



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use – Formula Retail

HEARING DATE: AUGUST 31, 2017  
CONSENT CALENDAR

*Date:* August 24, 2017  
*Case No.:* **2017-004430CUA**  
*Project Address:* **4801 Geary Boulevard**  
*Zoning:* NC-3 (Neighborhood Commercial, Moderate Scale)  
40-X Height and Bulk District  
*Block/Lot:* 1532 / 042  
*Project Sponsor:* Robert Jacknewitz  
2324 Hampton Avenue  
St. Louis, MO 63139  
[rjacknew@permitconsultants.com](mailto:rjacknew@permitconsultants.com) or (314) 647-5100  
*Staff Contact:* David Weissglass – (415) 575-9177  
[david.weissglass@sfgov.org](mailto:david.weissglass@sfgov.org)  
*Recommendation:* **Approve with Conditions**

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### PROJECT DESCRIPTION

This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections 303 and 303.1 to allow a change of operator of an existing Formula Retail mattress store (d.b.a. "Sleep Train Mattress Center") to another Formula Retail mattress store (d.b.a. "Mattress Firm") in a 4,874 square-foot tenant space at the ground floor of the three-story residential building with retail on the ground floor within the NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and a 40-X Height and Bulk District. The total floor area of the space will not change with this Project. The project is a change in name only and does not include any tenant improvements beyond a change of the existing signage. Sleep Train Mattress Center and Mattress Firm are both owned by parent company Mattress Firm. Mattress Firm recently acquired Sleep Train and has been converting Sleep Train Mattress Center stores into Mattress Firm stores. The existing staff, product assortment, and interior layout will not be changed as a result of this project.

### SITE DESCRIPTION AND PRESENT USE

The Project Site, Lot 042 in Assessor's Block 1532, is located at the corner of 12<sup>th</sup> Avenue and Geary Boulevard in the NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District in the Inner Richmond neighborhood. The property at is developed with a 4,874 square-foot commercial building. The building, constructed circa 1998, occupies nearly the entire lot, with street frontage on 12<sup>th</sup> Avenue and Geary Boulevard. The tenant space is currently occupied by the "Sleep Train Mattress Center" proposed for a change in operations.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The subject NC-3 Zoning District covers approximately 41 blocks of Geary Boulevard between 28<sup>th</sup> Avenue in the west and Divisadero Street in the east, as well as portions of Divisadero Street and several blocks of the Western Addition neighborhood, excluding the block of Park Presidio Boulevard. The surrounding development consists of a variety of commercial and residential buildings. The scale of development is varied, consisting primarily of structures two to four stories in height, with several mid-rise buildings scattered throughout. 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, additionally providing convenience goods and services to the surrounding neighborhood. The surrounding zoning is primarily RH-2 and RM-1, as well as the Inner Clement Street NCD, which is one block to the north of the project site.

## **ENVIRONMENTAL REVIEW**

The project is not defined as a project under CEQA Guidelines Sections 15060(c)(2) and 15378 because it does not result in a physical change in the environment.

## **HEARING NOTIFICATION REQUIREMENTS**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	August 11, 2017	August 11, 2017	20 days
Posted Notice	20 days	August 11, 2017	August 7, 2017	24 days
Mailed Notice	30 days	August 1, 2017	August 1, 2017	30 days

The required Section 312 neighborhood notification process was conducted as part of this Project's Conditional Use notice.

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

- As of August 24, 2017, the Planning Department has not received any public comment in support of or in opposition to the proposed project.
- The project sponsor held a Planning Department Facilitated Pre-Application Meeting on February 28, 2017.

## **ISSUES AND OTHER CONSIDERATIONS**

- The proposed establishment is considered a Formula Retail use with approximately 270 locations throughout California, Nevada, Oregon and Washington. Formula Retail findings are included in the Draft Motion for the Commission to consider.
- The project would rename an existing Formula Retail use within the NC-3 Zoning District and thus result in no net change in the number of Formula Retail uses within the district.

- The project is a change of name only. The location will continue to be owned by parent company The Mattress Firm; the staff, interior layout, and product assortment will not change as part of this project. Only signage will be changed to reflect the new business name
- There are approximately 49 existing Formula Retail establishments out of 295 commercial uses within the surveyed portion of the subject NC-3 Zoning District, amounting to a total concentration of approximately 16.61%. The proposal replaces an existing Formula Retail use and therefore will have no effect on the concentration of Formula Retail uses.
- Of the 49 Formula Retail locations within the surveyed portion of the RC-4 Zoning District, two are mattress stores.

### **REQUIRED COMMISSION ACTION**

A Conditional Use Authorization is required to allow a change of operator from one Formula Retail Sales and Services use to another Formula Retail Sales and Services use. A Formula Retail use may be conditionally permitted per Planning Code Sections 303 and 303.1.

