



SAN FRANCISCO PLANNING DEPARTMENT

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 checked="" type="checkbox"/> Other (TIDF Fee – Sec. 411) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19181

HEARING DATE: JUNE 26, 2014

Date: June 19, 2014
Case No.: **2011.0477CV**
Project Address: **1900 19TH AVENUE**
Zoning: NC-1 Neighborhood Commercial Cluster District
40-X Height and Bulk District
Block/Lot: 2116/028 and 2055/019A
Project Sponsor: Holly Grzywacz
LandMark Retail Group
5850 Canoga Avenue, Suite 650
Woodland Hills, CA 91367
San Francisco, CA 94110
Staff Contact: Doug Vu – (415) 575-9120
Doug.Vu@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.2, 303, 703.4 AND 710.21 OF THE PLANNING CODE, TO ALLOW THE ALTERATION OF THE EXISTING COMMERCIAL BUILDING BY ADDING 1,238 SQUARE FEET OF FLOOR AREA, ESTABLISH A 17,920 GROSS SQUARE FOOT FORMULA RETAIL PHARMACY STORE (D.B.A. CVS PHARMACY) THAT INCLUDES 32 PARKING SPACES ON THE ROOF OF THE BUILDING, AND UTILIZE A VACANT PARKING LOT ACROSS ORTEGA STREET FOR EIGHT ADDITIONAL SPACES WITHIN AN NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 15, 2011, Holly Grzywacz (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Sections 121.2, 303, 710.21, 703.4 and 710.27 of the Planning Code to allow the establishment of a 16,366 square foot formula retail establishment (d.b.a CVS Pharmacy) in an existing building with proposed alterations within the NC-1 Neighborhood Commercial, Cluster District, and 40-X Height and Bulk District.

On June 6, 2013, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0477CV and continued the item to a future date at the request of the Project Sponsor.

On March 6, 2014, the Project Sponsor amended the application with the Planning Department for Conditional Use Authorization under Planning Code Sections 121.2, 303, 703.4 and 710.21 to alter the existing commercial building by adding 1,238 sq. ft. of floor area, establish a 17,920 gross sq. ft. formula retail pharmacy store (d.b.a. CVS Pharmacy) that includes 32 parking spaces on the roof of the building, and utilize a vacant parking lot across the street for eight additional parking spaces within the NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District.

On June 26, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.0477CV.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption under CEQA.

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 Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby approves the Conditional Use requested in Application No. 2011.0477CV 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 at the southeast corner of 19th Avenue and Ortega Street within a Neighborhood Commercial, Cluster (NC-1) District and a 40-X Height and Bulk District. Per Assessors records, the 16,250 sq. ft. rectangular lot measures 140' x 125' and is developed with a 23,872 sq. ft., two-story commercial building. The building has 16,682 sq. ft. of gross floor area and 15,749 sq. ft. of parking and loading areas. The ground floor consists of 14,273 sq. ft. of interior floor area and a 1,916 sq. ft. covered loading dock. The second floor is limited to the east side of the building that includes 2,409 sq. ft. of office and storage space and 13,833 sq. ft. of uncovered parking. The property was originally used as an automobile dealership, and was altered and converted in 1984 to a post office and US Postal Service distribution and sorting facility until 2009, after which it became and currently remains vacant. The project also includes a second lot on the north side of Ortega Street across from the existing building. This 4,500 sq. ft. rectangular parcel measures 45' x 100' and has been used as a parking lot for the primary property for the past 50 years.

3. **Surrounding Properties and Neighborhood.** The Project includes two of the six parcels that comprise an NC-1 District along the western border of the Inner Sunset neighborhood, and is intended to serve the local area by providing convenience retail goods and services for the immediately surrounding neighborhoods, primarily during daytime hours. The other four parcels within this NC-1 District include an automobile gas station (d.b.a. Chevron), a mixed-use residential and commercial building, a framing and gallery store, and a two-family dwelling. Land uses adjacent to this district are primarily single-family dwellings in RH-1 (Residential House, One Family) Districts, and two-family dwellings in RH-2 (Residential House, Two Family) Districts along 19th Avenue. The Lycee Francais School is located on the east side of 19th Avenue, and is surrounded primarily by single-family dwellings in RH-1 Districts and two-family dwellings in RH-2 Districts along the 19th Avenue corridor. The Project is also located approximately one block south of the eastern terminus of the Noriega Street Neighborhood Commercial District (NCD) and five blocks north of the Taraval Street NCD, which both provide a broader selection of goods, services, and especially restaurants for the residents of the Outer Sunset District.

