# Executive Summary Conditional Use

HEARING DATE: APRIL 28, 2011

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

Reception: 415.558.6378

Date: April 21, 2011

Fax:

Case No.: **2011.0085 C** 

415.558.6409

Project Address: 1760 OCEAN AVENUE

Planning Information:

Ocean Avenue NCT (Neighborhood Commercial Transit Oriented District) Information:

415.558.6377

45-X Height and Bulk District

*Block/Lot:* 3283/195

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

Recommendation: Approval with Conditions

#### PROJECT DESCRIPTION

Zoning:

The Project Sponsor proposes to establish a 15,312 square foot formula retail phamacy store (d.b.a. CVS) in a space formerly occupied by Blockbuster Video, a formula retail video rental store. The project is located in the southwest commercial unit in the building. The project would involve some modest interior modifications and no new construction or modification to the exterior of the building except for new signage for the proposed CVS. The project requires Conditional Use authorization under Planning Code Sections 121.2, and 737.21, for use size exceeding 3,999 square feet and 703.4, formula retail.

The CVS retail pharmacy store would sell prescription and over-the-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, grocery items such as milk, bread and eggs and beer and wine. The store would also provide a range of household goods.

The project would retain 44 existing off-street parking spaces at the property. Off-street parking is not required in the Ocean Avenue NCT. Any existing parking that exceeds the current maximum is considered legal noncomplying parking and is permitted to remain on the property. The project will use the existing curb cut on Dorado Terrace so no new curb cuts or exit points are proposed. The store will use the one existing off-street loading zone along Ocean Avenue no changes to this loading zone are proposed. The main entrance to this store is at the corner of Ocean Avenue and Dorado Terrace with access from the parking lot at the far northeast corner of the retail space.

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#### SITE DESCRIPTION AND PRESENT USE

The project site is located at the intersection of Ocean Avenue and Dorado Terrace on the borders of the West of Twin Peaks and Ocean View neighborhoods in Balboa Park. The project site is 51,527 square feet in area and is occupied by a structure consisting of a mixed use building constructed in 1990 with 28 dwelling units on three levels and 24,689 square feet of commercial space on a one-story podium fronting on Ocean Avenue. The 15,300 square foot space intended for the project is vacant and was formerly occupied by a Blockbuster Video store. The remainder of the retail space in the building is occupied by kidney dialysis center and a UPS retail store.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the intersection of Ocean Avenue and Dorado Terrace on the borders of the West of Twin Peaks and Ocean View neighborhoods in Balboa Park. The area is developed with commercial uses along Ocean Avenue in a mix of single-story commercial buildings and two to four-story mixed-use buildings with ground floor commercial uses. A Walgreens pharmacy store is located one block from the property at 1630 Ocean Avenue. Residential uses are located behind the project site and behind the commercial frontage across Ocean Avenue. The K line streetcar operates in front of the property on Ocean Avenue. Several bus lines including the 8X, 8BX, 29, 43 and 49 are located about one half mile away and the Balboa Park BART and Muni Metro station approximately 0.8 miles from the property.

#### **ENVIRONMENTAL REVIEW**

The project is categorically exempt as a Class 1a exemption under CEQA Guidelines

#### **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 six letters of support for the project, including support from Westwood Park Association and OMI, neighborhood organization active in the area, and no letters or calls in opposition.

#### ISSUES AND OTHER CONSIDERATIONS

The project would use the 44 space parking lot on the property. While the parking lot exceeds
the number of spaces that would be permitted under the current NCT district, the spaces are
existing and considered legal noncomplying so they may be continued.

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The project will include accessory sales of alcoholic beverages.

#### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow a 15,312 square foot formula retail establishment (d.b.a CVS Pharmacy) to be developed within an existing building within the Ocean Avenue Neighborhood Commercial Transit Oriented District, and 45-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 a blighting influence from the neighborhood.
- The project would increase pedestrian traffic in this portion of the Ocean Avenue corridor which could improve the business climate for other neighborhood-serving retail uses in the area.
- The project would upgrade the appearance of the property and remove a blighting storefront from the commercial corridor.
- The project is a neighborhood serving use.
- The District is well served by transit; therefore customers should not impact traffic.
- 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 included in this packetRC				
			Planner's Initials	

Enter Initials Here: G:\DOCUMENTS\NE Cases\1760 Ocean C\0085c 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

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410.000.0070

### **Planning Commission Draft Motion**

**HEARING DATE: APRIL 28, 2011** 

**415.558.6409** Planning

Information: 415.558.6377

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 Case No.:
 2011.0085 C

Project Address: 1760 OCEAN AVENUE

Zoning: Ocean Avenue NCT (Neighborhood Commercial Transit Oriented District)

45-X Height and Bulk District

*Block/Lot:* 3283/195

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 121.2, AND 737.21, USE SIZE AND 703.4, FORMULA RETAIL, OF THE PLANNING CODE TO ALLOW A 15,312 SQUARE FOOT, FORMULA RETAIL ESTABLISHMENT, CVS PHARMACY STORE, TO BE DEVELOPED IN THE EXISTING BUILDING WITHIN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT ORIENTED DISTRICT, AND 45-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, 121.2, 737.21 and 703.4 of the Planning Code to allow a 15,312 square foot formula retail establishment (d.b.a CVS Pharmacy) to be developed within an existing building within the Ocean Avenue Neighborhood Commercial Transit Oriented District, and 45-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. 2011.0085C.

The project is categorically exempt as a Class 1a exemption under CEQA Guidelines.

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. 2011.0085C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

#### **FINDINGS**

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

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. **Site Description and Present Use.** The project site is located at the intersection of Ocean Avenue and Dorado Terrace on the borders of the West of Twin Peaks and Ocean View neighborhoods in Balboa Park. The project site is 51,527 square feet in area and is occupied by a structure consisting of a mixed use building constructed in 1990 with 28 dwelling units on three levels and 24,689 square feet of commercial space on a one-story podium fronting on Ocean Avenue. The 15,300 square foot space intended for the project is vacant and was formerly occupied by a Blockbuster Video store. The remainder of the retail space in the building is occupied by kidney dialysis center and a UPS retail store.
- 3. Surrounding Properties and Neighborhood. The project site is located at the intersection of Ocean Avenue and Dorado Terrace on the borders of the West of Twin Peaks and Ocean View neighborhoods in Balboa Park. The area is developed with commercial uses along Ocean Avenue in a mix of single-story commercial buildings and two to four-story mixed-use buildings with ground floor commercial uses. A Walgreens pharmacy store is located one block from the property at 1630 Ocean Avenue. Residential uses are located behind the project site and behind the commercial frontage across Ocean Avenue. The K line streetcar operates in front of the property on Ocean Avenue. Several bus lines including the 8X, 8BX, 29, 43 and 49 are located about one half mile away and the Balboa Park BART and Muni Metro station approximately 0.8 miles from the property.

**Project Description.** The Project Sponsor proposes to establish a 15,312 square foot formula retail pharmacy store (d.b.a. CVS) in a space formerly occupied by Blockbuster Video, a formula retail video rental store. The project is located in the southwest commercial unit in the building. The project would involve some modest interior modifications and no new construction or modification to the exterior of the building except for new signage for the proposed CVS. The project requires Conditional Use authorization under Planning Code Sections 121.2, and 737.21, for use size exceeding 3,999 square feet and 703.4, formula retail.

The CVS retail pharmacy store would sell prescription and over-the-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, grocery items

such as milk, bread and eggs and beer and wine. The store would also provide a range of household goods.

The project would retain 44 existing off-street parking spaces at the property. Off-street parking is not required in the Ocean Avenue NCT. The project will use the existing curb cut on Dorado Terrace so no new curb cuts or exit points are proposed. The store will use the one existing off-street loading zone along Ocean Avenue no changes to this loading zone are proposed. The main entrance to this store is at the corner of Ocean Avenue and Dorado Terrace with access from the parking lot the far northeast corner of the retail space.

