Executive Summary Conditional Use

HEARING DATE: APRIL 28, 2011

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

Reception: 415.558.6378

ax:

415.558.6409

Planning Information: 415.558.6377

Date: April 21, 2011
Case No.: **2011.0084 C**

Project Address: 701 PORTOLA DRIVE

Zoning: NC-1 (Neighborhood Commercial, Cluster)

26-X Height and Bulk District

Block/Lot: 2901C/001

Project Sponsor: Holly Grzywacz

LandMark Retail Group

5850 Canoga Avenue, Suite 650 Woodland Hills, CA 91367

Staff Contact: Rick Crawford – (415) 558-6358

rick.crawford@sfgov.org

PROJECT DESCRIPTION

The proposal is to demolish an existing automobile service station and construct a new one-story with mezzanine retail building on an approximately 10,265 square foot parcel. The new structure would contain a CVS retail pharmacy store. On November 25, 2008 the Zoning Administrator granted variances from the parking and rear yard requirements of the Planning Code in case 2008.0293V. A new Variance is not necessary as the previous action does not expire until November 25, 2011. At that time Walgreens was granted authorization to develop the site but have since abandoned the project. The project is similar to the Walgreens pharmacy store previously approved for the property (Motion 17724 in case 2007.0670C). The CVS pharmacy store will have the same size building and design as the previously approved formula retail pharmacy store. The project requires Conditional Use authorization under Planning Code Sections 303, 121.1 and 710.11, for a lot size greater than 4,999 square feet, Sections 121.2 and 710.21, for a use size greater than 2,999 square feet, Section 703.4 formula retail and 228.2, service station conversion.

The CVS retail pharmacy store would sell prescription and over-the-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, and grocery items such as milk, bread and eggs. The store would also provide a range of household goods. The Project Sponsor does not propose any sales of alcoholic beverages from this facility at this time.

SITE DESCRIPTION AND PRESENT USE

The project is located on the southern side of Portola Drive, on the southeast corner of the intersection with Fowler Avenue, Block 2901C, Lot 001. The property is located within the NC-1 (Neighborhood Commercial, Cluster) District with 26-X height and bulk and within the Miraloma Heights area of San

CASE NO. 2011.0084C 701 Portola Drive

Executive Summary Hearing Date: April 28, 2011

Francisco. The subject property is a corner lot, 7,862 square feet in area, with approximately 96 feet of frontage on Portola Drive and 94 feet of frontage on Fowler Avenue. The lot is developed with a one-level, automobile service station use and has been on the property since approximately 1969.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The NC-1 District in this area spans less than three blocks, between Evelyn Way and O'Shaughnessy Boulevard, and contains a variety of commercial/retail uses. This Neighborhood Commercial District is surrounded by single-family, residential uses.

ENVIRONMENTAL REVIEW

A Preliminary Mitigated Negative Declaration was published on September 10, 2008.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 8, 2011	April 6, 2011	22 days
Posted Notice	20 days	April 8, 2011	April 4, 2011	24 days
Mailed Notice	10 days	April 18, 2011	April 4, 2011	24 days

PUBLIC COMMENT

• The Department has received one letter of opposition to the project from a neighbor expressing concerns regarding alcohol sales and hours of operation extending beyond 9:30 p.m.

ISSUES AND OTHER CONSIDERATIONS

- On October 23, 2008 the Planning Commission with Motion 17724 in case No. 2007.0670C unanimously authorized a similar conditional use request for a Walgreens pharmacy store on the property. That project was abandoned. The CVS Pharmacy store is similar in size and design to the previous project. The request is before the Commission again because the authorization granted by the Zoning Administrator to demolish the automobile service station has expired and because the operator of the proposed pharmacy store has changed from one formula retail business, Walgreens, to a new formula retail business, CVS. The Project Sponsor is requesting Conditional Use authorization for the service station demolition instead of administrative approval because it is more expedient in this instance and the expiration period of the approval is longer.
- The NC-1 zoning district permits hours of operation from 6 a.m. to 2 a.m. The Project Sponsor has been working with the neighborhood association in the area and has agreed to limit the hours of the CVS pharmacy store to 7:00 a.m. to 10:00 p.m.
 - The Project Sponsor is not requesting alcohol sales at this time. Accessory sales of alcoholic beverages are principally permitted in this District. The Department is not recommending any condition of approval relating to alcohol sales as any license for such sales would need to be

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary Hearing Date: April 28, 2011

reviewed and approved by the Board of Supervisors as part of the public convenience and necessity determination, a process that would require a public hearing. As any license to sell alcohol from the property is subject to a public hearing before the Board of Supervisors an additional hearing before the Planning Commission is not necessary.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow a retail pharmacy store (d.b.a. CVS) pursuant to Planning Code Section(s) 303, 121.1 and 710.11, lot size, 121.2 and 710.21, use size, 703.4, formula retail, and 228.2, service station conversion, within the NC-1 (Neighborhood Commercial, Cluster) and a 26-X Height and Bulk District.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The project removes an out-dated building and a nonconforming automobile oriented use from the neighborhood.
- The project would increase pedestrian traffic in this portion of the Portola Drive commercial area which could improve the business climate for other neighborhood-serving retail uses in the area.
- The project is a neighborhood serving use.
- The site is on Portola Drive and is well served by transit; employees would have the option of commuting by transit thereby mitigating possible impacts on street parking. In addition the project will result in the addition of seven to ten new on-street parking spaces as a result of the elimination of curb cuts on the site.
- Removal of the service station will eliminate existing curb cuts and create more on-street parking.
- The proposed Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions

Attachments:

Block Book Map Sanborn Map Zoning Map Aerial Photograph Context Photographs Site Photographs Reduced Plans

Attachment Checklist

	Executive Summary		Project sponsor submittal
	Draft Motion		Drawings: Existing Conditions
	Environmental Determination		Check for legibility
	Zoning District Map		Drawings: <u>Proposed Project</u>
	Height & Bulk Map		Check for legibility
	Parcel Map		Health Dept. review of RF levels
	Sanborn Map		RF Report
	Aerial Photo		Community Meeting Notice
	Context Photos		Inclusionary Affordable Housing Program: Affidavit for Compliance
	Site Photos		•
]	Exhibits above marked with an "X" are in	clude	d in this packet <u>RC</u>
			Planner's Initials

