



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: AUGUST 4, 2011

Date: July 28, 2011
Case No.: 2011.0513C
Project Address: 3150 Geary Boulevard
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale)
40-X Height and Bulk District
Block/Lot: 1066/067
Project Sponsor: Robert Meyers
100 Montgomery Street #2290
San Francisco, CA 94104
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to establish a formula retail use (a flooring store d.b.a. Lumber Liquidators) in a vacant commercial space of approximately 1,814 square feet on the ground floor of a four-story mixed-use building. The proposed business intends to operate as a design showroom, differently from typical Lumber Liquidators stores by having little merchandise in stock other than displays and small samples of flooring for customers to take home. Orders will be made at the store and deliveries will be shipped from other facilities in the Bay Area. According to their website, Lumber Liquidators has approximately seven locations in the Bay Area, 23 in California and over 200 in North America. Currently, there are no Lumber Liquidators stores in San Francisco. The nearest locations are in the cities of Albany and Burlingame.

The proposed hours of operation are Monday through Friday from 8 a.m. to 7 p.m., Saturday from 9 a.m. to 6 p.m., and Sunday from 11 a.m. to 4 p.m. Pursuant to Planning Code Section 712.27, there is no limit to the hours of operation. An estimated three full-time employees and one part-time employee will operate the store.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the northeast corner of Geary Boulevard and Spruce Street on Assessor's Block 1066, Lot 067. The project site is located within a NC-3 Zoning District, 40-X Height and Bulk District and is 5,331 square feet in size (approximately 53 feet wide by 100 feet deep). The existing four-story building was approved in 2003 with construction completed in 2008. The building contains one commercial space and seven residential units with seven parking spaces. The ground floor commercial space, which is the subject of this CU request, has remained vacant since construction.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Jordan Park - Presidio Heights neighborhood on the eastern portion of the NC-3 Zoning District along Geary Boulevard, a three mile commercial corridor that stretches from the Western Addition to the Outer Richmond, covering four neighborhoods. The corridor is comprised of a mix of neighborhood-serving and Citywide-serving retail uses. The surrounding development along Geary Boulevard consists of a variety of commercial and mixed-use buildings featuring ground floor commercial units with residential units above. The scale of development in the area consists primarily of two- to four- story structures. Commercial uses include beauty shops, print shops, pet stores, coffee shops, restaurants, bars, dry cleaners, liquor stores, office supply stores, medical offices and other professional offices. The commercial corridor is surrounded by residential dwellings and residentially zoned districts in the adjacent blocks.

The property immediately adjacent and to the east at 3142 Geary Boulevard is a three-story mixed-use building containing two residential units and a commercial space at the ground floor. The property across Spruce Street and along Geary Boulevard to the west at 3200 Geary Boulevard is a two-story commercial building containing one retail store (d.b.a Radio Shack) and a professional business (d.b.a. Spruceside Legal and Professional). On Spruce Street, there are mostly two- to three-story residential buildings.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	July 15, 2011	July 13, 2011	22 days
Posted Notice	20 days	July 15, 2011	July 15, 2011	20 days
Mailed Notice	20 days	July 15, 2011	July 14, 2011	21 days

The proposal requires Section 312-neighborhood notification which will be conducted at a future date.

PUBLIC COMMENT

- A Pre-Application Meeting was conducted on May 11, 2011 at the project site. There were no attendees.
- To date, the Department has received two phone calls and an email from Rose Hilson, a member of the Jordan Park Improvement Association (see attached email). The majority of her concerns are related to parking, loading, traffic congestion, and noise impacts associated with providing a lumber delivery service. However, since the proposed project includes only a showroom where customers place orders and have deliveries made from other store locations, there should be

minimal negative effects on parking, loading, traffic congestion, or noise in the immediate vicinity.

ISSUES AND OTHER CONSIDERATIONS

- The proposed project will operate primarily as a design showroom and there will be no cutting of lumber or other major noise, glare, dust, or odor generating activities on the premises.
- There is a mix of independent and formula retail uses within the NC-3 District along the Geary Boulevard commercial corridor. A windshield survey and an internet search conducted on Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue found 20 other formula retail establishments. The nearest formula retail establishments include Mel's Drive-In, Abbey Carpets, Toyota Service Center, Radio Shack, Sleep Train Mattress Center, and Big O Tires.
- A windshield survey conducted on Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue found three existing flooring stores. Of the three existing stores, Abbey Carpets and Carpeteria are formula retail establishments while the third store, Carpet Contractors Inc., is independently owned.
- Existing traffic patterns will not be significantly affected by the proposed project. There is street parking on Geary Boulevard, Spruce Street and in the immediate neighborhood. In addition, the project site is well served by transit. MUNI bus lines 38-Geary, 38BX-Geary B Express, and 38L-Geary Limited run directly in front of the project site.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow a formula retail use within the NC-3 Zoning District pursuant to Planning Code Section 703.3.

BASIS FOR RECOMMENDATION

- The proposed project will occupy a vacant commercial space and will enhance the economic diversity of the neighborhood by allowing a new business in the area.
- The proposed project is well served by transit which customers can access by walking or taking public transit. In addition, there is street parking on Geary Boulevard, Spruce Street and in the surrounding neighborhood.
- The proposed use would be consistent with the mixed commercial-residential character of the NC-3 Zoning District.
- The project meets all applicable requirements of the Planning Code.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map

Zoning Map

Aerial Photo

Site Photo

Public Comment:

- Email from Rose Hilson (Jordan Park Improvement Association)

Project Sponsor Submittal:

- Reduced Plans
- Vicinity Photos
- Interior Photos

Attachment 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 checked="" 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 Photo | <input type="checkbox"/> Community Meeting Notice |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photo | |

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

CL _____
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 703.3 OF THE PLANNING CODE TO ALLOW A FORMULA RETAIL USE (A FLOORING STORE D.B.A. LUMBER LIQUIDATORS) WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 17, 2011 Robert Meyers (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 703.3 to allow a formula retail use as a flooring store (d.b.a. Lumber Liquidators) in a vacant commercial space of approximately 1,814 square feet on the ground floor of a four-story mixed-use building within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District.

