

### SAN FRANCISCO PLANNING DEPARTMENT

### Executive Summary Conditional Use

HEARING DATE: MAY 8, 2014

Date:	May 1, 2014
Case No.:	2014.0160C
Project Address:	2055B UNION STREET
Zoning:	Union Street NCD (Neighborhood Commercial District)
	40-X Height and Bulk District
Block/Lot:	0541/018
Project Sponsor:	Gary Bell
	P.O. Box 647
	Inverness, CA 94937
Staff Contact:	Christine Lamorena – (415) 575-9085
	<u>christine.lamorena@sfgov.org</u>
Recommendation:	Approval with Conditions

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

### PROJECT DESCRIPTION

The proposal is to allow a Limited Restaurant (d.b.a. Espressemente Illy) within a vacant ground floor commercial space located at the east end of the four-story, commercial building soon to be occupied by Equinox Gym. The proposed establishment would occupy approximately 1,472 square feet. The proposed operation would consist of six full time employees and would operate seven days a week from 7:00 a.m. to 9:00 p.m. Currently, there are 10 Espressemente Illy locations nationwide. Two of the locations are in San Francisco (123 Battery Street and 2349 Market Street). No changes to the building envelope are proposed.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of Union Street, between Webster and Buchanan Streets, Assessor's Block 0541, Lot 018. The subject lot is approximately 12,000 square feet in size (approximately 138 feet deep by 91 feet wide) and is occupied by a four-story, commercial building originally built in 1924 as a single-screen movie theater (d.b.a. Metro Theater). On July 14, 2009, the Board of Supervisors approved the historic designation of the Metro Theater (Ordinance No. 175-09), making the building City Landmark No. 261. On February 9, 2012 the Planning Commission granted Conditional Use Authorization (Case No. 2010.0613AEC) for a change of use from a single-screen movie theater to personal service (d.b.a. Equinox Gym). The fitness facility is currently under construction and is slated to open this summer.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the Union Street NCD, which is mixed-use in character. There are a variety of commercial establishments located within ground floor storefronts throughout the Union Street

NCD, including restaurants, bars, apparel stores, personal services, and other types of retailers. Buildings in the vicinity typically range from one- to five-stories in height, and upper floors of buildings are generally occupied by offices, personal services, or residential units. Some of the existing commercial establishments on the block include: Shaw (shoe store), Sephora Beauty, Samsara (jewelry and accessories store), Osha Thai Restaurant, and Soulcycle. Some of the commercial establishments on the opposite block include Café des Amis, Betelnut, Red Lantern (clothing store), Contrada Bikes, Milvali Salon & Cosmetics, Nine West, and Lorna Jane. The cross streets of Buchanan and Webster Streets, which are zoned RM-1 (Residential, Mixed, Low Density) south of Union Street and RH-2 (Residential, House, Two-Family) north of Union Street, are primarily developed with two to four-story residential buildings, with a few taller apartment buildings found south of Union Street in the RM-1 Zoning District.

### ENVIRONMENTAL REVIEW

Environmental review for the project, which included the tenant space, was conducted under Case No. 2010.0613A<u>E</u>C, and analyzed the potential physical impacts of the personal service use (d.b.a. Equinox Gym) and associated seismic retrofit.

On September 28, 2011 the Preliminary Mitigated Negative Declaration (PMND) for the project was published for public review pursuant to the California Environmental Quality Act (CEQA) and the (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

On November 2, 2011, the Planning Department found the Mitigated Negative Declaration (MND) to be adequate, accurate and objective, reflecting the independent analysis and judgment of the Planning Department, and issued the MND for the project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 18, 2014	April 18, 2014	20 days
Posted Notice	20 days	April 18, 2014	April 18, 2014	20 days
Mailed Notice	20 days	April 18, 2014	April 18, 2014	20 days

### **HEARING NOTIFICATION**

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

### **PUBLIC COMMENT**

• To date, the Department has not received any public comment.

### ISSUES AND OTHER CONSIDERATIONS

• Espressemente Illy currently operates 10 locations nationwide.

• There is no known opposition to the project.

### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow a Limited Restaurant (d.b.a. Espressemente Illy) within the Union Street NCD pursuant to Planning Code Sections 303 and 725.43.

### BASIS FOR RECOMMENDATION

- The project would occupy a vacant commercial space on the subject block which would compliment the mix of existing neighborhood-serving uses within the neighborhood.
- The project would not expand the existing building.
- The project is a neighborhood-serving use which residents can access by walking or taking public transit.
- The project would be consistent with the mixed commercial-residential character of the portion of Union Street.
- The project meets all applicable requirements of the Planning Code.
- The project is desireable for, and compaatible with the surrounding neighborhood.

### **RECOMMENDATION:** Approval with Conditions

#### Attachments:

Parcel Map Sanborn Map Zoning Map Aerial Photograph Site Photograph Public Correspondence Reduced Plans Attachment Checklist

$\square$	Executive Summary	$\square$	Project sponsor submittal
$\square$	Draft Motion		Drawings: <u>Existing Conditions</u>
	Environmental Determination		Check for legibility
$\square$	Zoning District Map		Drawings: Proposed Project
$\square$	Height & Bulk Map		Check for legibility
$\square$	Parcel Map		3-D Renderings (new construction or significant addition)
$\square$	Sanborn Map		Check for legibility
$\square$	Aerial Photo		Wireless Telecommunications Materials
$\square$	Context Photos		Health Dept. review of RF levels
$\square$	Site Photos		RF Report
			Community Meeting Notice
			Housing Documents
			Inclusionary Affordable Housing Program: Affidavit for Compliance
			Residential Pipeline

Exhibits above marked with an "X" are included in this packet <u>CL</u>\_\_\_\_\_

Planner's Initials

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### SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

Affordable Housing (Sec. 415)
Jobs Housing Linkage Program (Sec. 413)
Downtown Park Fee (Sec. 412)

First Source Hiring (Admin. Code)
 Child Care Requirement (Sec. 414)
 Other

**Planning Commission Draft Motion** 

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 725.43 OF THE PLANNING CODE TO ALLOW A LIMITED RESTAURANT (D.B.A. ESPRESSEMENTE ILLY) WITHIN THE UNION STREET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On January 28, 2014, Gary Bell (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 725.43 of the Planning Code to allow a Limited Restaurant (d.b.a. Espressemente Illy) within the Union Street NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District.

On September 28, 2011 under Case No. 2010.0613A<u>E</u>C, the Preliminary Mitigated Negative Declaration (PMND) for the Equinox project, including its commercial tenant spaces, was prepared and published for public review; and,

The PMND was available for public comment until October 18, 2011; and,

On November 2, 2011, the Planning Department adopted the Mitigated Negative Declaration (MND) and found that the contents of said report and the procedures through which the MND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public

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

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Planning Information: 415.558.6377 Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which was made available to the public and this Commission for this Commission's review, consideration and action.

On November 16, 2011, the Historic Preservation Commission granted a Certificate of Appropriateness (Case No. 2010.0613<u>A</u>EC) through Motion No. 0142, and all findings are incorporated herein by reference.

On February 9, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0613AE<u>C</u> to allow the conversion of the Metro Theater to an Equinox Gym.

The Planning Department Commission Secretary, Jonas Ionin, is the custodian of records, located in the File for Case No. 2010.0613AEC, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On May 8, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0160C.

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. 2014.0160C, 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 located on the south side of Union Street, between Webster and Buchanan Streets, Assessor's Block 0541, Lot 018. The subject lot is approximately 12,000 square feet in size (approximately 138 feet deep by 91 feet wide) and is occupied by a four-story, commercial building originally built in 1924 as a single-screen movie theater (d.b.a. Metro Theater). On July 14, 2009, the Board of Supervisors approved the historic designation of the Metro Theater (Ordinance No. 175-09), making the building City Landmark No. 261. On February 9, 2012 the Planning Commission granted Conditional Use Authorization (Case No. 2010.0613AEC) for a change of use from a single-screen movie theater to personal service (d.b.a. Equinox Gym). The fitness facility is currently under construction and is slated to open this summer.