Enter Initials Here: G:\DOCUMENTS\NE Cases\701 Portola C\0084c rpt.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)	
☐ Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)
□ Jobs Housing Linkage Program (Sec. 413)	☐ Child Care Requirement (Sec. 414)
□ Downtown Park Fee (Sec. 412)	□ Other

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

Reception: 415.558.6378

ax:

415.558.6409

Planning Information: 415.558.6377

Planning Commission Draft Motion

HEARING DATE: APRIL 28, 2011

 Date:
 April 21, 2011

 Case No.:
 2011.0084 C

Project Address: 701 PORTOLA DRIVE

Zoning: NC-1 (Neighborhood Commercial, Cluster)

26-X Height and Bulk District

Block/Lot: 2901C/001

Project Sponsor: Holly Grzywacz

LandMark Retail Group

5850 Canoga Avenue, Suite 650 Woodland Hills, CA 91367

Staff Contact: Rick Crawford – (415) 558-6358

rick.crawford@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 121.1 AND 710.11, LOT SIZE, 121.2 AND 710.21, USE SIZE, 703.4, FORMULA RETAIL AND 228.2, SERVICE STATION CONVERSION, OF THE PLANNING CODE TO ALLOW DEMOLITION OF A SERVICE STATION AND CONSTRUCTION OF A 10,000 SQUARE FOOT, FORMULA RETAIL ESTABLISHMENT, CVS PHARMACY STORE, ON A 7,800 SQUARE FOOT LOT WITHIN THE NC-1, NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT, AND 26-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 28, 2011 Holly Grzywacz (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 121.1 and 710.11, lot size, 121.2 and 710.21, use size, 703.4, formula retail and 228.2, service station conversion to allow demolition of a service station and construction of a 10,000 square foot, formula retail establishment, CVS Pharmacy store, on a 7,800 square foot lot within the NC-1, Neighborhood Commercial Cluster District, and 26-X Height and Bulk District.

On April 28, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0084C.

The project underwent environmental review and a Preliminary Mitigated Negative Declaration was published on September 10, 2008 by the San Francisco Planning Department (hereinafter "Department").

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. 2011.0084C, 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 the southern side of Portola Drive, on the southeast corner of the intersection with Fowler Avenue, Block 2901C, Lot 001. The property is located within the NC-1 (Neighborhood Commercial, Cluster) District with 26-X height and bulk and within the Miraloma Heights area of San Francisco. The subject property is a corner lot, 7,862 square feet in area, with approximately 96 feet of frontage on Portola Drive and 94 feet of frontage on Fowler Avenue. The lot is developed with a one-level, automobile service station use and has been on the property since approximately 1969.
- 3. **Surrounding Properties and Neighborhood.** The NC-1 District in this area spans less than three blocks, between Evelyn Way and O'Shaughnessy Boulevard, and contains a variety of commercial/retail uses. This Neighborhood Commercial District is surrounded by single-family, residential uses.
- 4. **Project Description.** The proposal is to demolish an existing automobile service station and construct a new one-story with mezzanine retail building, approximately 10,265 square feet in area on the lot. The new structure would contain a CVS retail pharmacy store. On November 25, 2008 the Zoning Administrator granted variances from the parking and rear yard requirements of the Planning Code in case 2008.0293V. At that time Walgreens was seeking authorization to develop the site and have since abandoned the project. The Project Sponsor does not propose any sales of alcoholic beverages from this facility at this time.

The CVS retail pharmacy store would sell prescription and over-the-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, and grocery items such as milk, bread and eggs. The store would also provide a range of household goods. The use is similar to the Walgreens pharmacy store previously approved for the property (Motion 17724 in case 2007.0670C).

- 5. **Public Comment**. The Department has received one letter of opposition from a neighbor expressing concerns regarding alcohol sales and hours of operation extending beyond 9:30 p.m.
- 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. **Development of Large Lots, Neighborhood Commercial Districts.** Planning Code Section 121.1 states that a Conditional Use Authorization is required for new construction on a lot within this District that exceeds 4,999 square feet. The Project Site is approximately 7,862 square feet in area. In addition to the criteria set forth in Section 303(c) as set forth, the project is consistent with the following criteria set forth in Section 121.1.
 - i. The mass and facade of the proposed structure are compatible with the existing scale of the district.
 - ii. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The single-story project has been designed to be sensitive to the scale and massing of adjacent single-family homes located to the south of the Property. The project features building walls that create a consistent street wall with the existing storefronts along Portola Drive. The project includes storefront windows to make the building pedestrian friendly. Additionally, the design incorporates architectural elements of the Art Deco era structures in Miraloma Park: a round, corner entry recalls the design of Tower Market (now Molly Stones); cornice and window trim treatments reflect the design details found in local homes.

- B. **Use Size Limits.** Planning Code Section 121.2 states that a Conditional Use Authorization is required for uses within this District that exceeds 2,999 square feet. The proposed use size is approximately 10,265 square feet. In addition to the criteria set forth in Section 303(c) as set forth, 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 project proposes to construct a new 10,265 square foot retail building and establish a CVS pharmacy and retail store there, replacing a noncompliant, unprofitable service station. The existing service station is largely unsupported in the neighborhood, as is evidenced by a previous by determination the Zoning Administrator that the owner of the station is not earning a fair rate of return on investment. The neighborhood is well served by automobile service station uses, with one located two blocks away at the corner of Portola Drive and O'Shaughnessy Boulevard and two others located approximately 0.7 miles away at Portola Drive and Claremont Boulevard. In contrast, the neighborhood is currently underserved by pharmacies, and therefore the project will replace an unnecessary use with a needed neighborhood-servicing use.

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

The proposed CVS pharmacy and retail store is intended to primarily serve the residents of the neighborhoods surrounding this neighborhood commercial district. This shopping district is quite small and in an inconvenient location to serve any potential customers who do not live or work in the nearby area.

The existing Walgreens pharmacy in this neighborhood commercial district is very small and is unable to offer its customers an adequate variety of convenience products and services and a pharmacy in a retail space that is comfortable to shop in. The project would construct an attractive new building that has the capacity to carry a wide variety of products and a full-service pharmacy. Shopping in the larger physical space will be more comfortable and convenient to neighborhood shoppers while offering them an alternative to the limited existing retail shops within the neighborhood.