Adjacent to the Project is 19th Avenue, which is a major arterial that serves as a cross-town thoroughfare whose primary function is to link districts within the city and to distribute traffic from and to the freeways. This arterial is of citywide significance, and has varying capacity depending on the travel demand for the specific direction and time of day.

4. **Project Description.** The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 121.2, 303, 703.4 and 710.21, to alter the existing commercial building at the ground floor by adding 1,238 sq. ft. of floor area, to establish a 17,920 gross sq. ft. formula retail pharmacy store (d.b.a. CVS Pharmacy) that includes 32 parking spaces on the roof of the building that are accessed by a one-way ramp on Ortega Street, and utilize a vacant parking lot across the street for eight additional spaces.

The Pharmacy and retail store will sell prescription and over-the-counter drugs, health and beauty products, photo finishing, seasonal merchandise, greeting cards and limited convenience grocery items. A small area within the store will serve as "Minute Clinic" that will provide vaccinations, preventative care and other non-emergency services through a staff of nurse practitioners and physician's assistants. The proposed hours of operation for the entire store will be from 7 a.m. to 11 p.m. daily, and the store will not sell alcohol or tobacco products.

The proposed Project was scheduled for consideration at the Commission's June 6, 2013 regular hearing, at which the Department was prepared to recommend disapproval of the Project. However, consideration of the Project was continued to September 2013, then to November 2013, and again to an unspecified future date at the request of the Project Sponsor so that the Project could be revised to address the issues and considerations identified by the Department and concerned neighbors.

5. **Public Comment.** The Department has received nineteen e-mails and letters from the public including the Lycee Francais School and Walk San Francisco, and a petition with 29 signatures expressing concerns and/or opposition to the Project. These correspondences identify concerns

regarding the size and scale of the proposed use, traffic congestion, pedestrian safety, and the negative impacts of formula retail on local businesses. The Department has also received a petition supporting the Project that is signed by 84 individuals.

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 Size Limits.** Planning Code Section 121.2 states that a Conditional Use Authorization is required for nonresidential uses within this District that exceed 2,999 square feet. The proposed use size is approximately 17,920 gross square feet. In addition to the criteria set forth in Section 303(c), the Project is consistent with the following criteria set forth in Section 121.2.

i. **The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.**

The Property was originally established as an automobile dealership and was subsequently altered and converted to a post office and US Postal Service sorting and distribution facility in 1984. Since the US Postal Service vacated the property in 2009, the building has remained vacant without any neighborhood-serving uses seeking establishment. Although the proposed CVS Pharmacy would be approximately 17,920 gross sq. ft. in area and be the largest use within the subject NC-1 District, it will occupy an existing building and will not significantly increase the intensity of activity when the previous uses occupied the property. Additionally, the CVS Pharmacy store will not impact other similar neighborhood-serving businesses in the area.

ii. **The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.**

The proposed CVS Pharmacy will occupy the entire existing building and include an additional 1,238 sq. ft. by filling in the area currently occupied by three existing loading platforms that served the US Postal Service and a reducing floor area at the second story. The new 17,920 sq. ft. retail space is the most appropriate use of the building, which has not been occupied since 2009. The new CVS Pharmacy will include significant alterations that will activate the ground floor, create an attractive and desirable retail frontage for the neglected building, and provide a neighborhood-serving use for residents east of 19th Avenue. This size of retail space is necessary for CVS Pharmacy to provide the typical variety of products and services expected by its customers.

iii. **The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.**

The proposed CVS Pharmacy will occupy a previously constructed building that will be enlarged by 1,238 sq. ft. within the existing footprint of the building. Although the Subject Property is a large single use for a typical NC-1 District, the building will be significantly altered through the incorporation of additional windows that will activate the area, the introduction of architectural elements and new materials that will provide visual relief and interest, and the planting of new

street trees and landscaping that will soften the building's appearance and provide a pedestrian friendly environment along this segment of the busy 19th Avenue corridor.

