



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 10, 2015

Date: August 31, 2015
Case No.: 2014-002218CUA
Project Address: 2186 Geary Boulevard
Zoning: NC-3 (Neighborhood Commercial District, Moderate Scale)
65-A Height and Bulk District
Block/Lot: 1078/072 and 073
Project Sponsor: Shenine Hooshmand
Ware Malcomb
4683 Chabot Drive, Suite 300
Pleasanton, CA. 94589
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PROJECT DESCRIPTION

The applicant proposes to establish a 3,500 square foot formula retail use (a cable and internet service provider store d.b.a. Xfinity) in an existing commercial space formerly occupied by another formula retail use (d.b.a. Honeybaked Ham). Xfinity is a division of Comcast NBCUniversal, a multinational mass media company headquartered in Philadelphia with approximately 20 Bay Area service center locations. One existing San Francisco Xfinity store is located at 260 Potrero Avenue. The project includes minor tenant improvements and new signage.

The proposal requires a Conditional Use Authorization pursuant to Planning Code Sections 303(c), 303.1, 703.4 and 712.40 to establish a formula retail use at the ground floor of a commercial building located in the NC-3, Neighborhood Commercial District and a 65-A Height and Bulk District.

The store allows customers to try out services, pay bills and exchange existing equipment. The proposed hours of operation will be from 9 a.m. to 7 p.m. daily. The store will employ approximately 10 full-time and 6-8 part-time employees.

SITE DESCRIPTION AND PRESENT USE

The project site is located at the northeast corner of Geary Boulevard and Divisadero Street in the Western Addition neighborhood, Assessor's Block 1078, Lots 072 and 073. The subject property is located within the NC-3 Moderate-Scale Neighborhood Commercial District and the 65-A Height and Bulk District. The parcel is approximately 9,246 square feet in area and is occupied by a three-story commercial building

constructed circa 1984. The 45,000 square foot building has multiple commercial storefronts at the ground floor with medical offices above. The 3,500 square foot space intended for the project is currently vacant and was formerly occupied by a formula retail use (d.b.a. Honeybaked Ham), which closed in January 2014.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the far eastern edge of the Geary Boulevard commercial corridor which extends from the Western Addition to the Outer Richmond neighborhood. Adjacent properties on Divisadero Street are also zoned NC-3. The Divisadero Street NC-3 zoning extends three blocks north to Bush Street and one block east to Scott Street. Other portions of Geary Boulevard are zoned RH-3 and Fillmore NCD. The scale of development in the area consists of a mix of two- to four-story structures and large institutional buildings, including the Mount Zion Hospital campus on Divisadero Street and the Kaiser Hospital campus on Geary. The NC-3 zoning district is intended to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood.

Surrounding development consists of a variety of medical uses, apartment buildings and public recreation uses. There are a limited number of commercial businesses in the area. The surrounding zoning is primarily RM-3 (Residential, Mixed, Medium Density) and RM-1 (Residential, Mixed, Low Density) District zoning.

Table 1. NC-3 Ground Floor Frontage Breakdown per Land Use¹

Land Use Type	NC-3 (Geary frontage from Masonic Ave. to Scott St.) Frontage Total (feet)	NC-3 %	¼ Mile Vicinity Frontage Total (feet)	Vicinity %
Apparel	0	0%	45	1%
Financial	0	0%	283	9%
Grocery	0	0%	296	9%
Limited-Restaurant	100	18%	92	3%
Restaurant	50	9%	507	16%
Medical	50	9%	553	18%
Personal Service	0	0%	314	10%
Other Retail	350	64%	828	26%
Recreation Center	0	0%	259	8%
Vacant	0	0%	0	0%
Total	550	100%	3150	100%

¹ The NC-3 Land Use table was developed using data collected by the project sponsor and reviewed by Planning Department Staff in 2015.

There are approximately ten commercial storefronts within the contiguous NC-3 zoning district along Geary Boulevard, nine of which are formula retail, amounting to a concentration of approximately 90%. This calculation is somewhat misleading because nearly all of the formula retail uses are located in one shopping mall, the City Center at Geary and Masonic, several blocks to the west. Additionally, this segment of the NC-3 zoning district spans slightly over half a mile and includes many large institutional uses for which frontages are not counted. Most of the formula retail stores (six retailers and two restaurants) are located in the City Center (Target) shopping center. The remaining formula retail store is an optical retailer located in the subject building but fronting on Divisadero Street.

The commercial uses in the NC-3 District on Geary Boulevard between Masonic Avenue and Scott Street are dominated by medical institution use (Kaiser) and one large shopping center (City Center), which is the site of all the other formula retail stores. Three additional commercial uses on Geary include an acupuncturist, restaurant and florist located on blocks zoned RH-3 (Residential, House Districts, Three-Family). Retail establishments comprise 64% of the frontage of the district, while eating establishments (limited restaurants and restaurants combined) comprise 27% of the ground floor frontage. These calculations do not include non-retail establishments, such as residences, institutions, parking, or public services.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 21, 2015	August 19 2015	23 days
Posted Notice	30 days	August 11, 2015	August 10, 2015	31 days
Mailed Notice	30 days	August 11, 2015	August 10, 2015	31 days

PUBLIC COMMENT

- As of August 31, 2015, the Department has received one letter in support of the proposal. A copy of this correspondence has been included in the Commissioner packets. The Department is not aware of any opposition to the project.

ISSUES AND OTHER CONSIDERATIONS

- The Planning Department has recently adopted new legislation regarding Formula Retail establishments in the City, which expands the Citywide definition of formula retail to include business that have 11 or more outlets worldwide, to include businesses that are at least 50% owned by a formula retail businesses and in any of the following land use categories: Limited Financial Service, Fringe Financial Service, Business and Professional Service, Personal Services, Massage Establishment and Tobacco Paraphernalia Establishment, which were not previously

included in the City's formula retail definition. The proposed establishment is considered a formula retail use with approximately 100 locations nationwide.

- Formula retail findings are included in the Draft Motion for the Commission to consider.
- The Project would introduce a new formula retail use within the NC-3 District, and thus result in a net increase in the number of formula retail uses within the district.
- There are approximately nine existing formula retail establishments out of ten retail uses within this segment Geary Boulevard zoned NC-3, amounting to a total concentration of approximately 90%. All formula retail stores are located at one site (City Center shopping mall) and the subject property.
- There are no existing cable and internet service provider stores in the subject District. Xfinity has one San Francisco store location at 260 Potrero Avenue.

REQUIRED COMMISSION ACTION

For the Project to proceed, the Commission must grant Conditional Use authorization to allow the establishment of a 3,500 square foot formula retail use d.b.a Xfinity within the NC-3 District pursuant to Planning Code Sections 303(c), 303.1, 703.4 and 712.40.

BASIS FOR RECOMMENDATION

- The project site is currently vacant and would not displace an existing tenant.
- Xfinity would help contribute to the vitality of the overall District as a neighborhood and Citywide servicing district that specializes in medical services.
- The proposed use would nominally increase the overall concentration of formula retail establishments within the NC-3 District.
- The proposed project would not be expected to affect existing traffic patterns.
- A 36 space public parking lot is adjacent the subject building. The project site is well-served by public transit lines. Metered and non-metered parking spaces are provided on the streets.
- The Project meets all applicable requirements of the Planning Code.
- The Project is desirable for and compatible with the surrounding neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photograph

Site Photographs

Project Sponsor Submittal, including: Letter to the Commissioners, Correspondence in Support, Reduced Plans, and Formula Retail Map

Exhibit Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Block Book Map | <input checked="" type="checkbox"/> Formula Retail Map |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Aerial Photos | <input type="checkbox"/> RF Report |
| <input type="checkbox"/> Context Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Site Photo | <input type="checkbox"/> Public Correspondence |

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

LA
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303(c), 303.1, 703.4 and 712.40 OF THE PLANNING CODE TO ESTABLISH A FORMULA RETAIL STORE (D.B.A. XFINITY), WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL DISTRICT, MODERATE SCALE), AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 2, 2014, Permit Place on behalf of Ware Malcomb (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303(c), 303.1, 703.4 and 712.40 to establish a formula retail use (a cable and internet service provider store d.b.a. Xfinity) in the existing 3,500 square-foot tenant space previously occupied by a formula retail use (d.b.a. Honeybaked Ham) located within the NC-3 (Moderate Scale Neighborhood Commercial District) and a 65-A Height and Bulk District.