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 project will provide a consistent street wall for the south side of the 700 block of Portola Drive. Additionally, the design incorporates architectural elements of the Art Deco era structures in Miraloma Park: a round, corner entry recalls the design of Tower Market (now Molly Stones); cornice and window trim treatments reflect the design details found in local homes. The project's height and bulk is sympathetic to the existing built environment of the neighborhood commercial district.

- C. **Formula Retail.** Planning Code Section 703.3 states that a Conditional Use Authorization is required for Retail Uses within this District. The proposed use, CVS Pharmacy is a national chain establishment with more than eleven stores. 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.

Within the neighborhood commercial district, there are three existing formula retail uses: Starbucks Coffee located at 675 Portola Drive; Walgreens at 689 Portola Drive; and Round Table Pizza located at 737 Portola Drive. These three establishments represent a small fraction of the more than one dozen retail spaces in the District. The addition of a CVS pharmacy and retail store will not significantly increase the percentage of formula retail uses in the district.

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

The only pharmacy in the district is the Walgreens. This Walgreens is not large enough to adequately serve the neighborhood, making the proposed CVS a necessary and desirable addition to the shopping district.

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

The project is compatible with the existing character of the neighborhood. The project's design incorporates architectural elements of the Art Deco era structures in Miraloma Park: a round, corner entry recalls the design of Tower Market (now Molly Stones); cornice and window trim treatments reflect the design details found in local homes.

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

The project will have no effect on retail vacancy rates in the District. It will replace a nonconforming use in an out-dated service station building with a conforming use in a new retail building at the property.

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

The District is almost completely comprised of neighborhood-serving retail uses. There are grocery stores, beauty shops, a bakery, coffee shops, restaurants, dry cleaners, liquor stores, a bar and the existing Walgreens pharmacy. All of these cater primarily to neighborhood clientele. The proposed CVS pharmacy and retail store would also primarily serve the surrounding neighborhood and would therefore enhance the district's neighborhood-serving character.

D. **Hours of Operation.** Planning Code Section 737.27 permits hours of operation from 6 a.m. to 2 a.m., as defined by Planning Code Section 790.48.

The project proposes hours of operation from 7:00 a.m. to 10:00 p.m.

E. Street Frontage in Neighborhood Commercial Districts. Section 145.1 of the Planning Code requires that NC Districts containing specific uses have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject commercial space has approximately 96-feet of frontage on Portola Drive and 87 feet on Fowler Street devoted to either entrance or window space. The windows are clear and unobstructed.

F. **Signage**. Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department.

G. **Parking**. Section 151.1 does not require parking for no-residential uses in NCT zoning districts.

The proposal does not include any on-site parking and a Variance from this requirement was granted by the Zoning Administrator on November 25, 2008 in case 2008.0293V.

- H. Service Station Conversion. Planning Code Section 228 requires that no owner of a property that is used as a service station can change the use of the property to a different type of use without first receiving conditional use approval from the Planning Commission or a conversion determination from the Zoning Administrator. The project proposes to eliminate and demolish the existing service station at the Property and replace it with a new retail pharmacy building. The project originally approved for this site was issued a Written Determination for Service Station Conversion (case no. 2007.0670U) from the Zoning Administrator on March 18, 2008. That determination expires if a building permit has not been issued within three years of its effective date (March 28, 2011). Due to the fact that a building permit will not be issued for the project by March 28, 2011, the Project Sponsor must obtain a second service station conversion authorization. Section 228.3 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 types of services offered by the gasoline service station sought to be converted and the hours and days during which such goods and services are available.

The existing gas station and auto repair service at the property, Miraloma Auto Care, sells gas from 7 a.m. to 10 p.m. Monday through Friday, 8 a. m. to 9 p.m. on Saturday and 8 a.m. to 7 p.m. Sunday. Miraloma Auto Care provides general auto repair services from 8:30 a. m. to 5:30 p.m. Monday through Saturday.

ii. The volume of gasoline and other motor fuel sold and the number of vehicles serviced at such gasoline service station during each of the 24 months preceding the filing of the conditional use authorization application.

Miraloma Auto Care has sold an average of 90, 000 gallons of gasoline per month over the past 24 months and has served 100 automobiles per month on average.

iii. Whether the volume of gasoline and other motor fuel sold and the number of vehicles serviced each month has increased or decreased during the 24-month period immediately preceding the conditional use authorization.

According to the owner of Miraloma Auto Care, the volume of gasoline and other motor fuels sold and the number of vehicles served monthly has decreased over the past 24 months.

iv. The accessibility of comparable automotive goods and services offered by other gasoline service stations and repair garages which serve the same geographic area and

population segments (e.g., neighborhood residents, in-town or out-of-town commuters, tourists) as the service station sought to be converted.

The area surrounding the properly is well served by gas station and auto repair services. There are at least 11 gas stations and at least 10 auto repair services within 1.5 miles of the Property. There are numerous other gas and service stations just beyond this radius. Comparable gas and automobile repair services are available to neighborhood residents, many with longer hours than the existing gas and service station at the Properly. The area surrounding the property is mostly residential, with few tourist attractions or business/office complexes that would attract tourists or commuters.

v. If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The project will provide a 7,028 square foot CVS pharmacy and retail store with a 3,287 square foot mezzanine that will consist of accessory office, an employee break room and stock area. The pharmacy and retail store would sell prescription drugs, over the-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, and groceries (such as milk, bread and eggs).

There is an existing Walgreens located at 689 Portola Drive, which is very small. The nearest other pharmacies are Walgreens located at 5260 Diamond Heights Boulevard and 200 West Portal Avenue, approximately 0.8 and 0.9 miles away, respectively. The project would provide a space large enough to stock a variety of items and that is more accessible and spacious to shop in than the existing Walgreens on Portola Drive.

vi. The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the cleanup of existing contamination at the property.

The current use at the Property is a gasoline service station, which specifically generates automobile trips and requires the receipt, storage and conveyance of gasoline on site. Gasoline directly causes noxious and offensive emissions, and is a fire and explosion hazard. The project would remove the service station use, remove the stored gasoline at the site, remove the gas storage tanks, and clean up the site. A negative declaration was prepared for the proposed retail pharmacy building and pharmacy use, and found that the project will not have a significant impact on the environment.

vii. The relative employment opportunities offered by the gasoline service station and the proposed new use.

In addition to the owner, Miraloma Auto Care employs two gas station attendants. The proposed CVS is expected to employ 20 to 25 employees, including pharmacists, a store manager, and entry-level clerk positions.

viii. The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

This information is not immediately available at this time.

ix. Whether the service station use and the proposed use are permitted principal uses, conditional use or nonconforming use.

