



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

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|--|--|
| <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 Motion No. 18947

HEARING DATE: AUGUST 8, 2013

*Date:* August 8, 2013  
*Case No.:* **2013.0530C**  
*Project Address:* **1301 VAN NESS AVENUE**  
*Zoning:* RC-4 (Neighborhood Commercial, Cluster)  
130-V Height and Bulk District  
*Block/Lot:* 0671/002  
*Project Sponsor:* Liz Bridges  
SSL Law Firm  
575 Market Street, Ste 2700  
San Francisco, CA 94105  
*Staff Contact:* Sharon Lai – (415) 575-9087  
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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.8, 303, 703.3 and 703.4 OF THE PLANNING CODE TO ALLOW AN EXISTING FORMULA RETAIL ESTABLISHMENT (D.B.A. BevMo!) INTO THE ADJACENT VACANT COMMERCIAL SPACE, IN EXCESS OF 6,000 GROSS SQUARE FEET WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT, THE 130-V HEIGHT AND BULK DISTRICT, AND VAN NESS SPECIAL USE DISTRICT..**

### PREAMBLE

On April 30, 2013, Liz Bridges (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 209.8, 303, 703.3 and 703.4 to allow the expansion of an existing formula retail use (d.b.a. BevMo!) in excess of 6,000 gross square feet within the RC-4 (Residential-Commercial Combined, High Density) District and a 130-V Height and Bulk District.

On August 8, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0530C.

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. 2013.0530C, 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 is located on a peninsular lot that occupies the width of the block, on the west side of Van Ness Avenue, between Fern and Sutter Streets, Block 0671, Lot 002. The property is located within the RC-4 (Residential-Commercial Combined, High Density) District and the 130-V Height and Bulk District and the Van Ness SUD (Special Use District). The property is developed with a two-story commercial building, containing two ground floor commercial tenant spaces with mezzanine levels (1301 and 1305 Van Ness Avenue) and a second floor parking garage. The tenant space at 1301 Van Ness is currently occupied by a formula retail liquor store (d.b.a. BevMo!) and the adjacent tenant space at 1305 Van Ness is currently vacant. The last known use at 1305 Van Ness was an antique retail store (d.b.a. Tenenbaum's Emporium) and prior to that was an apparel store (d.b.a. American Rag Cie). The existing building was constructed circa 1912 and is a known historic resource.
3. **Surrounding Properties and Neighborhood.** The project site is located within the former Western Addition A-2 Redevelopment Area, which expired in 2009. It is on the eastern fringe of the Western Addition neighborhood and is adjacent to the Downtown/Civic Center as well as the Lower Nob Hill and Pacific Heights neighborhoods to the east. The subject property is also located in the Van Ness Special Use District and is part of the Van Ness Area Plan, which is predominantly a RC-4 and RC-3 zoning district. The corridor contains a number of architecturally and historically significant and contributory buildings. Van Ness Avenue is also known as the U.S. Highway 101, which is a wide vehicular arterial that consists of a variety of residential, commercial, and mixed-use buildings featuring residential uses above ground-floor commercial establishments. Generally, the commercial establishments characterizing this portion of Van Ness Avenue include a mixture of retail stores, office buildings, restaurants, and automobile dealership/repair shops.

Nearby land uses include residential, office, retail, restaurant and bar, auto service, church, hotel, and parking. The other lots on the subject block are zoned NC-3 (Neighborhood Commercial,

Moderate-Scale) and contain multi-unit residential buildings with small ground floor retail uses. The lot to the north of the subject site, across Fern Street, is a six-story commercial building containing the Nissan and Infinity car dealership. The lot to the south, across Sutter Street, is a two-story mixed-use building with ground floor retail and residential units on the second floor. There is a four-story entertainment building (d.b.a. The Regency Ballroom) located immediately east of the project block, across Van Ness Avenue. Other buildings on the east side of Van Ness Avenue range from one to five stories in height, and are occupied by residential and retail uses. The CPMC Cathedral Hill site is located three blocks south of the subject site.

4. **Project Description.** The applicant proposes to expand the existing 10,000 square foot formula retail liquor store into the adjacent vacant commercial tenant space. The subject liquor store (d.b.a. BevMo!) has operated at the current location since 2006, specializing in alcoholic and non-alcoholic beverages with some accessory sales in complementary items such as pre-packaged food items and glassware. The proposed BevMo! Expansion will result in a 20,000 square foot retail space that continues to sell the existing items with expanded accessory uses that will include an alcohol tasting area of 340 square feet, a limited-restaurant deli use of 150 square feet, and an accessory amount of tobacco paraphernalia of less than 10 linear feet.