- 3. Surrounding Properties and Neighborhood. The Project Site is located within the Union Street NCD, which is mixed-use in character. There are a variety of commercial establishments located within ground floor storefronts throughout the Union Street NCD, including restaurants, bars, apparel stores, personal services, and other types of retailers. Buildings in the vicinity typically range from one- to five-stories in height, and upper floors of buildings are generally occupied by offices, personal services, or residential units. Some of the existing commercial establishments on the block include: Shaw (shoe store), Sephora Beauty, Samsara (jewelry and accessories store), Osha Thai Restaurant, and Soulcycle. Some of the commercial establishments on the opposite block include Café des Amis, Betelnut, Red Lantern (clothing store), Contrada Bikes, Milvali Salon & Cosmetics, Nine West, and Lorna Jane. The cross streets of Buchanan and Webster Streets, which are zoned RM-1 (Residential, Mixed, Low Density) south of Union Street and RH-2 (Residential, House, Two-Family) north of Union Street, are primarily developed with two to four-story residential buildings, with a few taller apartment buildings found south of Union Street in the RM-1 Zoning District.
- 4. **Project Description.** The proposal is to allow a Limited Restaurant (d.b.a. Espressemente Illy) within a vacant ground floor commercial space located at the east end of the four-story, commercial building soon to be occupied by Equinox Gym. The proposed establishment would occupy approximately 1,472 square feet. The proposed operation would consist of six full time employees and would operate seven days a week from 7:00 a.m. to 9:00 p.m. Currently, there are 10 Espressemente Illy locations nationwide. Two of the locations are in San Francisco (123 Battery Street and 2349 Market Street). No changes to the building envelope are proposed.
- 5. **Public Comment**. The Department has not received any public comment.
- 6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Use.** Planning Code Section 725.43 states that Conditional Use authorization is required for a Limited Restaurant on the first story, as defined by Planning Code Section 790.90.

The project proposes a Limited Restaurant use as a coffee shop and is requesting Conditional Use Authorization.

B. **Hours of Operation.** Planning Code Section 725.27 states that hours of operation from 6:00 a.m. - 2:00 a.m. are principally permitted in the Union Street NCD while hours of operation from 2:00 a.m. - 6:00 a.m. are conditionally permitted.

The proposed hours of operation are 7:00 a.m. to 9:00 p.m. seven days a week.

C. **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 1,472 square-feet of occupied floor area and does not require any off-street parking.* 

D. Street Frontage in Neighborhood Commercial Districts. 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 25 feet of frontage on Union Street with approximately 20 feet devoted to either the restaurant entrance or window space. The windows and entrance occupy 80 percent of the commercial frontage and are clear and unobstructed.

- E. **Signage**. 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 proposed use is occupying a vacant space and does not involve an expansion. The proposed use would complement the mix of goods and services currently available in the district by introducing a Limited Restaurant use providing coffee drinks and snacks available to residents and patrons of the fitness facility.

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 height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. No expansion is proposed.

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;

Existing traffic patterns will not be significantly affected by the project. Public transit (Muni Lines 41-Union and 45-Union/Stockton) is located within walking distance of the project site; a bus stop is located at the corner of Union and Buchanan Streets. There is on-street parking in front of the subject property and in the surrounding neighborhood. A parking garage (Union Street Plaza garage) is located on the subject block at 2001 Union Street.

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

The project would not produce noxious or offensive emissions related to 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 proposed project will involve interior alterations and the Department will review all lighting and signs proposed for the new business in accordance with the Planning Code. There will be no addition of parking spaces, loading facilities, open space or service areas.

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 purpose of the Union Street NCD in that the intended use is located at the ground floor and will provide compatible goods and services for the immediately surrounding neighborhoods during daytime and evening hours.

E. The existing concentration of eating and drinking uses shall not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site.

The immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

A site survey of the immediate area within the Union Street NCD was conducted. The existing eating and drinking establishment uses occupy approximately 16 percent of the total commercial frontage within the immediate area and would increase to 20 percent with the proposed project and project in the neighboring tenant space (d.b.a. Earthbar).

8. **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 WORKINIG ENVIRONMENT.

### Policy 1.1:

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

### Policy 1.2:

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

#### Policy 1.3:

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

The proposed project would provide desirable goods and services to the neighborhood and would provide employment opportunities to those in the community. Further, the subject property 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 project would create new commercial activity and would enhance the diverse economic base of the City by providing a Limited Restaurant use within the NCD.

### **OBJECTIVE 6**:

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

### Policy 6.1:

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

No commercial tenant would be displaced as the space is currently vacant. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood since the proposed use would only minimally increase the eating and drinking establishment concentration.

### **Eating and Drinking Establishments**

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, selfservice restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

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.

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20 percent should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25 percent of the total commercially occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances from fixed source equipment.

With the Limited Restaurant use, approximately 22 percent of the frontage of the Union Street NCD would be occupied by eating and drinking establishments. The proposed change of use from a vacant commercial space into a Limited Restaurant would minimally increase the concentration by less than one percent. Furthermore, Policy 6.1 also states that clustering of eating and drinking establishments may be appropriate, in this case, due to the availability and abundance in public transportation options, allowing the subject area to be easily accessible.

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

The project would not displace any businesses and would occupy an existing vacant storefront. The business would create six employment opportunities. The proposed alterations are within the existing building footprints.

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

*Existing housing and neighborhood character would not be adversely affected. The proposed hours of operation are within the principally permitted hours.* 

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 site is on Union Street and is well served by transit. There is also a parking garage within walking distance of the subject property.* 

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.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The project is in conformity with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

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

*The project would have no negative effect on existing parks and open spaces. The project does not have an effect on open spaces.* 

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

### DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014.0160C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 21, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 8, 2014.

Jonas P. Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 8, 2014

### **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow a Limited Restaurant (d.b.a. Espressemente Illy) located at 2055B Union Street, Block 0541, Lot 018 pursuant to Planning Code Sections 303 and 725.43 within the Union Street NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District; in general conformance with plans, dated October 11, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0160C and subject to conditions of approval reviewed and approved by the Commission on May 8, 2014 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 May 8, 2014 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, <u>www.sf-planning.org</u>

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

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

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

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

### DESIGN

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the 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, <u>www.sf-planning.org</u>

### **MONITORING - AFTER ENTITLEMENT**

- 7. 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, <u>www.sf-planning.org</u>
- 8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

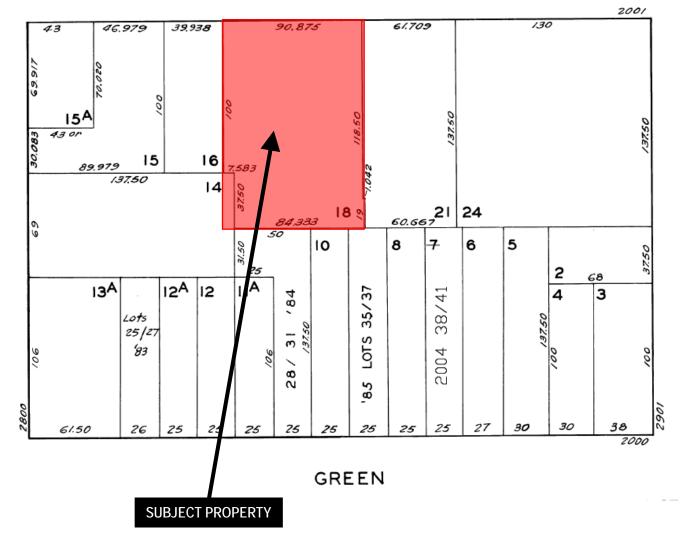
### **OPERATION**

- 9. 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, <u>http://sfdpw.org</u>
- 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, <u>http://sfdpw.org</u>

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

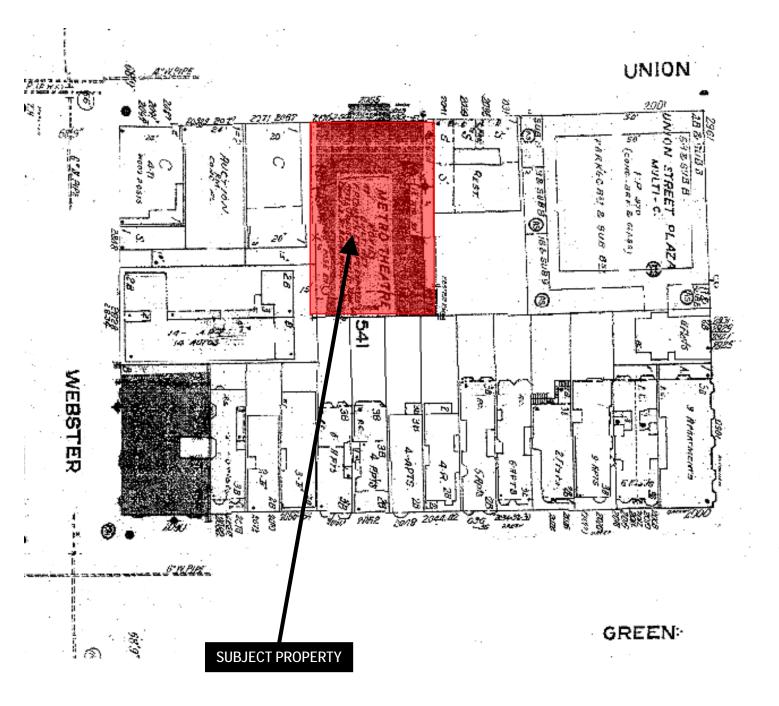
## **Parcel Map**





Conditional Use Authorization **Case Number 2014.0160C** 2055B Union Street Block 0541 / Lot 018 BUCHANAN