### **BASIS FOR RECOMMENDATION**

- Mattress Firm will continue the historic use of the subject site as a Formula Retail mattress store.
- The proposed use would not increase the overall concentration of Formula Retail establishments within the NC-3 Zoning District.
- The subject site is within close access to public transit, including Muni lines 1, 2, 28, 31, 38, and 44.
- The project meets all applicable requirements of the Planning Code.
- The project meets the requirements of the Planning Commission's Performance-Based Design Guidelines.
- The project is desirable for and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photograph
- Site Photograph
- Map of Formula Retail Locations in the Vicinity
- Project Sponsor Submittal

## Exhibit Checklist

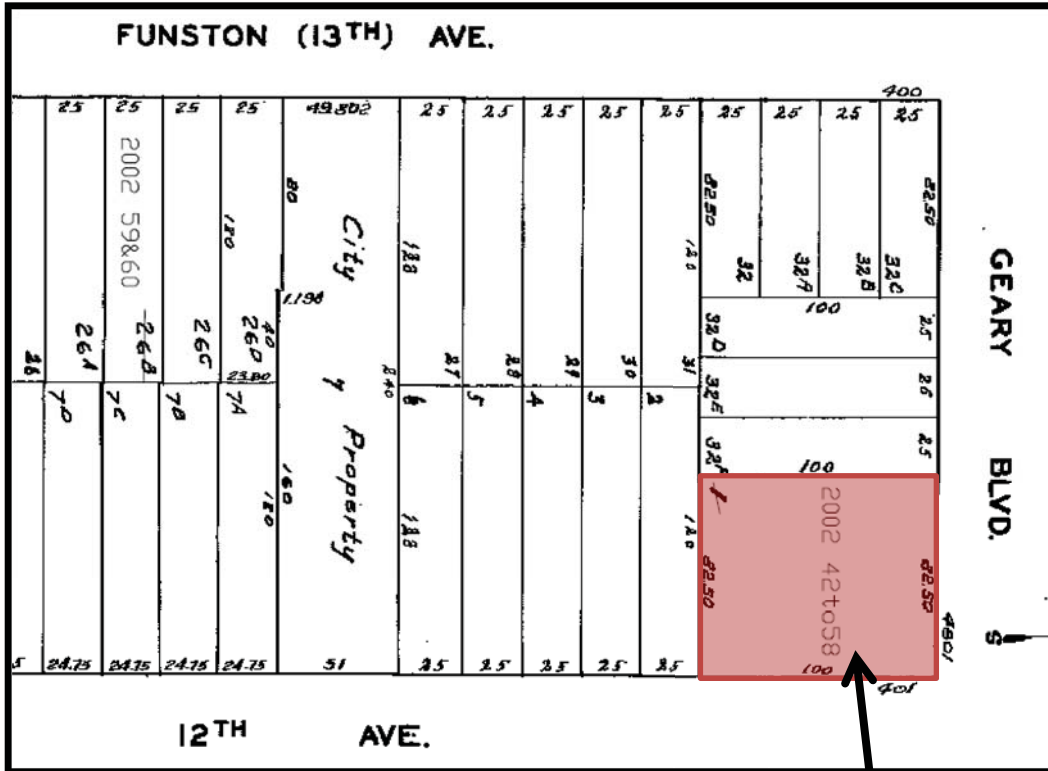
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                          |
| <input type="checkbox"/> Environmental 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 type="checkbox"/> Health Dept. review of RF levels     |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report                            |
| <input checked="" type="checkbox"/> Aerial Photos       | <input type="checkbox"/> Community Meeting Notice             |
| <input type="checkbox"/> Context Photo                  | <input type="checkbox"/> Public Correspondence                |
| <input checked="" type="checkbox"/> Site Photo          |   |