The existing and proposed hours of operation are Monday through Friday from 10 AM to 9 PM, Saturday from 9 AM to 9 PM, and Sunday from 10 AM to 7 PM. The operation will increase from 18 to 25-30 employees. The subject formula retailer has two other locations in San Francisco, located at 3455 Geary Boulevard (approximately 2 miles away) and at 201 Bayshore Boulevard (approximately 3 miles away). There are currently 44 parking spaces for customers at the second-floor and this will be reduced to 42 parking spaces in order to incorporate a required loading space for deliveries

5. **Public Comment.** The Department has several inquiry phone calls, a letter in support from Alliance for a Better District 6, and 197 signatures in support.
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 Residential-Commercial Districts.** Section 145.1 of the Planning Code requires the following:
    1. Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building.
    2. No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage

structure and garage door are consistent with the features listed in Section [136](#) of this Code. The total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way. Off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces. Off-street parking and loading are also subject to the provisions of Section [155](#) of this Code.

3. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b) (2) and permitted by the specific district in which it is located 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.
4. Ground floor non-residential uses in all RC districts, shall have a minimum floor-to-floor height of 14 feet.
5. 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. Street-facing ground-level spaces housing non-residential active uses in hotels, office buildings, shopping centers, and other large buildings shall open directly onto the street, rather than solely into lobbies and interior spaces of the buildings. Such required street-facing entrances shall remain open to the public during business hours.
6. Frontages with active uses that are not residential or PDR 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. Buildings located inside of, or within an unobstructed line of less than 300 feet of an Urban Bird Refuge, as defined in Section [139\(c\)\(1\)](#), shall follow glazing requirements within Section [139\(c\)](#) of this Code.
7. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 455-feet of frontage on Van Ness Avenue, Fern Street and Sutter Street, with approximately 390 feet devoted to either the store entrances or window spaces. The windows are clear and unobstructed, and meet the active use and minimum ceiling height requirements. The parking setback at the second floor is an existing legal non-conforming condition. The parking is screened from the street.*

- B. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The proposed tenant space contains approximately 20,000 square feet of area and will require 40 parking spaces, 42 spaces will be provided in the second floor garage, accessed from Sutter Street.*

- C. **Loading.** Section 152 and 154 of the Planning Code requires one off-street freight loading for uses over 10,000 square feet. The first required freight loading space shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

*The proposed use will provide one new Code-complying loading space at the second floor garage, accessed from Sutter Street. There is a second existing loading dock accessed from Fern Street that does not meet the dimensional requirements of the Code.*

- D. **Use Size.** Planning Code Sections 121.2 and 209.8(f), requires Conditional Use (CU) authorization for non-residential use exceeding 6,000 square feet in the RC-4 zoning district.

*The existing 10,000 square foot retail space already exceeds the use size limit. The expansion will result in a 20,000 square foot retail space and requires Conditional Use authorization.*

- E. **Formula Retail.** Planning Code Section 703.3 defines Formula Retail 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, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark. Planning Code Section 209.8(d) requires Conditional Use authorization for Formula Retail Use, as defined in Section [703.3\(b\)](#) of this Code.

*The proposed Formula Retail expansion would share a standardized array of merchandise, décor and color scheme, uniform apparel, standardized signage and trademark with approximately 137 other existing BevoMo! locations nationwide, and requires Conditional Use authorization.*

- F. **Liquor Store.** Planning Code Section 209.8(g) principally permits Liquor Stores on the ground floor, as defined in Section [790.55](#) of the Code.

*The existing BevoMo! and the proposed expanded use complies with the definition of liquor store and is principally permitted at the ground floor.*

- G. **Limited Restaurant.** Planning Code Section 209.8(a) permits commercial establishment as a principal use on the ground floor or below of a building if permitted as a principal use on the ground floor in an NC-3 District.

*The proposed 150 square foot deli exceeds the accessory take-out food use limit of a maximum of 100 square feet, and is therefore considered a Limited-Restaurant per Planning Code Section 790.90. Planning Code Section 712.43 permits Limited-Restaurants as a principal use.*

- H. **Tobacco Paraphernalia.** Planning Code Section 790.123 defines a Tobacco Paraphernalia establishment as a retail use where more than 10% of the square footage of occupied floor area or more than 10 linear feet of display area, whichever is less, is dedicated to Tobacco Paraphernalia or collateral items. Planning Code Section 712.69 requires a Conditional Use authorization for Tobacco Paraphernalia as a primary use.