The existing gasoline station is a non-conforming use pursuant to Planning Code Sections 180 and 712.58. The proposed pharmacy and retail store falls within the "Other Retail Sales and Services" use category, which is principally permitted pursuant to Planning Code Section 712.40.

- 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 size of the proposed use is in keeping with other storefronts on the block face. The proposed use will not impact traffic or parking in the District because it is not a destination use. This will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.

- 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 proposed building will be compatible with the appearance and character of the project vicinity and enhance neighborhood character.
 - 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 proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

The proposed use is subject to the standard conditions of approval for retail use and outlined in Exhibit A. Conditions specifically obligate the Project Sponsor to mitigate noise generated by the retail use.

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 provide new street trees in compliance with the Planning Code. Opportunities for landscaping are limited due to the fact that it is a lot line development; however the Project Sponsor will explore landscaping options with the Planning Department, including planter boxes and /or additional street trees. Receiving and service areas would be located within the interior of the proposed building and thus will be screened. Loading will occur during off-peak hours and the property would be appropriately lit to enhance neighborhood safety.

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.

NC-I Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. These NC-1 Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development.

Building controls for the NC-1 District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one story. Rear yard requirements at all levels preserve existing backyard space.

NC-1 commercial use provisions encourage the full range of neighborhood serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night

activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts.

The project is well suited to the NC-1 District. It will provide an expansive array of convenience retail goods in addition to a full service pharmacy. The CVS pharmacy and retail store is intended to serve residents of the immediately surrounding neighborhoods. The new building's design has incorporated architectural styles and features from existing buildings in the neighborhood to ensure it will be consistent with the built environment. Further, the project will remove curb cuts currently providing ingress and egress to the automobile service station and create a consistent street wall along the south side of the 700 block of Portola Drive, enhancing pedestrian safety and comfort in the neighborhood commercial district. Finally, the project would replace an automobile services station, which is incompatible with a neighborhood shopping district due to its automobile access and offensive emissions, with a retail store, which is more consistent with the district.

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

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The project advances this policy in that it proposes no new parking and encourages employees and patrons to utilize public transit.

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.2:

Reduce pollution, noise and energy consumption.

The project proposes no new off-street parking and encourages employees and patrons to utilize public transit. A change in use from an automotive service station to a less automobile intensive use, a retail pharmacy, results in a reduction of vehicular trips. The new CVS pharmacy store is proposed to be a LEED certified sustainable building

OBJECTIVE 35:

MEET THE SHORT-TERM PARKING NEEDS IN NEIGHBORHOOD COMMERCIAL DISTRICTS CONSISTENT WITH PRESERVATION OF A DESIRABLE ENVIRONMENT FOR PEDESTRIANS AND RESIDENTS.

The project supports this objective eliminating existing curb cuts at the property which will result in several new on-street parking spaces while eliminating an existing pedestrian hazard due to automobile ingress/egress from the service station.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.6:

Make centers of activity more prominent through design of street features and by other means.

Policy 1.8:

Increase the visibility of major destination areas and other points of orientation.

The project will provide a pedestrian oriented retail use drawing pedestrian activity to the sidewalk. The project will serve as a "gateway" to the Miraloma Park neighborhood and the design of the building has been designed in concert with members of the community to produce a distinctive building that compliments the design styles of the neighboring residential uses.

The project is designed to promote human scale and interest by unifying the sidewalk along both property frontages. In place of an unattractive gas station, the project will provide active ground floor retail use along a uniform street wall featuring shop windows. The project eliminates existing curb cuts to create an uninterrupted pedestrian flow along this portion of Portola Drive.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG 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 employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The project will create a new retail/commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

- 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 provide 10,265 square feet of retail pharmacy space. It is expected that 20 to 25 new employees will be hired to operate the store. CVS intends to hire locally to ensure staff reflects the neighborhood they are serving. New employees are expected to support retail uses in the vicinity and

SAN FRANCISCO
PLANNING DEPARTMENT

12

intensification of retail use in the area could provide opportunities for further resident employment and ownership business opportunities.

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 use is an automobile service station, therefore, there would be no loss of housing and the project does not include any residential use.

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

The project will have no impact on housing as it is a retail pharmacy store replacing an existing automobile service station.

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

The site is on Portola Drive and is well served by transit; employees would have the option of commuting by transit thereby mitigating possible impacts on street parking. In addition the project will result in the addition of seven to ten new on-street parking spaces as a result of the elimination of curb cuts on the site.

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

The project proposes no office use other than as accessory to the retail use. The project will contribute to a diverse economic base by providing a new retail building and will provide employment opportunities for local residents.

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 improve the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The project is not located in any conservation district and 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.

- 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. 2011.0084C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 28, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on April 28, 2011.

Linda D. Avery Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 28, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a retail pharmacy store (d.b.a. CVS) located at 701 Portola Drive, lot 001 in assessor's block 2901 pursuant to Planning Code Section(s) 303, 121.1 and 710.11, lot size, 121.2 and 710.21, use size, 703.4, formula retail, and 228.2, service station conversion, within the NC-1 (Neighborhood Commercial, Cluster) and a 26-X Height and Bulk District; in general conformance with plans, dated January 28, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0084 and subject to conditions of approval reviewed and approved by the Commission on April 28, 2011 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 28, 2011 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of

SAN FRANCISCO
PLANNING DEPARTMENT

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.

DESIGN

- 2. 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.
- 3. Street Trees. Pursuant to Planning Code Section 428 (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, $\underline{www.sf-planning.org}$.