On August 4, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.0513C.

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. 2007.0513C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the northeast corner of Geary Boulevard and Spruce Street on Assessor's Block 1066, Lot 067. The project site is located within a NC-3 Zoning District, 40-X Height and Bulk District and is 5,331 square feet in size (approximately 53 feet wide by 100 feet deep). The existing four-story building was approved in 2003 with construction completed in 2008. The building contains one commercial space and seven residential units with seven parking spaces. The ground floor commercial space, which is the subject of this CU request, has remained vacant since construction.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Jordan Park - Presidio Heights neighborhood on the eastern portion of the NC-3 Zoning District along Geary Boulevard, a three mile commercial corridor that stretches from the Western Addition to the Outer Richmond, covering four neighborhoods. The corridor is comprised of a mix of neighborhood-serving and Citywide-serving retail uses. The surrounding development along Geary Boulevard consists of a variety of commercial and mixed-use buildings featuring ground floor commercial units with residential units above. The scale of development in the area consists primarily of two- to four- story structures. Commercial uses include beauty shops, print shops, pet stores, coffee shops, restaurants, bars, dry cleaners, liquor stores, office supply stores, medical offices and other professional offices. The commercial corridor is surrounded by residential dwellings and residentially zoned districts in the adjacent blocks.

The property immediately adjacent and to the east at 3142 Geary Boulevard is a three-story mixed-use building containing two residential units and a commercial space at the ground floor. The property across Spruce Street and along Geary Boulevard to the west at 3200 Geary Boulevard is a two-story commercial building containing one retail store (d.b.a Radio Shack) and a professional business (d.b.a. Spruceside Legal and Professional). On Spruce Street, there are mostly two- to three-story residential buildings.

4. **Project Description.** The proposal is to establish a formula retail use (a flooring store d.b.a. Lumber Liquidators) in a vacant commercial space of approximately 1,814 square feet on the ground floor of a four-story mixed-use building. The proposed business intends to operate as a design showroom, differently from typical Lumber Liquidators stores by having little merchandise in stock other than displays and small samples of flooring for customers to take home. Orders will be made at the store and deliveries will be shipped from other facilities in the Bay Area. According to their website, Lumber Liquidators has approximately seven locations in the Bay Area, 23 in California and over 200 in North America. Currently, there are no Lumber Liquidators stores in San Francisco. The nearest locations are in the cities of Albany and Burlingame.

The proposed hours of operation are Monday through Friday from 8 a.m. to 7 p.m., Saturday from 9 a.m. to 6 p.m., and Sunday from 11 a.m. to 4 p.m. Pursuant to Planning Code Section 712.27, there is no limit to the hours of operation. An estimated three full-time employees and one part-time employee will operate the store.

5. **Public Comment.** A Pre-Application Meeting was conducted on May 11, 2011 at the project site. There were no attendees.

To date, the Department has received two phone calls and an email from Rose Hilson, a member of the Jordan Park Improvement Association. The majority of her concerns are related to parking, loading, traffic congestion, and noise impacts associated with providing a lumber delivery service. However, since the proposed project includes only a showroom where customers place orders and have deliveries made from other store locations, there should be minimal negative effects on parking, loading, traffic congestion, or noise in the immediate vicinity.

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

- A. **Use.** Planning Code Section 712.40 permits Other Retail Sales and Services uses on the ground floor and 2nd story in NC-3 Zoning Districts.

The proposed project is considered Other Retail Sales and Services and will be located on the ground floor of the existing building.

- B. **Hours of Operation.** Planning Code Section 712.27 states that there is no limit to hours of operation in a NC-3 Zoning District, as defined by Planning Code Section 790.48.

The proposed hours of operation are Monday through Friday from 8 a.m. to 7 p.m., Saturday from 9 a.m. to 6 p.m., and Sunday from 11 a.m. to 4 p.m.

- C. **Street Frontages.** Planning Code Section 145.1 states that street frontages with active uses should be pedestrian-oriented, fine-grained, and appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts.

The proposed project will occupy the ground floor of the existing building. Although the proposed project does not intend to modify the existing storefront, the current configuration provides a street frontage that is pedestrian-oriented, appropriate and compatible with the surrounding neighborhood.

- D. **Parking.** Planning Code Section 151 requires off-street parking for every 500 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The proposed project contains approximately 1,814 square-feet of occupied floor area and thus does not require any off-street parking.

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

- F. **Formula Retail.** Planning Code Section 703.3 defines a formula retail use as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, standardized décor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

The proposed project meets at least four of the above criteria in addition to having more than 23 stores in California alone. The proposed use is considered a formula retail use; as such, the Project Sponsor has applied for Conditional Use Authorization to establish a formula retail use in the NC-3 Zoning District.

7. **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 will provide a use that will be compatible with the mix of goods and services currently available along this section of Geary Boulevard and will contribute to the economic vitality of the neighborhood by occupying a vacant storefront. In addition, the proposed hardwood flooring store will provide affordable flooring options for residents in the immediate and surrounding neighborhoods.

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

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

The height and bulk of the existing building will remain the same and the proposed project will not alter the existing appearance or character of the project vicinity. There will be no expansion to the existing 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 Planning Code does not require parking or loading for a 1,814 square-foot retail store. The proposed use is designed to meet the needs of the immediate and surrounding neighborhoods and should not generate significant amounts of vehicular trips from the neighborhood or citywide. There is street parking on Geary Boulevard, Spruce Street and in the immediate neighborhood. In addition, the project site is well served by transit. MUNI bus lines 38-Geary, 38BX-Geary B Express, and 38L-Geary Limited run directly in front of the project site.

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

The proposed project will operate primarily as a design showroom and there will be no cutting of lumber or other major noise, glare, dust, or odor generating activities on the premises.