On September 10, 2015, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-002218CUA.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014-002218CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description.** The project site is located at the northeast corner of Geary Boulevard and Divisadero Street in the Western Addition neighborhood, Assessor's Block 1078, Lots 072 and 073. The subject property is located within the NC-3 Moderate-Scale Neighborhood Commercial District and the 65-A Height and Bulk District. The parcel is approximately 9,246 square feet in area and is occupied by a three-story commercial building constructed circa 1984. The 45,000 square foot building has multiple commercial storefronts at the ground floor with medical offices above. The 3,500 square foot space intended for the project is currently vacant and was formerly occupied by a formula retail use (d.b.a. Honeybaked Ham), which closed in January 2014.
3. **Surrounding Neighborhood.** The project site is located at the far eastern edge of the Geary Boulevard commercial corridor which extends from the Western Addition to the Outer Richmond neighborhood. Adjacent properties on Divisadero Street are also zoned NC-3. The Divisadero Street NC-3 zoning extends three blocks north to Bush Street and one block east to Scott Street. Other portions of Geary Boulevard are zoned RH-3 and Fillmore NCD. The scale of development in the area consists of a mix of two- to four-story structures and large institutional buildings, including the Mount Zion Hospital campus on Divisadero Street and the Kaiser Hospital campus on Geary. The NC-3 zoning district is intended to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood.

Surrounding development consists of a variety of medical uses, apartment buildings and public recreation uses. There are a limited number of commercial businesses in the area. The surrounding zoning is primarily RM-3 (Residential, Mixed, Medium Density) and RM-1 (Residential, Mixed, Low Density) District zon.

There are approximately ten commercial storefronts within the contiguous NC-3 zoning district along Geary Boulevard, nine of which are formula retail, amounting to a concentration of

approximately 90%. This calculation is somewhat misleading because nearly all of the formula retail uses are located in one shopping mall, the City Center at Geary and Masonic, several blocks to the west. Additionally, this segment of the NC-3 zoning district spans slightly over half a mile and includes many large institutional uses for which frontages are not counted. Most of the formula retail stores (six retailers and two restaurants) are located in the City Center (Target) shopping center. The remaining formula retail store is an optical retailer located in the subject building but fronting on Divisadero Street.

The commercial uses in the NC-3 District on Geary Boulevard between Masonic Avenue and Scott Street are dominated by medical institution use (Kaiser) and one large shopping center (City Center), which is the site of all the other formula retail stores. Three additional commercial uses on Geary include an acupuncturist, restaurant and florist located on blocks zoned RH-3 (Residential, House Districts, Three-Family). Retail establishments comprise 64% of the frontage of the district, while eating establishments (limited restaurants and restaurants combined) comprise 27% of the ground floor frontage. These calculations do not include non-retail establishments, such as residences, institutions, parking, or public services.

4. **Project Description.** The applicant proposes to establish a 3,500 square foot formula retail use (a cable and internet service provider store d.b.a. Xfinity) in an existing commercial space formerly occupied by another formula retail use (d.b.a. Honeybaked Ham). Xfinity is a division of Comcast NBCUniversal, a multinational mass media company headquartered in Philadelphia with approximately 20 Bay Area service center locations. One existing San Francisco Xfinity store is located at 260 Potrero Avenue. The project includes minor tenant improvements and new signage.

The proposal requires a Conditional Use Authorization pursuant to Planning Code Sections 303(c), 303.1, 703.4 and 712.40 to establish a formula retail use at the ground floor of a commercial building located in the NC-3, Neighborhood Commercial District and a 65-A Height and Bulk District.

The store allows customers to try out services, pay bills and exchange existing equipment. The proposed hours of operation will be from 9 a.m. to 7 p.m. daily. The store will employ approximately 10 full-time and 6-8 part-time employees.

5. **Public Comment.** As of August 31, 2015, the Department has received one letter in support of the proposal. A copy of this correspondence has been included in the Commissioner packets. The Department is not aware of any opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Formula Retail.** Planning Code Section 703.3 provides additional criteria for the Planning Commission to consider when considering any discretionary review pursuant Section 703.3, Formula Retail Uses:

- a. The existing concentrations of formula retail uses within the district.

There are nine existing ground story formula retail establishments out of ten retail establishments within this segment Geary Boulevard zoned NC-3, including seven general retail locations and three restaurants. The existing intensity of formula retail uses is approximately 90% of all businesses within the district. The proposed establishment would increase the concentration of formula retail establishments to approximately 1% and would nominally increase the formula retail commercial frontage in the district.

Based on an evaluation of the linear frontage of all retail locations located within a ¼ mile of the subject property, 9 of 83 retail establishments are formula retail. This comprises 11% of the businesses and 15% of the commercial street frontage at the ground floor. The proposed use would increase the concentration of formula retail businesses to 12%, and would nominally affect the ratio of formula street frontage.

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

The Geary Boulevard NC-3 District is one of the longest linear commercial streets in the City. Within the vicinity of the project site as shown on the Formula Retail Map, there are no existing cable and internet service provider stores. Xfinity is the cable division of Comcast, providing cable television, broadband internet, and voice over IP telephone under the Xfinity brand. Retail store locations allow customers to pay bills, return or replace equipment, try out and sign up for new services. The company has approximately 100 locations nationwide and one location in San Francisco.

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

The project will occupy a vacant commercial space previously occupied by another formula retail use (d.b.a. Honeybaked Ham) and no exterior alterations are proposed. Therefore, the proposed use will have no effect on the architectural and aesthetic character of the district. Proposed signage will be limited to one wall sign.

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

According to the applicant there are no other vacancies out of nine commercial locations within the NC-3 District fronting on Geary Boulevard from Masonic Avenue to Scott Street. The vacancy rate within the ¼ mile vicinity is also zero.

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

10% (1) of the occupied retail uses in this segment of Geary Boulevard zoned NC-3 are considered "Daily-Needs," or neighborhood-serving; this is the variety merchandise store, Target. The

remaining 90% (9) of locations which do not serve daily needs are composed of 2 restaurants and 7 retail uses. The proposed retail use does not qualify as a "Daily-Needs" use.

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

Of the ten commercial establishments within this segment of NC-3 zoned properties fronting on Geary Boulevard, there are nine formula retail establishments amounting to 90% formula retail. The subject project would add an additional formula retail establishment to the district, increasing the intensity to approximately 91%. There is a low concentration of commercial storefronts in the district, with no similar cable and internet provider stores.

Table 1. NC-3 Ground Floor Frontage Breakdown per Land Use ¹

Land Use Type	Geary Blvd Frontage Total (feet)	Geary Blvd %	Vicinity %
Apparel	0	0%	1%
Financial	0	0%	9%
Grocery	0	0%	9%
Limited-Restaurant	100	18%	3%
Restaurant	50	9%	16%
Medical	50	9%	18%
Personal Service	0	0%	10%
Other Retail	350	64%	26%
Recreation Center	0	0%	8%
Vacant	0	0%	0%
Total	550	100%	100%

The use mix is limited in the subject NC-3 district. Retail establishments comprise 64% of the frontage of this segment of Geary Boulevard, while eating establishments (limited restaurants and restaurants combined) comprise 27% of the ground floor frontage. These calculations do not include non-retail establishments, such as institutions, parking, or public services.

- g. For formula retail uses of 20,000 square feet or more, except for General or Specialty Grocery stores as defined in Articles 2, 7, 8 of this Code, the contents of an economic impact study prepared pursuant to Section 303(i) of the Planning Code.

¹ The NC-3 Land Use table was developed using data collected by the project sponsor and reviewed by Planning Department Staff in 2015.

As the subject retail use is less than 20,000 square feet, an economic impact study is not required for this project.

- B. Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The first 25' of building depth on the Geary Boulevard frontage is devoted to an active retail use. The primary façade of the subject storefront is glazed and the proposed storefront design would respect the existing storefront transparency. No obscured glazing or other elements that would reduce the level of transparency will be used. The project does not propose any decorative railings or grillwork in front of or behind existing windows.

- C. Off-Street Parking and Loading.** Section 151 requires retail stores to provide one parking space for every 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The project does not occupy more than 5,000 square feet of floor area, and therefore does not require the provision of off-street parking.

- D. Loading.** Section 152 requires off-street freight loading for uses above a certain size. Eating Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

The project is less than 10,000 square feet in gross floor area and is therefore not required to provide off-street freight loading.