MONITORING

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

SAN FRANCISCO
PLANNING DEPARTMENT

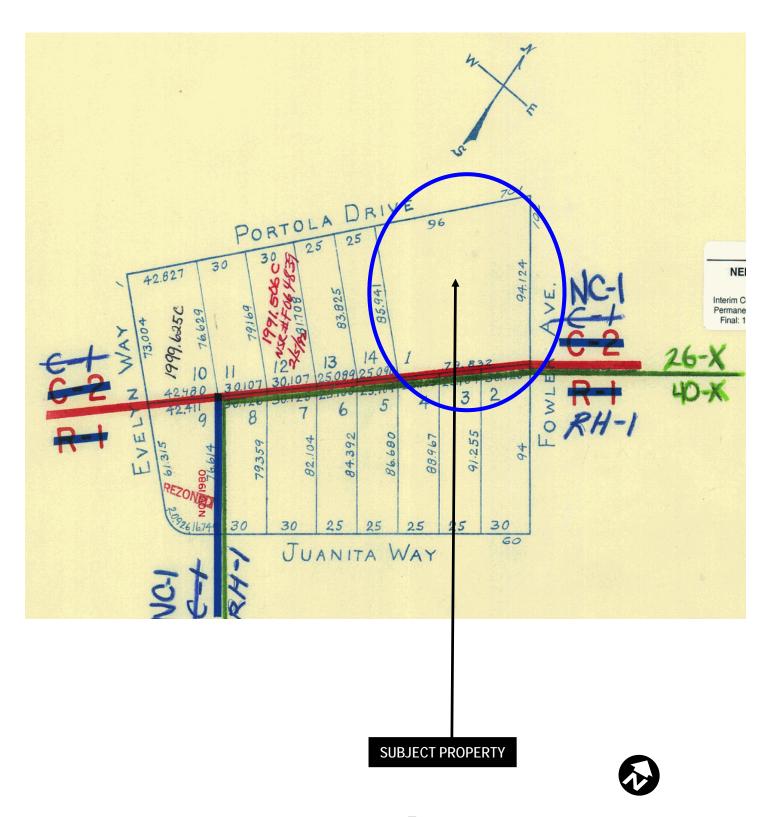
5. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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. **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/.
- 8. **Hours of Operation.** The CVS Pharmacy Store is limited to the following hours of operation: Sunday through Saturday 7:00 a.m. to 10:00 p.m. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 9. **Community Liaison.** Prior to issuance of a building permit application 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 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

Parcel Map



Conditional Use Hearing
Case Number 2011.0084C
701 Portola Drive

Sanborn Map*

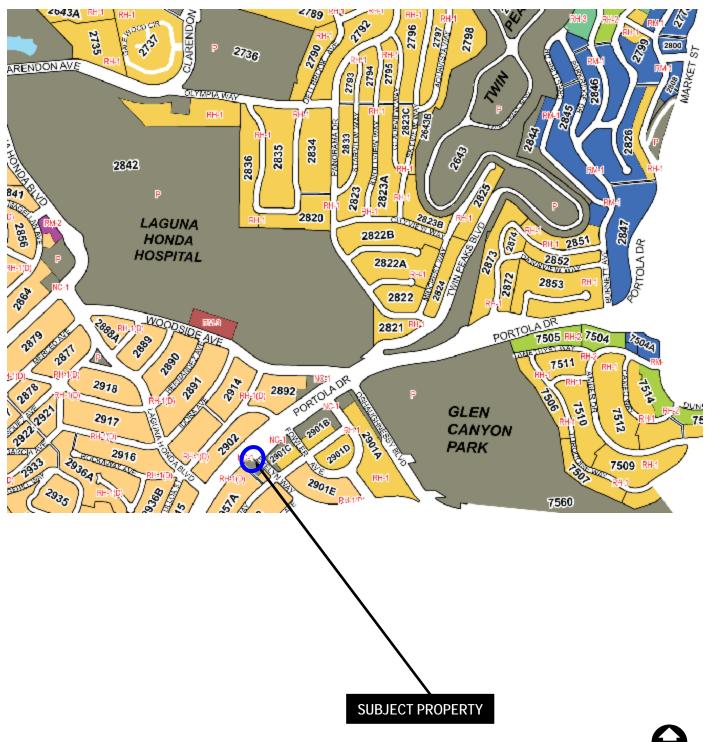


^{*}The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing Case Number 2011.0084C 701 Portola Drive