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

The existing building, like most buildings on the block, is built to the front property line providing no on-site landscaping. There will be no addition of open space, parking or loading areas, or service areas. All project signage and lighting will be consistent with the controls 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 proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purposes of NC-3 Districts in that the intended use is located at the ground floor along a commercial corridor and will provide compatible goods and services for the immediate and surrounding neighborhoods.

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

1. The existing concentrations of formula retail uses with the Neighborhood Commercial District.

There is a mix of independent and formula retail uses within the NC-3 District along the Geary Boulevard commercial corridor. A windshield survey and an internet search conducted on Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue found 20 other formula retail establishments. The nearest formula retail establishments include Mel's Drive-In, Abbey Carpets, Toyota Service Center, Radio Shack, Sleep Train Mattress Center, and Big O Tires.

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

A windshield survey conducted on Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue found three existing flooring stores. Of the three existing stores, Abbey Carpets and Carpeteria are formula retail establishments while the third store, Carpet Contractors Inc., is independently owned.

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

The proposed project includes only interior improvements while maintaining the existing building envelope. The proposed work will not affect the architectural or aesthetic character of the Neighborhood Commercial District.

4. The existing retail vacancy rates within the Neighborhood Commercial District.

The existing ground floor commercial space has been vacant for approximately three years since the building was constructed. A windshield survey found that there are 10 vacant storefronts on Geary Boulevard along a 10-block stretch between Arguello Boulevard and Masonic Avenue.

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

The proposed project is located on Geary Boulevard, along a three-mile commercial corridor that stretches from the Western Addition to the Outer Richmond neighborhoods. The corridor is comprised of a mix of neighborhood-serving and Citywide-serving retail uses. Commercial uses include beauty shops, print shops, pet stores, coffee shops, restaurants, bars, dry cleaners, liquor stores, office supply stores, post offices, medical offices and other professional offices. It is surrounded by residential dwellings and residentially zoned districts in the adjacent blocks.

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

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. Further, the project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The proposed project will replace a vacant storefront with a neighborhood-serving use, thereby enhancing 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 will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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 proposed project will preserve and enhance the existing neighborhood-serving uses by occupying a vacant commercial space and by employing three full-time employees and one part-time employee.

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

The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by allowing a new business in the area. Existing housing will not be affected by the project.

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

The proposed project will not displace any affordable housing.

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

The proposed project will not significantly increase traffic congestion or the availability of parking in the neighborhood. The proposed project will serve the immediate and surrounding neighborhoods to which residents and employees can access by walking or taking public transit. MUNI bus lines 38-Geary, 38BX-Geary B Express, and 38L-Geary Limited run directly in front of the project site.

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

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

The existing building completed construction in 2008 and was built to the seismic safety requirements at the time. All alterations as part of the proposed project will conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the project site.

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

The proposed project will not affect any city-owned parks or open space.

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. 2007.513C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 11, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 4, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 4, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a formula retail use as a flooring store (d.b.a. Lumber Liquidators) located at 3150 Geary Boulevard, Assessor's Block 1066, Lot 067 pursuant to Planning Code Sections 303 and 703.3 within a NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated July 11, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0513C and subject to conditions of approval reviewed and approved by the Commission on August 4, 2011 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 4, 2011 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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.

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.

DESIGN

3. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

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

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

OPERATION

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

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

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

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

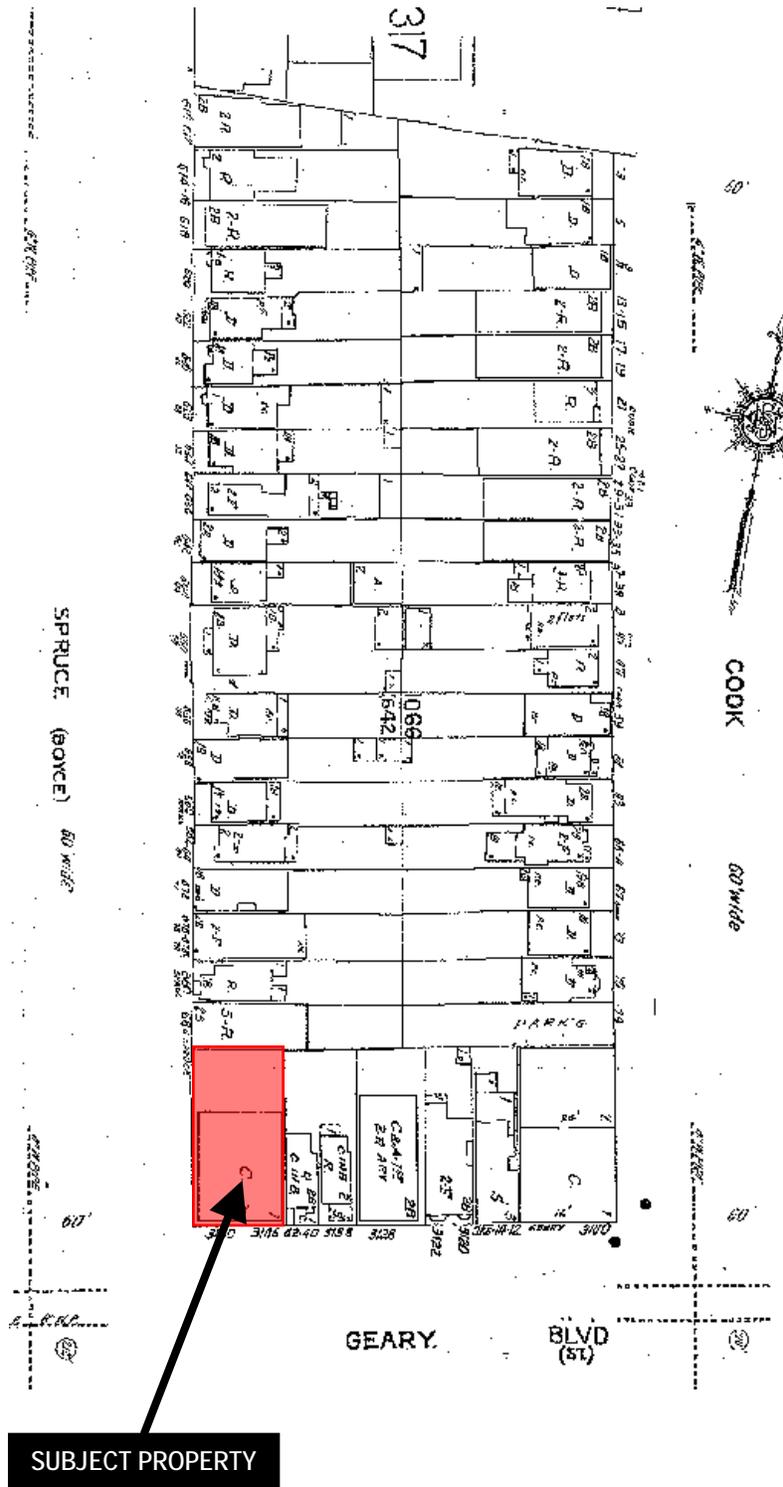
8. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the 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.