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

DNW

Planner's Initials

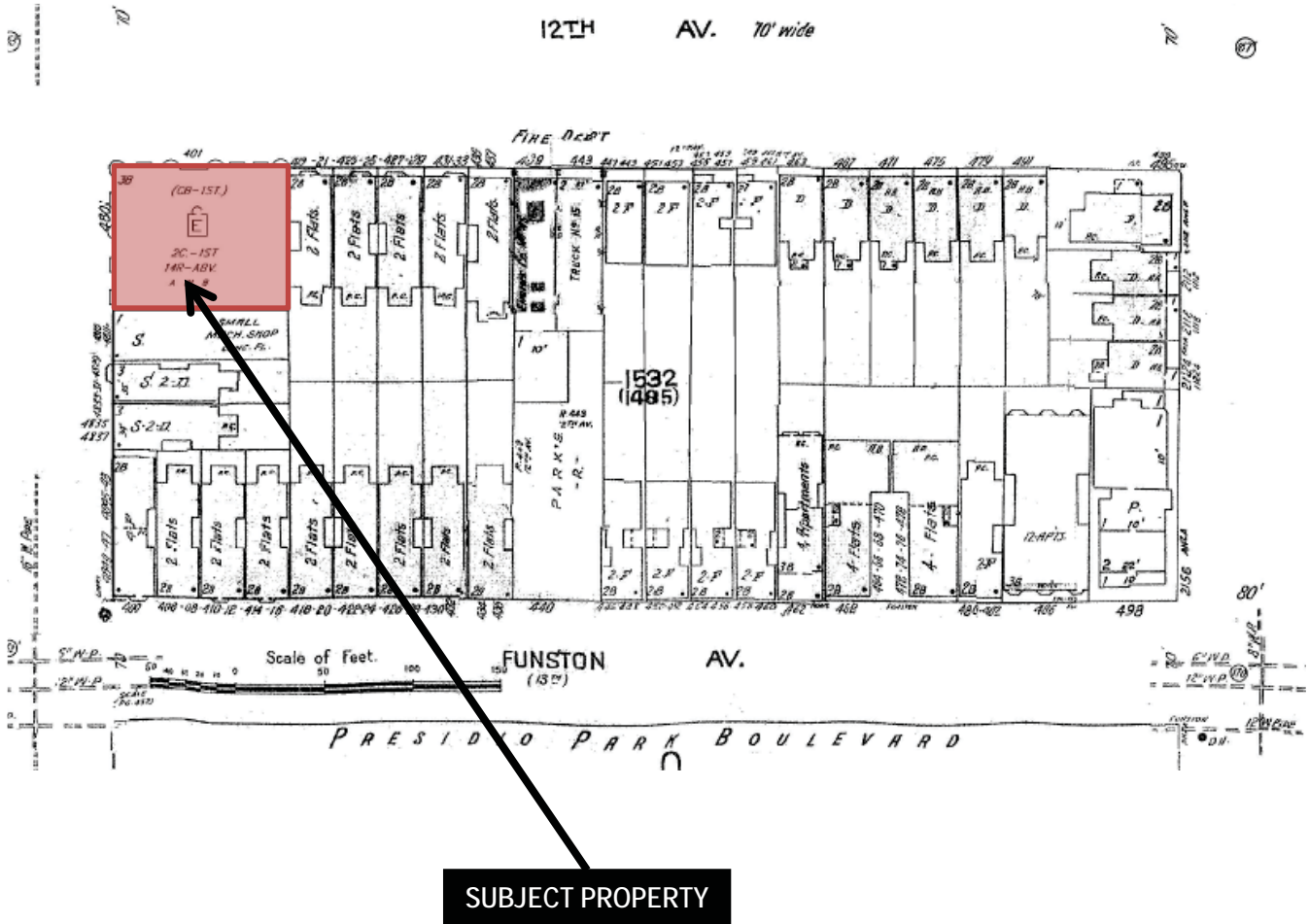
# Block Book Map



**SUBJECT PROPERTY**



# Sanborn Map

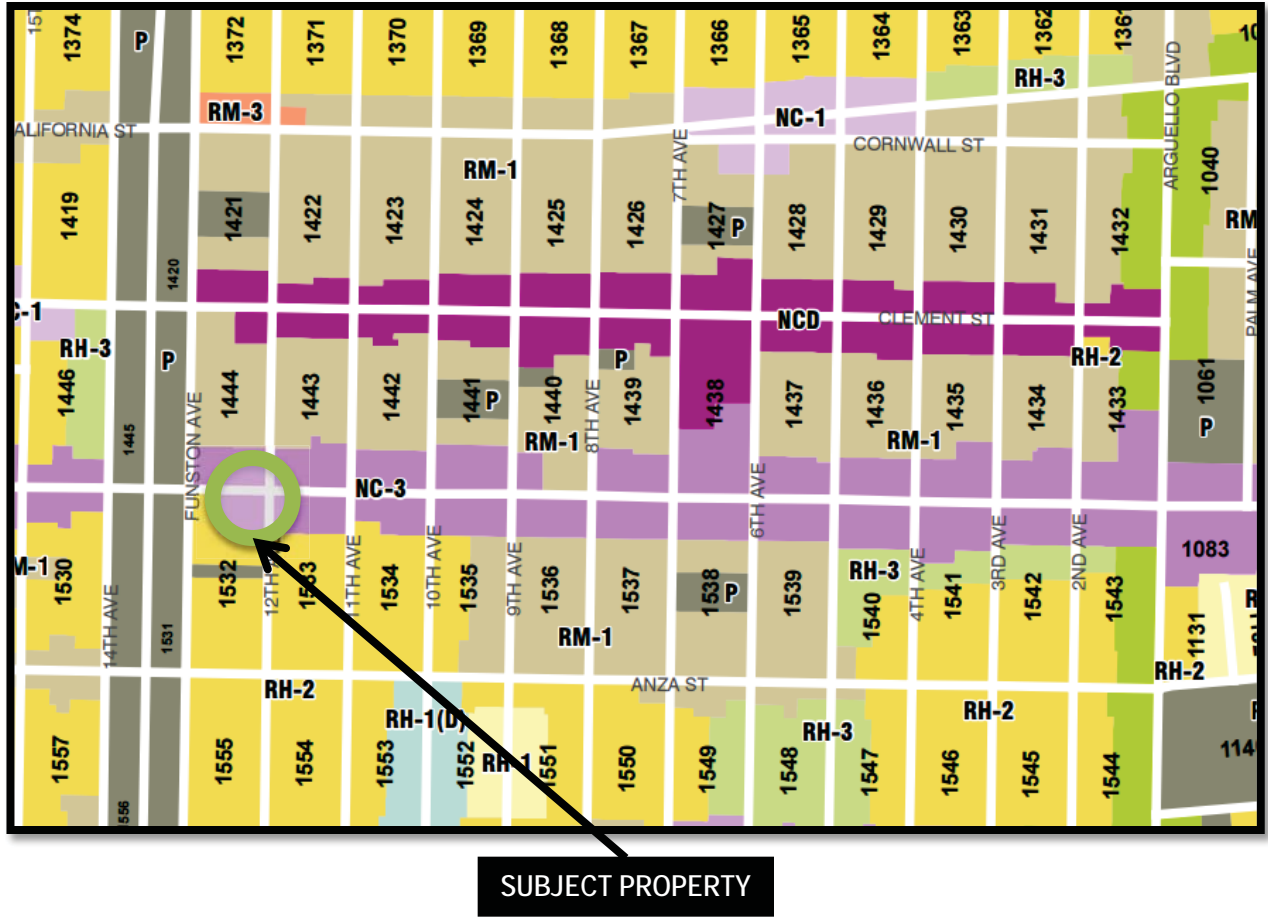


SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2017-004430CUA  
4801 Geary Boulevard  
Block 1532 Lots 042-058

# Zoning Map



SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2017-004430CUA  
4801 Geary Boulevard  
Block 1532 Lots 042-058

# Aerial Photo



**SUBJECT PROPERTY**

SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
**Case Number 2017-004430CUA**  
4801 Geary Boulevard  
Block 1532 Lots 042-058



# Site Photo

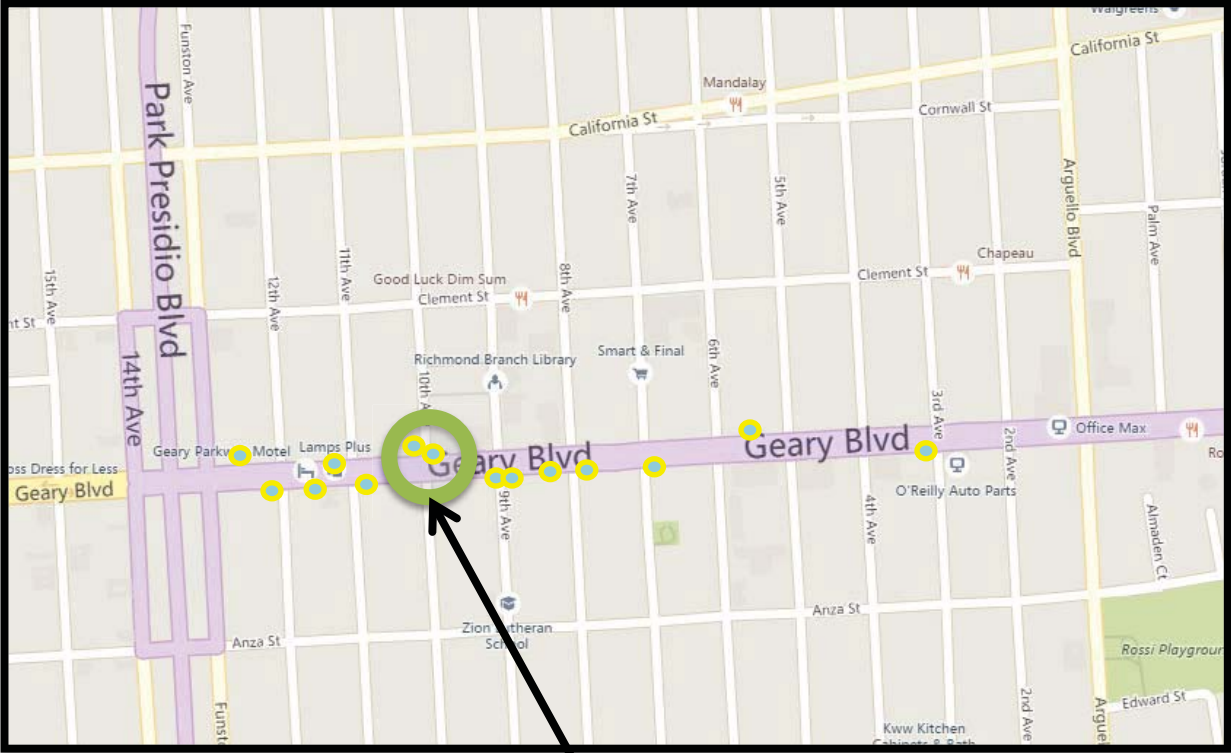


SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
**Case Number 2017-004430CUA**  
4801 Geary Boulevard  
Block 1532 Lots 042-058

# Formula Retail Locations within NC-3 Survey Area



**SUBJECT PROPERTY**

**SAN FRANCISCO  
PLANNING DEPARTMENT**



Conditional Use Hearing  
**Case Number 2017-004430CUA**  
4801 Geary Boulevard  
Block 1532 Lots 042-058



# 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

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## Planning Commission Draft Motion

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 2324 Hampton Avenue  
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*Staff Contact:* David Weissglass – (415) 575-9177  
 david.weissglass@sfgov.org

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 303.1 OF THE PLANNING CODE TO ALLOW A CHANGE OF OPERATOR FOR AN EXISTING FORMULA RETAIL USE, WITHIN THE NC-3 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 11, 2017, Rob Jacknewitz (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303 and 303.1 to allow a change of operator for an existing Formula Retail use, located within the NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District, and a 40-X Height and Bulk District.

On August 31, 2017, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-004430CUA.

