Fiat Lux" (retail store). The subject property is approximately 6,394 square-feet in area, with approximately 105-feet of frontage along Market Street, and 144-feet of frontage along Church Street.
3. **Surrounding Properties and Neighborhood.** The subject property is located in the Upper Market Street NCT District, which is part of the Upper Market Neighborhood along Market Street between Castro and Church Streets. The Upper Market Street NCT District, which runs along Market Street between Noe and Church Streets, has controls that are designed to encourage a diversified commercial environment with a wide variety of uses, including limited convenience goods to adjacent neighborhoods, as well as a shopping street for a broader trade area. The Upper Market Street NCT District is well served by transit and is anchored by the Market Street subway (with stations at Church and Castro Streets) and the F-Market streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally, Market Street is a primary bicycle corridor. The Upper Market Street NCT District controls are designed to promote moderate-scale development which contributes to the definition of Market Street's design and character. The controls are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. 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 services uses are limited. Ground-floor commercial space is required along Market and Church Streets.

The subject block of Market Street is developed with a mix of one-to-three story buildings. Businesses found on this block of Market Street that are not located within the subject building include: Crossroads Trading Co. (formula retail use and retail sales and services), Walgreens (formula retail and retail sales and services), Academy of Ballet (personal service), and a 24-Hour Fitness (personal service). The properties on the subject block are all located within the Upper Market Street NCT District. A neighborhood survey conducted by staff found eight formula retail uses and 13 (including project site) vacant storefronts in the Upper Market Neighborhood.

4. **Project Description.** The proposal is to establish a Good Feet retail store which is a Formula Retail use in a vacant ground-floor commercial space that was previously a professional office, and contains approximately 620 square-feet of floor area. The proposed Formula Retail Use would operate as a retail store that offers a full range of Good Feet's custom arch support insoles, a select number of health related and aerobic shoes, and diabetic socks. The proposal also includes minor interior tenant improvements to add one partition wall and new carpeting. According to the project sponsor, operation of this establishment would require the hiring of two to four new employees. Based on Good Feet's web site there are no Good Feet retail stores in San Francisco. The nearest Good Feet store to San Francisco is located in Daly City which is owned and operated by the project sponsor and would be closed for relocation to the project site with the granting of this conditional use authorization. The next nearest location is in Pleasant Hill, approximately 28 miles from the project site.
5. **Public Comment.** On June 4, 2011, the Department received a letter from the Merchants of Upper Market & Castro (MUMC) supporting this project, and to date the Department is not aware of any opposition to this 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. **Use.** Planning Code Section 733.40 permits Other Retail Sales and Services uses on the ground floor in NC-2 Districts.

The proposed use is considered an "Other Retail Sales and Service" use as defined by Planning Code Section 790.102. The proposed use would be located on the ground floor in the Upper Market NCT which is a principally permitted use in this district.
 - B. **Formula Retail.** Planning Code Section 703.3 defines a formula retail use as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark. Businesses that are determined to be formula retail uses require Conditional Use Authorization to be established in the Upper Market NCT.

The proposed use meets at least two of the above criteria in addition having 95 world wide locations. The proposed use is considered a formula retail use; as such, the project sponsor has applied for Conditional Use authorization to establish a formula retail use in the Upper Market NCT.

- C. **Hours of Operation.** Planning Code Section 710.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 11:00 PM to 2:00 AM, as defined by Planning Code Section 790.48.

The proposed hours of operation are from 10:00 AM to 6:00 PM Monday through Saturday, and 11:00 AM to 5:00 PM on Sunday.

- D. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The subject commercial space contains approximately 620 square-feet of occupied floor area and thus does not require any off-street parking.

- E. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses, including large fast-food restaurants, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject storefront has approximately 17-feet of frontage on Market Street with approximately 11.5 linear feet devoted to either to the entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- F. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. Any proposed signage will be subject to the review and approval of the Planning Department.

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

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

The size of the proposed use is in keeping with other storefronts on the block face. The use will provide a desirable project that is not 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:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposal is consistent with this criterion. The proposal includes moving into an existing building with only minor interior changes.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

Traffic conditions will not be significantly impacted by this project because the proposed use is a neighborhood-serving business that can be easily frequented via foot, cab, or public transportation by many residents of the surrounding neighborhoods. The Project does not trigger a parking requirement because the use size is well below the 5,000 square-foot threshold that triggers an off-street parking requirement.