- 4. **Public Comment**. The Department has received six letters of support for the project, including support from Westwood Park Association and OMI, neighborhood organization active in the area, and no letters or calls in opposition.
- 5. **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 uses within this District that exceed 3,999 square feet. The proposed use size is approximately 15,300 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 proposed CVS pharmacy store will occupy approximately 15,312 square feet within the retail portion of the building. As such, it will not increase the intensity of activity in the district that existed when video rental store operated at the site. The CVS will not interfere with other needed neighborhood-serving businesses being established in the area since there are numerous other vacant retail spaces along Ocean Avenue, including the space across Dorado Terrace from the property that was formerly occupied by a Rite-Aid.

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 store will serve the neighborhood surrounding the site. The neighborhood is underserved by retailers, in general, considering the number of vacant retail spaces along Ocean Avenue. The neighborhood also currently has only one other nearby option for pharmacy services - the Walgreens at 1630 Ocean Avenue - even though it previously supported two retail pharmacy stores.

The size of the retail space is necessary for a CVS pharmacy store to provide the typical variety of products expected by consumers. The CVS will only be occupying approximately 15,300 square feet of the existing building. No increase in the size or bulk of the existing building is proposed.

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 not increase the size or bulk of the existing building at the site. The existing building has three retail spaces along Ocean Avenue, and all are of the appropriate size to be occupied by neighborhood-serving retail services. The Project will not alter the existing layout of retail spaces along Ocean Avenue.

- B. **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.

With ten formula retail uses in the approximately 0.8 mile long district, the existing concentration of formula retail uses is fairly low, relative to other neighborhood commercial districts. In addition, at least two formula retail uses - Rite Aid and Blockbuster Video - have closed in recent years, meaning that establishing a CVS in the retail space will still not increase the number of formula retail uses in this neighborhood commercial district above the amount that existed just a few years ago. There were no apparent adverse effects from the previous formula retail use at the site, and therefore it is unlikely that the reestablishment of a formula retail use there will have an adverse effect on the surrounding neighborhood.

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

The closest pharmacies to the project site are two Walgreens, one located on the block immediately to the east of the site, and another approximately 0.8 miles to the west. A Rite Aid, which provides the same services as a CVS and Walgreens, occupied the retail space across Dorado Terrace from the site up until 2009. The West of Twin Peaks/Ocean View area mainly consists of residential neighborhoods, which are currently served by only a handful of businesses providing retail items. Currently, neighborhood residents have only one nearby option for their pharmacy shopping - Walgreens. The project would provide a choice of pharmacy goods for neighborhood residents, resulting in lower prices and more goods and services.

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

The project will not expand the exterior of the existing building at the project site, but will significantly upgrade the facade. The height, bulk and arrangement of space of the existing building along Ocean Avenue are consistent with that of the Ocean Avenue corridor. The height is limited to one story and the retail space is divided into three units to house retail tenants that

SAN FRANCISCO
PLANNING DEPARTMENT

are neighborhood serving. The existing facade of the retail space is unattractive, with boarded up windows covered with graffiti. The project will remove the boards, and reestablish windows along the store's frontage in order to provide a more appealing storefront to pedestrians. The project will turn this blighting influence into a space that enhances the aesthetic character of the Ocean Avenue Neighborhood Commercial Transit Oriented district while providing a neighborhood-serving tenant.

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

The Ocean Avenue Neighborhood Commercial Transit Oriented district currently contains numerous vacant storefronts. Lack of available retail space is not an issue in the district, and it would need a number of new retail tenants to occupy spaces along Ocean Avenue in order to reach a level of thriving retail activity. The project would work towards reviving the district by cleaning up a property considered a blight to the neighborhood and occupying it with a new tenant.

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

The existing retail uses in the Ocean Avenue corridor are overwhelmingly neighborhood-serving. The area is in an easily accessible part of the City and consists mainly of residential neighborhoods. For this reason, the retail uses in the area generally serve the local residents. The project will add a retail pharmacy store that will serve this neighborhood. The neighborhood is currently underserved by pharmacies, and the project will provide neighborhood residents with another choice for their pharmacy and other convenience item needs.

C. 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 use would occupy an existing commercial space and no expansion or major modifications will occur to the space and therefore is not subject to the requirements of this Section. The project will however remove the boards covering the windows on the space and otherwise upgrade and restore transparency to the façade of the building and activate the pedestrian realm adjacent to the project site.