9. **Hours of Operation.** The proposed hours of operation are Monday through Friday from 8 a.m. to 7 p.m., Saturday from 9 a.m. to 6 p.m., and Sunday from 11 a.m. to 4 p.m.

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

Sanborn Map*

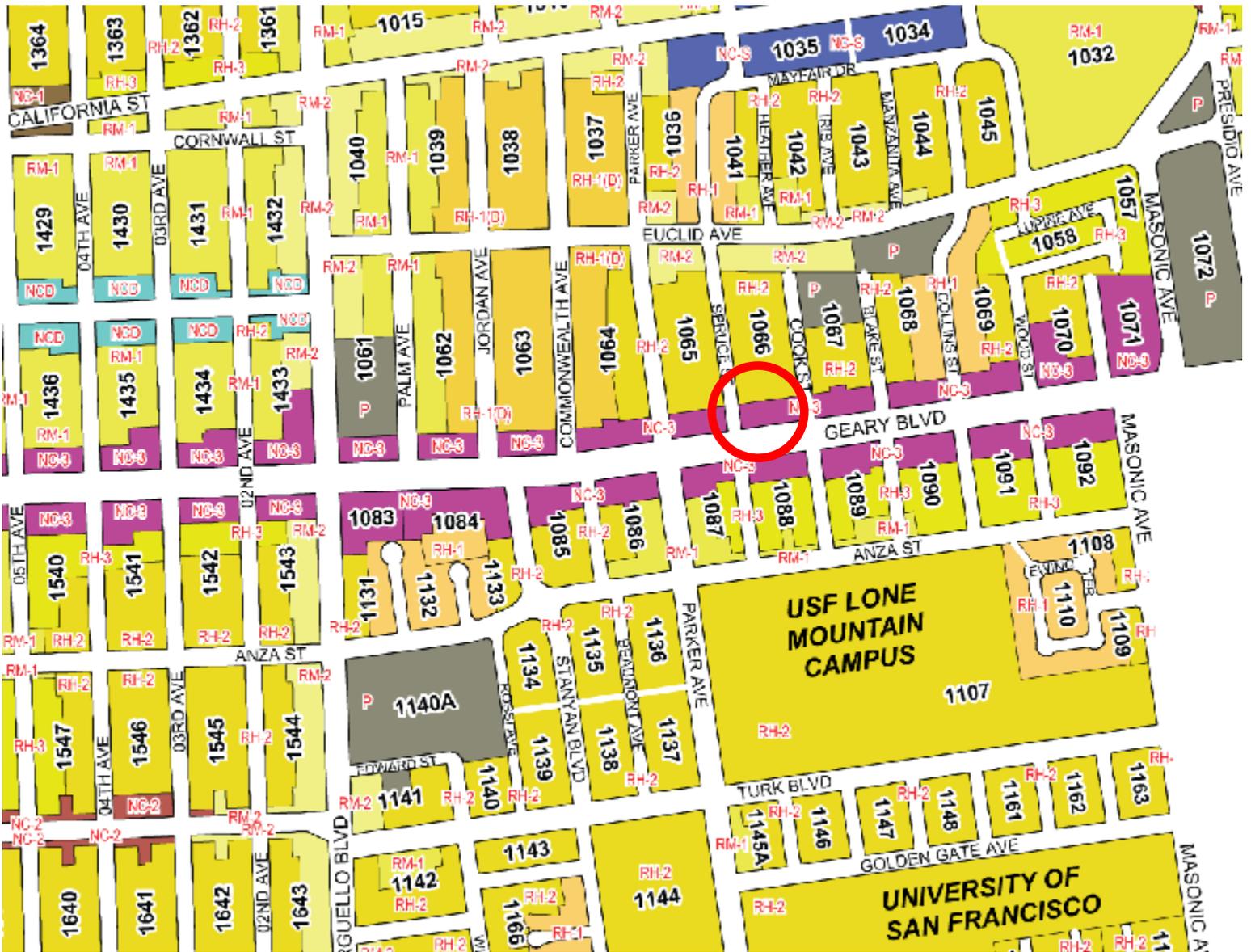


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



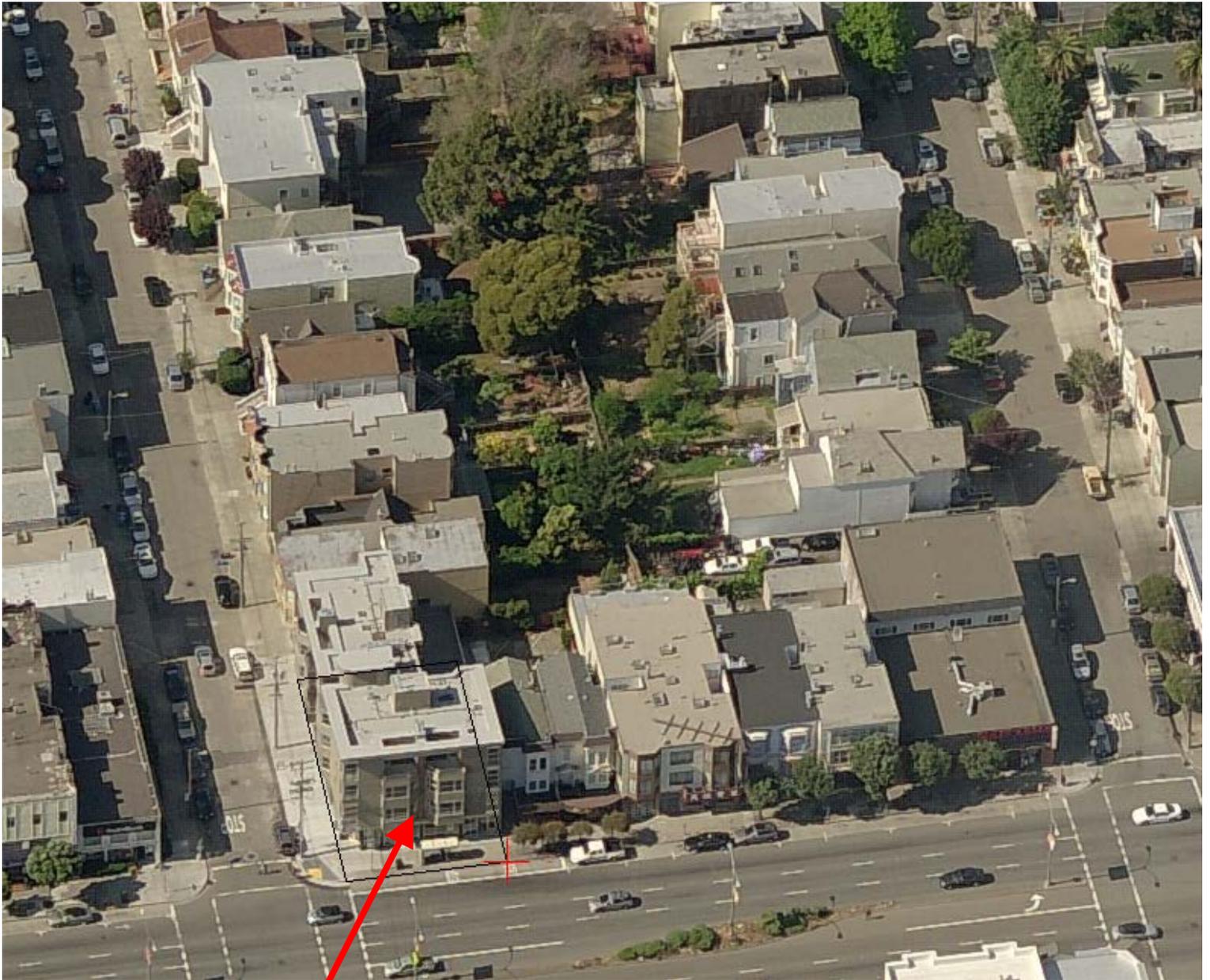
Conditional Use Hearing
Case Number 2011.0513C
3150 Geary Boulevard
Block 1066 Lot 067

Zoning Map



Conditional Use Hearing
Case Number 2011.0513C
3150 Geary Boulevard
Block 1066 Lot 067

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2011.0513C
3150 Geary Boulevard
Block 1066 Lot 067

Site Photo



Conditional Use Hearing
Case Number 2011.0513C
3150 Geary Boulevard
Block 1066 Lot 067



":\)" <gumby5@att.net>

07/27/2011 01:09 PM

Please respond to
<gumby5@att.net>

To "Mark Farrell" <Mark.Farrell@sfgov.org>

cc "Eric Mar" <Eric.L.Mar@sfgov.org>, "Hiroshi Fukuda"
<ninersam@aol.com>, "Kathy D."
<krdevincenzi@gmail.com>, "Rich Worner"

bcc

Subject 2011.0513C - 3150 Geary Blvd. (at Spruce Ave.) -- Aug 4,
2011 Hearing at PC

History:

 This message has been replied to and forwarded.

Dear Supervisor Farrell,

I spoke to the planner, Christine Lamorena about a formula retail use that is being proposed and scheduled to be heard on Aug. 4, 2011 before the Planning Commission. The plans for this project are not available for electronic viewing until