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

The nature of the proposed formula retail use should not cause noxious or offensive emissions such as noise, glare, dust or odor.

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

The project involves only interior alterations. The proposed formula retail establishment will submit any changes to signage and addition of lights to the Planning Department for review to ensure no detrimental changes occur.

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 Project is consistent with the stated purpose of Upper Market NCT in that the use is located at the ground floor, provides a compatible convenience service for the immediate surrounding neighborhoods during daytime hours, and provides entry level job opportunities.

8. **Planning Code Section 303(i)** establishes criteria for the Planning Commission to consider when reviewing applications for Formula Retail Uses. On balance, the project complies with said criteria in that:

- a. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

Within the Upper Market Street Neighborhood there are eight Formula Retail Uses offering a range of goods and services such as beverages, food, clothing, electronics, and pharmacies. There are approximately 141 ground floor storefronts in the Upper Market Street Neighborhood. There are eight Formula Retail Uses that offer a range of goods and services such as beverages, food, clothing, electronics, and pharmaceuticals, and also represent 7% of the total storefronts in this neighborhood. Based on the low number of Formula Retail Uses in this neighborhood, it appears that there is not an overconcentration of such uses.

- b. The availability of other similar retail uses within the Neighborhood Commercial District.

There are currently no retail stores in the Upper Market Street neighborhood that specialize in selling custom arch supports insoles along with a select number of health related and aerobic shoes, and diabetic socks.

- c. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

The proposal includes only minor cosmetic changes to the existing structure, which is in keeping with the architectural and aesthetic character of the Upper Market Street neighborhood.

- d. The existing retail vacancy rates within the Neighborhood Commercial District.

A Department survey found that there are approximately 13 retail vacancies within the Upper Market Street neighborhood.

- e. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

The Upper Market Street neighborhood includes a very wide variety of neighborhood-serving uses, but no retail stores that specialize in offering custom arch supports insoles along with other foot related products.

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.

The proposed Formula Retail use would have a net benefit to the neighborhood since it would be eliminating a medium sized vacant retail space and will create a retail use that is not currently available in the area.

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 development will provide desirable goods and services not currently available to the neighborhood, and will provide resident employment opportunities to those in the community. Further, the project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The proposed use will bring additional commercial activity to the City and provide a goods and service not currently offered in the immediate vicinity.

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

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

The project will not displace any neighborhood-serving retail uses as the proposed use will be located within a vacant store front. The business would also create additional employment opportunities for the community.

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

The Project will not adversely affect existing housing and is consistent with the surrounding neighborhood character.

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

No housing is removed for this Project.

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

The Project is within close access to public transit as it is located in front of the Church Street MUNI station. Additionally, approval of the Project should not significantly alter the existing automobile traffic and parking availability that currently exists in the immediate neighborhood.

- 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 industrial uses. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The Project would comply with any building codes that are applicable to the project.

- G. That landmarks and historic buildings be preserved.

The Project does not involve façade alterations. Therefore, no historic buildings will be adversely affected by the proposed change of use.

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

This Project will not affect any parks or open space because there is no change to the existing building footprint.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.0212C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 3, 2011, 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 23, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 23, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a formula retail use (d.b.a. Good Feet) located at 2109 Market Street (aka 210 Church Street), Block 3543, and Lot 001 pursuant to Planning Code Sections 303 and 703.3 within the Upper Market Street Neighborhood Commercial Transit District and a 40-X/50/ 55-X Height and Bulk District; in general conformance with plans, dated March 3, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0212C and subject to conditions of approval reviewed and approved by the Commission on June 23, 2011 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 June 23, 2011 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

Validity and Expiration. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building

Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

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

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

MONITORING - AFTER ENTITLEMENT

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

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

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

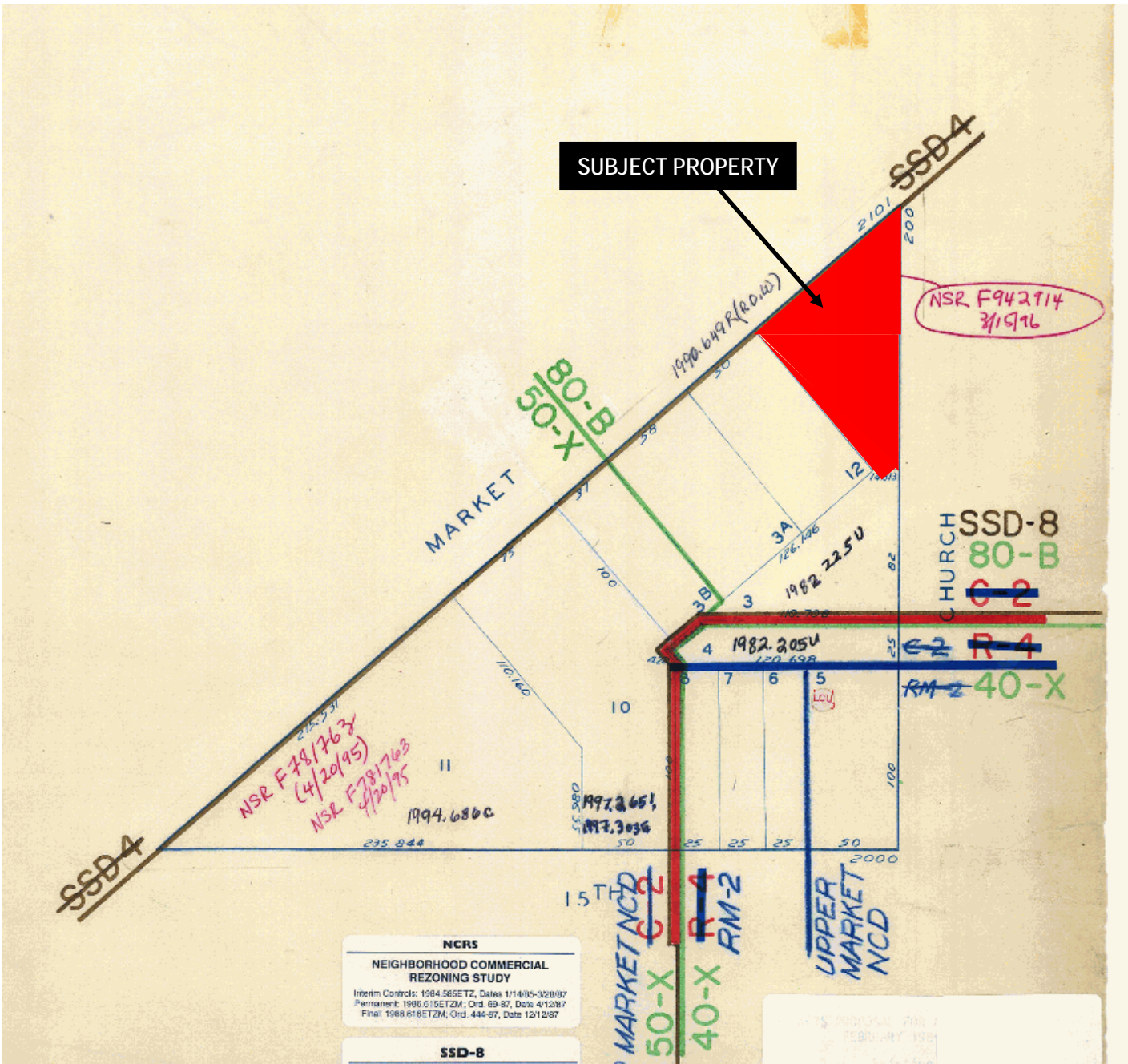
Garbage, Recycling, and Composting Receptacles. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles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