### 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 Authorization Case Number 2014.0160C 2055B Union Street Block 0541 / Lot 018

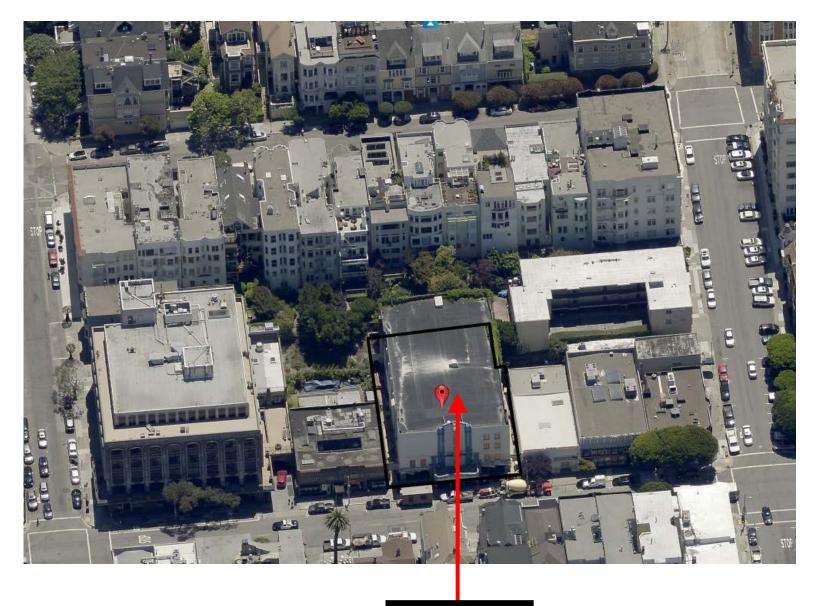
## **Zoning Map**





Conditional Use Authorization **Case Number 2014.0160C** 2055B Union Street Block 0541 / Lot 018

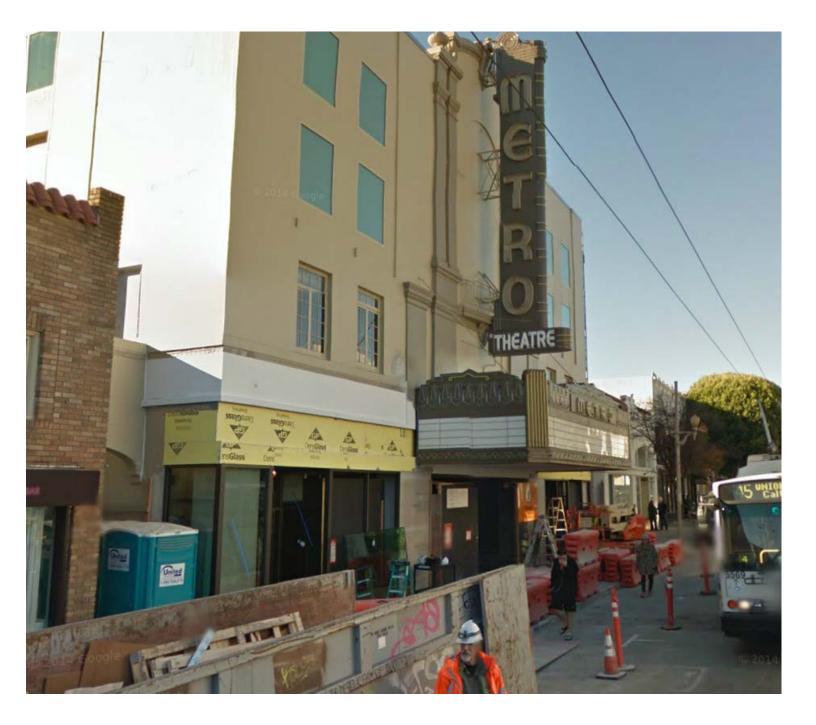
## **Aerial Photo (looking south)**



### SUBJECT PROPERTY

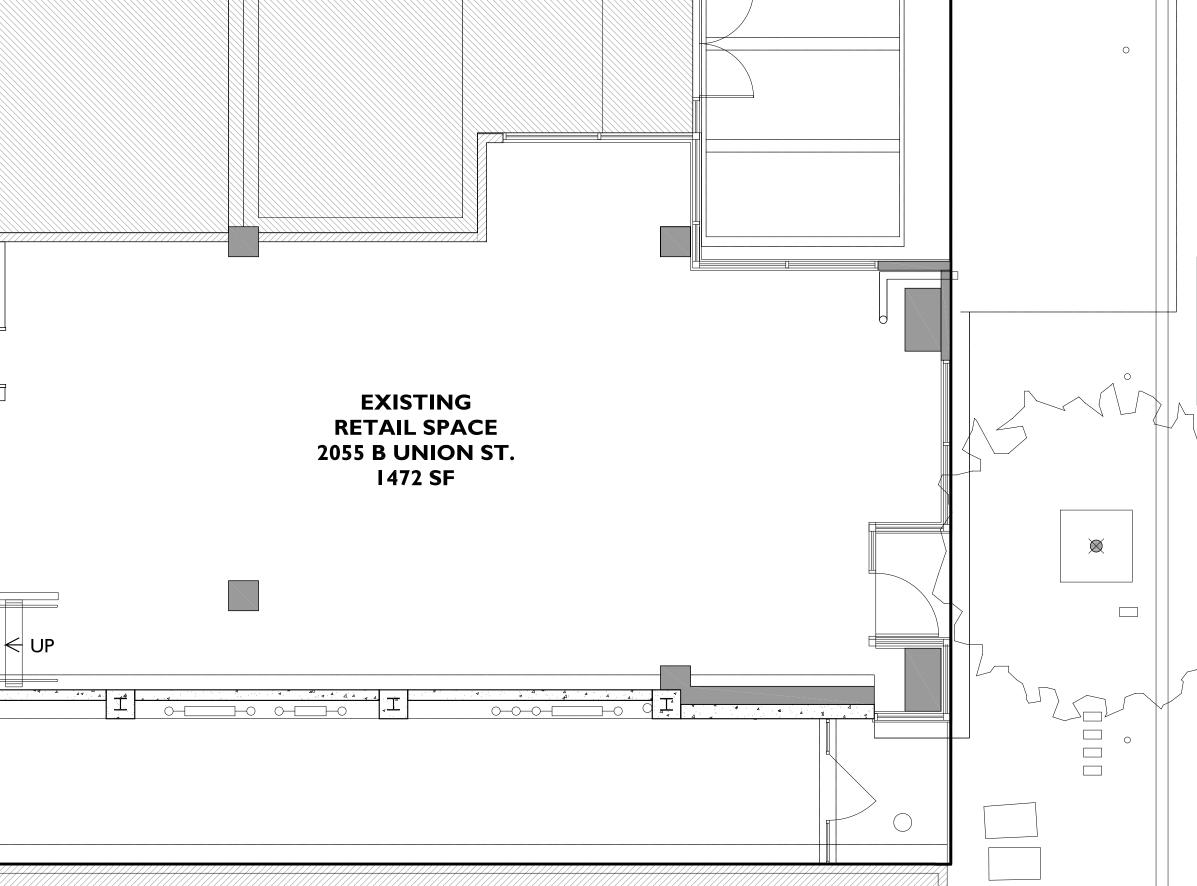
Conditional Use Authorization Case Number 2014.0160C 2055B Union Street Block 0541 / Lot 018