The project is not defined as a project under CEQA Guidelines Sections 15060(c)(2) and 15378 because it does not result in a physical change in the environment.

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. 2017-004430CUA, 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 at the southwest corner of 12<sup>th</sup> Avenue and Geary Boulevard in the Inner Richmond Neighborhood, Assessor's Block 1532, Lots 042-058. The parcel is approximately 8,260 square feet in area and is occupied by a four-story residential building with commercial on the ground floor constructed circa 1998. The tenant space on the ground floor occupies approximately 4,874 square feet, and is currently occupied by a Formula Retail mattress store (dba "Sleep Train Mattress Center").
3. **Surrounding Neighborhood.** The project site is located on the Geary Boulevard commercial corridor on the southwest corner of 12<sup>th</sup> Avenue and Geary Boulevard. This portion of Geary Boulevard is auto-oriented in nature. The subject NC-3 Zoning District covers approximately 41 blocks of Geary Boulevard between 28<sup>th</sup> Avenue in the west and Divisadero Street in the east, as well as portions of Divisadero Street and several blocks of the Western Addition neighborhood, excluding the block of Park Presidio Boulevard. The surrounding development consists of a variety of commercial and residential buildings. The scale of development is varied, consisting primarily of structures two to four stories in height, with several mid-rise buildings scattered throughout. 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, additionally providing convenience goods and services to the surrounding neighborhood. The surrounding zoning is primarily RH-2 and RM-1, as well as the Inner Clement Street NCD, which is one block to the north of the project site.
4. **Project Description.** The project is a change of name only (from an existing Formula Retail Mattress Store dba "Sleep Train Mattress Center" to another Formula Retail Mattress Store dba "Mattress Firm") in the existing 4,874 square-foot tenant space and does not include any tenant improvements beyond a change of the existing signage. Sleep Train Mattress Center and Mattress Firm are both owned by parent company Mattress firm. Mattress Firm recently acquired Sleep Train and has been converting Sleep Train Mattress Center stores into Mattress Firm stores. The existing staff, product assortment, and interior layout will not be changed as a result of this project. Only signage will be changed to reflect the new business name.

5. **Public Comment.** As of August 24, 2017, the Planning Department has not received any public comment in support of or in opposition to the proposed project.

The project sponsor held a Planning Department Facilitated Pre-Application Meeting regarding the proposal on February 28, 2017.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

**A. Street Frontage in NC 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 ground floor 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 at the ground floor will be used. The project does not propose any decorative railings or grillwork in front of or behind existing windows.*

**B. Off-Street Parking.** Off-street parking is not required for non-residential uses with less than 5,000 square feet of occupied floor area in the NC-3 Zoning District per Planning Code Section 151. A maximum of one space per 500 square feet of occupied floor area is permitted per Planning Code Section 151.1..

*The project does not propose any off-street parking or loading.*

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

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

**D. Use Size.** Planning Code Section 712.21 establishes size limits on nonresidential uses in the NC-3 Zoning District. Within the District, conditional use authorization is required for any nonresidential use that is 6,000 square feet or larger.

*The proposed use will occupy the same 4,874 square feet of space as the prior use. Therefore, Conditional Use authorization is not required.*

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

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 project is desirable because it will continue the existing use which is compatible with the surrounding commercial nature of the Geary Boulevard corridor.*

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 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 project will not affect the building envelope.*

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;

*The project will not affect public transit or overburden the existing supply of parking in the neighborhood. The project may attract residents and visitors from outside of the neighborhood; however, this area is well serviced by transit, including Muni lines 1, 2, 28, 31, 38, and 44.*

iii. 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.*

iv. 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, and lighting. Any new signage must comply with the requirements of the Planning Code.*

- 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 Zoning District.

*The proposed project is consistent with the stated purpose of the NC-3 Zoning District in that the intended use will provide a compatible retail use and is compliant with the limitations on certain uses within the district.*

8. **Formula Retail.** Planning Code Section 703.3 provides additional criteria for the Planning Commission to consider when considering any discretionary review pursuant to Section 703.3, Formula Retail Uses:

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

*Due to the large and irregular size of the subject NC-3 Zoning District, the survey area was reduced to include only those parcels along the Geary Boulevard corridor between 28<sup>th</sup> Avenue to the west and Arguello Boulevard to the east. This study area is hereinafter referred to as "the district."*

*There are approximately 49 existing ground story Formula Retail establishments out of approximately 295 commercial establishments within the district. The existing intensity of Formula Retail uses is approximately 16.61% of all businesses within the district, and 35.29% of the total commercial retail street frontage. The proposed establishment replaces an existing Formula Retail use, resulting in no net change in concentration.*

*Based on an evaluation of the linear frontage of all retail locations located within a ¼ mile of the subject property, 27 of 220 commercial establishments are Formula Retail. This comprises approximately 12.27% of the businesses and 27.80% of the commercial street frontage at the ground floor. The proposed establishment replaces an existing Formula Retail use, resulting in no net change in concentration.*

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

*Within the district there are two mattress retailers: the subject Sleep Train store and the Sleep Train store located at 4550 Geary Boulevard also proposed for a name and operator change. Both retailers are considered Formula Retail uses. Approval of this project would not affect the availability of similar retail uses within the district.*