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

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

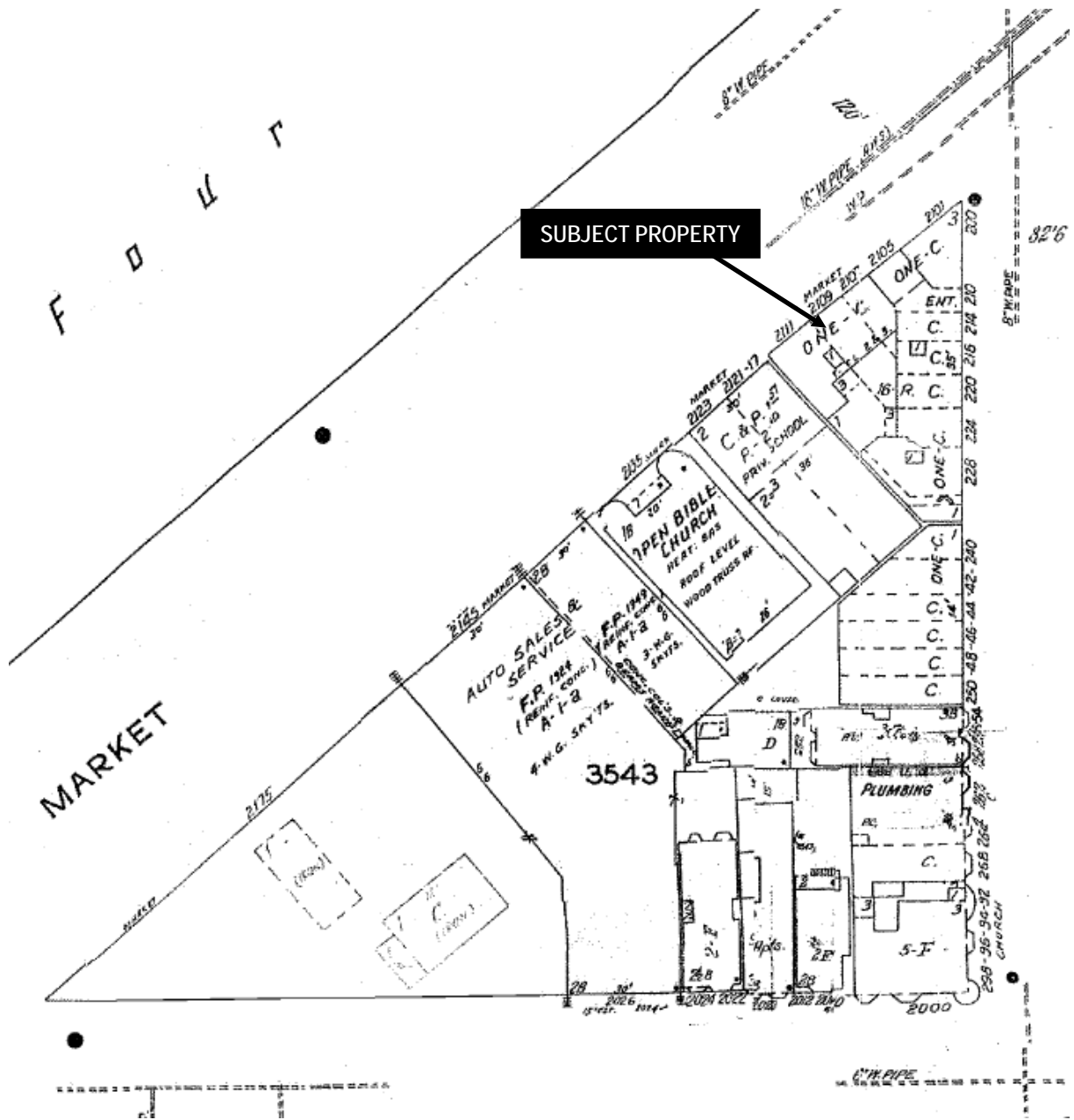
Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

Parcel Map



Conditional Use Hearing
 Case Number 2011.0212 C
 Formula Retail Use – Good Feet
 2109 Market St. (aka 210 Church St.)

Sanborn Map*



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



Conditional Use Hearing
Case Number 2011.0212 C
Formula Retail Use – Good Feet
2109 Market St. (aka 210 Church St.)



584 Castro Street, # 333
San Francisco CA 94114-2512
415/835-8720
Email MUMC-SF@earthlink.net

www.CastroMerchants.com

June 4, 2011

Via email and USPS hardcopy

Adrian C. Putra
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

Re: **Case No. 2011.0212C; 2109 Market Street (aka 210 Church Street)**
Request for Conditional Use Authorization, *The Good Feet Store*

Dear Mr./Ms. Putra,

I am pleased to confirm that the Members of the **Merchants of Upper Market & Castro (MUMC)** voted at their meeting on March 3, 2011, to **SUPPORT** the request of Project Sponsors Ryan Krebs and Ben Stoddard on behalf of *The Good Feet Store*, for a Conditional Use Authorization (including Formula Retail use) at 2109 Market Street in San Francisco. We understand that the Request currently is scheduled to be heard by the Planning Commission at its meeting on June 23, 2011.