## **Site Photo**



# **PROJECT INFORMATION**

PROJECT INFORMATION: PARCEL: 0541-018	
ZONING DISTRICT:NCD - UNION STREET NEIGHBORHOOD COMMERCIALEXISTING HEIGHT:58'-4" (HIGHEST POINT OF MARQUEE)MAX. ALLOW. HEIGHT:40' MAX. SAN FRANCISCO ZONING	Gan San Francisco Bay
BUILDING COVERAGE:	Gashouse USS Pampanito Cove Cove De Cove
OT AREA: 12,236 SF OTAL GROSS BUILDING AREA: 36,178 SF AR: 36,178 / 12,236 = 2.96	Ohrandes II     Ohrandes II     Ohrandes II     Ohrandes II     Ohrandes II       Tiol     Marina     Bay St. T     Fisherman's II     of the Bay       Tiol     Marina     Bay St. T     Fisherman's II     of the Bay
R ALLOWABLE: I.0 -3.0	Presidio Pre
BUILDING INFORMATION: TYPE OF CONSTRUCTION: III-A	Presidio of San Francisco Utulius Kahn Utulius Kahn
G BUILDING USE: A-3, M INKLER: FULLY SPRINKLERED DOUS MATERIAL: NONE	Playground g Pacific Lifayette g a Catomia St. Playette g a Catomia St. Playette g a Catomia St. Presidio Catomia St. Presidio Golf. Course Heights Heights Lower Pacific guare g Catomia St. Presidio Figure Golf Course Heights Heights Catomia St.
TOTAL BUILDING HEIGHT PER CBC TABLE 503 EXISTING: 4 STORIES ABOVE GRADE	California St     California St     Participation     Part
.LLOWABLE:4 STORIES ABOVE GRADE (WITH FIRE SPRINKLER INCREASES)XISTING HEIGHT:58'-4" (HIGHEST POINT OF MARQUEE)LLOWABLE HEIGHT:65'-0" (WITHOUT FIRE SPRINKLER INCREASE)	Cearry Bivd Gearry
<u>UILDING AREA</u> KISTING:	Se reisti Bot Numerin de se st de s
GROUND FLOOR: 9,880 SF SECOND FLOOR: 9,570 SF THIRD FLOOR: 7,328 SF	Course y 0 Stow Lake Haight-Ashbury Ruenta Ruenta
FOURTH FLOOR:         9,400 SF           TOTAL:         36,178 SF	
LLOWABLE: I4,000 SF PER FLOOR (WITHOUT FIRE SPRINKLER INCREASE)	
NANT INFORMATION:         STING USE:       M         DPOSED USE:       B (LIMITED RESTAURANT UNDER 49 OCC.)	43 46.979 39,938 90,875 61.709 130
ENANT FLOOR AREA: I472 SF (GROUND FLOOR ONLY)	
EVIOUS APPROVALS: A # CASE NO. 2010.0613 AEC	
C #201208016283 (SEISMIC CORE & SHELL) C #201304174785 (SHELL IMPROVEMENTS) JRSUANT TO PLANNING CODE SECTION 161(K) PARKING IS	Ш 137.50 14
NOT REQUIRED TO BE PROVIDED. SEE A-030	の 的 50 18 0 60.667 21 24 50
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CODE REQUIREMENTS: 2013 CALIFORNIA BUILDING CODE 2010CALIFORNIA ENERGY CODE	Lots 25/27 - 58 - 58 - 58 - 58 - 58 - 58 - 58 - 5
2013 CALIFORNIA MECHANICAL CODE 2013 CALIFORNIA ELECTRICAL CODE 2013 CALIFORNIA PLUMBING CODE	28/ 31 /06 /33 /37 /06
2013 CALIFORNIA FIRE CODE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE SAN FRANCISCO MUNICIPAL CODE	61.50 26 25 25 25 25 25 25 25 25 27 30 30 38 N
SAN FRANCISCO PUBLIC HEALTH CODE	GREEN
EXIST	
UP RETAIL 2055 B UN	SPACE
2055 B UN 1472	
FLOOR PLAN- EXISTING RETAIL SPACE	
3/16" = 1'-0"	



## VICINITY & LOCATION MAPS



	Espressa		PROVEMENT te illy	REVISION:         DATE:           CU APPLICATION #2013-1003-8406         04.23.14
	2055 B San Franc		I STREET CA, 94123	THESE PLANS ARE CONSIDERED PRELIMINARY AND NOT FOR CONSTRUCTION UNLESS THEY BEAR THE ARCHITECTS SEAL AND WET SIGNATURE ALONG WITH THE GOVERNING AGENCY'S REVIEW SEAL OF APPROVAL AND WET SIGNATURE. <b>KDA</b> EXPRESSLY RESERVES COMMON LAW COPYRIGHT AND OTHER PROPRIETARY RIGHTS TO ALL DESIGNS AND INFORMATION IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF <b>KAHN DESIGN ASSOCIATES</b> .
DRTH		APRIL	. 23, 2014	
	DRAW	ING INDE	X	
HANAN	● G000 CO	EET TITLE VER SHEET NDITIONS OF APPROVAL		
BUC	A100 TI F	e plan, egress and access Floor plan Ish plan	IBILITY PLANS	<b>ECTURE</b> n a s s o c i a t e s th street, berkeley, ca. 94710 510.841.3555 fax: 510.841.1225 designassociates.com
	PROJEC	T SUMMA	RY	<b>A R C H I T I</b> k a h n d e s i g n 1810 sixth kahndes
	<ul> <li>PROJECT SCOPE OF WORK:</li> <li>CHANGE OF USE FROM EXISTING RETAIL TO</li> <li>NEW DEMISING WALLS, DROPPED CEILING A</li> <li>NEW KITCHEN EQUIPMENT FOR CAFE USE</li> <li>NEW KITCHEN EQUIPMENT FOR CAFE USE</li> <li>NEW LIGHTING, POWER DISTRIBUTION &amp; TE</li> <li>NEW ELECTRICAL AND PLUMBING FOR KITC REMAIN, NEW HVAC DISTRIBUTION INCLUD</li> <li>NEW RETAIL DISPLAY CASE WORK AND INT</li> <li>NO PROPOSED CHANGES TO EXISTING STOREFF</li> <li>DEFERRED SUBMITTALS:</li> <li>FIRE ALARM &amp; FIRE PROTECTION</li> <li>TENANT SIGNAGE</li> </ul>	ND FLOORING LECOMMUNICATIONS HEN EQUIPMENT, EXISTING ED. ERIOR WALL FINISHES.	G MECHANICAL SYSTEM TO	4PROVEMENTS <b>NTE ILLY</b> A 94123 (APN# 0541 018)
	PROJECT	DIRECTO	DRY	AMEN AMEN V ST.
	ESPRESSAMENTE ILLY 2055 B UNION ST. SF, CA 94123 TEL (510) 301-6361 JOE GURDOCK joe.gudock@gmail.com KAHN DESI BERKELEY, 4 TEL (510) 8 FAX (510) 8 CHARLES K charlesk@kd DARSHAN	CA 94710 41-3555 41-1225 AHN, ARCHITECT Ia-berkeley.com	DESIGN / ENGINEER: ESPRESSAMENTE ILLY via FLAVIA 110 I 34147 TRIESTE, ITALY TEL +39 0404 3890 107 SIMONE LUSINA simone.lusina@illy.com SIVAN COHEN sivan.cohen@illy.com	METRO BUILDING: TENANT IMPROVEMENTS <b>ESPRESSAMENTE IL</b> 2055-B UNION ST. SAN FRANCISCO, CA 94123 (
DRTH			CASEWORK / FABRICATION: CONTRACT s.r.l. via TONIOLO 3-31030 PERO di BREDA di PLAVE (TV), ITALY TEL +39 0422 600172 (main) TEL +39 0422 600220 (direct) DEVIS MARCHETTO devis.marchetto@contractsri.com	COVER SHEET SCALE: AS NOTED DATE: OCTOBER 11, 2013 JOB NO: ILY01 SHEET GOOOO

\*\* Order No. 528156 EXHIBIT "ONE" Beginning at a point on the Southerly line of Union Street, distant thereon 129 feet, 11 inches Easterly from the Easterly line of Webster Street; running thence Easterly and along said line of Union Street, 90 feet, 10-1/2 inches; thence at a right angle Southerly 118 **MONITORING - AFTER ENTITLEMENT** feet, 6 inches; thence at a right angle Easterly 1 foot and 1/2 inch; thence at a right angle Southerly 19 feet; thence at a right angle Westerly 84 feet, 4 inches; thence at a right angle Northerly 37 feet, 6 inches; thence at a right angle Westerly 7 feet, 7 inches; thence at a right angle Northerly 100 feet to the point of beginning. Being a portion of Western Addition Block No. 263, Assessor's Parcel No: Lot 18, Block 541 planning.org authorization. planning.org **OPERATION** CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT State of California Control Ordinance. County of <u>Gatta Costa</u> On <u>2/28/12</u> before me, <u>Kimberty Branch</u>, <u>Hay Public</u>, Date personally appeared <u>Stephane P. Le Bord</u> Section, Department of Public Health at (415) 252-3800, www.sfdph.org For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org Department at 415-553-0123, www.sf-police.org who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the to constitute a nuisance to any surrounding property. instrument the person(s), or the entity upon behalf of KIMBERLY BRANAGH which the person(s) acted, executed the instrument. Commission # 1937933 planning.org Notary Public - California I certify under PENALTY OF PERJURY under the laws Contra Costa County My Comm. Expires May 23, 2015 of the State of California that the foregoing paragraph is true and correct. 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-Signature \_\_\_ 554-.5810, http://sfdpw.org Place Notary Seal Above - OPTIONAL Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document. Description of Attached Decument , . . NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all <u>planning.org</u> sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. PARKING AND TRAFFIC For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org shall provide no fewer than three (3) Class 1 or Class 2 bicycle parking spaces. Community Liaison. Prior to issuance of a building permit to construct the project and implement the <u>planning.org</u> 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 <u>planning.org</u> 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.sfplanning.org off-street loading spaces, since the building is a City Landmark. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-The use of said property contrary to these special restrictions shall constitute a violation <u>planning.org</u> of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void. pedestrian circulation effects during construction of the Project. <u>planning.org</u> PROVISIONS - B- le Bord, As manager of Ehrman Properties LLC (Owner's Signature) For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org (Agent's Signature) This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal. with certification that the fee has been paid. Ackhauledgament Attached <u>planning.org</u> Page 7 of 7