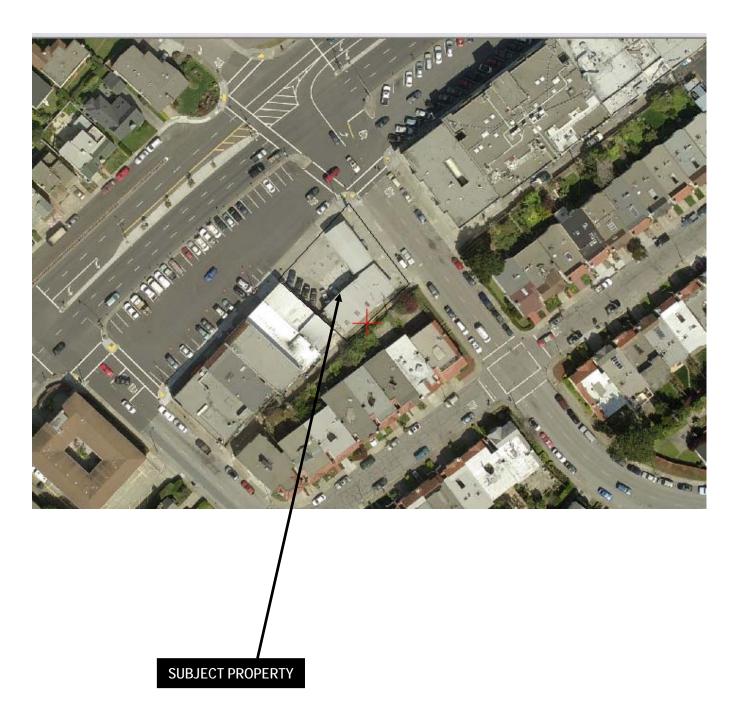
Zoning Map





Conditional Use Hearing Case Number 2011.0084C 701 Portola Drive

Aerial Photo





Conditional Use Hearing Case Number 2011.0084C 701 Portola Drive

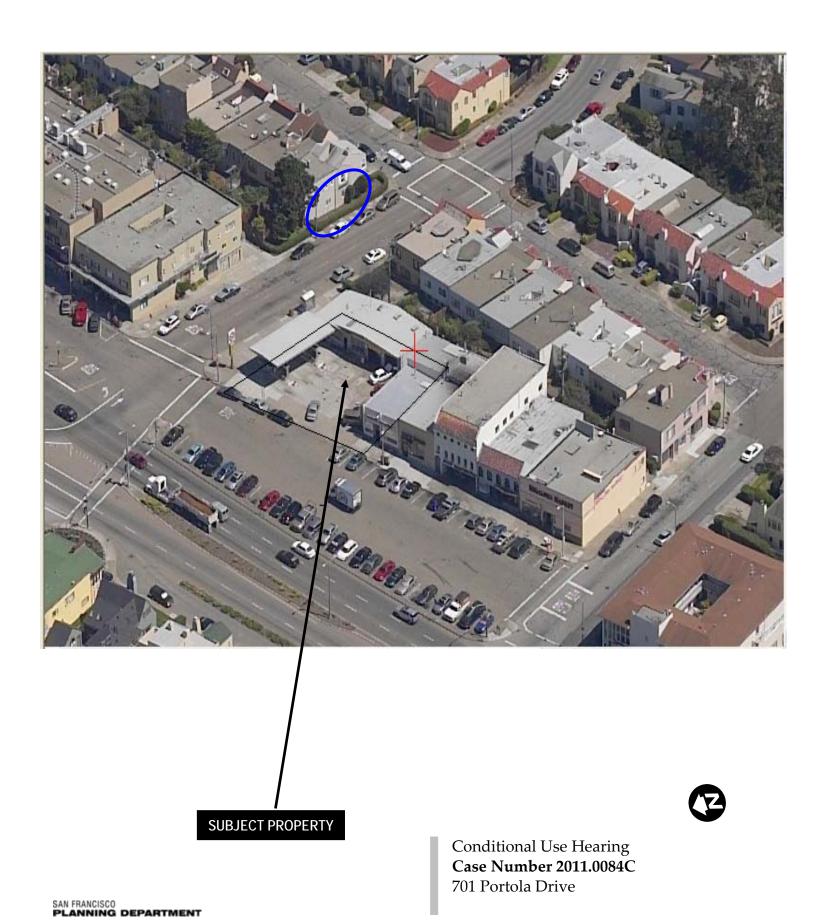
Site Photo



SUBJECT PROPERTY

Conditional Use Hearing Case Number 2011.0084C 701 Portola Drive

Context Photo

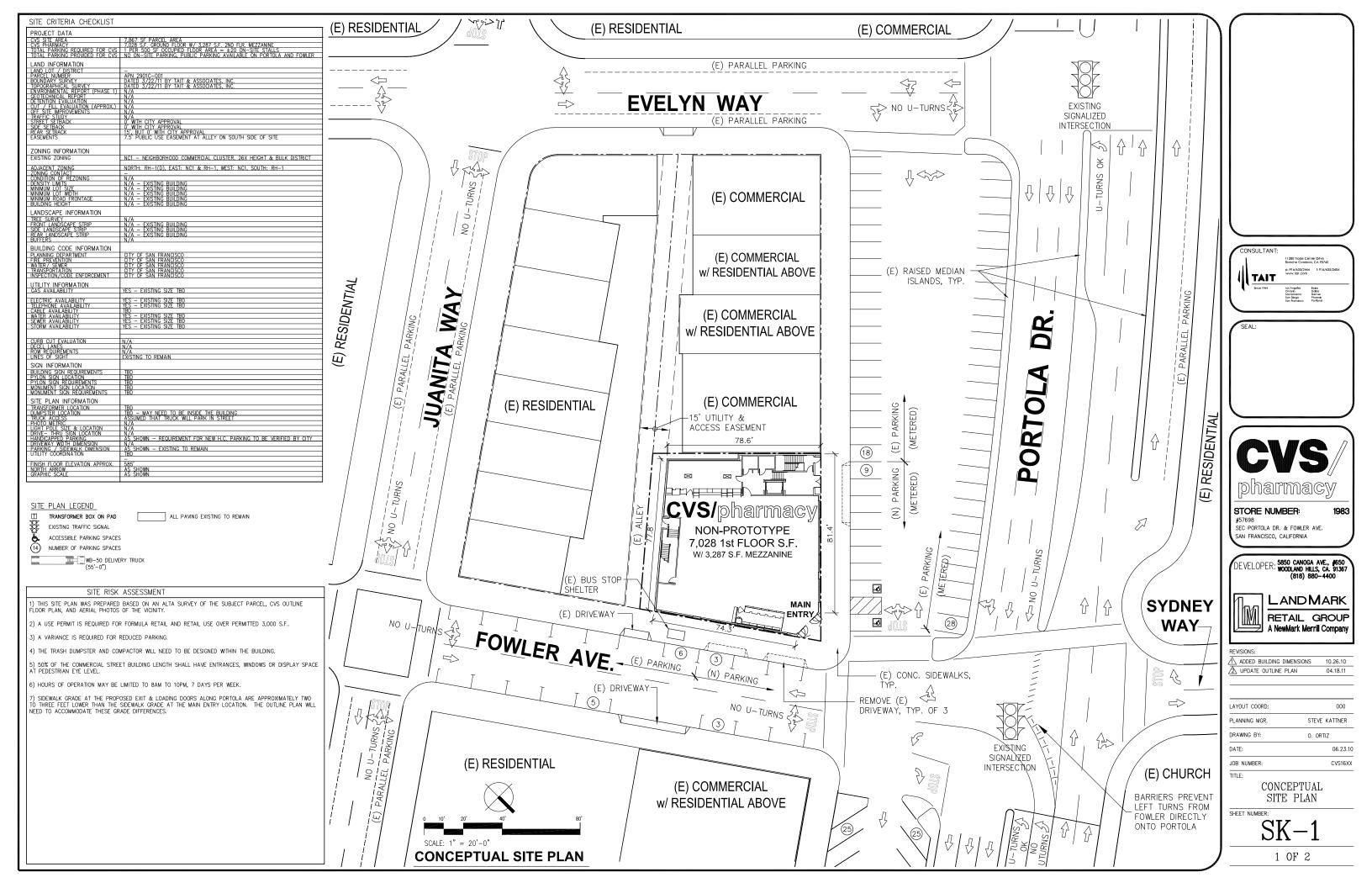


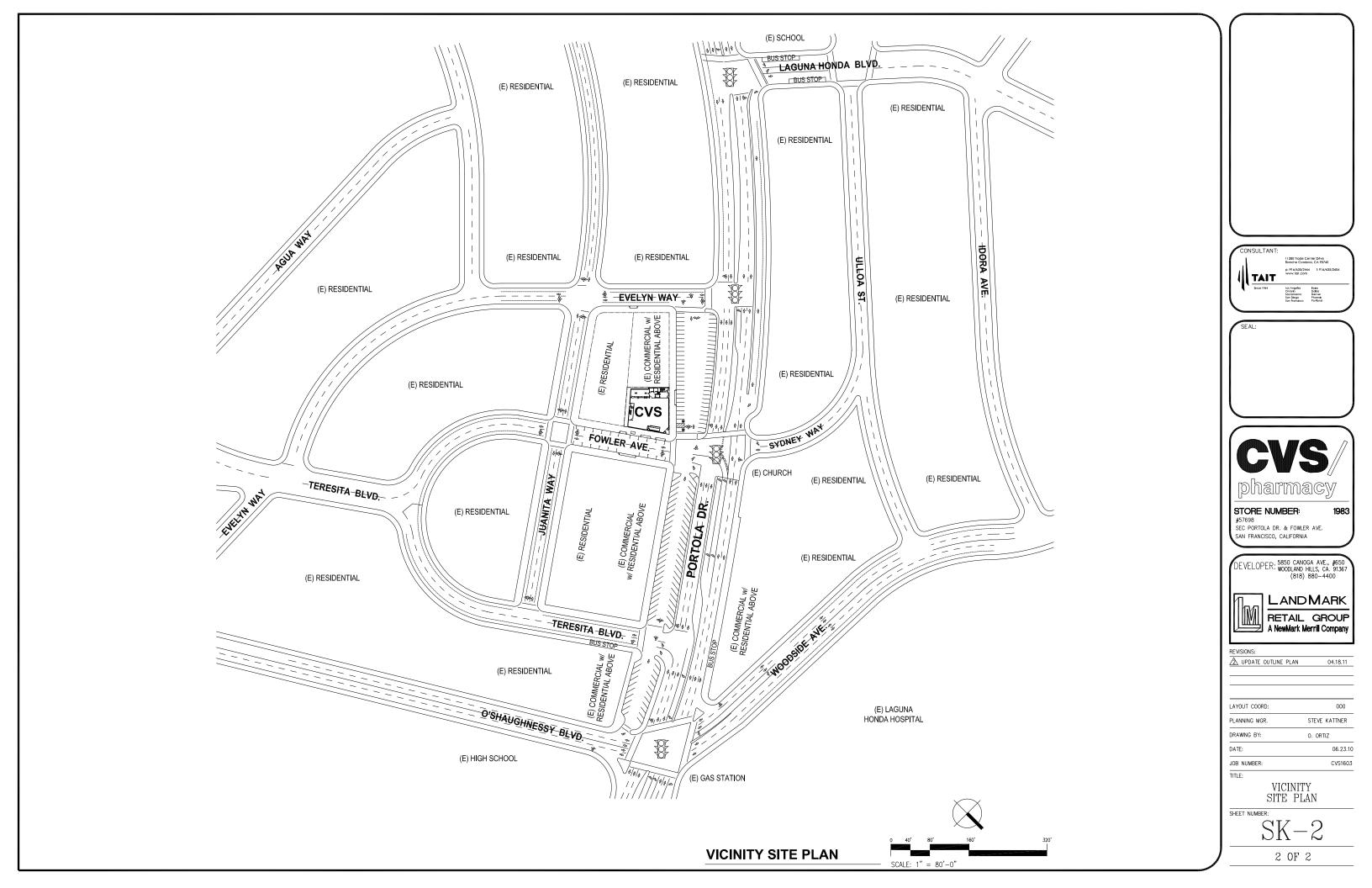
Context Photo

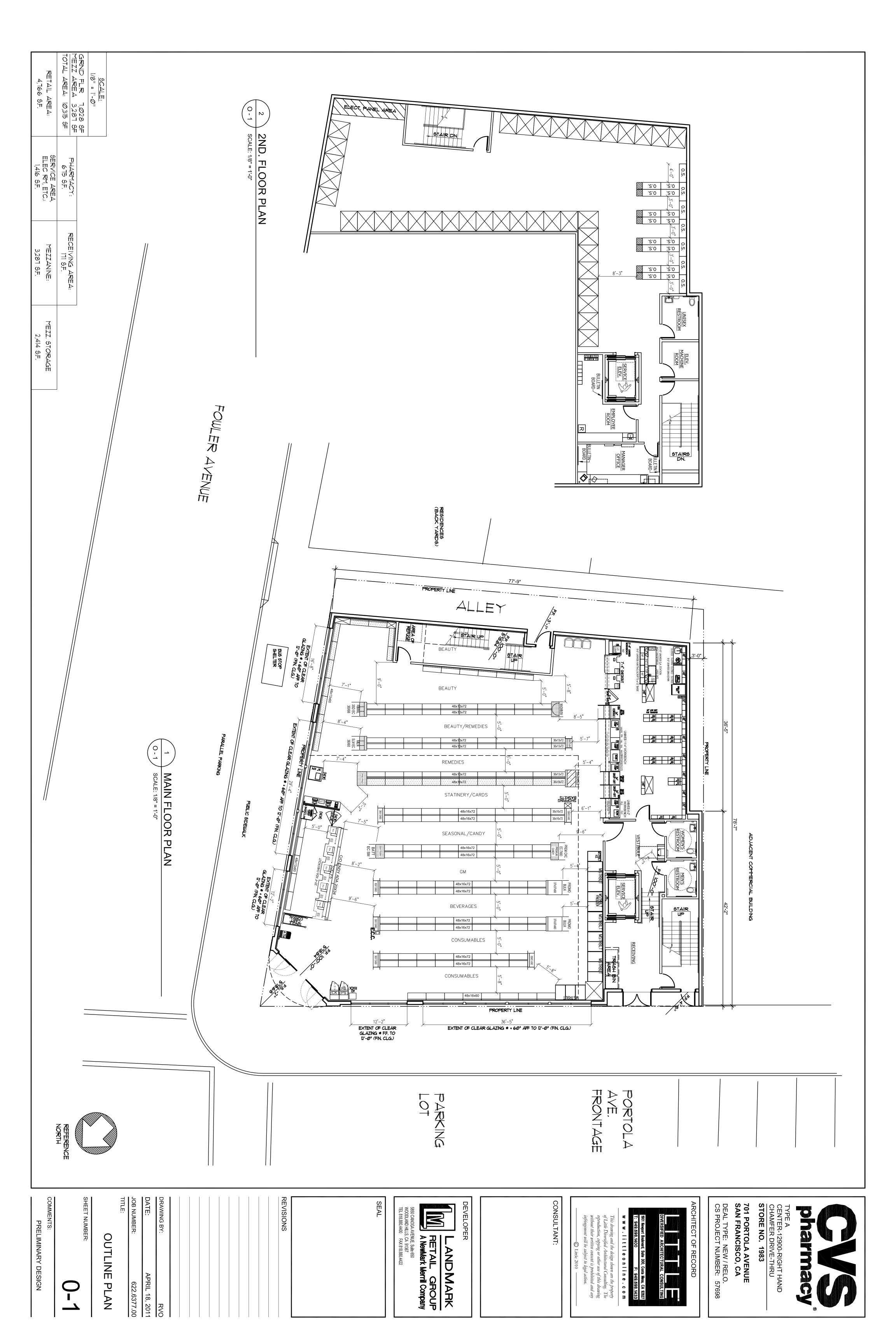


SUBJECT PROPERTY

Conditional Use Hearing Case Number 2011.0084C 701 Portola Drive







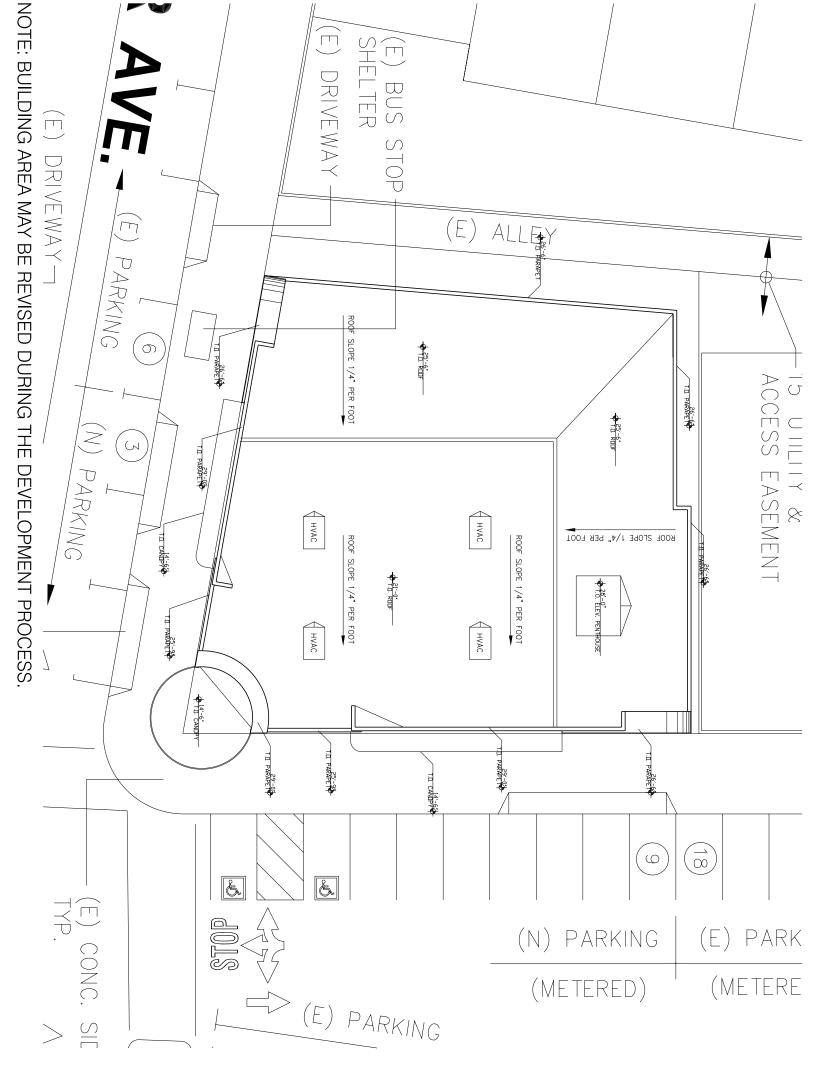