We have asked the Project Sponsors to contact **MUMC** regarding our continued support for the Project, in the unexpected event that there are subsequent significant and substantial changes to the Proposal as presented to us on March 3. Should our support be withdrawn (which we do not currently anticipate), we would notify your Department.

MUMC is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19th Street, and cross streets throughout that area. **MUMC** currently has about 250 paid Members for 2011; there are about 650 merchants and other businesses in our service area. The proposed Project at 2109 Market Street is within **MUMC's** primary service area.

Please let us know if you have any questions regarding **MUMC's** support for this Project. Please include this letter in the Project's permanent file, and assure that it is provided to all Planning Commissioners and any other hearing panels at the time that this Project is considered by them. Thank you for considering our comments.

Respectfully,

/s/ Stephen H. Adams

Stephen H. Adams, President

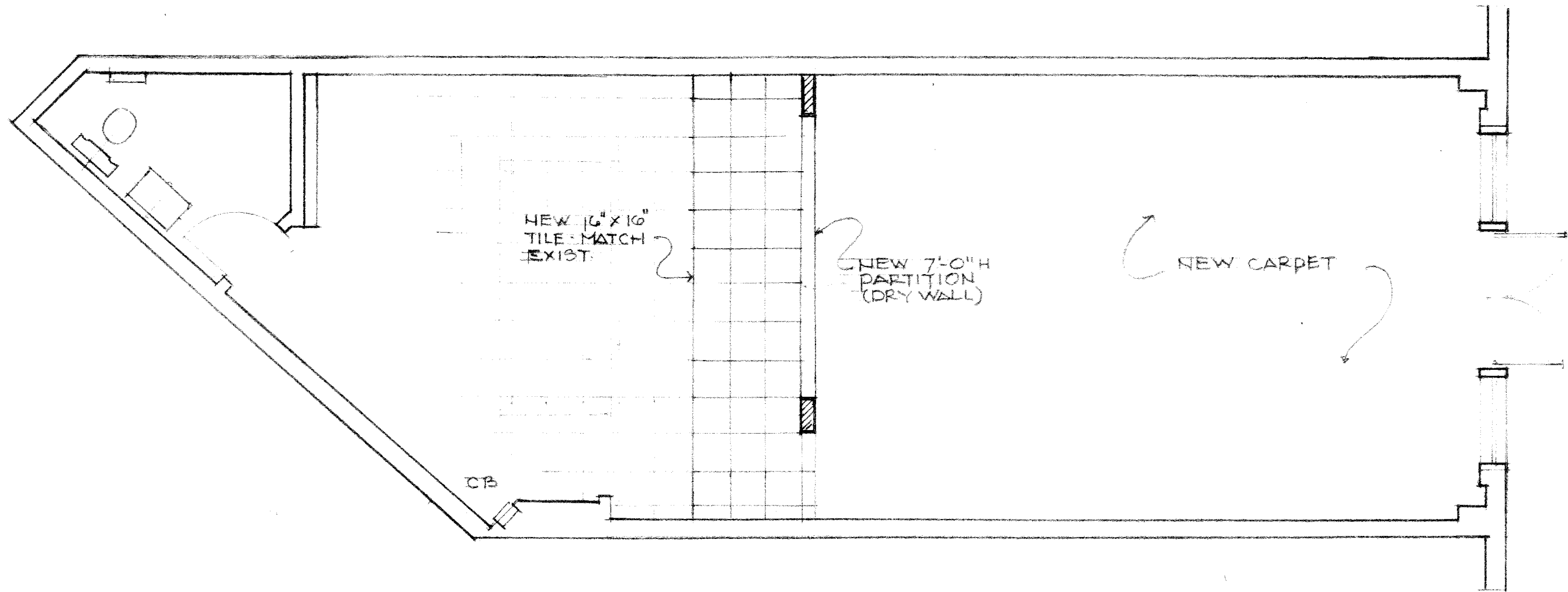
cc: Ryan Krebs, Ben Stoddard - *The Good Feet Store* (email and hardcopy)
District 8 Supervisor Scott Wiener (email)

ALL BAY CONSTRUCTION Inc

General Contractor

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03-02-2011

2109 MARKET STREET