CONIDITIONAS OF APPROVAL

### NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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-

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

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

Noise Control. The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health

For information about compliance with the amplified sound including music and television contact the Police

Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as

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

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

Page 6 of 7

### NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

Bicycle Parking (Commercial Only). Pursuant to Planning Code Sections 155.1 and 155.4., the Project For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-

Parking Requirement. Pursuant to Planning Code Section 161(k), the Project is not required to provide any independently accessible off-street parking spaces, since the building is a City Landmark. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-

Off-street Loading. Pursuant to Planning Code Section 161(k), the Project is not required to provide any

Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal

Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and

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

First Source Hiring. The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

Transit Impact Development Fee. Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director

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

Page 5 of 7

### NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

Rooftop Mechanical Equipment. Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

Signage. The Historic Preservation Commission (HPC) reviewed and conditionally approved through Motion No. 0142 a general signage plan for the proposed Equinox Gym. All sign permits shall conform to the approved HPC signage plan, and must be in compliance with Article 6 of the Planning Code. For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-<u>planning.org</u>

Transformer Vault. The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- 1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- 2. On-site, in a driveway, underground;
- 3. On-site, above ground, screened from view, other than a ground floor facade facing a public right-of-
- 4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- 5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- 6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- 7. On-site, in a ground floor façade (the least desirable location).

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Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

Street Trees. Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that two (2) street trees shall be provided. The street trees shall be located on either side of the historic marquee. Since DPW cannot grant approval for installation of the three (3) other required street trees due to interference with the historic marquee, the Project Sponsor shall pay an in-lieu fee for those three (3) street trees, pursuant to Planning Code Section 428.

Page 4 of 7

### NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

### 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-<u>planning.org</u>

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-<u>planning.org</u>

Additional Project Authorization. The Project Sponsor must comply with all conditions of approval imposed by the Historic Preservation Commission through Motion No. 0142, and are incorporated by reference herein. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall

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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-<u>planning.org</u>

### DESIGN – COMPLIANCE AT PLAN STAGE

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.

Page 3 of 7

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### NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The restrictions and conditions of which notice is hereby given are:

### AUTHORIZATION

This authorization is for a Conditional Use to allow the de-facto removal of the existing single-screen movie theater (d.b.a the Metro Theater) and the change of use to a Personal Service (d.b.a Equinox Gym) at the first through fourth floors with a use size exceeding 2,499 square feet located at 2055 Union Street, Block 0541, Lot 018, pursuant to Planning Code Sections 303(c) and (k), 725.21, and 725.52, within the Union Street NCD (Neighborhood Commercial District) and 40-X Height and Bulk District; in general conformance with plans dated December 21, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2010.0613AEC and subject to conditions of approval reviewed and approved by the Commission on February 9, 2012 under Motion No. 18543. 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 February 9, 2012 under Motion No 18543.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18543 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.

Page 2 of 7

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

**RECORDING REQUESTED BY:** 

. .

And When Recorded Mail To:	)
Name: Ehrman Properties LLC	)))
Address: 50 Ashbury Terrace	)
City: San Francisco 94117-	))

California

### San Francisco Assessor-Recorder Phil Ting, Assessor-Recorder DOC-2012-J365027-00 Thursday, MAR 01, 2012 14:17:45 Ttl Pd \$38.00 Rcpt # 0004351565 REEL K594 IMAGE 0705 ogi/GG/1-9

) Space Above This Line For Recorder's Use

I (We) Ehrman Properties LLC the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as follows (or see attached sheet marked Exhibit A on which property is more fully described): See Attachment

Being Assessor's Block 0541, Lot 018, commonly known as 2055 Union Street (a.k.a. Metro Theater), hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to Conditional Use Application No. 2010.0613C, authorized by the Planning Commission of the City and County of San Francisco on February 9, 2012 as set forth in Planning Commission Motion No. 18543, to allow the defacto removal of the existing single-screen movie theater (d.b.a. The Metro Theater) and the change of use to a personal service (d.b.a. Equinox Gym) at the first through fourth floors with a use size exceeding 2,499 sf within the Union Street NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District, and adopting findings under the California Environmental Quality Act.

Page 1 of 7

METRO BUILDING: TENANT IMPROVEMENTS METRO BUILDING: TENANT IMPROVEMENTS BALANCE AND REAL RESERVED 34 VERY REAL REAL STATUSORE AND REAL REAL REAL REAL REAL REAL REAL REAL	CU	APPLICAT 013-1003-84		DATE 04.23.1
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ARCH METRO BUILDING: TENANT IMPROVEMENTS METRO BUILDING: TENANT IMPROVEMENTS <b>ESPRESSAMENTE ILLY</b> 2055-B UNION ST. 2055-B UN			SIBINALSSOCIATES 1810 civrh street herbelev ca 94710	kahndesignassociates.com
RELATE: OCTOBER 11, 201				kda
OF APPROVAL SCALE: AS NOTED DATE: OCTOBER 11, 201 JOB NO: ILY01				
DATE: OCTOBER 11, 201 JOB NO: ILY01		APP	OF ROVA	AL.
SHEET				