- E. Use Size.** Section 712.21 establishes size limits on nonresidential uses in the NC-3 District. Within the District, conditional use authorization is required for any nonresidential use that exceeds 5,999 square feet.

The subject space occupies less than 6,000 square feet; therefore the Project does not require Conditional Use authorization for use size.

- F. Hours of Operation.** Pursuant to Sections 712.27 of the Planning Code, this zoning district does not limit hours of operation.

The proposed hours of operation are 9 a.m. to 7 p.m., Mondays through Saturdays, 10 p.m. through 5 p.m. Sundays.

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

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

The proposed use would continue the formula retail use at the site. The project is desirable because it provides a centrally located retail service center for a widely used cable and internet service provider. The use is compatible with the surrounding commercial and residential uses.

- b. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The size and shape of the site and the size, shape and arrangement of the building will not be altered as part of this project. The proposed work will not affect the building envelope.

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

The Project will not affect public transit or overburden the existing supply of parking in the neighborhood. The Project will attract residents and visitors from outside of the neighborhood; however, this area is well serviced by transit and is adjacent to a public parking lot.

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

The Project will not produce noxious or offensive emissions related to noise, glare and dust.

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

The project would not alter the site's landscaping, open spaces, parking and loading areas, service areas or lighting. New signage is required to comply with the requirements of the Planning Code and formula retail signage guidelines.

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

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

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

The proposed project is consistent with the stated purpose of the NC-3 District in that the intended use will provide a compatible service use for the immediately surrounding neighborhoods during daytime and evening hours, and is compliant with the limitations on certain uses within the NC-3 District.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.3:

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

The proposed development will provide desirable services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a moderate scale Neighborhood Commercial District that runs along a heavily trafficked thoroughfare and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will fill an existing vacancy with commercial activity similar to the one vacated from the subject project site in 2014, and will help maintain the diverse economic base of the City.

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 and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood. The project will provide the neighborhood with a retail store for a popular cable and internet service provider.

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.

No neighborhood-serving retail uses will be displaced by the project. The proposal would retain the previous mix of neighborhood-serving retail uses by replacing a formula retail use with a new formula retail use. The proposal would enhance the district by providing a convenient retail outlet for a popular cable and internet provider in an area that contains no similar stores. The project will provide desirable goods and will provide employment opportunities to those in 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 would not affect the character or diversity of the neighborhood.

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

The Project would not have any effect on the City's supply of affordable housing.

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

The Project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is adjacent to a public parking lot and is well-served by public transit.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

This proposal will not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The existing building is not a landmark and it is not historically rated.

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

The project will have no negative effect on existing parks and open spaces. 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. 2015-002218CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 15, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 10, 2015.

Jonas Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 10, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a formula retail general merchandise store (d.b.a. Xfinity) located at 2186 Geary Boulevard , Block 1078, Lots 072 and 073 pursuant to Planning Code Sections 303(c), 303.1, 703.4 and 712.40 within the **NC-3 Neighborhood Commercial District**, and a **65-A** Height and Bulk District; in general conformance with plans, dated **August 13, 2015** and stamped "EXHIBIT B" included in the docket for Case No. **2014-002218CUA** and subject to conditions of approval reviewed and approved by the Commission on **September 10, 2015** under Motion No. **xxxxx**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 10, 2015** under Motion No. **xxxxx**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

DESIGN

2. **Signage.** The applicant will obtain a separate sign permit for one 28 square foot halo illuminated wall sign with individual letters measuring no more than 36 inches high to be installed on the Geary Boulevard street frontage. No animated signs are permitted.

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

MONITORING

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

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

OPERATION

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

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

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

5. **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

MONITORING - AFTER ENTITLEMENT

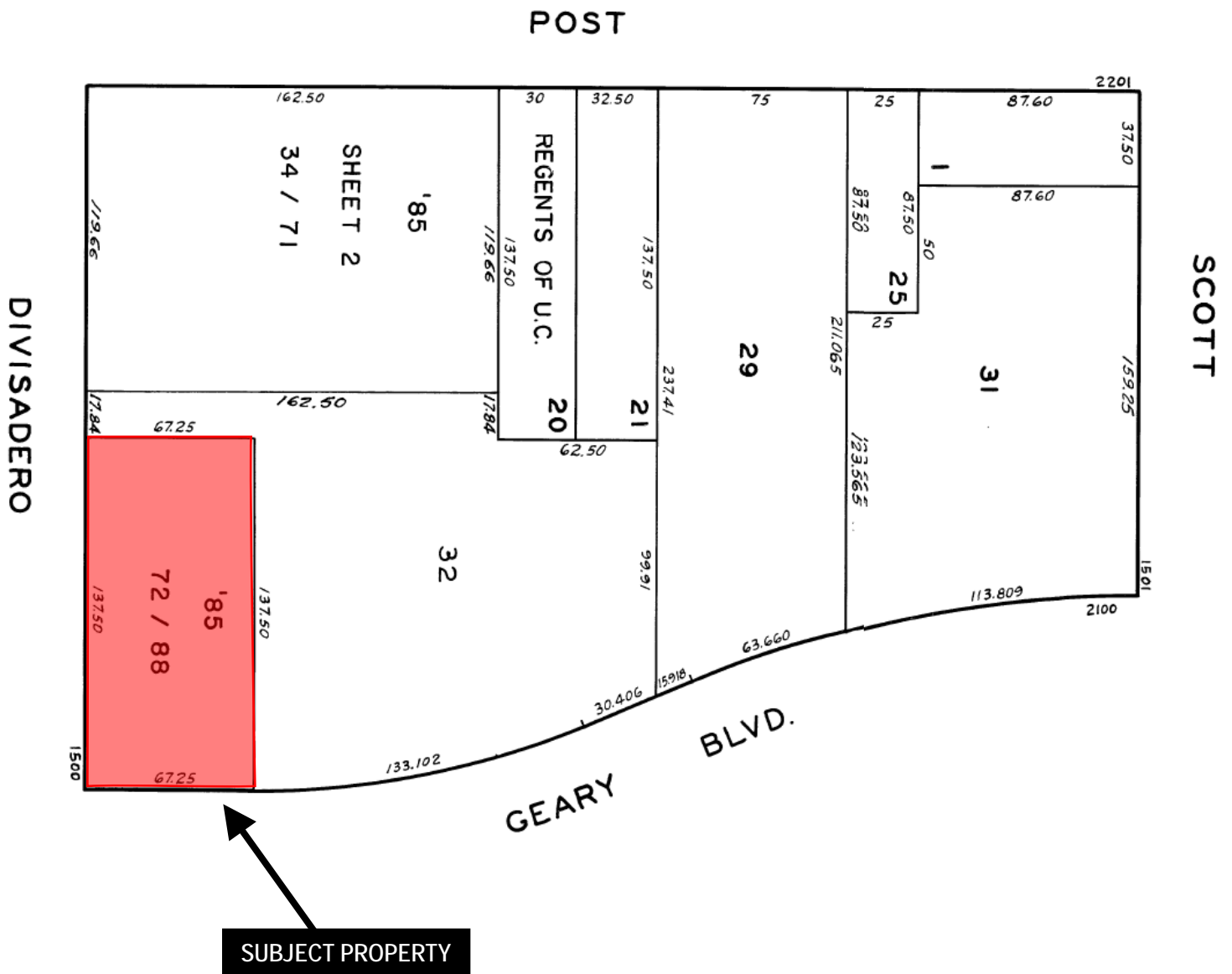
6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176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