*The proposed amount of area dedicated to Tobacco Paraphernalia items will be approximately 7 linear feet and is therefore not considered a Tobacco Paraphernalia establishment and meets the definition of an accessory use.*

- I. **Wine Tasting.** Planning Code Section 790.22 permits intermittent and/or occasional wine tasting with the following conditions: 1) occur entirely during regular operating hours only, (2) take place no more than twice each week for no more than four hours each occurrence and on a further occasional appointment-only basis, (3) not occur on a premises on which any type of permit from the Entertainment Commission is held, (4) not occur in an area physically separated from the main liquor store retail area by full-height partitions or partitions that otherwise prevent clear visual access to and from the main retail area and (5) be limited to one ounce servings and three servings per individual customer per day. Should the liquor store not adhere to each of these five conditions it would be considered a "bar." It was also noted that, pursuant to Ordinance 260-00 which became effective in May of 2000, "retail sales of wine" is now considered to be a liquor store. It was also noted that conditions 4 and 5, above, reflect ABC and Police Department policies at the time of this interpretation, and may be modified should those regulations change.

*The proposed alcohol tasting would be consistent with the conditions defined for intermittent and/or occasional wine tasting and will be subject to the Department of Alcoholic Beverage Control as well as the Planning Department's review and approval for licensing.*

- J. **Signage.** Any proposed signage will be subject to the review and approval by the Planning Department and must comply with Article 6 of the Planning Code.
7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The proposed use will occupy an existing vacant retail space and does not involve an exterior expansion. Although the subject storefront will be generous, it is not uncommon for commercial uses to occupy the length of a block in the subject SUD. The subject building was constructed for a single commercial tenant and was historically used for auto-related uses that also occupied the entire ground floor. There are three other liquor or wine stores along the Van Ness SUD. The proposed expansion complements the mix of goods and services currently available in the district and will not alter the existing mix of uses.*

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

- 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 project will not alter the existing exterior appearance or character of the project vicinity. No external expansion is proposed.*

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

*The existing traffic pattern will not be significantly affected by the proposed project. There is an abundance of public transit available within ¼ mile from the Subject Site including seven Muni lines (2, 3, 19, 38, 47, 49, and 90), and seven Golden Gate Transit lines (101X, 10, 54, 70, 80, 93, and 101). There is off-street parking in the subject building and on-street parking along all three frontages of the subject property and in the surrounding neighborhood.*

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

*The proposed accessory use is subject to the standard conditions of approval to mitigate odor and noise generated by the deli use.*

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

*The proposed project will involve interior alterations and the Department will review all lighting and signs proposed for the expansion in accordance with the Planning Code. Two accessory parking spaces will be converted to a Code-complying loading space at the second floor garage.*

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

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

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

*The proposed project is not located within a Neighborhood Commercial District.*

8. **Planning Code Sections 303(i), 703.3(h) and 703.4** require Conditional Use authorization for the establishment of a Formula Retail Use in Neighborhood Commercial Districts. The Planning Commission shall consider the following criteria set forth in Section 303(i) in addition to the criteria set forth in Section 303(c):

- a. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

*The subject site is not in a Neighborhood Commercial District. Based on staff's survey, there are approximately 232 ground floor retail establishments along the Van Ness Avenue SUD within the RC-4 zoning district and approximately 43 (18.5%) of these businesses appear to qualify as formula retail uses. These formula retail uses are primarily financial institutions, car dealerships, restaurants and Limited-Restaurants. The proposed project will not increase the existing number of formula retail establishments in the area.*

*Planning Department staff found seven existing formula retail uses including the subject project (d.b.a. Mattress Discounters, Starbucks, Peet's, Nissan/Infinity, BevMo!, Verizon, and Fed-Ex/Kinkos) within the immediate two block radius.*

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

*The subject site is not in a Neighborhood Commercial District and is an expansion of an existing retail use. According to the project sponsor, "BevMo! is the leading alcoholic beverage-lifestyle specialty retailer in the western United States." The intent is to sell "competitively priced alcoholic and non-alcoholic beverages and goes with products such as specialty foods and snacks, cigars, glassware and related bar and wine accessories." There are three other liquor or wine shops along the approximately 24-block long district. The nearest establishment offering wine or liquor products is approximately two blocks north of the subject site.*

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

*The subject site is not in a Neighborhood Commercial District; however, the proposed project will not involve significant modifications to the building's existing architectural and aesthetic character. There will be no expansion of the existing building envelope.*

- d. The existing retail vacancy rates within the Neighborhood Commercial District.

*The subject site is not in a Neighborhood Commercial District; however, there are approximately 23 retail vacancies out of approximately 232 retail spaces within the RC-4 zoned portion of the Van Ness SUD, which is approximately 10%. There are approximately seven vacancies within the immediate two block radius, including the subject tenant space.*

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

*The subject site is not in a Neighborhood Commercial District, however, BevMo! has operated in the current location for seven years as a complementary used to the mix of goods and services along the Van Ness Avenue SUD. The proposed expansion will not change the existing mix of Citywide-serving and neighborhood-serving uses in the district.*

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

## VAN NESS AVENUE AREA PLAN

### Objectives and Policies

#### **OBJECTIVE 1:**

CONTINUE EXISTING OF THE AVENUE AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

#### **Policy 1.2:**

Allow existing structures to remain in non-residential use.