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

*The project will occupy an existing location currently occupied by a Formula Retail use (dba "Sleep Train Mattress Center") and no exterior alterations are proposed besides signage alterations. Therefore, the proposed use will have no effect on the architectural and aesthetic character of the district. The proposed signage is consistent in size and shape with other commercial tenants on the subject block. Storefront Transparency guidelines are met: greater than 60% of ground floor street frontage allows visibility into the building with transparent glass.*

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

*According to data provided by the project sponsor, there are currently 25 vacant storefronts within the district (8.47% vacancy rate) and 18 vacant storefronts within ¼-mile of the subject property (8.18% vacancy rate). Approximately 1,125 of 13,660 linear feet, or 8.24% of the total street frontage, is vacant within the district, and 565, or 7.30% of the total street frontage, is vacant within ¼-mile of the subject property.*

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

*Approximately 23.73% (70 locations) of the ground floor commercial uses in the district are "Daily-Needs," or neighborhood-serving; of these, seven are Formula Retail. Approximately 67.80% (200 locations) of ground floor commercial uses in the district are considered "Citywide-serving." The existing and proposed uses are both considered Citywide-serving.*

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

**Table 1. NC-3 Ground Floor Frontage Breakdown per Land Use<sup>1</sup>**

LAND USE TYPE	TOTAL STREET FRONTAGE IN NC-3 SURVEY AREA (FT)	PERCENTAGE OF DISTRICT
Automotive	1395	10.2%
Bar	255	1.9%
Financial Services (incl. Limited)	1520	11.1%
Hotel	75	0.6%
Medical Service	305	2.2%
Personal Service	985	7.2%

<sup>1</sup> The NC-3 Ground Floor Frontage Breakdown per Land Use table was developed using data collected by the project sponsor and reviewed by Planning Department Staff in 2017. This data reflects only those portions of the subject NC-3 Zoning District on either side of Geary Boulevard, between 28<sup>th</sup> Avenue and Arguello Boulevard.



Professional Service	1055	7.7%
Restaurant (incl. Limited)	2445	17.9%
Other Retail	4500	32.9%
Vacant	1125	8.2%
<b>Total</b>	<b>13660</b>	<b>100%</b>

*The use mix is varied in the district. Other Retail uses, including the proposed use, comprise approximately 32.9% of the commercial frontage.*

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

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

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

## COMMERCE AND INDUSTRY

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.1:

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

#### Policy 1.2:

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

#### Policy 1.3:

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

*The proposed project will continue to provide desirable goods and services to the neighborhood and will continue to provide resident employment opportunities to those in the community. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the project*

*site is located within an NC Zoning District and is thus consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The project will retain and rename the existing commercial use and will not result in a change of ownership of the subject business.*

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

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

*The proposal would retain the existing mix of neighborhood-serving retail uses.*

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

*The project would not affect the character or diversity of the neighborhood.*

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

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

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

*The project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is well-served by public transit, including Muni lines 1, 1, 2, 28, 28, 31, 38, and 44.*

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

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

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

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

- G. That landmarks and historic buildings be preserved.

*The existing building is not a landmark. Exterior improvements are not proposed other than new signage.*

- 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.*

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

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2017-004430CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 26, 2017, 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 August 31, 2017.

Jonas Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 31, 2017

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow a change of operator for a Formula Retail use (currently dba "Sleep Train Mattress Center," proposed as "Mattress Firm") located at 4801 Geary Boulevard, Block 1532, Lots 042-058 pursuant to Planning Code Sections 303, and 303.1 within the **NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District**, and a **40-X** Height and Bulk District; in general conformance with plans, dated January 26, 2017, and stamped "EXHIBIT B" included in the docket for Case No. **2017-004430CUA** and subject to conditions of approval reviewed and approved by the Commission on **August 31, 2017** under Motion No. **xxxxx**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **August 31, 2017** under Motion No. **xxxxx**.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