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

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

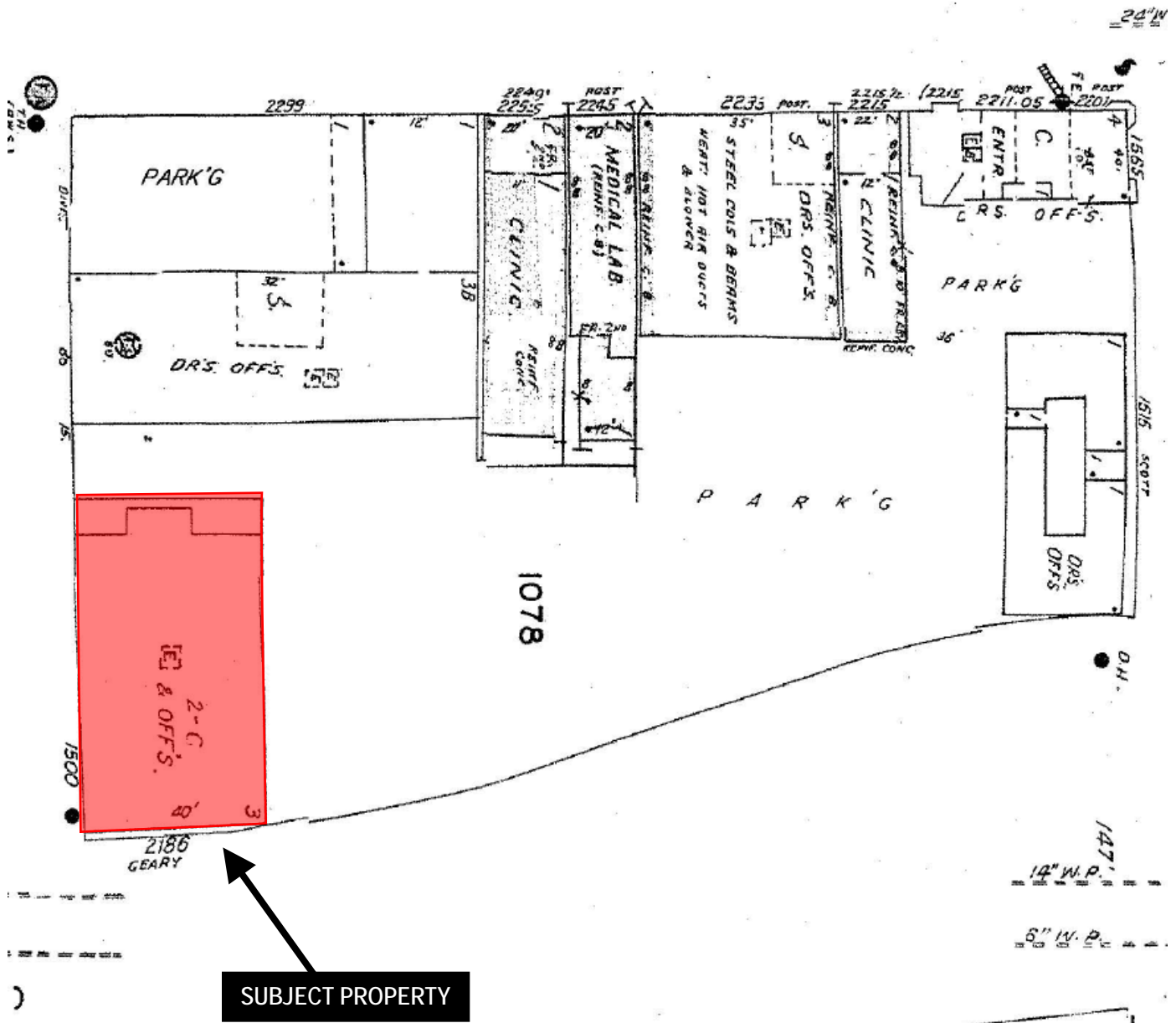
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Parcel Map



Conditional Use Hearing
Case Number 2014-002218CUA
2186 Geary Boulevard

Sanborn Map*

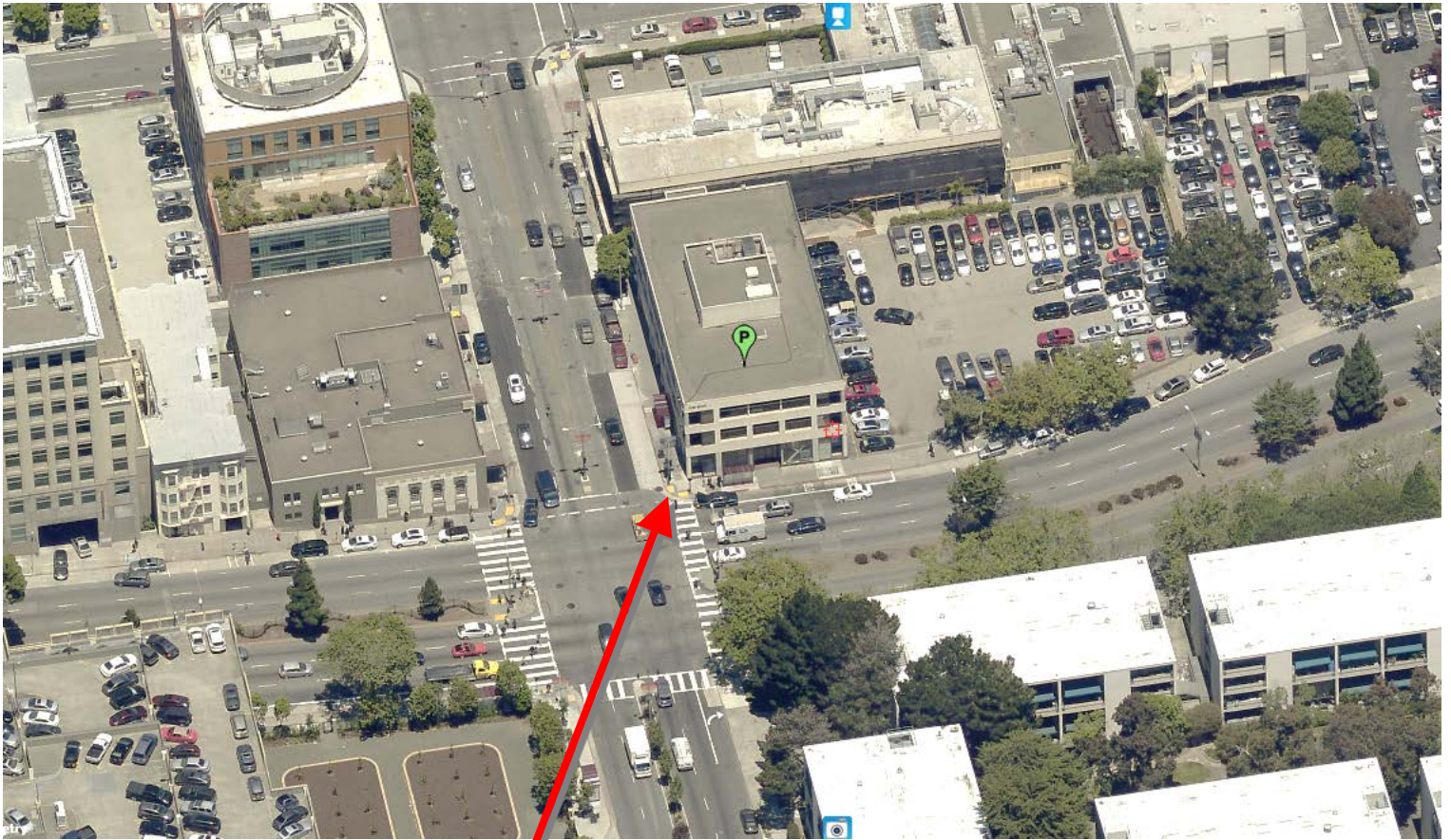


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2014-002218CUA
2186 Geary Boulevard