B. **Formula Retail.** Planning Code Section 703.3 states that a Conditional Use Authorization is required for Retail Uses within this District. The proposed CVS Pharmacy is a national chain establishment with more than eleven stores and Section 303(i) requires that, with respect to an application for Conditional Use authorization for formula retail use, the Planning Commission shall consider the following criteria:

i. **The existing concentrations of formula retail uses within the Neighborhood Commercial District.**

The NC-1 District in which this project is located consists of only six total parcels, and the remaining four parcels include an automobile gas station (d.b.a. Chevron), a mixed-use residential and commercial building, a framing and gallery store, and a two-family dwelling. These six parcels combined have a total linear street frontage of 770', and the proposed CVS Pharmacy will occupy 265' of this frontage. Although this represents 34% of the District's total frontage, the CVS Pharmacy will be the only formula retail use.

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

There are no other similar retail uses within this NC-1 District, which only consists of six parcels. Walgreens and Safeway are two nearby pharmacy retail stores that are generally equal in size to, and provide a similar mix of retail goods and services as the proposed CVS Pharmacy. The Walgreens and Safeway stores are all located on Noriega and Taraval Streets, with the nearest Walgreens 0.5 miles away, and the nearest Safeway 0.7 miles away from the proposed CVS Pharmacy store. Although there are three additional specialty pharmacies located along Noriega Street (d.b.a. North East Medical Services, Greenhouse Pharmacy, and Golden Gate Pharmacy), these businesses do not offer a selection of health and beauty products, photo finishing, seasonal merchandise, greeting cards and limited convenience grocery similar to CVS Pharmacy, Walgreens and Safeway.

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

The buildings within this NC-1 District were constructed between 1936 and 1964, with no defined architectural pattern or aesthetic character. The surrounding RH-1 and RH-2 residential neighborhoods were constructed primarily between the 1920s and 1940s and are largely comprised of Mediterranean Revival and Contractor Modern homes that are one to three stories in height. The proposed CVS Pharmacy will occupy a previously constructed building that will be enlarged by 1,238 sq. ft. within the existing footprint of the building, and the entire structure will be significantly altered through the incorporation of additional windows that will activate the area, the introduction of architectural elements and new materials that will provide visual relief and interest, and the planting of new street trees and landscaping that will soften the building's

appearance and provide a pedestrian friendly environment along this segment of the busy 19th Avenue corridor.

iv. **The existing retail vacancy rates within the Neighborhood Commercial District.**

Only six parcels comprise this NC-1 District, and the Subject Property is the only parcel that is vacant. However, due to the size of this parcel and the amount of street frontage it possesses, the calculated vacancy rate is 34%, which is the same percentage as the concentration of formula retail uses if the CVS Pharmacy is established.

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

Since NC-1 Districts are generally intended only to serve the local area by providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours, the existing mix of neighborhood-serving retail uses in this particular NC-1 District is limited to an automobile gas station (d.b.a. Chevron), a mixed-use building with a ground floor commercial storefront that sells miscellaneous goods, and a framing and gallery store. The proposed CVS Pharmacy will provide a neighborhood-serving retail use that would serve primarily residents east of 19th Avenue.

C. **Street Trees.** Planning Code Section 138.1 requires one 24-inch box size street tree for every 20 feet of frontage of the property along each street or publicly accessible rights-of-way directly fronting the property when constructing a new building.

The Property has 125' of frontage along 19th Avenue, 140' of frontage along Ortega Street, and the Project is required to provide thirteen street trees along the street or publicly accessible rights-of-way. If the Department of Public Works Bureau of Urban Forestry determines that any of these required trees cannot be planted on-site, the Sponsor will be required to pay in-lieu fees for the number of those trees so they may be planted elsewhere in the City.

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

The Project includes 14,170 sq. ft. of occupied floor area that requires 28 off-street parking spaces. The Project proposes a total of 40 spaces, 32 of which will be provided on the roof of the building and eight will be provided in a parking lot that is directly across the store on the north side of Ortega Street.

E. **Parking Lot.** Planning Code Section 156 requires a parking lot for the parking of two or more automobiles which adjoins a lot in any R District, or which faces a lot in any R District across a street or alley, be screened from view *except at driveways necessary for ingress and egress) by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

The proposed parking lot that is accessed from Ortega Street will be improved with a decorative wall that is four feet in height to meet this requirement, in addition to the planting of landscaping.

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

The Planning Department will collaborate closely with the Sponsor to develop a sign program that is consistent with Section 606 and aesthetically compatible with the surrounding neighborhood.