*The proposed development will preserve the existing commercial use in a building intended for commercial usage.*

#### **OBJECTIVE 5:**

ENCOURAGE DEVELOPMENT WHICH REINFORCES TOPOGRAPHY AND URBAN PATTERN, AND DEFINES AND GIVES VARIETY TO THE AVENUE.

#### **Policy 5.4:**

Preserve existing view corridors.

*No exterior expansions of the two-story building are proposed, thereby preserving existing view corridors.*

#### **OBJECTIVE 6:**

ENCOURAGE DISTINGUISHED ARCHITECTURE WHOSE SCALE, COMPOSITION AND DETAILING ENHANCES THE OVERALL DESIGN STRUCTURE OF THE AVENUE AND RELATES TO HUMAN SCALE.

**Policy 6.1:**

Design exterior facades which complement and enhance significant works of architecture along the Avenue.

*The proposed formula retail expansion will preserve the historic resource by limiting modifications within existing openings.*

**OBJECTIVE 8:**

CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

**Policy 8.2:**

Where there are no trees, plant trees within the sidewalk space and the median strip. Maintain existing healthy trees and replace unhealthy ones.

*The project sponsor will maintain the existing street trees along Van Ness Avenue and Sutter Street.*

**OBJECTIVE 9:**

PROVIDE SAFE AND EFFICIENT MOVEMENT AMONG ALL USERS ON VAN NESS AVENUE.

**Policy 9.13:**

Discourage access to freight loading facilities from Van Ness Avenue.

*The proposed new loading space is accessed from Sutter Street.*

**OBJECTIVE 11:**

PRESERVE THE FINE ARCHITECTURAL RESOURCES OF VAN NESS AVENUE.

**Policy 11.1:**

Avoid demolition or inappropriate alteration of historically and architecturally significant buildings.

*No modifications are proposed on the exterior, thereby preserving this known historic resource.*

**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 development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. .*

**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 an existing commercial activity and replace a vacant storefront.*

**NEIGHBORHOOD COMMERCE**

**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.

*The proposed use is neighborhood-serving in that it will also contain a limited-restaurant on-site that provides deli food items for the residents of the area. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

**Policy 6.4:**

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

*The proposed Formula Retail use will sell goods (alcohol and food) as its principal use and provide personal service (alcohol tasting instruction) as its accessory use, which will enhance the variety of complementary uses for this diverse area.*

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 preserve and enhance the district by retaining the existing liquor store and reduce a storefront vacancy. The proposed expansion would create additional employment opportunities for the community. The proposed alterations are within the existing building footprint.*

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

*The existing residential units in the surrounding neighborhood would not be adversely affected. The subject building is a known historic resource and will be preserved.*

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

*No housing is removed for this project.*

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

*The project site is on Van Ness Avenue and is well served by 14 lines of bus transit, and both on- and off-street parking is available.*

- 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. The tenant space it is expanding into is currently vacant.*

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

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

- G. That landmarks and historic buildings be preserved.

*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 project will have no negative impact on existing parks and open spaces. The project does not have an impact 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. 2013.0530C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 30, 2013, 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. 18947. 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 8, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Moore, Sugaya, Hillis, Wu, Borden and Fong

NAYS: None

ABSENT: Commissioner Antonini

ADOPTED: August 8, 2013

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow the expansion of an existing formula retail use (d.b.a. BevMo!) in excess of 6,000 gross square feet located at 1301 Van Ness Avenue, Block 0671, and Lot 002 pursuant to Planning Code Sections 209.8, 303, 703.3 and 703.4 within the RC-4 (Residential-Commercial Combined, High Density) District, a 130-V Height and Bulk District, and the Van Ness Special Use District; in general conformance with plans, dated **April 30, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.0530C** and subject to conditions of approval reviewed and approved by the Commission on **August 8, 2013** under Motion No. **18947**. 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 8, 2013** under Motion No. **18947**.

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

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18947** 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. **ABC License.** The Project Sponsor shall obtain all necessary approvals from the Department of Alcoholic Beverage Control (ABC) prior to operating any alcoholic tasting. The authorized alcohol tasting use shall also comply with all of the conditions imposed by the Department of ABC and the Planning Department.

*For information about compliance, contact the Department of Alcoholic Beverage Control, at (916) 419-2500, <http://www.abc.ca.gov/>*

### 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](http://www.sf-planning.org).*

4. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans if applicable as determined by the project planner. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

5. **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

6. **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/>*
7. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.  
*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Monday through Friday from 10:00a.m. to 9:00p.m., Saturday from 9:00a.m. to 9:00p.m., and Sunday from 10:00a.m. to 7:00p.m., except during the holiday period where hours of operation may increase by one hour in the morning and evening hours.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
9. **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](http://www.sf-planning.org)*