



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: DECEMBER 10, 2015

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San Francisco,  
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*Date:* December 3, 2015  
*Case No.:* **2015-009021CUA**  
*Project Address:* **4550 Geary Boulevard**  
*Zoning:* NC-3 (Neighborhood Commercial, Moderate Scale)  
40-X Height and Bulk District  
*Block/Lot:* 1441/018  
*Project Sponsor:* Robert Jacknewitz  
2324 Hampton Avenue  
St. Louis, MO 63139  
*Staff Contact:* Wayne Farrens – (415) 575-9172  
wayne.farrens@sfgov.org

### PROJECT DESCRIPTION

The applicant proposes to establish an approximately 4,491 square-foot Formula Retail use (a mattress store dba "Sleep Train Mattress Center") in the existing tenant space. The project is essentially a change of name only and does not include any tenant improvements beyond a change of the existing signage. Mattress Discounters and Sleep Train Mattress Center are both owned by parent company The Mattress Firm. Mattress Firm recently lost the legal right to use the name Mattress Discounters and as a result have been converting Mattress Discounters stores into Sleep Train Mattress Center stores. The existing staff, product assortment, and interior layout will not be changed as part of this project.

The proposal requires a Conditional Use Authorization pursuant to Planning Code Sections 303 and 303.1 to allow a change of operator for an existing Formula Retail use within the NC-3 Zoning District and the 40-X Height and Bulk District.

### SITE DESCRIPTION AND PRESENT USE

The project site is located at the northeast corner of 10<sup>th</sup> Avenue and Geary Boulevard in the Inner Richmond neighborhood, Assessor's Block 1441, Lot 018. The parcel is approximately 6,000 square feet in area and is occupied by a two-story commercial building constructed circa 1900. The tenant space on the ground floor is approximately 4,491 square feet in size and is currently occupied by a Formula Retail mattress store (dba "Mattress Discounters").

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located on the Geary Boulevard commercial corridor on the northeast corner of 10<sup>th</sup> Avenue and Geary Boulevard. The subject NC-3 Zoning District covers approximately 30 blocks of Geary

Boulevard from Funston Avenue in the west and Scott Street in the east. The surrounding development consists of a variety of commercial, residential and mixed-use buildings, generally two to three stories in height. 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. The surrounding zoning is primarily RH-2 and RM-1.

Due to the large size of the subject NC-3 Zoning District, the survey area was reduced to include only those parcels along the Geary Boulevard corridor between Funston Avenue and Arguello Boulevard. This study area is hereinafter referred to as “the district.”

There are approximately 107 commercial storefronts within the district, 22 of which are Formula Retail establishments, amounting to a concentration of approximately 21%. The proposed establishment replaces an existing Formula Retail use, resulting in no net change in concentration.

**Table 1. District and Vicinity Ground Floor Frontage Breakdown per Land Use<sup>1</sup>**

<b>LAND USE TYPE</b>	<b>TOTAL STREET FRONTAGE IN NC-3 SURVEY AREA (FT)</b>	<b>PERCENTAGE OF DISTRICT</b>	<b>TOTAL STREET FRONTAGE IN ¼ MILE VICINITY</b>	<b>PERCENTAGE OF VICINITY</b>
Automotive	945	19.2%	465	6.8%
Bar	195	4.0%	225	3.3%
Financial Services (incl. Limited)	350	7.1%	4.9%	11.1%
Medical Service	105	2.1%	190	2.8%
Personal Service	220	10.3%	405	5.9%
Professional Service	210	4.3%	340	5.0%
Restaurant (incl. Limited)	750	15.2%	1355	19.8%
Other Retail	1830	37.2%	2605	38.1%
Vacant	320	6.5%	500	7.3%
<b>Total</b>	<b>4925</b>	<b>100%</b>	<b>6845</b>	<b>100%</b>

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<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 2015. This data reflects only those portions of the subject NC-3 Zoning District on either side of Geary Boulevard, between Funston Avenue and Arguello Boulevard.

The use mix is varied in the district. Other Retail uses, including the proposed use, comprise approximately 37% of the commercial frontage. These calculations do not include non-retail establishments, such as 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	November 20, 2015	November 18, 2015	22 days
Posted Notice	20 days	November 20, 2015	November 20, 2015	20 days
Mailed Notice	30 days	November 10, 2015	November 10, 2015	30 days

## **PUBLIC COMMENT**

- The Planning Department has not received any public comment in support of or in opposition to the proposed project.