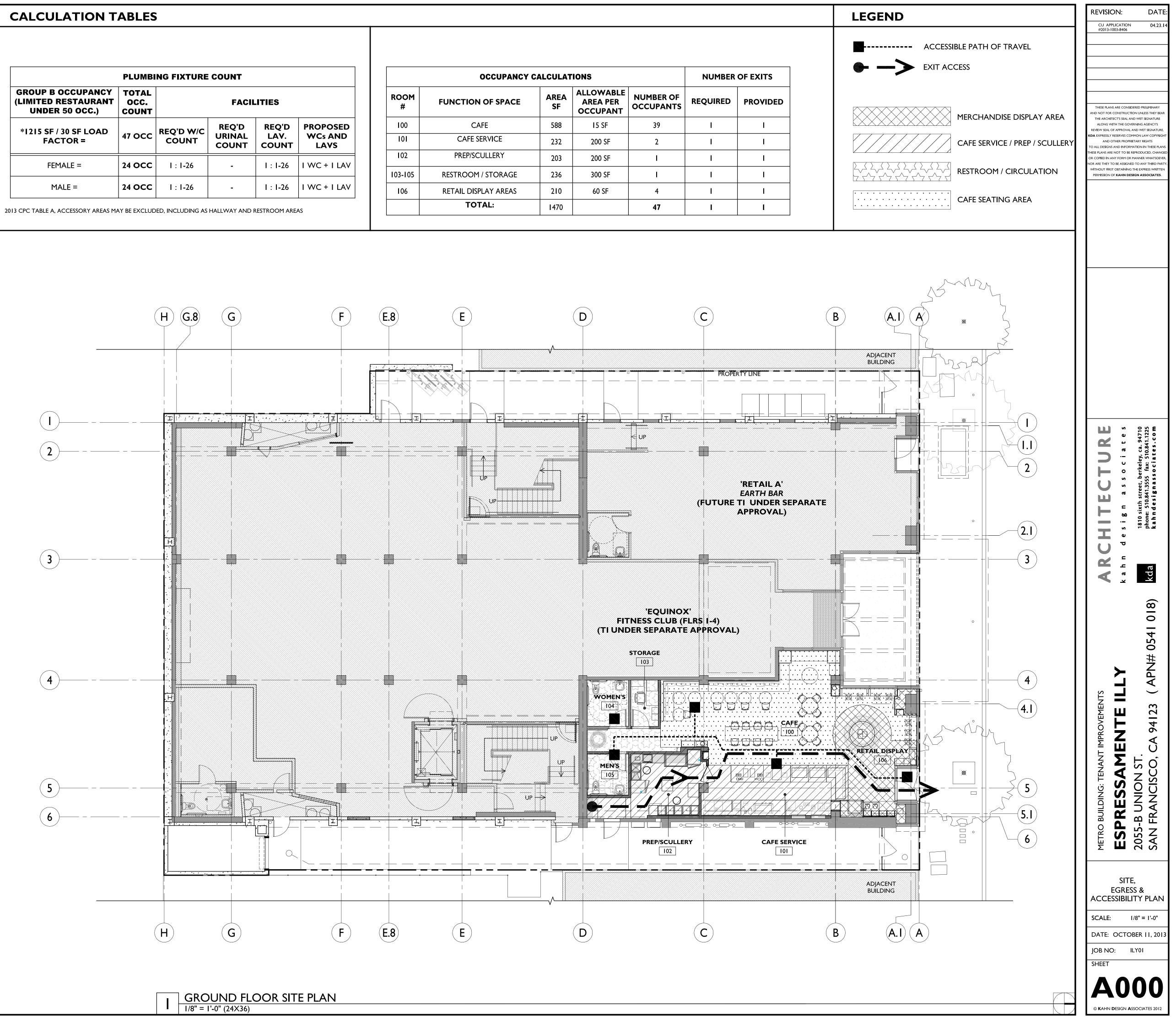
KAHN DESIGN ASSOCIATES 2012

## CALCULATION TABLES

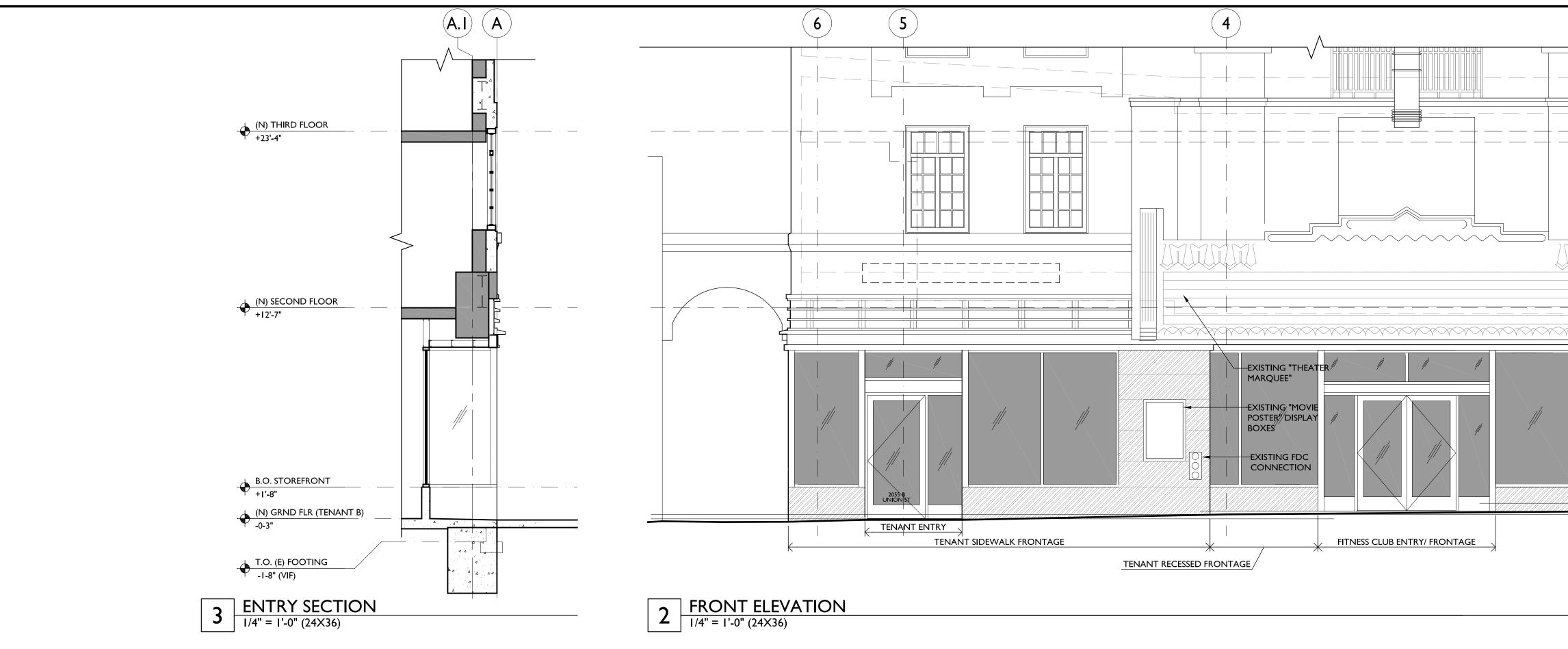
	PLUMB	NG FIXTURE	COUNT		
GROUP B OCCUPANCY (LIMITED RESTAURANT UNDER 50 OCC.)TOTAL OCC.FACILITIES					
*I2I5 SF / 30 SF LOAD FACTOR =	47 OCC	REQ'D W/C COUNT	REQ'D URINAL COUNT	REQ'D LAV. COUNT	PROPOSED WCs AND LAVS
FEMALE =	24 OCC	l : I-26	-	I : I-26	I WC + I LAV
MALE =	24 OCC	I : I-26	_	I : I-26	I WC + I LAV

(H) (G.8) ( |(2) 3 4 (5) 6

 $(\mathbf{H})$ 



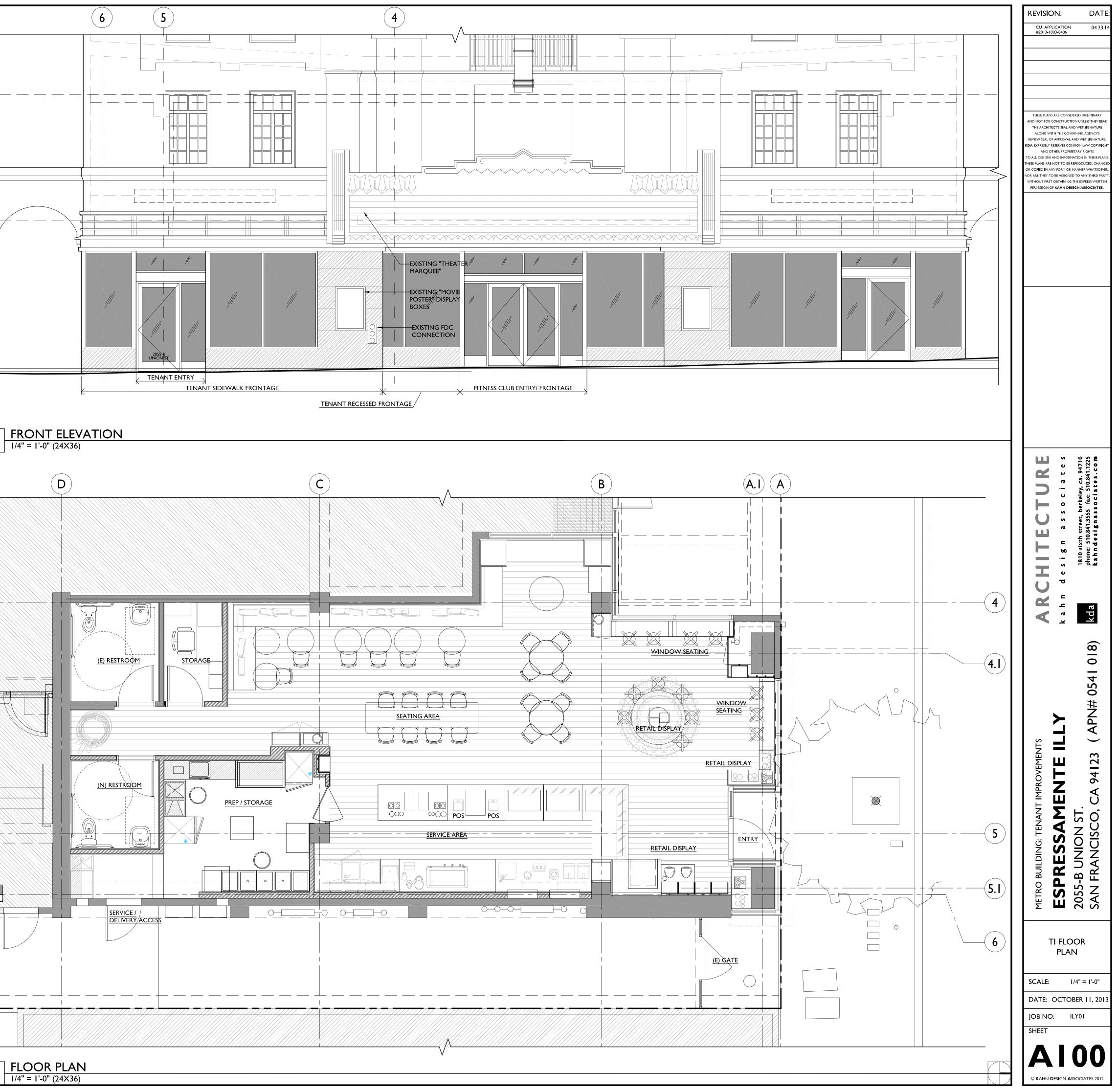
	OCCUPANCY CALCULATIONS					
ROOM #	FUNCTION OF SPACE	AREA SF	ALLOWABLE AREA PER OCCUPANT	NUMBER OF OCCUPANTS	REQUIRED	
100	CAFE	588	I5 SF	39	I	
101	CAFE SERVICE	232	200 SF	2	I	
102	PREP/SCULLERY	203	200 SF	I	I	
103-105	RESTROOM / STORAGE	236	300 SF	I	I	
106	RETAIL DISPLAY AREAS	210	60 SF	4	I	
	TOTAL:	1470		47	I	