later when the PC (Planning Commission) agenda report/packet is put up for this hearing. Anyway, she stated that there is no rule to prohibit formula retail (chain stores) in the City but just that should one come up, the business entity will have to go before the Planning Commission.

Unfortunately, I will be unable to attend the Planning Commission meeting that will hear this case on Lumber Liquidators on Aug. 4.

As background, the particular retail business is called "Lumber Liquidators," and they have over 200 stores nationwide (every state in the continental US except for two) with presence in the following CA cities:

Albany
Bakersfield
Burlingame
City of Industry
Fresno
Livermore
Los Angeles
Modesto
Murrieta
Pacheco
Palm Desert
Rancho Cucamonga
Sacramento
San Diego
San Jose
San Leandro
San Luis Obispo
Santa Ana
Santa Clarita
Santa Rosa
Ventura

They also have a website ordering business for lumber. Additional information on this company can be found at:

<http://www.lumberliquidators.com/custserv/aboutus.jsp>

Concerns:

1. No matter what form of lumber (renewable, reusable, "eco-friendly") that will be sold through this business, there will be issues with having delivery to and pickups from this location. The building in which the business wishes to locate, 3150 Geary, does NOT have garage access on the Geary Blvd side. The Spruce Ave. side has garages and curb cuts BUT Spruce Avenue is a NARROW residential street.