## **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 replace 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 essentially 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.
- There are approximately 22 existing Formula Retail establishments out of 107 commercial uses within the surveyed portion of the subject NC-3 Zoning District, amounting to a total concentration of approximately 21%. The proposal replaces an existing Formula Retail use and therefore will have no effect on the concentration of Formula Retail uses.
- Of the 26 Retail locations within the surveyed portion of the NC-3 Zoning District, two are mattress stores. Both are considered Formula Retail uses.

## **REQUIRED COMMISSION ACTION**

For the project to proceed, the Commission must grant Conditional Use authorization to allow a change of operator for an existing Formula Retail use within the NC-3 Zoning District, pursuant to Planning Code Sections 303 and 303.1.

## **BASIS FOR RECOMMENDATION**

- Sleep Train Mattress Center will continue the historic use of the subject site.
- 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 2, 38, 38R, 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

## 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

\_\_\_\_\_  
WF  
Planner's Initials





# SAN FRANCISCO PLANNING DEPARTMENT

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*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

HEARING DATE: DECEMBER 10, 2015

*Date:* December 3, 2015  
*Case No.:* **2015-009021CUA**  
*Project Address:* **4550 Geary Boulevard**  
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wayne.farrens@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 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On August 10, 2015, 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 the 40-X Height and Bulk District.

On December 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. 2015-009021CUA.

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. 2015-009021CUA, 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 10<sup>th</sup> Avenue and Geary Boulevard in the Inner Richmond neighborhood, Assessor’s Block 1441, Lot 018. The parcel is approximately 6,000 square feet in area and is occupied by a two-story commercial building constructed circa 1900. The tenant space on the ground floor is approximately 4,491 square feet in size and is currently occupied by a Formula Retail mattress store (dba “Mattress Discounters”).
3. **Surrounding Neighborhood.** The project site is located on the Geary Boulevard commercial corridor on the northeast corner of 10<sup>th</sup> Avenue and Geary Boulevard. The subject NC-3 Zoning District covers approximately 30 blocks of Geary Boulevard from Funston Avenue in the west and Scott Street in the east. The surrounding development consists of a variety of commercial, residential and mixed-use building, generally two to three stories in height. 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. The surrounding zoning is primarily RH-2 and RM-1.
4. **Project Description.** The applicant proposes to establish an approximately 4,491 square-foot Formula Retail use (a mattress store dba “Sleep Train Mattress Center”) in the existing tenant space. The project is essentially a change of name only and does not include any tenant improvements beyond a change of the existing signage. Mattress Discounters and Sleep Train Mattress Center are both owned by parent company The Mattress Firm. Mattress Firm recently lost the legal right to use the name Mattress Discounters and as a result have been converting Mattress Discounters stores into Sleep Train Mattress Center stores. The existing staff, product assortment, and interior layout will not be changed as part of this project.
5. **Public Comment.** The Planning Department has not received any public comment in support of or in opposition to the proposed 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 to Section 703.3, Formula Retail Uses:

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

*Due to the large size of the subject NC-3 Zoning District, the survey area was reduced to include only those parcels along the Geary Boulevard corridor between Funston Avenue and Arguello Boulevard. This study area is hereinafter referred to as "the district."*

*There are approximately 22 existing ground story Formula Retail establishments out of approximately 107 commercial establishments within the district. The existing intensity of Formula Retail uses is approximately 21% of all businesses within the district and 50% of the total commercial 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, 26 of 203 commercial establishments are Formula Retail. This comprises approximately 13% of the businesses and 31% 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, including the subject Mattress Discounters store. Both stores 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 previously occupied by a Formula Retail use (dba "Mattress Discounters") and no exterior alterations are proposed. Therefore, the proposed use will have no effect on the architectural and aesthetic character of the district. Signage will be made to comply with Article 6 of the Planning Code.*

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

*There are currently 11 vacancies out of 107 commercial locations within the district, equating to a vacancy rate of approximately 7%.*

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

*Approximately 16% (17 locations) of the ground floor commercial uses in the district are "Daily-Needs," or neighborhood-serving; of these, one is Formula Retail. Approximately 73% (79 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.