- F. **Off-Street Loading.** Planning Code Section 152 requires one off-street loading space for retail stores that have between 10,001 and 60,000 sq. ft. of gross floor area.

The Property is currently served by an off-street loading area near the intersection of 19th Avenue and Ortega Street. This loading area was designed specifically for small vans used by postal carriers during their rounds. The loading area is not of an appropriate size, location and orientation to the street to serve the loading needs of the Project, and will be filled in to expand the floor area of the building. The Project does propose the required off-street loading space and requests a variance to allow an on-street loading zone adjacent to the store on Ortega Street.

- G. **Transit Impact Development Fee.** The project shall comply with the provisions of Planning Code Section 411, including payment of the Transit Impact Development Fee prior to issuance of the first construction document for the development project.

The Project includes the change of use from 16,682 gross sq. ft. of Production/Distribution/Repair to Retail use, and an additional of 1,238 gross sq. ft. for a total of 17,920 gross sq. ft. of Retail use. This use is subject to the Transit Impact Development Fee, as outlined in Planning Code Section 411. This fee must be paid by the Project Sponsor prior to the issuance of the building permit application.

- H. **Hours of Operation.** Planning Code Section 710.27 principally permits hours of operation between 6 a.m. and 11 p.m., daily, and requires Conditional Use Authorization for hours of operation between 11 p.m. and 2 a.m.

The Project proposes hours of operation between 7 a.m. and 11 p.m., which is principally permitted.

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 Project is necessary and desirable because the new retail pharmacy will occupy a building that has remained vacant for over five years, and will also be extensively remodeled to be aesthetically attractive and compatible with the neighborhood. The Project will activate the existing NC-1 District, provide

adequate parking facilities, and will provide job opportunities for up to 25 local residents. There are no other similar retail uses within the subject NC-1 District and the location of the nearest similar retail use is approximately 0.5 miles away on the west side of 19th Avenue. The new retail pharmacy will have standard hours of operation from 7 a.m. to 11 p.m. and will not sell alcohol and tobacco products.

- 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 unchanged and will not negatively alter the character of the neighborhood. The proposed improvements include filling in a 1,238 sq. ft. area within the existing footprint of the building, renovating the exterior façade to include more windows, interesting architectural elements and attractive cladding materials, and planting new street trees and landscaping.

- 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;

Traffic conditions will remain substantially unaltered because the number of new trips that will be generated by replacing the previous post office and US Postal service facility with a retail pharmacy store is estimated to be 122 trips during the weekday p.m. peak hour. Pursuant to the May 29, 2014 Pedestrian Circulation and Operations Assessment submitted by the Sponsor, the existing pedestrian facilities have substantial capacity to accommodate the additional pedestrian traffic, and the parking demand of approximately 49 parking spaces will be accommodated by the proposed 40 spaces and will not generate parking demand that will significantly affect adjacent roadway operations.

The Project anticipates receiving one large corporate delivery truck per week for a period of 45 minutes to one hour, and approximately seven smaller delivery trucks from vendors for a period of ten to fifteen minutes each. These trucks will utilize the proposed on-street loading space that would result in the net loss of only one on-street parking space if two of the existing unused curb cuts are removed and converted to parking spaces. The loading zone could also be restricted to designated delivery hours and utilized as standard on-street parking outside the designated times to mitigate any traffic congestion.

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

The Project includes a 17,920 gross sq. ft. (14,170 occupiable sq. ft.) retail pharmacy store that is not expected to emit noxious or offensive emissions such as noise, dust, glare and odor. The

Sponsor will work with the Planning Department to include a sign program that would be attractive and appropriate for the neighborhood.

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

The Project will include the planting of thirteen new street trees and landscaping and screening for the proposed parking lot on Ortega Street. Any replacement lighting and new signage will be reviewed by the Planning Department to ensure compatibility with the neighborhood and compliance with Planning Code Section 606.