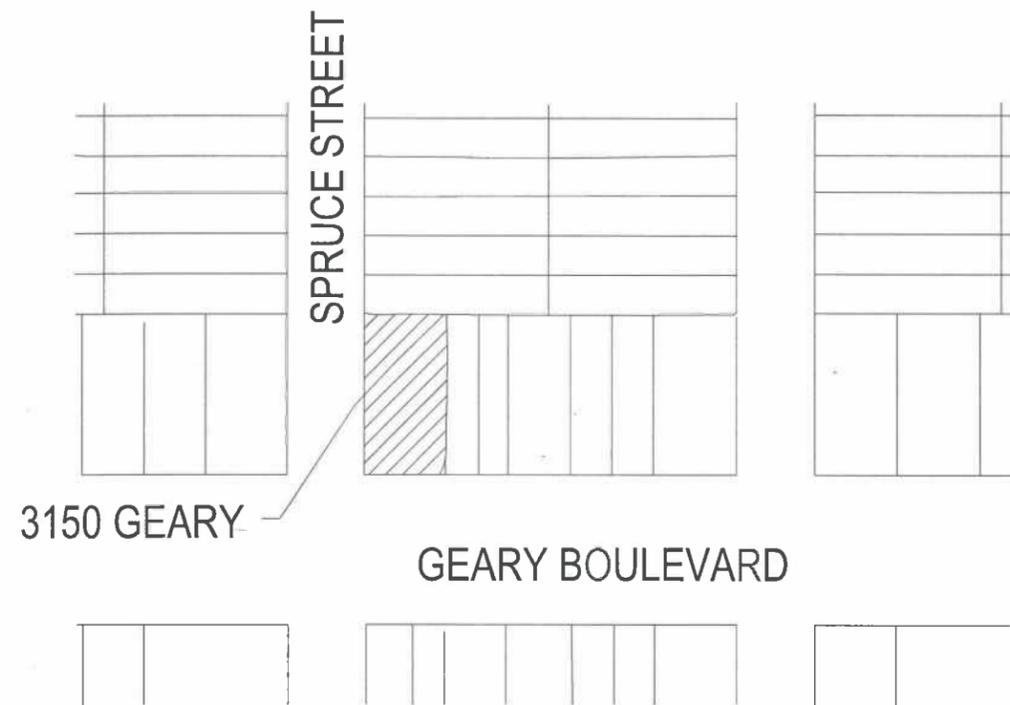
2. If the delivery trucks double-park on Geary, that will impede Muni busses and cause traffic congestion.
 3. Where will the fleet of delivery trucks, workers' vehicles park in the area when there is no more parking? It is not practical to lug lumber on the 38-Geary bus line. Also, striping any length of Geary w/ white zone or yellow will just take parking away from the residents.
 4. Customers to the store will bring their own vehicles and double-park on the narrow Spruce Ave. side or on Geary.
 5. Pet store chain stores were recently not allowed on Geary due to competition with nearby family-owned pet stores. Although lumber stores do not exist in the area, this particular lumber store is part of a huge nationwide chain store. In addition, Gillon Lumber used to operate a business on Geary on 3rd Ave. It closed down. People did not use them. These types of stores belong in an industrial-zoned district, not neighborhood-commercial.
 7. The lumber deliveries are usually very noisy and cause road vibration (it's just a fact that lumber deliveries are not done gently and quietly). We do not want our streets that have speed humps to be damaged by heavy lumber trucks especially when they start using the surrounding streets for travelling to and from their place of business since Spruce Ave. is so narrow. SFPD Traffic Division enforcement of trucks on weight-restricted streets in Jordan Park is practically non-existent and the signs do not deter such vehicles from using our streets and damaging our speedhumps.
 8. If the business is for lumber sales (used or new), why would it not be located where there is ample parking and maneuvering space? or will the 3150 building ground floor be used only for storage and people order over the Internet so deliveries via diesel trucks will go out multiple times a day, several times a week, increasing air pollution on a street about 1/2-block from a pre-kindergarten school lot? This will in itself become an issue for residential people nearby.
 9. A Starbuck's was not allowed to go into a Toyota building on Geary. It was a chain-store satellite location. It seems this is very similar that a large chain-store business was not allowed into a Geary Blvd. building and many people protested. Any thoughts and assistance in this matter is much appreciated. Should additional concerns arise after I see the plans when they become available, I will contact you. Thank you for your time.
- Rose Hillson
Member, Jordan Park Improvement Association