LEGEND	
	(E) WALL
	(N) FULL HT. INTERIOR PARTITION



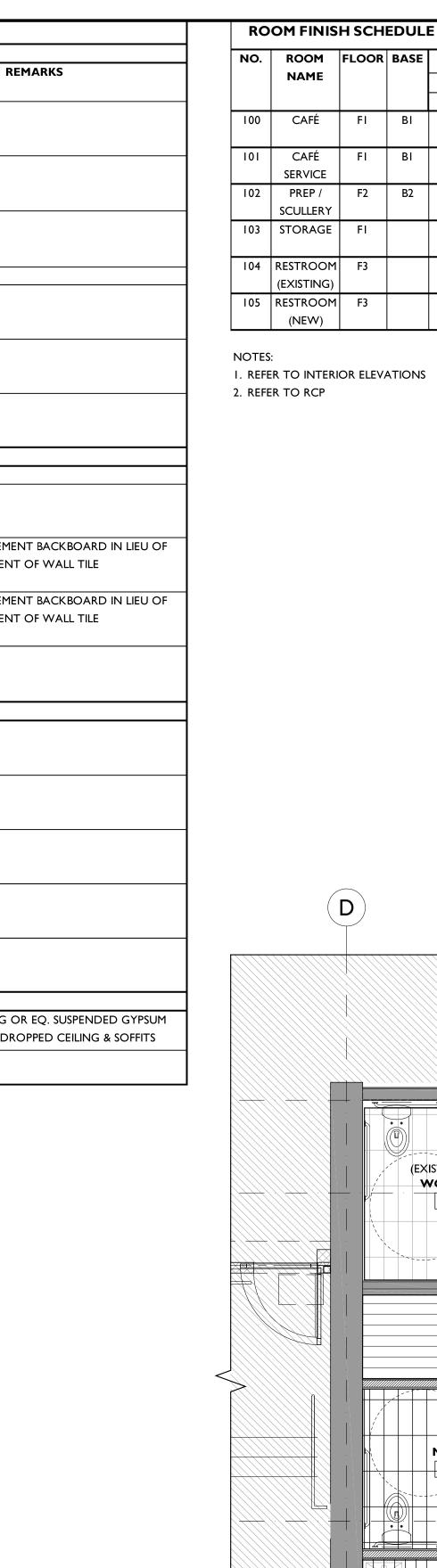
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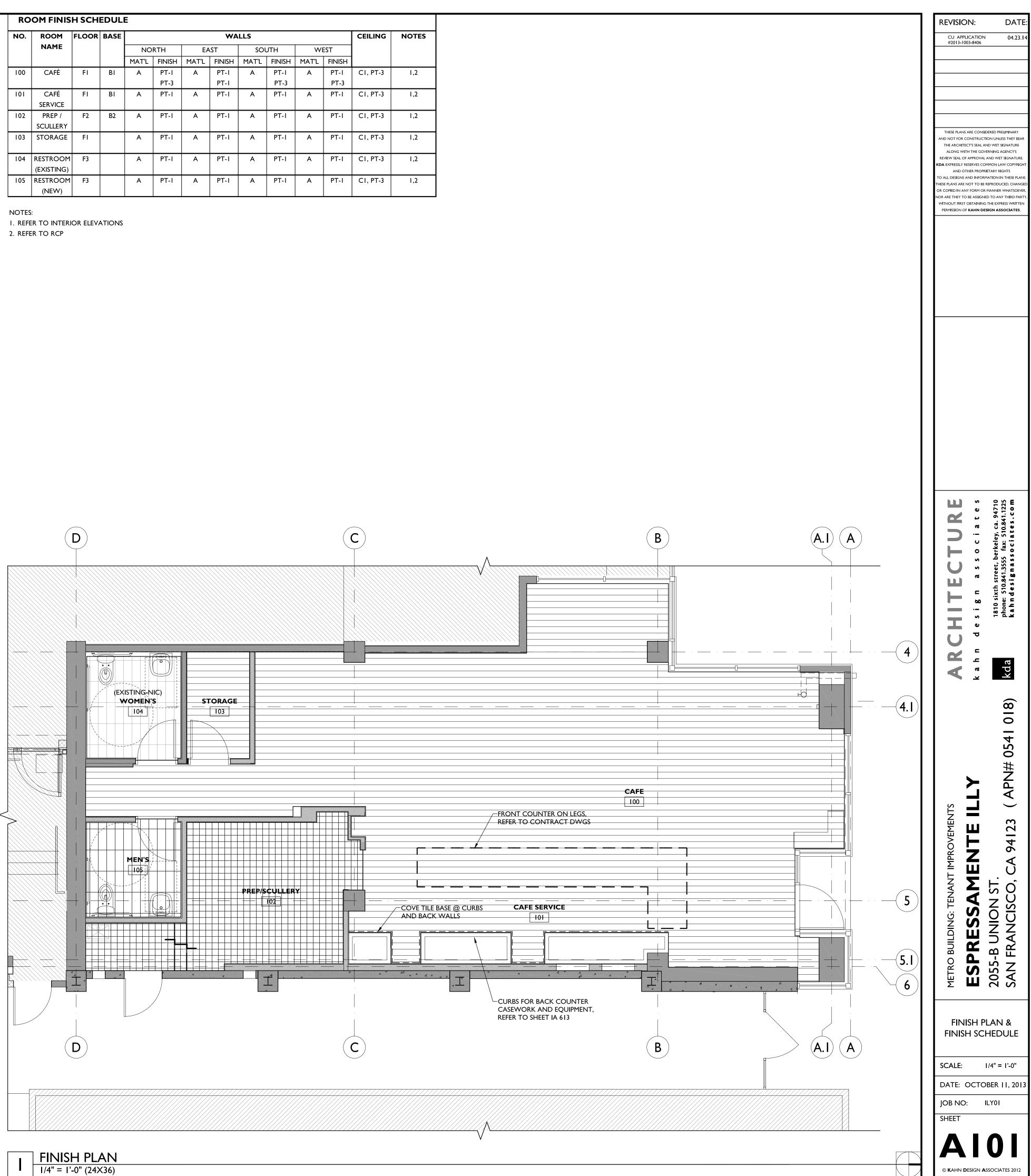
EINUCU	DESCRIPTION	SPECIFICATION	INSTALLATION NOTES	LOCAL CONTACT	REMA
FINISH	DESCRIPTION	SPECIFICATION	INSTALLATION NOTES		KEM#
FI	TILE	MFR: NOVA BELL 'ECO DREAM' 6x36	PREP FLOOR SURFACE AND INSTALL PER MANUF.	IMPORT TILE	
		COLOR: CASTAGNO	RECOMMENDATIONS		
		GROUT: TBD			
F2	TILE	MFR: DALTILE 'QUARRY' 6x6	PREP FLOOR SURFACE AND INSTALL PER MANUF.		
		COLOR: BEIGE	RECOMMENDATIONS, PROVIDE COVE BASE		
		GROUT: TBD			
F3	TILE	MFR: CAMPOGALLIANO 'STRAND SERIES'   2x24	PREP FLOOR SURFACE AND INSTALL PER MANUF.		
		COLOR: IRON (CGSDIN)	RECOMMENDATIONS		
		GROUT: TBD			
BASE					
BASE	TILE	MFR: REFIN CERAMIC 'VISUAL' 3×18 SKIRTBOARD			
ы		COLOR: WENGE			
		GROUT: TBD			
B2	TILE	MFR: DALTILE 'QUARRY' 6x6			
DΖ		COLOR: BEIGE			
		GROUT: TBD			
B3		MFR: 4" MDF			
		COLOR: PAINT PRIMED			
VERTIC	AL SURFACE				
VI VI			LEVEL 4 TAPE AND FINISH		
V2	FRP	MFR: MARLITE	CAP ENDS AND SEAMS WITH MANUF. TRIM		
٧Z		COLOR: WHITE (\$100G)			
		FINISH: SMOOTH			
V3	TILE	MFR: EPOCA 'DESIGN POSITIVE' 8x20	PREP WALL SURFACE AND INSTALL PER MANUF.		PROVIDE PROVIDE CEMENT
v 5			RECOMMENDATIONS		GYPSUM BD FOR EXTENT O
	(FIELD)	COLOR: GRIS 5 EADPGS5			GTFSOFT BD FOR EXTENT O
V4	TILE	GROUT: TBD MFR: CROSSVILLE 'EBB & FLOW' 1/2×3	PREP WALL SURFACE AND INSTALL PER MANUF.	MARTHA VEGA	PROVIDE PROVIDE CEMENT
V4				MARTHA VEGA	
	(ACCENT)	COLOR: SAND AND SURF	RECOMMENDATIONS		GYPSUM BD FOR EXTENT O
		GROUT: TBD			
V5	FIBERGLASS	MFR: TBD			
	REINFORCED	COLOR: WHITE			
	PLASTIC				
				I	Γ
PTI	PAINT	MFR: TBD			
		COLOR: TRAFFIC RED, RAL 3020			
		FINISH: WASHABLE MATTE			
PT2	PAINT	MFR: TBD			
		COLOR: TRAFFIC RED, RAL 3020			
		FINISH: SEMI-GLOSS			
PT3	PAINT	MFR: TBD			
		COLOR: WHITE, RAL 9020			
		FINISH: WASHABLE MATTE			
PT4	PAINT	MFR: TBD			
		COLOR: WHITE, RAL 9020			
		FINISH: SEMI-GLOSS			
PT3	PAINT	MFR: TBD			
		COLOR: OFF-WHITE			
		FINISH: WASHABLE MATTE			
CEILING					1
CI	GYPSUM BOARD		LEVEL 4 TAPE AND FINISH		PROVIDE ARMSTRONG OR E
					CEILING SYSTEM FOR DROPF
C2	CEILING TILE	MFR: ARMSTRONG "ULTIMA HEALTH ZONE"	WASHABLE AND SCRUBBABLE SURFACE		NOTE I
	1	SIZE: 2×4 (1938)	PRELUDE 15/16" SQUARE LAY-IN SUSPENSION	1	1