*The proposed use is consistent with the existing character of the district, which is composed of many Formula Retailers who specialize in a variety of goods and services.*

**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	945	19.2%
Bar	195	4.0%
Financial Services (incl. Limited)	350	7.1%
Medical Service	105	2.1%
Personal Service	220	4.5%
Professional Service	210	4.3%
Restaurant (incl. Limited)	750	15.2%
Other Retail	1830	37.2%
Vacant	320	6.5%
<b>Total</b>	<b>4925</b>	<b>100%</b>

*The use mix is varied in the district. Other Retail uses, including the proposed use, comprise approximately 37% of the commercial 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.

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

<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 2015. This data reflects only those portions of the subject NC-3 Zoning District on either side of Geary Boulevard, between Funston Avenue and Arguello Boulevard.

- B. Street Frontage in NC Districts.** Planning Code Section 145.1 requires that within RC 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.*

- C. Off-Street Parking.** Planning Code Section 151 requires parking for Retail uses with an occupied floor area of 5,000 square feet or more.

*The subject tenant space is approximately 4,491 square feet and therefore does not require the provision of off-street parking. The project does not propose any off-street parking.*

- D. 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 subject tenant space 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.** 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 less than 6,000 square feet of space and therefore does not require Conditional Use authorization for use size.*

**F. 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 and 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:

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 may attract residents and visitors from outside of the neighborhood; however, this area is well serviced by transit, including Muni lines 2, 38, 38R, and 44.*

- 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, and lighting. Any new signage will be required to comply with the requirements of the Planning Code.*

- 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 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. **General Plan Compliance.** The project is 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 1.2:**

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 provide desirable goods and services to the neighborhood and will 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 a 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 the existing commercial use and will not result in a change of ownership of the subject business.*

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

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

*The 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 2, 38, 38R, 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.*

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. 2015-009021CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 10, 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 December 10, 2015.

Jonas Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 10, 2015



## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a change of operator for a Formula Retail use (previously dba "Mattress Discounters," proposed as "Sleep Train Mattress Center") located at 4550 Geary Boulevard, Block 1441, Lot 018 pursuant to Planning Code Sections 303 and 303.1 within the **NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District**, and the **40-X** Height and Bulk District; in general conformance with plans, dated **August 10, 2015** and stamped "EXHIBIT B" included in the docket for Case No. **2015-009021CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 10, 2015** under Motion No. **xxxxxx**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

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

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity 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.

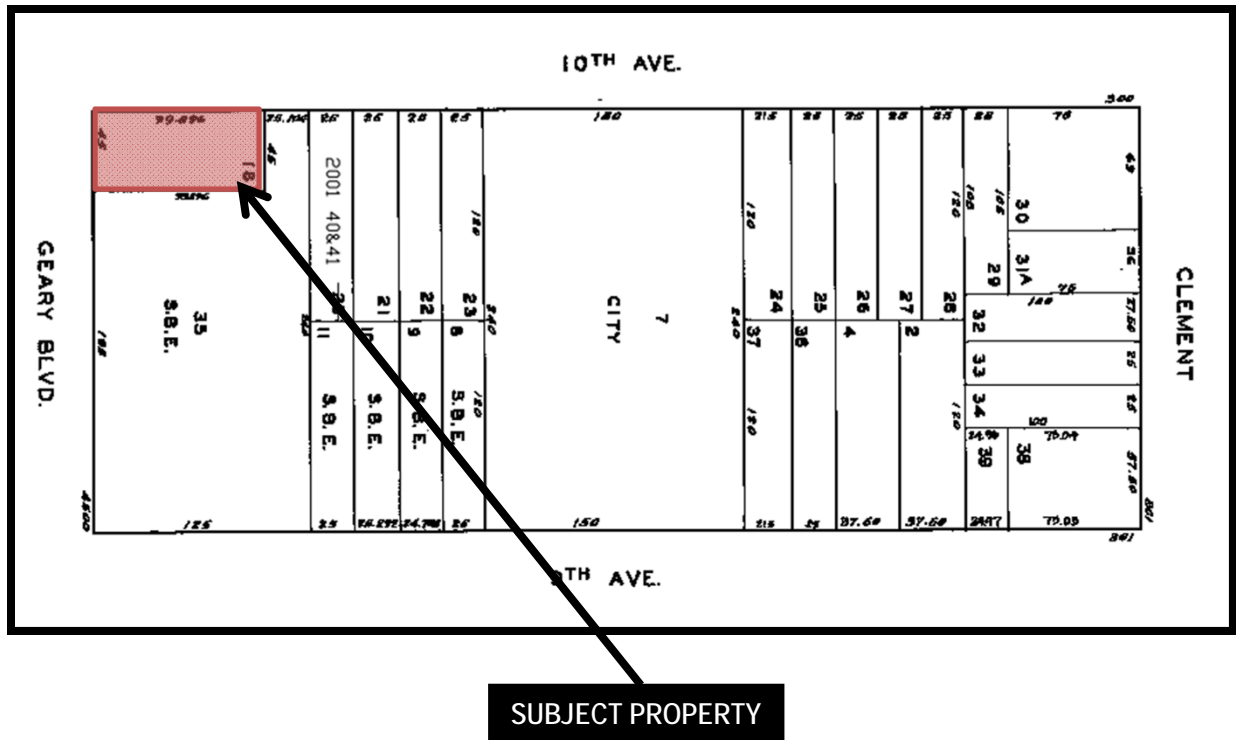
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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.