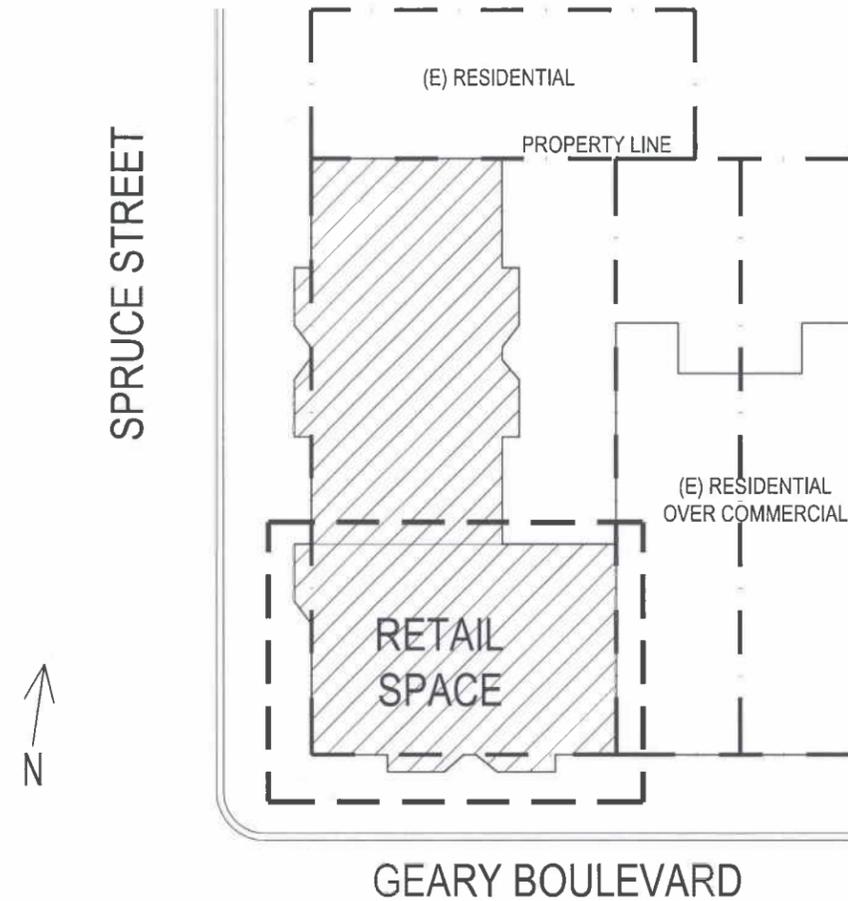
LUMBER LIQUIDATORS
3150 GEARY BLVD
SAN FRANCISCO, CA

VICINITY &
SITE PLANS

JULY 11, 2011



VICINITY MAP



SITE PLAN



7 UNITS OF HOUSING
ABOVE RETAIL SPACE

SPRUCE STREET ELEVATION



GEARY BOULEVARD ELEVATION



VIEW FROM CORNER OF SPRUCE AND GEARY

LUMBER LIQUIDATORS
3150 GEARY BLVD
SAN FRANCISCO, CA

ELEVATIONS
& VIEW

JULY 11, 2011

MWA
Architects



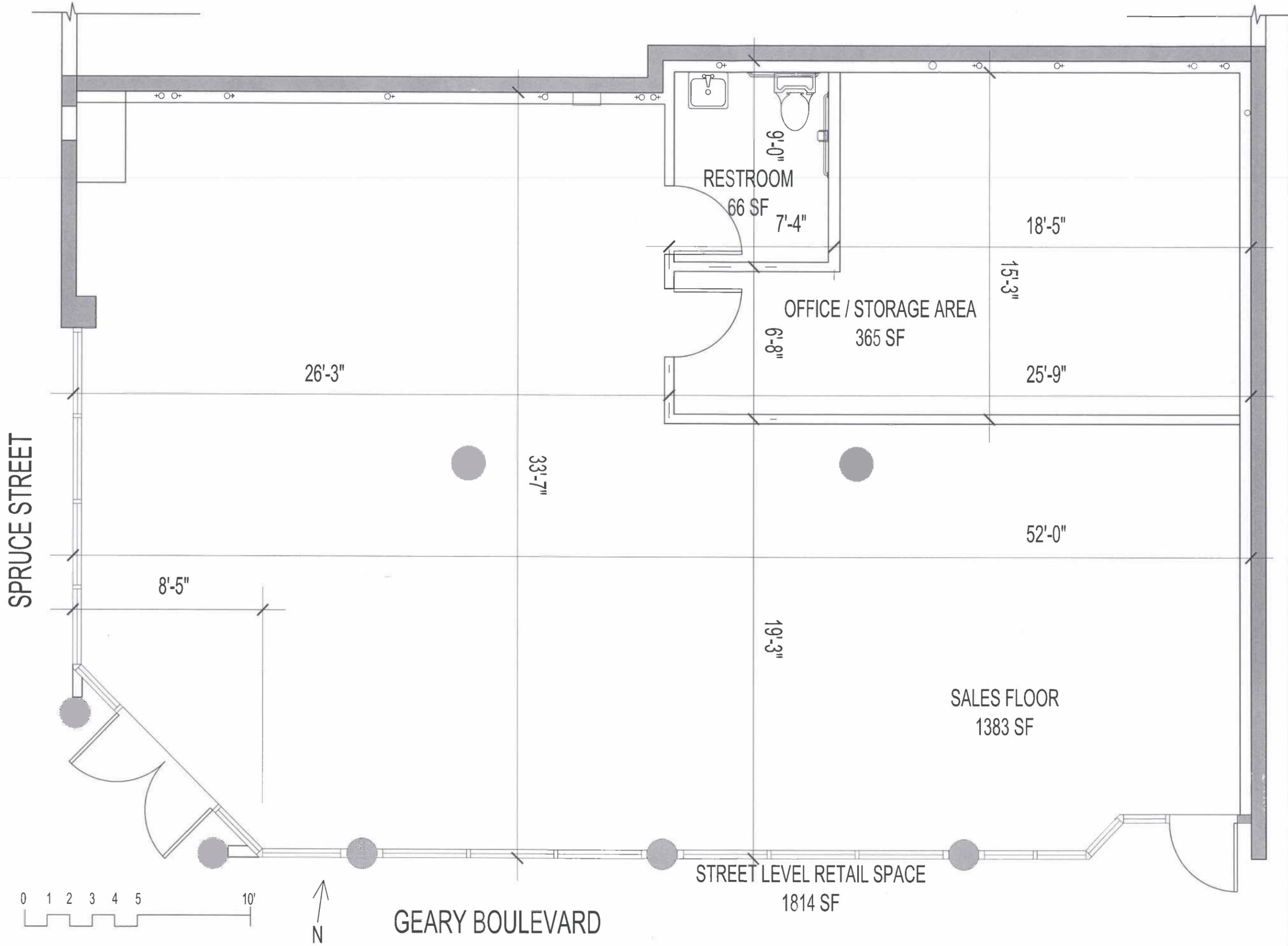
301 Howard Street
Suite 500
San Francisco, CA
94105
tel: (415) 957-2750
fax: (415) 957-2780