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

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### DESIGN

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### MONITORING

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

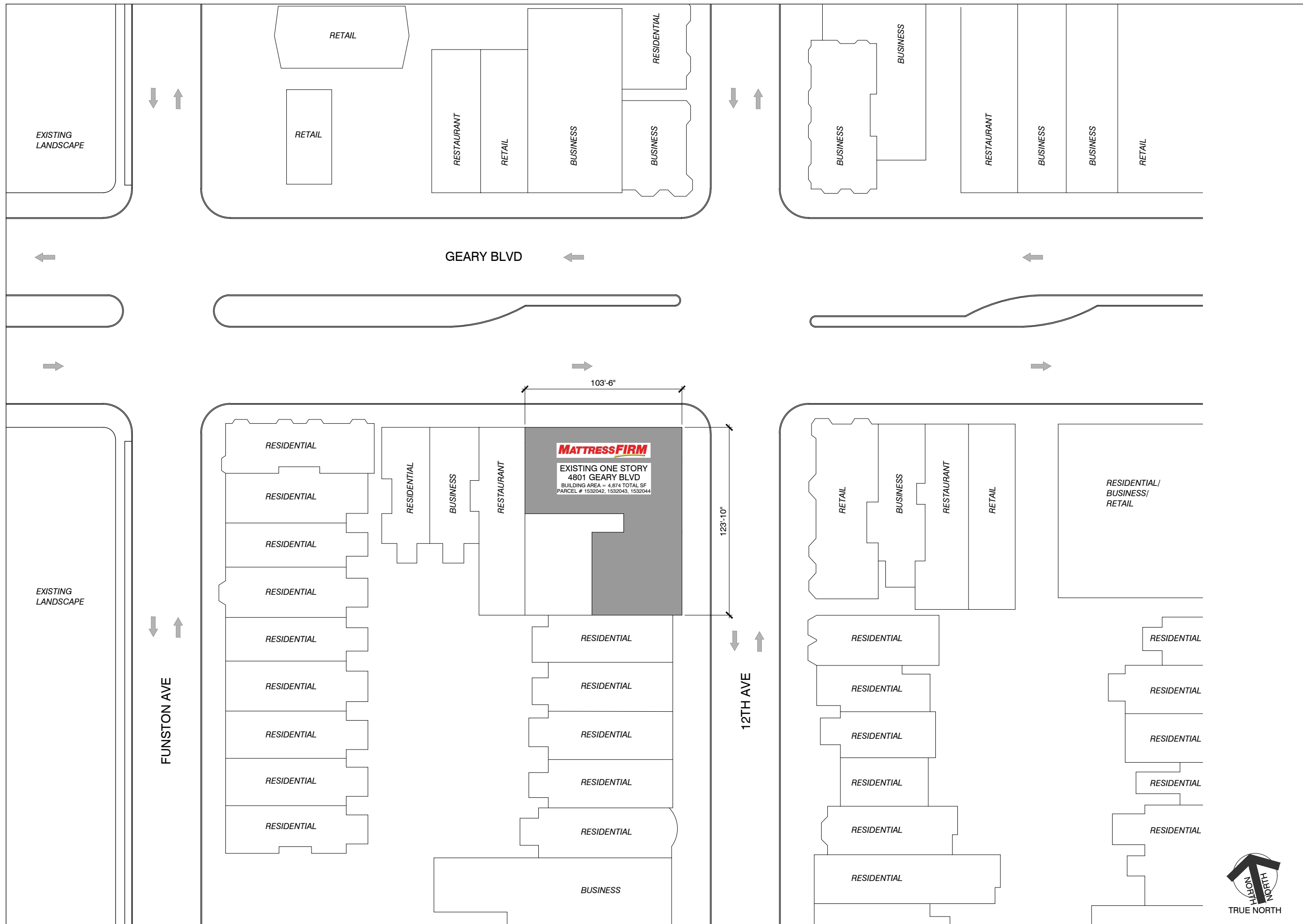
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

5. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the tenant space and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>  
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org)*



DESIGN CONSULTANT'S PROJECT NO.: **343-780**  
 DRAWN BY: AN  
 CHECKED BY: HW



4801 GEARY BLVD  
 SAN FRANCISCO, CA 94118

PROJECT DESCRIPTION

DRAWING ISSUE  
**01/26/2017**

REVISIONS

- ▲
- ▲
- ▲
- ▲

DRAWING TITLE

**PLOT PLAN ATTACHMENT**





**Geary**  
4801 Geary Blvd.  
San Francisco, CA

# MATTRESS FIRM



**City Criteria:**

**Wall Signs:**

**Free Standing Signs:**

**Canopies:**

**Window Signs:**

**South Elevation Frontage - 71'**  
**West Elevation Frontage - 100'**

**Landlord Criteria:**

**Wall Signs:**

**Free Standing Signs:**

**Canopies:**

**Window Signs:**

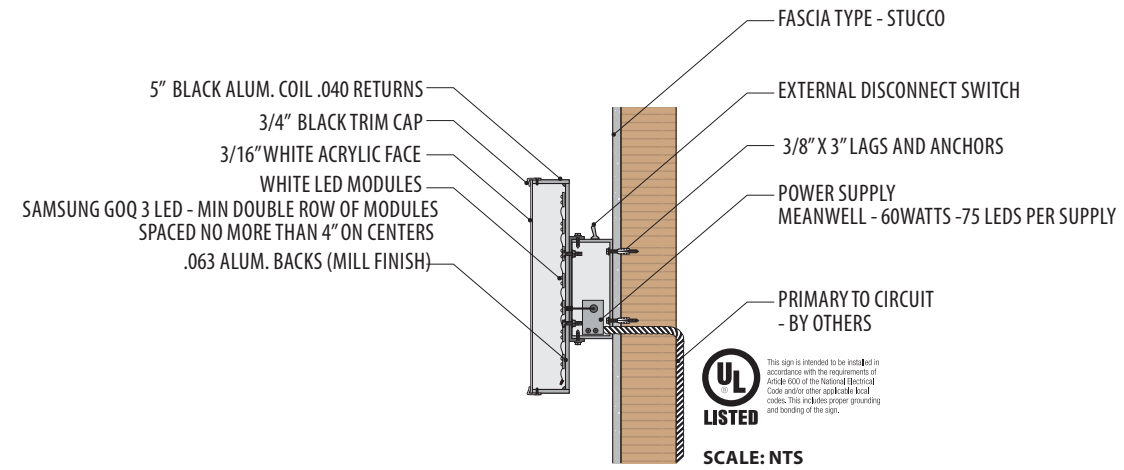
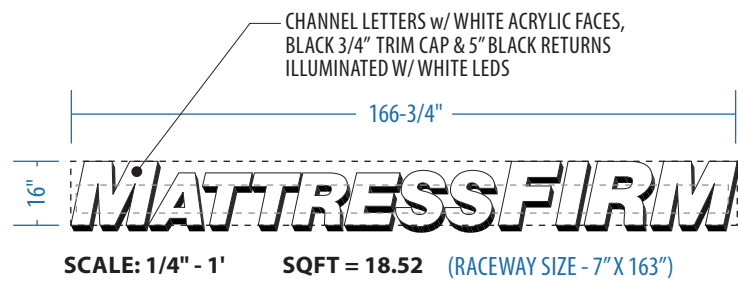
X \_\_\_\_\_  
LANDLORD APPROVAL (SIGNAGE)