- 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 is requesting a variance from the off-street loading requirement of the Code, but complies with all other 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 Project is consistent with the stated purpose of Neighborhood Commercial, Cluster (NC-1) Districts in that the proposed commercial use is located at the ground floor, will provide a compatible retail pharmacy store for the immediately surrounding neighborhoods. The CVS Pharmacy would primarily serve the surrounding neighborhood, rather than the city or the Bay Area region, and it is anticipated the majority of its customers will reside in the Inner Sunset neighborhood east of 19th Avenue. The Project will occupy an existing building and will not be increased beyond the building's existing footprint. The existing pedestrian facilities in the area have substantial capacity to accommodate the additional pedestrian traffic, and the parking demand will be accommodated by the proposed parking areas and will not generate parking demand that will significantly affect adjacent roadway operations.

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

COMMERCE AND INDUSTRY ELEMENT

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 substantial net benefits with negligible undesirable consequences to the residents of the Inner and Outer Sunset neighborhoods because the new retail pharmacy will occupy a building that has remained vacant for over five years, and will also be extensively remodeled to be aesthetically attractive and compatible with the neighborhood. The Project will activate the existing NC-1 District, provide adequate parking facilities, and will provide job opportunities for up to 25 local residents. The new retail pharmacy will have standard hours of operation from 7 a.m. to 11 p.m. and will not sell alcohol and tobacco products. Traffic conditions will remain substantially unaltered because the number of new trips that will be generated by the Project will be minimal and not affect adjacent roadway operations, and noise generated by the Project will not exceed levels determined to be appropriate by the Police Code and Planning Code.

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.

Approval of the Project will utilize a large building that has been vacant for over five years without a viable tenant. The proposed CVS Pharmacy is an ideal tenant because it needs this amount of square footage to provide the goods and services that are consistent with other CVS locations. The establishment of this retail pharmacy will activate an area that has been underutilized for several years and include significant improvements to the property to help retain the existing commercial uses in the District and attract new ones as well.

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 Project will not displace an existing neighborhood-serving retail use and will provide opportunities for up to 25 new jobs for residents of San Francisco.

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

The neighborhood character is comprised of an automobile gas station and two retail storefronts adjacent to the Property, and a private school on the opposite side of 19th Avenue. Aside from these uses, the neighborhood is predominantly developed with one to three-story single-family and two-family dwellings. The new pharmacy retail store will occupy an existing building that will be substantially renovated and improved to complement and protect the existing housing and neighborhood character. In addition, traffic conditions will remain substantially unaltered because the number of new trips that will be generated by the pharmacy retail store will be minimal and will not affect adjacent roadway operations with the proposed parking facilities. Furthermore, the new store will not sell alcohol and tobacco products, thereby avoiding related potential nuisances and further proliferation of alcohol sales in the local area. The Project will preserve the economic diversity of the Inner and Outer Sunset neighborhoods by providing a neighborhood-serving use that currently does not exist in the immediate area.

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

No housing would be removed for this Project.

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

Traffic conditions will remain substantially unaltered because the number of new trips that will be generated by replacing the previous post office and US Postal service facility with a retail pharmacy store is estimated to be 122 trips during the weekday p.m. peak hour. Pursuant to the May 29, 2014 Pedestrian Circulation and Operations Assessment submitted by the Sponsor, the parking demand of approximately 49 parking spaces will be accommodated by the proposed 40 spaces and will not generate parking demand that will significantly affect adjacent roadway operations or impede MUNI transit service, as the 28 Bus is the only line that travels along 19th Avenue.

The Project anticipates receiving one large corporate delivery truck per week for a period of 45 minutes to one hour, and approximately smaller delivery trucks from vendors for a period of ten to fifteen minutes each. These trucks will utilize the proposed on-street loading space that would result in the net loss of only one on-street parking space if two of the existing unused curb cuts are removed and converted to parking spaces. The loading zone could also be restricted to designated delivery hours and utilized as standard on-street parking outside the designated times to mitigate any traffic congestion associate with queuing and circulation.

- 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 industrial and service sector uses.

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

The Project will be designed and constructed to comply with all required seismic and life safety codes in order to achieve the possible preparedness to protect against injury and loss of life in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The commercial building that is proposed for renovation is not a landmark or historic building.

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

The Project will renovate and occupy an existing building and will have no negative impact on existing parks and 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. 2011.0477CV** as submitted on December 15, 2011, and amended on March 6, 2014.

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. 19181. 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 June 26, 2014.