Aerial Photo

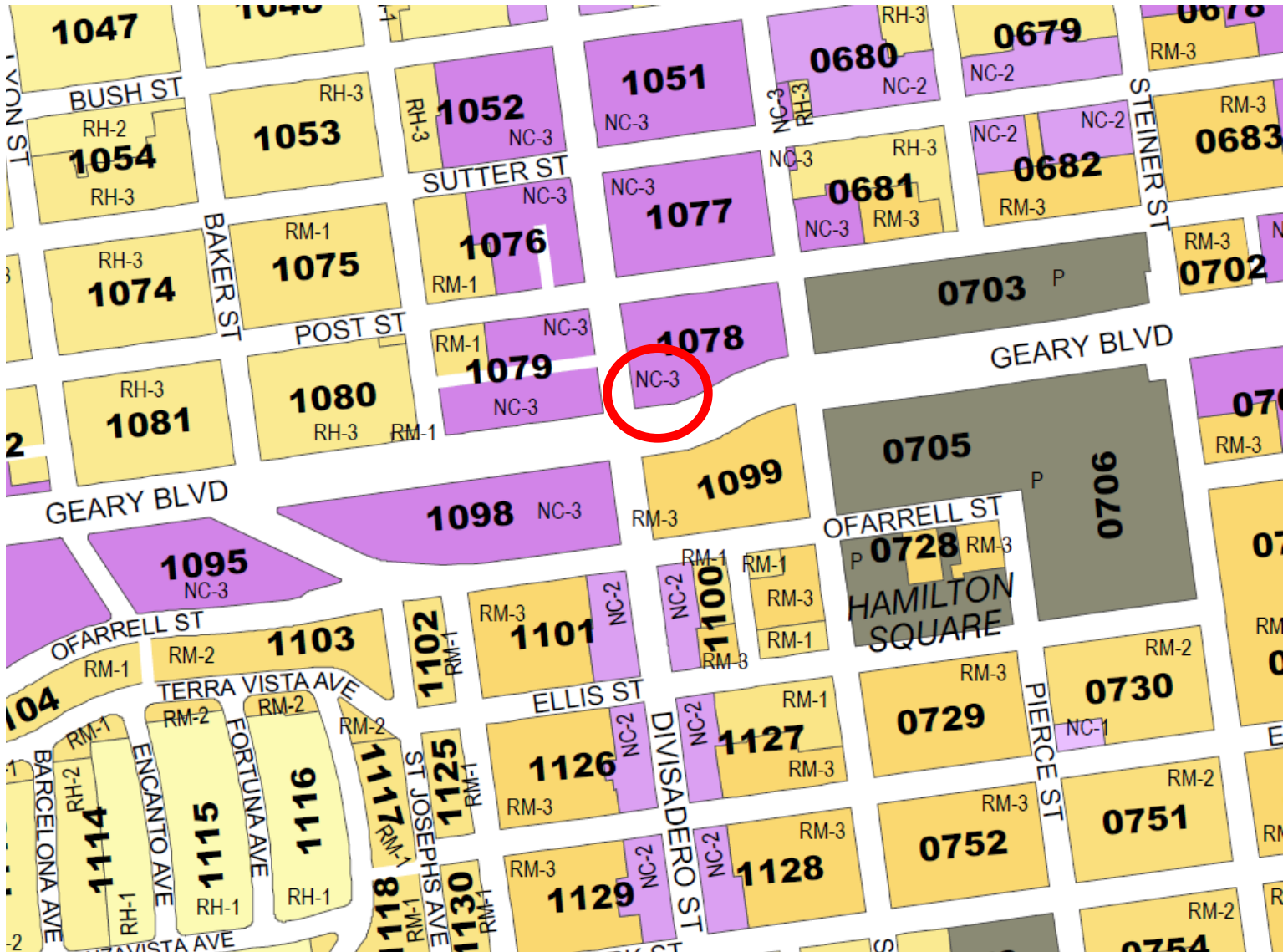


SUBJECT PROPERTY



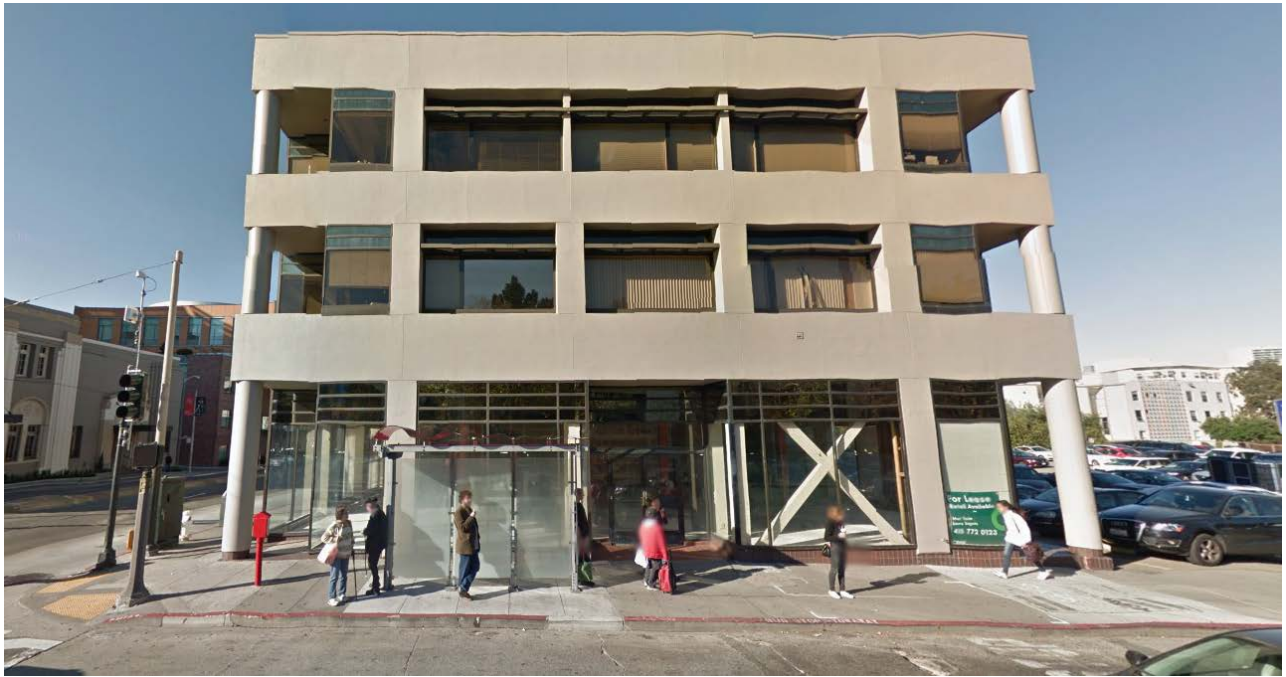
Conditional Use Hearing
Case Number 2014-002218CUA
2186 Geary Boulevard

Zoning Map



Conditional Use Hearing
Case Number 2014-002218CUA
2186 Geary Boulevard

Site Photos



Geary Boulevard Frontage



Divisadero Street Frontage

Conditional Use Hearing
Case Number 2014-002218CUA
2186 Geary Boulevard

Xfinity Store
2186 Geary Boulevard, Suite 101
Narrative

Comcast, the largest cable and home internet service provider is proposing an Xfinity store at the corner of Geary Boulevard and Divisadero Street, providing a more hands-on experience for customers and perspective customers to check out the latest gadgets and services.

This is the second Xfinity store in the San Francisco area. The first store is located at 260 Potrero Avenue.

The Xfinity store will be set-up for customer service representatives who can help customers pay their bill along with express pay kiosks, return or exchange equipment and letting the customer test out various applications on a table full of tablets. Also, the store representative will also be able to help existing customers upgrade or change their current programming packages in addition to helping new customers select what is best for them.

The Xfinity store is geared to making Comcast products more visible to customer so that they can come in and discuss and test drive their products along with discussing issues with customer service representatives in person.

The proposed Xfinity store located at 2186 Geary Boulevard, Suite 101 is open seven (7) days a week from 9:00am-7:00pm Monday through Saturday and on Sunday from 10:00am-5:00pm. The store will employ both part time and full time employee's equivalent to 10 full time equivalent employees and 6-8 employees per shift with 2-3 shifts per day.

The suites within the commercial condominium building where Xfinity will be located are individually owned. There is parking available by means of a parking lot adjacent to the building, however, no parking spaces will be specifically allocated for the suite. Also, there is no available bicycle parking for said suite.

Honey Baked Ham retail store previously occupied the space. The store provided their original spiral-sliced Ham, tender Turkey Breast, various side dishes, and delicious desserts for primarily take-out. The store closed in mid-January 2014.

July 20th. 2015

Mr. Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Comcast Formula Retail Conditional Use Permit

Dear President Fong,

We are writing to express our board's support for Xfinity, Comcast's Formula Retail Conditional Use Permit application for a retail store at the corner of Geary & Divisadero (2186 Geary) to be considered on your August 6th agenda.

As the Board Of Directors for Med-Complex, the owner's association for the subject property, we would like to inform you that our Board is very eager to see Xfinity occupying said space. Representatives of the board have attended the community meeting on October 6th. 2014 and were impressed with the design and plans for the store.

Our Complex is centrally located with several major transit lines so it is a very appropriate location for an Xfinity store which will serve the entire west side of San Francisco for the convenience and benefit of its residences.


We urge you to approve Comcast's request for a Formula Retail Conditional Use Permit for this location.