NOTES:

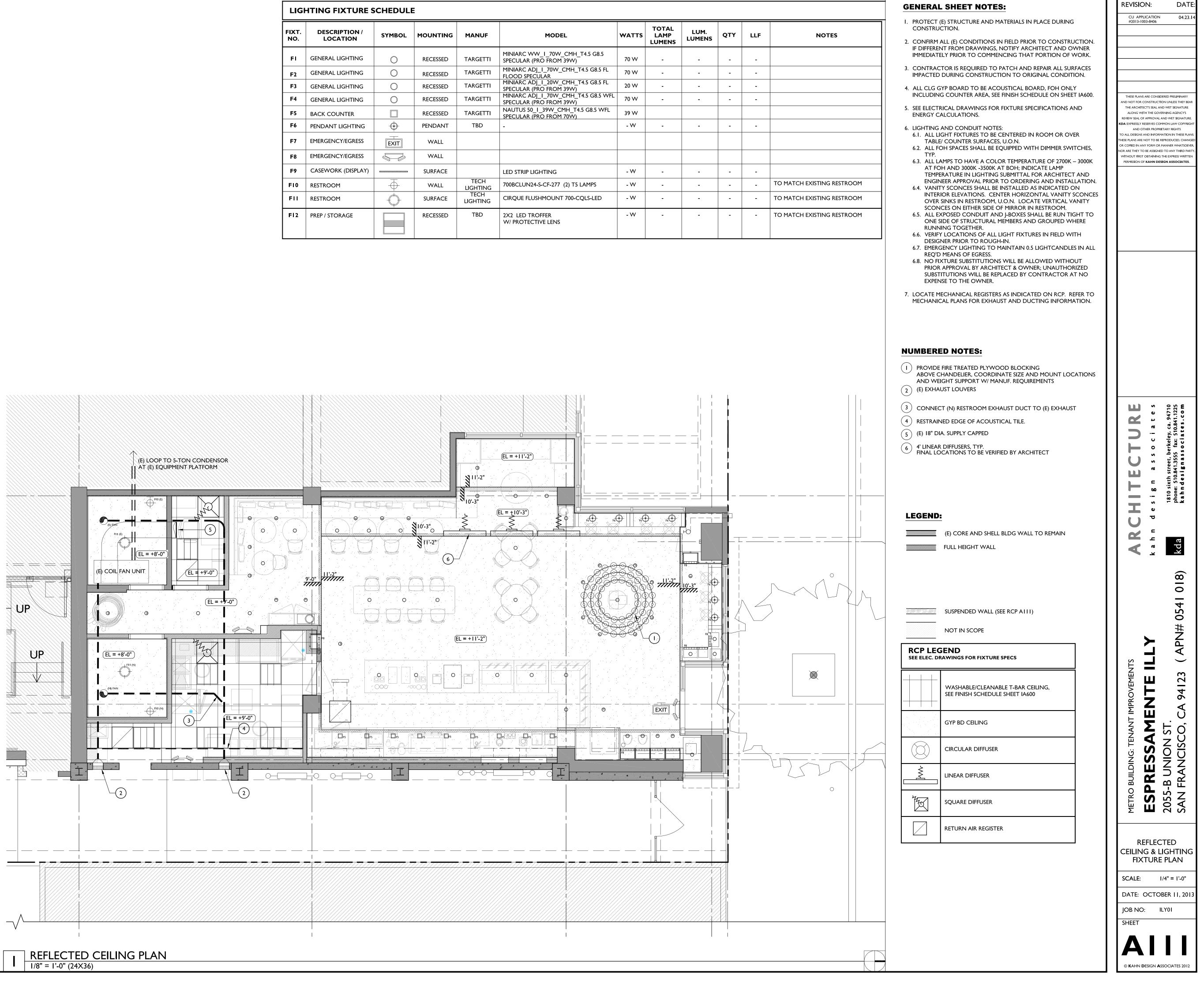
PROVIDE SAMPLE MATERIAL FOR ALL FINISHES TO OWNER AND ARCHITECT FOR APPROVAL PRIOR TO ORDER AND INSTALLATION



### WALLS NORTH east south WEST MAT'L FINISH MAT'L FINISH MAT'L FINISH MAT'L FINISH A | PT-I | A | PT-I | A | PT-I | A | PT-I | CI, PT-3 | I,2 PT-3 PT-I PT-3 PT-3 FI BI A PT-I A PT-I A PT-I A PT-I A PT-I CI, PT-3 ١,2 B2 A PT-I A PT-I A PT-I A PT-I CI, PT-3 ١,2 A PT-I A PT-I A PT-I A PT-I CI, PT-3 ۱,2 A | PT-I | A | PT-I | A | PT-I | A | PT-I | CI, PT-3 | 1,2 A | PT-I | A | PT-I | A | PT-I | A | PT-I | CI, PT-3 | 1,2







LIGHTING FIXTURE SCHEDULE											
FIXT. NO.	DESCRIPTION / LOCATION	SYMBOL	MOUNTING	MANUF	MODEL	WATTS	TOTAL LAMP LUMENS	LUM. LUMENS	QTY	LLF	
FI	GENERAL LIGHTING	0	RECESSED	TARGETTI	MINIARC WW_I_70W_CMH_T4.5 G8.5 SPECULAR (PRO FROM 39W)	70 W	-	-	-	-	
F2	GENERAL LIGHTING	0	RECESSED	TARGETTI	MINIARC ADJ_1_70W_CMH_T4.5 G8.5 FL FLOOD SPECULAR	70 W	-	-	-	-	
F3	GENERAL LIGHTING	0	RECESSED	TARGETTI	MINIARC ADJ_I_20W_CMH_T4.5 G8.5 FL SPECULAR (PRO FROM 39W)	20 W	-	-	-	-	
F4	GENERAL LIGHTING	0	RECESSED	TARGETTI	MINIARC ADJ_I_70W_CMH_T4.5 G8.5 WFL SPECULAR (PRO FROM 39W)	70 W	-	-	-	-	
F5	BACK COUNTER		RECESSED	TARGETTI	NAUTUS 50_1_39W_CMH_T4.5 G8.5 WFL SPECULAR (PRO FROM 70W)	39 W					
F6	PENDANT LIGHTING	$\bullet$	PENDANT	TBD	-	- W	-	-	-	-	
F7	EMERGENCY/EGRESS	EXIT	WALL								
F8	EMERGENCY/EGRESS		WALL								
F9	CASEWORK (DISPLAY)		SURFACE		LED STRIP LIGHTING	- W	-	-	-	-	
FI0	RESTROOM	$\overline{+}$	WALL	TECH LIGHTING	700BCLUN24-S-CF-277 (2) T5 LAMPS	- W	-	-	-	-	T
FII	RESTROOM	$\bigcirc$	SURFACE	TECH LIGHTING	CIRQUE FLUSHMOUNT 700-CQLS-LED	- W	-	-	-	-	
FI2	PREP / STORAGE		RECESSED	TBD	2X2 LED TROFFER W/ PROTECTIVE LENS	- W	-	-	-	-	