Jonas P. Ionin
Acting Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: June 26, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use, pursuant to Planning Code Sections 121.2, 157, 303, 703.4 and 710.21, to alter the existing commercial building at the ground floor by adding 1,238 sq. ft. of floor area, establish a 17,920 gross sq. ft. formula retail pharmacy store (d.b.a. CVS Pharmacy) that includes 31 parking spaces on the roof of the building, and convert a vacant parcel across the street to a parking lot located at 1900 19th Avenue (Block 2116, Lot 028 and Block 2055, Lot 019A) within an NC-1 Neighborhood Commercial, Cluster Zoning District and a 40-X Height and Bulk District, subject to Conditions of Approval reviewed and approved by the Commission on June 26, 2014 under Motion No. **19181**. 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 June 26, 2014 under Motion No. **19181**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19181** 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

Validity. The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

Diligent Pursuit. 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

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 building permit plans. 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

Rooftop Mechanical Equipment. Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

Lighting Plan. The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

Signage. The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building, be in context and compatible with the neighborhood and surrounding residential uses, and be consistent with the sign programs approved for similar uses in Neighborhood Commercial Districts.

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

Street Trees. Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

Landscaping, Screening of Parking and Vehicular Use Areas. Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a

building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.

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

PARKING AND TRAFFIC

Bicycle Parking . Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than **two** Class 1 and six Class 2 bicycle parking spaces.

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

Parking Requirement. Pursuant to Planning Code Section 151, the Project shall provide at least 28 independently accessible off-street parking spaces.

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

Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

Transit Impact Development Fee / Bicycle and Pedestrian Safety Improvements. The Project Sponsor shall be responsible for making a fair share contribution to the cost of any bicycle and pedestrian safety improvement(s) at the 19th Avenue and Ortega Street intersection in accordance with the City's Vision Zero Policy or any other future City Program. At minimum, the Project Sponsor shall comply with Planning Code Section 411 and pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

MONITORING

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

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

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>

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 at 415-695-2017, <http://sfdpw.org>

Hours of Operation. The hours of operation for the use shall be 7:00 a.m. to 11:00 p.m., daily.

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

Alcohol, Tobacco and Cannabinoid Sales. The Owner/Operator shall not sell alcohol or tobacco products, including e-cigarettes or other similar electronic conveyance devices or supplies containing nicotine or e-liquids. The Owner/Operator shall also not sell synthetic cannabinoids or synthetic marijuana.

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

Deliveries. Weekly CVS corporate warehouse deliveries shall be restricted to no earlier than 6:00 a.m. and no later than 11:00 p.m., with no deliveries occurring between the hours of 3:00 p.m. and 4:00 p.m. on school days to avoid interfering with student pick-up/drop-off, and to avoid disturbing the surrounding residences. It is the responsibility of the Project Sponsor to insure that deliveries do not unduly interfere with pedestrian traffic along 19th Avenue and Ortega Street. If it is determined by Planning Department staff that deliveries significantly infringe on neighborhood activities or pedestrian traffic, CVS may be directed to use the accessory parking lot off Ortega Street for a specified number of small deliveries. The

CVS corporate warehouse deliveries would continue to be received on Ortega Street, using the white zone marked for loading and short-term parking.

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

Automobile Queuing. It shall be the responsibility of the Owner/Operator of the use to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer, or for more than five percent (5%) of any 60-minute period, on a daily or weekly basis. Recurring queues could be caused by customer demand for access and egress to the rooftop parking area exceeding the capacity of the facility, vehicle conflicts with high volumes of pedestrians on the sidewalk, or a combination of these or other factors.

If a recurring queue occurs, the owner/operator of the retail store shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, and shall be compatible with the surrounding neighborhood uses. Suggested abatement methods include, but are not limited to the following: employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of space-efficient parking techniques; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles or delivery services; and/or strategies such as parking time limits, paid or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the Property Owner in writing. The Owner/Operator shall hire a transportation consultant from the Planning Department's list of qualified transportation consultants to evaluate the conditions at the site for no less than seven days. The consultant shall submit a report to the Department for review. The Department shall determine whether or not a recurring queue does exist, and shall notify the Owner/Operator of the determination in writing.

If the Department determines that a recurring queue does exist, upon notification, the Owner/Operator shall have 90 days from the date of the written determination to abate the queue using methods that are compatible with the surrounding neighborhood uses. If after 90 days the Department determines that a recurring queue is still present, the use shall be considered in violation of this Condition of Approval, and the Department may assess penalties and pursue enforcement actions per the Planning Code sections 176 and 176.1.

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