Sincerely,

John Hadelor, President

Med-Complex Owner's Association
c/o FirstService Residential
Board of Directors
50 California Street, Suite 3550
San Francisco, CA 94111

Stuart Rosenberg, Member at large


7/20/2015



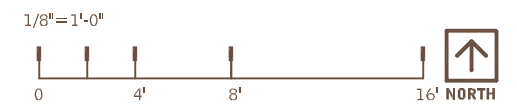
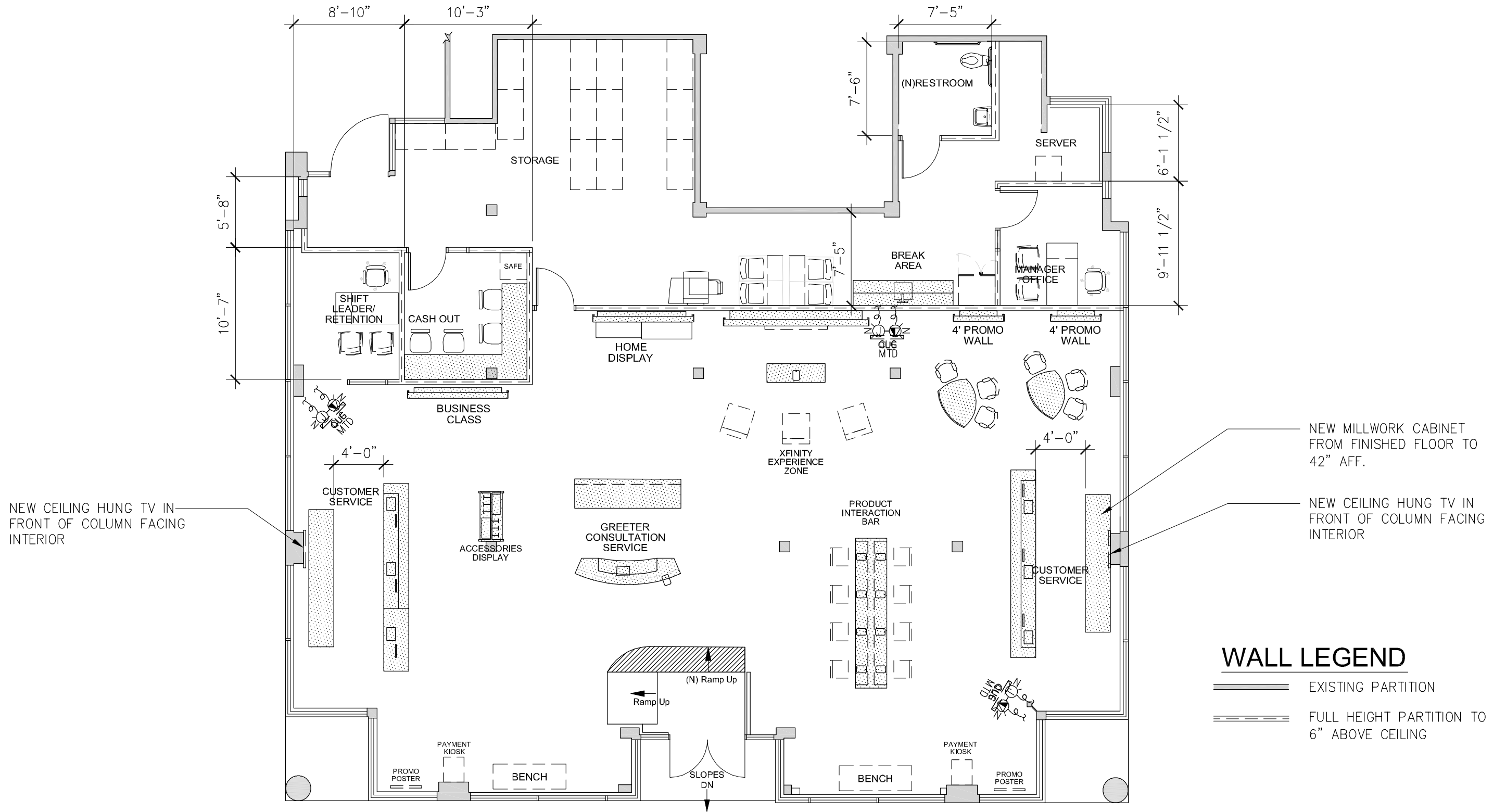
Xfinity Geary Boulevard

2190 GEARY BOULEVARD
SAN FRANCISCO, CA

SNR14-6101-00
PLANNING
07.06.2015

WARE MALCOMB

architecture | planning | interiors
graphics | civil engineering



SCHEME: 9

PROPOSED

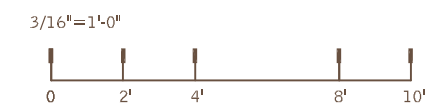
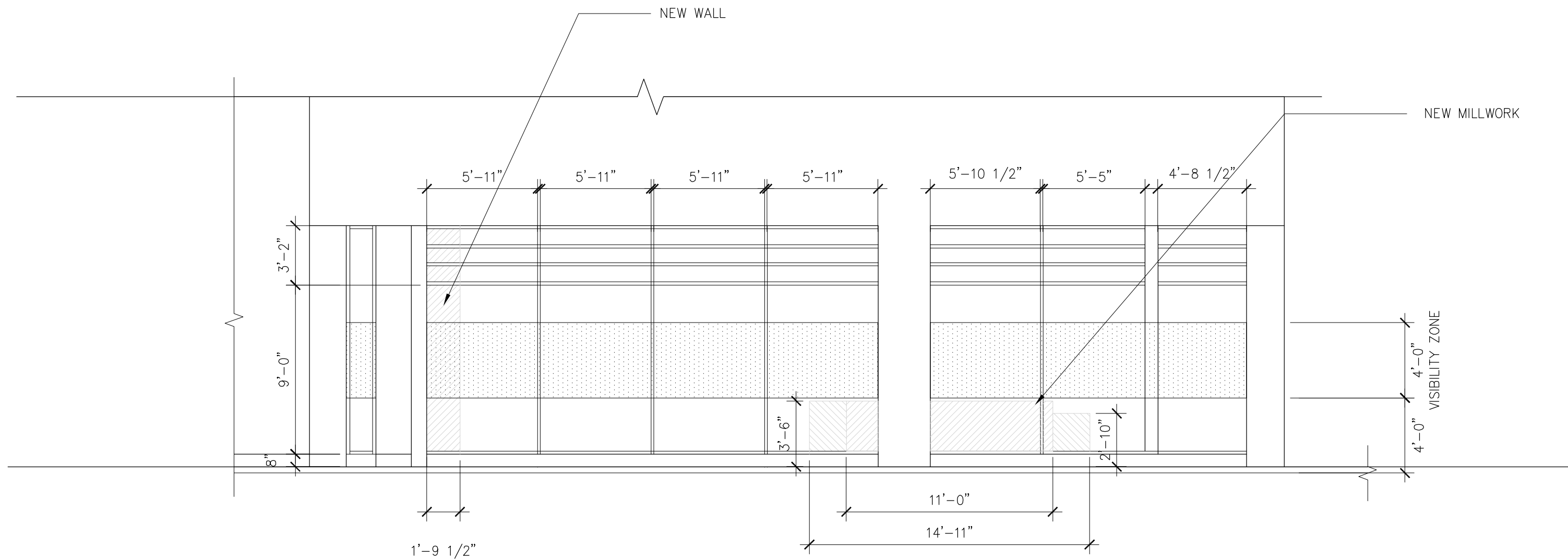
XFINITY GEARY BOULEVARD
2190 GEARY BOULEVARD, SAN FRANCISCO, CA

WARE MALCOMB

SNR14-6101-00
7/6/2015

SHEET
1





SCHEME:

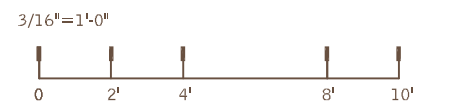
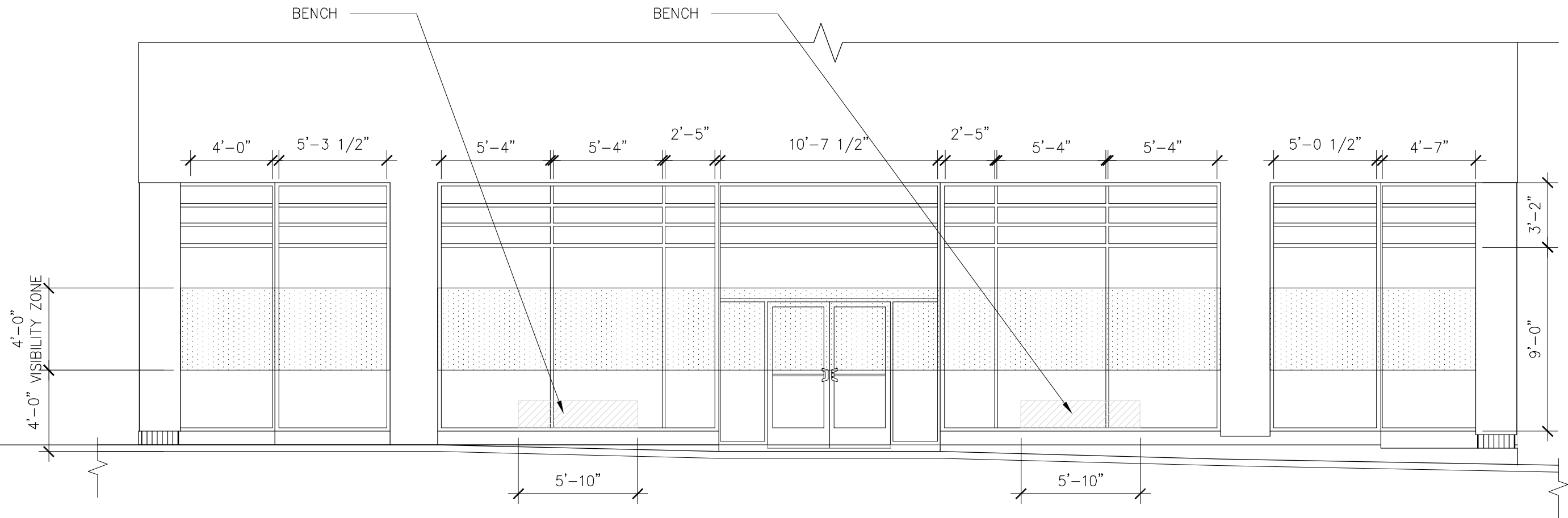
WEST ELEVATION (DIVISIDERO FACING)

XFINITY GEARY BOULEVARD
2190 GEARY BOULEVARD, SAN FRANCISCO, CA

WARE MALCOMB

SNR14-6101-00
7/6/2015

SHEET
3



SCHEME:

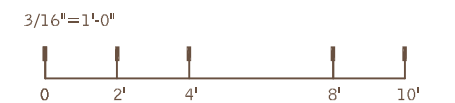
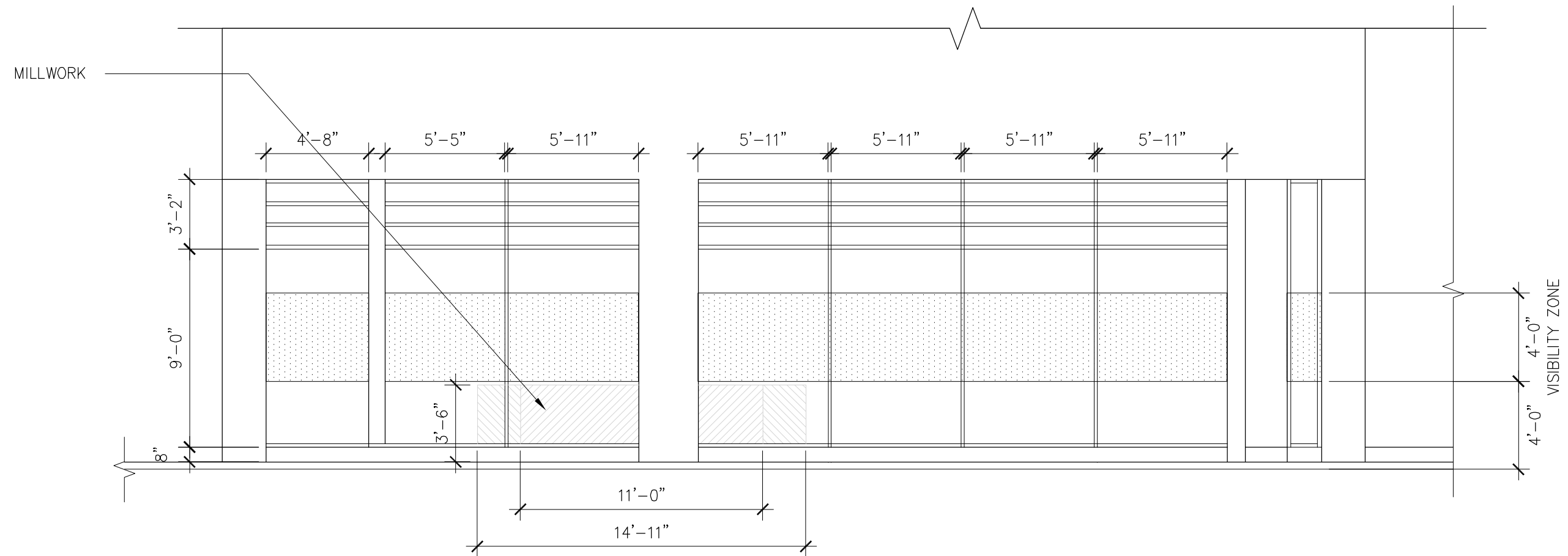
SOUTH ELEVATION (GEARY FACING)

XFINITY GEARY BOULEVARD
2190 GEARY BOULEVARD, SAN FRANCISCO, CA

WARE MALCOMB

SNR14-6101-00
7/6/2015

SHEET
4



SCHEME:

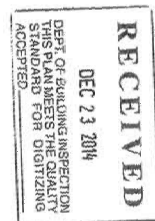
EAST ELEVATION (PARKING LOT FACING)

XFINITY GEARY BOULEVARD
2190 GEARY BOULEVARD, SAN FRANCISCO, CA

WARE MALCOMB


SNR14-6101-00
7/6/2015

SHEET
5



SITE PLAN

1" = 20'



0 10' 20' 40'