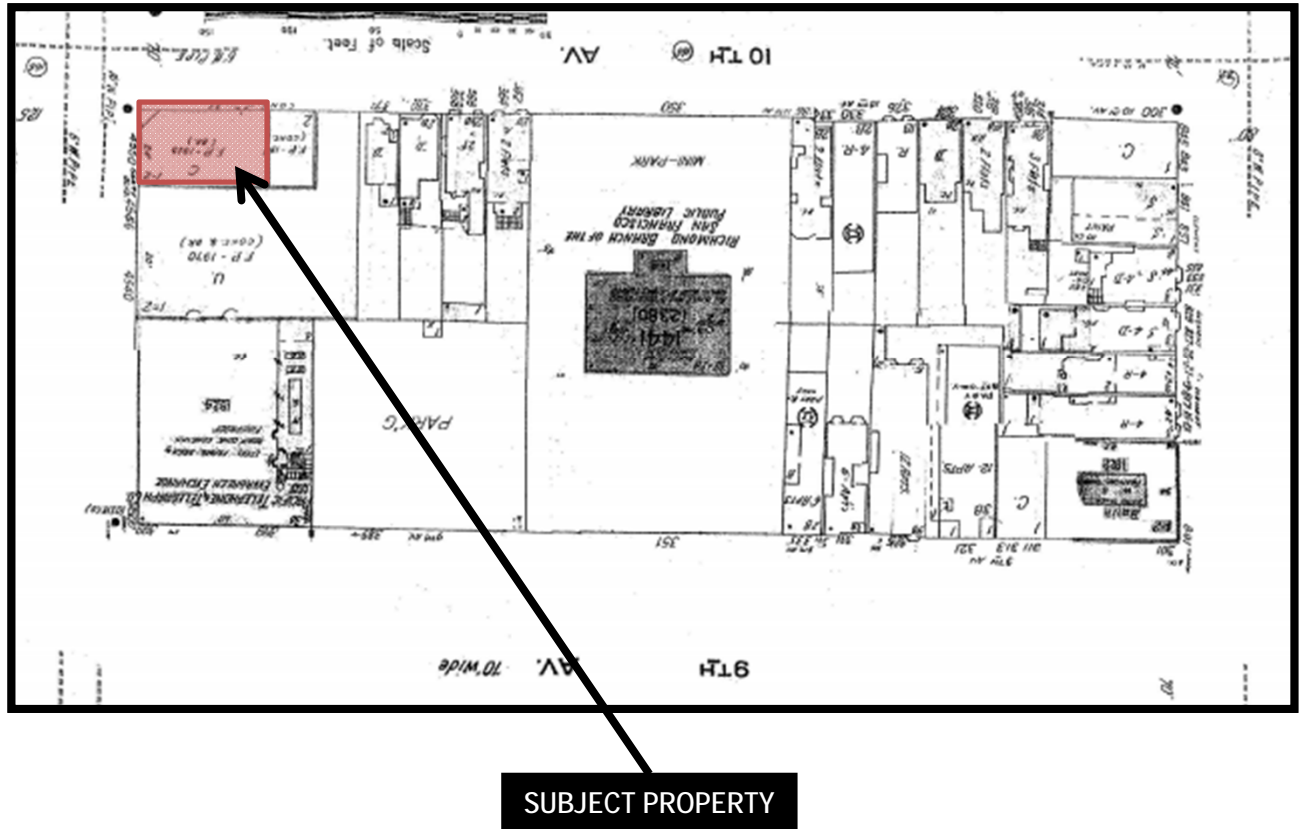
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