MOTE: HIS INFORMATION IS CONCEPTUAL IN MAURE AND IS SUBSECT TO ADJUSTMENTS PRODUCE PROPRIES VERHEAMON AND CLIENT FRANTI, AND GOVERNMENTAL AGENCY APPROVALS, NO WARRANIES OR GUARANTES OF ANY INDU ARE GIVEN OR IMPUED BY THE ARCHITECT.

75-11781-00 APRIL 18, 2011

CVS 1983 701 Portola SAN FRANCISCO, CALIFORNIA

ROOF PLAN





DLR Group **WWCOT**

Pasadena, CA 91101 t: 626.796.8230 f: 626.796.8735 8 Mills Place, 3F

75-11781-00 APRIL 7, 2011

NOTE: THIS INFORMATION IS CONCEPTUAL IN MAIDER AND IS SUBJECT TO ADJUSTMENTS PRODUCE THE VERBICATION AND CLIENT, THANKI, AND GOVERNMENTAL AGENCY APROVALS, AND WARRANIEDS OF GLAVANTES OF ANY ISHO ARE GIVEN OR IMPLED BY THE ARCHITECT. COPYRIGHT © 2011

CVS 1983 701 Portola

5850 CANOGA AVE., #650 WOODLAND HILLS, CA. 91367 (818) 880-4400 LANDMARK
RETAIL GROUP
A NewMark Merril Company

ELEVATION 26'-6" T.O. PARAPET F.F. ELEVATION F.F. ELEVATION T.O. GLAZING T.O. MEZZANINE FLR. \$22'-0" T.O. PARPET T.O. MEZZANINE ROOF CORNER L CLEAR GLAZING **NORTH EAST ELEVATION -**CVS/pharmacy · CLEAR GLAZING L CLEAR GLAZING NORTH WEST ELEVATION - REVISED METAL CORNICE 56" GRAPHICS CHECK OUT AREA GVS/pharmac CLEAR GLAZING CLEAR ANODIZED —ALUM, STOREFRONT L CLEAR GLAZING EXTERIOR PLASTER S GVS EXTERIOR PLASTER
TRIM DETAIL METAL DOOR, PAINTED T.O. LOW ROOF CEILING 1.0. GLAZING STOCK ROOM ELEVATION T.O. MEZZANINE ROOF T.O. GLAZING T.O. MEZZANINE FLR. T.O. PARAPET 0 CEILING

REVISED

ELEVATIONS A-3

DLR Group

WWCOT 8 Mills Place, 3F Pasadena, CA 91101 t: 626.796.8230 f: 626.796.8735