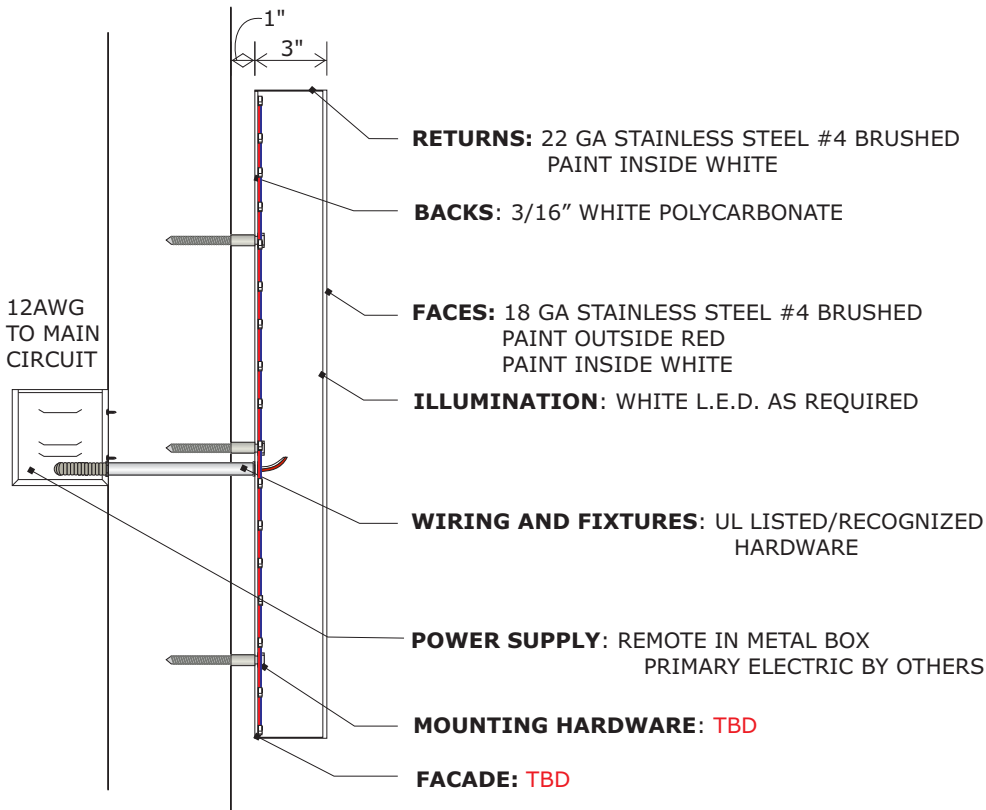
NORTH

SNR14-6101-00
7/6/2015

HEET
6

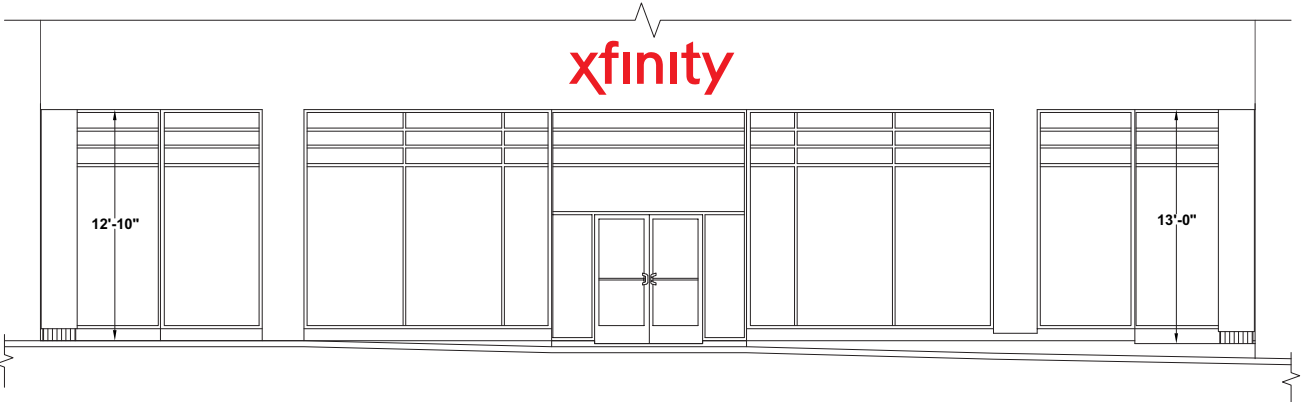


HALO ILLUMINATED CHANNEL LETTERS **SCALE: 3/8" = 1'**
(1) ONE REQUIRED,
27.56 SQ FT.
OPTION A



AA LETTER SECTION DETAIL
SCALE: 1 1/2" = 1'

XFINITY STANDARD COLORS					
	<div>Red</div> <div>Pantone 186C</div>	<div>Gray</div> <div>Pantone 430C</div>	<div>Metallic silver</div> <div>Pantone 877C</div>	<div>White</div>	<div>Black</div>
Acrylic	<div>Translucent Red</div> <div>Plexiglass 2283</div>				
Stainless Steel			<div>304 stainless steel –</div> <div>satin finish</div>		



FRONT ELEVATION **SCALE: 3/32" = 1'-0"**



FRONT ELEVATION **SCALE: NTS**



2160 GEARY BLVD
SAN FRANCISCO, CA 94115

CONSULTANT:
A. WASSERSTROM
PROJECT MANAGER:
SEAN MCHUGH
DESIGNER:
DANIELLE ANGLIN

*THIS IS AN ORIGINAL DESIGN, CREATED FOR OUR PROPRIETARY USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY ADVANCE SIGN GROUP. THIS PRINT IS NOT TO BE SHOWN TO ANYONE OUTSIDE OF YOUR ORGANIZATION, NOR IS IT TO BE REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION. ADVANCE SIGN GROUP RESERVES THE RIGHT TO CHARGE FOR CREATIVE TIME INVOLVED IN THE PRODUCTION OF THIS DESIGN.

NOTES
ONE DEDICATED (1) 120VAC CIRCUIT BY OTHERS REQUIRED WITHIN 5' OF CENTER OF SIGN
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE CODES. THIS INCLUDES PROPER GROUNDING AND BONDING

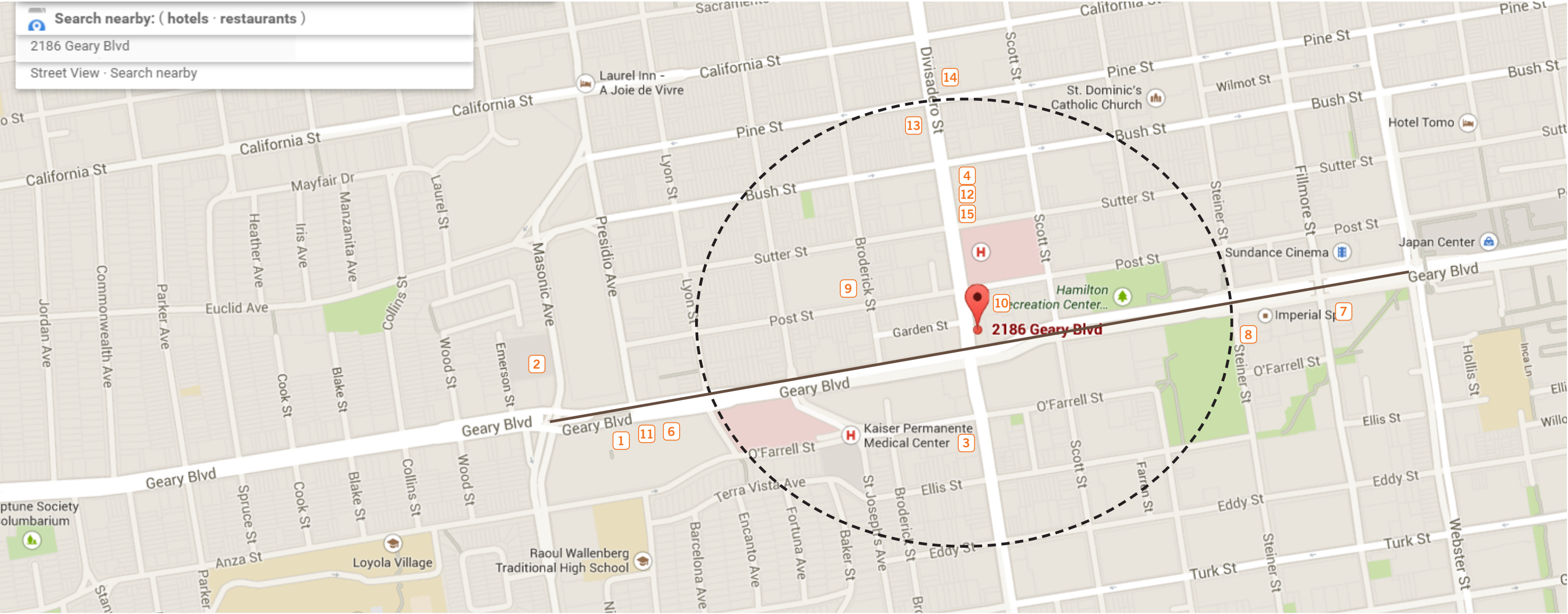
REVISIONS
1:
2: CHANGE PHOTO
3: ADD ELEVATION
4: REDUCE SIGN SIZE
5: INCREASE SIZE & CHANGE TO HALO LIT
6: INCREASE STANDOFF LENGHT
7: REDUCE SIZE & CHANGE STANDOFF LENGTH
8:

THIS DRAWING SUPERCEDES ALL OTHER DOCUMENTS PROVIDED BY OTHERS CONCERNING THE FABRICATION AND INSTALLATION OF THIS DESIGN. A SIGNATURE ANYWHERE ON THE DRAWING WILL BE TAKEN AS CONSENT TO PROCEED WITH FABRICATION.

CLIENT APPROVED SIGNATURE:

DATE

DATE: 5/6/15	DRAWING # 020463
REVISION # 7	1A.0



KEY

- | | | |
|----------------|-------------------------|---|
| 1 TARGET | 6 PANERA/GNC | 11 BEST BUY/SLEEP NUMBER/OFFICE DEPOT/CHIPOTLE/ULTA |
| 2 TRADER JOE'S | 7 SUBWAY/QUICKLY | 12 WELLS FARGO BANK |
| 3 WALGREENS | 8 TACO BELL/KFC | 13 YOGAWORKS |
| 4 STARBUCKS | 9 UHAUL | 14 H&R BLOCK |
| 5 NOT USED | 10 CLEAR VISUAL OPTICAL | 15 STATE FARM INSURANCE |

----- 1/4 MILE RADIUS

———— NC3 ZONING DISTRICT



SCHEME:

FORMULA RETAIL MAP

XFINITY GEARY BOULEVARD
2190 GEARY BOULEVARD, SAN FRANCISCO, CA

WARE MALCOMB

SNR14-6101-00
07.06.2015

SHEET
7