# Block Book Map



# Sanborn Map

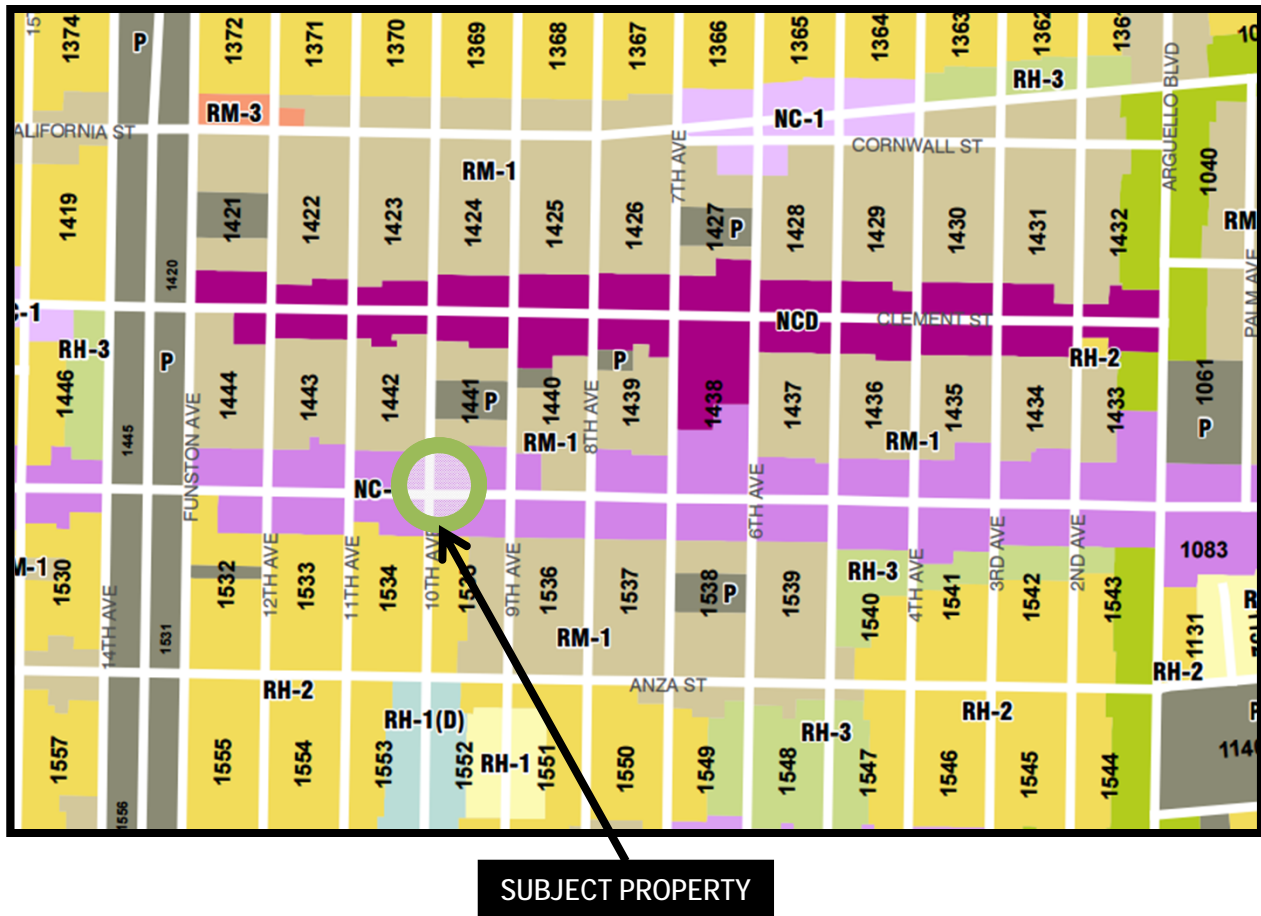


SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2015-009021CUA  
4550 Geary Boulevard  
Block 1441 Lot 018