**SOUTH ELEVATION**

**PAN CHANNEL LETTERS (RACEWAY MOUNTED) - INTERNAL ILLUMINATION**

QTY: 1

**18.52 SQ.FT PROPOSED**  
**SQ.FT ALLOWED: TBD**



**AINOR SIGNS**  
CL# 913842  
5443 Stationers Way, Sacramento, CA 95842  
916.348.4370 fax: 916.348.34375  
[www.ainorsigns.com](http://www.ainorsigns.com)

EST#: 00000 JOB#: 00000

PROJECT: Mattress Firm  
ADDRESS: 4801 Geary Blvd  
CITY, ST: San Francisco, CA

ACCT. REP: Joe Bergh  
DESIGNER: KMS

DATE: 01.27.17

REVISIONS: A: 01.30.17 B: 00.00.00  
C: 00.00.00 D: 00.00.00 E: 00.00.00  
F: 00.00.00 G: 00.00.00 H: 00.00.00

71' FRONTAGE



**EXISTING**



**PROPOSED**

**APPROVALS**

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TENANT:

LANDLORD:

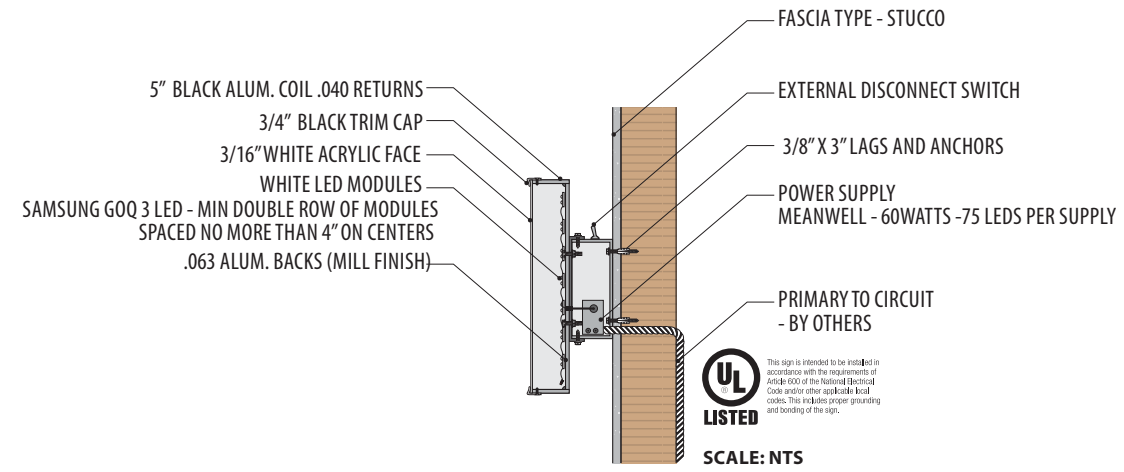
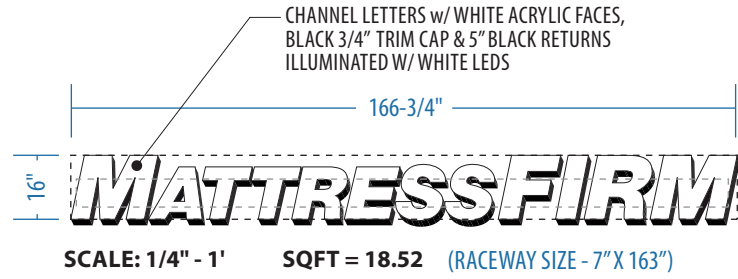
AE / PM:

**WEST ELEVATION**

**PAN CHANNEL LETTERS (RACEWAY MOUNTED) - INTERNAL ILLUMINATION**

QTY: 1

**18.52 SQ.FT PROPOSED**  
**SQ.FT ALLOWED: TBD**



**AINOR SIGNS**

CL# 913842  
5443 Stationers Way, Sacramento, CA 95842  
916.348.4370 fax: 916.348.34375

www.ainorsigns.com

EST#: 00000    JOB#: 00000

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TENANT:

LANDLORD:

AE / PM:



**EXISTING**



**PROPOSED**

# MATTRESS FIRM