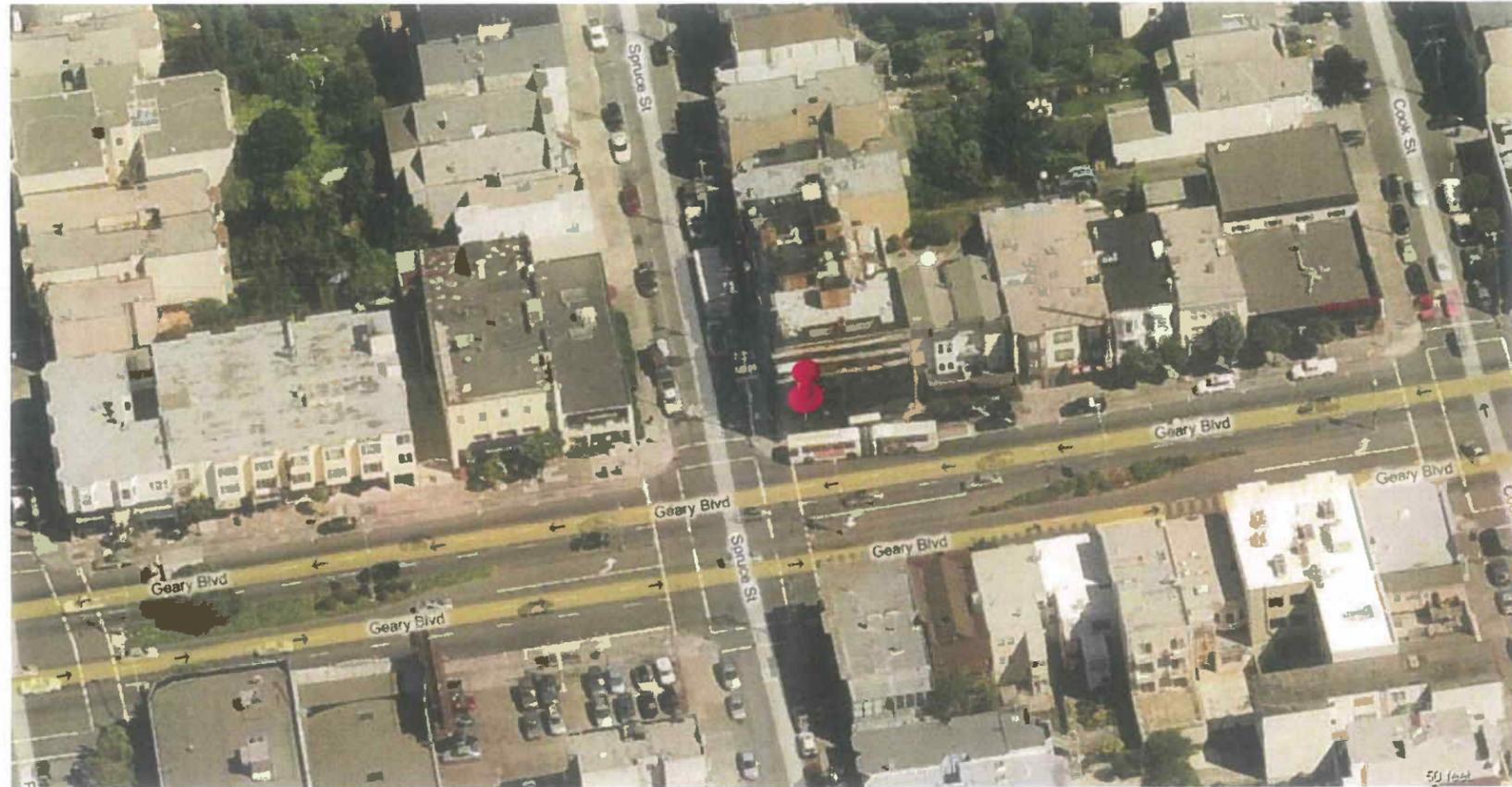
LUMBER LIQUIDATORS
3150 GEARY BLVD
SAN FRANCISCO, CA

FLOOR PLAN

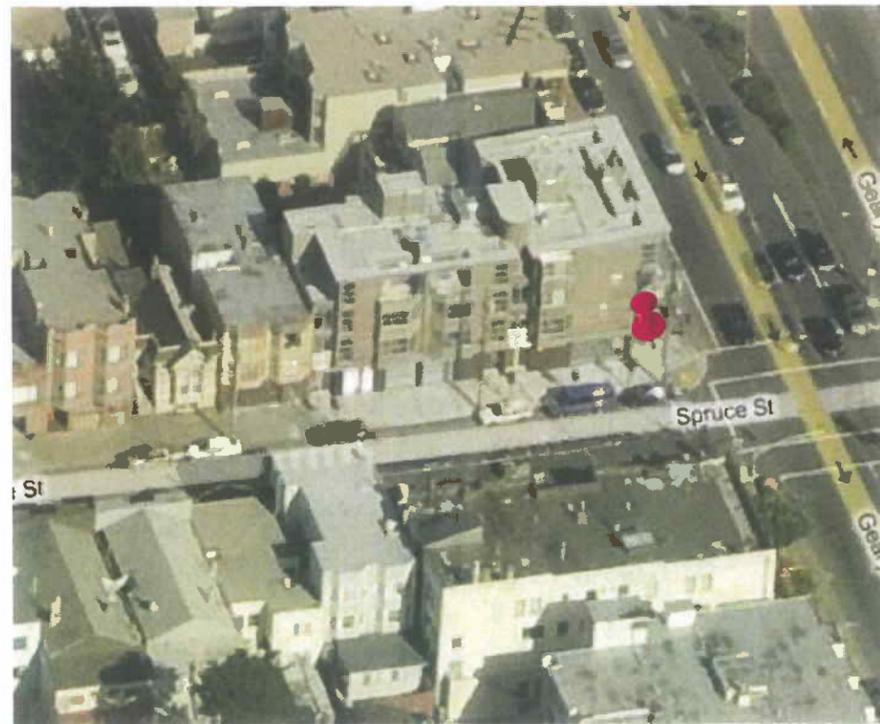
1/4" = 1'-0"

JULY 11, 2011





View Looking North at Subject Property



View Looking East at Subject Property



**VIEW NORTHEAST ALONG GEARY
SHOWING PROJECT SITE.**



**VIEW TO NORTHEAST ALONG
SPRUCE ST. ALONG PROJECT
SITE.**



Interior of Lumber Liquidators Showroom Store in Santa Clarita, California



Interior of Lumber Liquidators Showroom Store in Santa Clarita, California