# Zoning Map



SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Hearing  
Case Number 2015-009021CUA  
4550 Geary Boulevard  
Block 1441 Lot 018



# Aerial Photo



SUBJECT PROPERTY

SAN FRANCISCO  
**PLANNING DEPARTMENT**



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# Site Photo

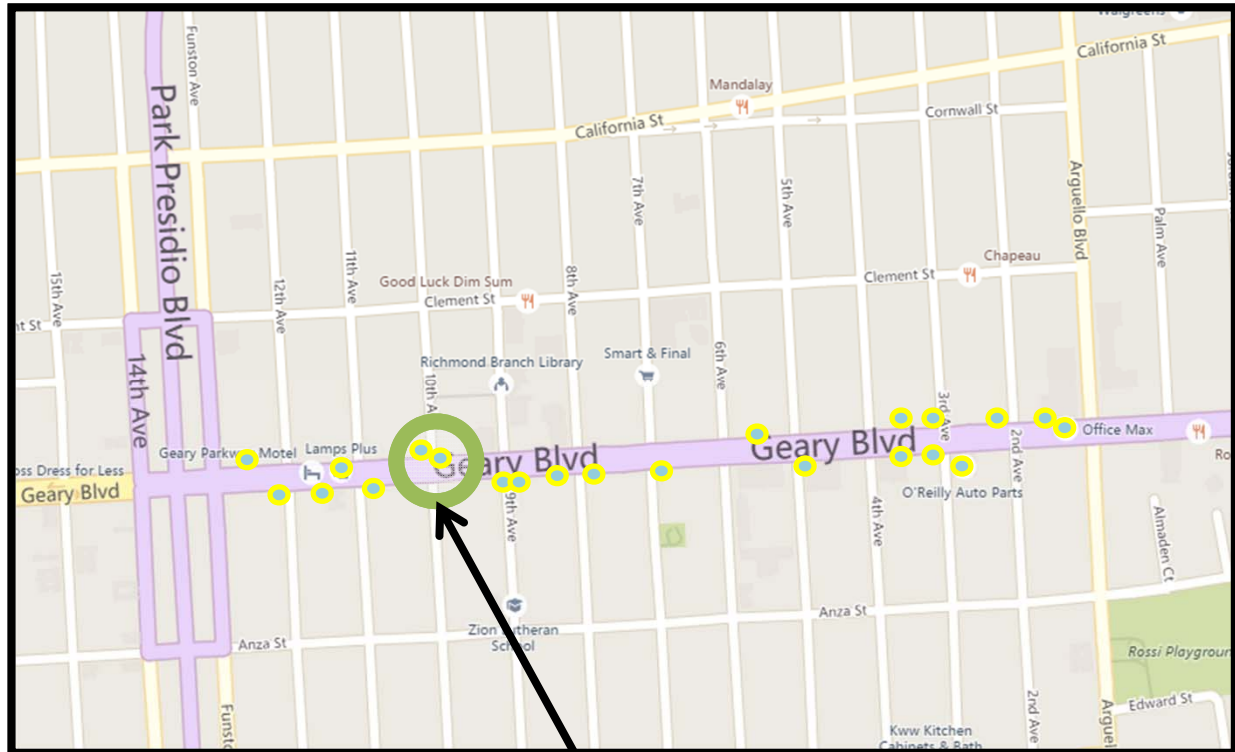


SAN FRANCISCO  
**PLANNING DEPARTMENT**



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# Formula Retail Locations within NC-3 Survey Area



SUBJECT PROPERTY

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Block 1441 Lot 018



**idGROUP**  
2641 IRVING BLVD.  
DALLAS, TEXAS 75207  
TEL: 214-638-6800

DESIGN CONSULTANT'S  
PROJECT NO.: 343-615  
DRAWN BY: LK  
CHECKED BY: HW

**SLEEP & TRAIN**

PROJECT DESCRIPTION

DRAWING ISSUE  
09/08/2015

REVISIONS

▲	
▲	
▲	
▲	

DRAWING TITLE

**PLOT PLAN  
ATTACHMENT**