D. 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. E. **Parking**. Section 151.1 does not require parking for non-residential uses in NCT zoning districts.

The project is located within the Ocean Avenue NCT and no parking is required. The project plans to make the 44 parking spaces existing on the property available to customers and employees.

- 6. **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 it will provide a retail pharmacy store in a neighborhood currently served by just one pharmacy. As recently as 2009 a Rite-Aid pharmacy store was also operating at 1830 Ocean, just across Dorado Terrace from the Project Site. This facility was closed when the Rite-Aid chain was acquired by Walgreens in 2009. The neighborhood had previously supported two pharmacies and the project will re-establish that choice.

The retail unit that the project will occupy has become a source of blight in the neighborhood. The windows are boarded up and are frequently covered with graffiti. The blight extends the full half block occupied by the subject retail space. The project will restore the retail space and frontage to active use and reactivate the area for pedestrians. Many of the storefronts in the area are vacant and establishing a pharmacy store in the space will improve the corridor and serve as an anchor store that could attract more businesses to the area.

- 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 existing building on the property was built two decades ago and the subject retail space was most recently used for a formula retail video rental store. No expansion of the exterior of the building is proposed. The proposed use will be confined entirely to the existing retail space. The one story retail building is consistent with the size and configuration of other retail buildings along the corridor.

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 project is replacing another formula retail use of similar size and is not expected to generate more vehicular traffic than that former use. The site is well served by transit with the K line streetcar operating in front of the property on Ocean Avenue. Several more transit lines, including the 8X, 8BX, 29, 43 and 49 bus lines about one half mile away and the Balboa Park BART and Muni Metro station approximately 0.8 miles from the property.

The project will retain the existing 44 parking spaces serving the property which have been sufficient to provide for the parking demand generated by previous uses. In addition approximately 25 on-street parking spaces are available along Dorado Terrace adjacent to the site.

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

The proposed use is a retail pharmacy store and as such is not expected to generate or emit noxious or offensive noise, glare, dust or odor.

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 clean up and improve the façade of the existing building. Security cameras will be installed in the parking garage. No new landscaping is proposed as the site does not feature areas for landscaping. Signage for the use will comply with all Planning Code requirements

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

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

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

The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one- and two-story retail district to include neighborhood serving commercial uses on lower floors and housing above. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Access (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit function of the street. Residential and commercial parking are not required.

The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may range in height, with height limits

generally allowing up to four or five stories. Lots are generally small to medium in size and lot consolidation is prohibited to preserve the fine grain character of the district, unless the consolidation creates a corner parcel that enables off-street parking to be accessed from a side street.

The proposed CVS would predominantly serve the surrounding neighborhood, rather than the city generally or the Bay Area region. It is anticipated that the predominance of its shoppers will live in the immediate area. The project would use a portion of an existing mixed-use building constructed in 1990. The scale of the project would be in relation to other buildings in the surrounding area, as it would not alter or modify the existing building on the property, and would fit within the existing height and bulk requirements. The retail pharmacy store would not be a troublesome commercial use, and would not cause problems with traffic, congestion, noise or late-night activity. The project area is well served by six MUNI transit routes. In addition, the project would retain the existing 44 off-street parking spaces, which were sufficient for the previous formula retail video rental store. In addition, Ocean Avenue, Dorado Terrace and Jules Avenue provide numerous on-street parking spaces in the immediate vicinity of the site.

The CVS retail pharmacy store would clean up and reactivate an existing retail space along Ocean Avenue that is recognized by neighborhood residents as being a blight on the aesthetic character of the neighborhood. The project would occupy a modest space and would provide convenience goods predominantly to the surrounding neighborhoods. The project would increase the number of retail options available to residents while simultaneously removing a blighting influence in the neighborhood. Thus, at a time when few retailers are expanding their operations the project would be beneficial to the Ocean Avenue Neighborhood Commercial District.

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

#### **BALBOA PARK AREA PLAN**

#### **Objectives and Policies**

#### **OBJECTIVE 1.2:**

STRENGTHEN THE OCEAN AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

#### **Policy 1.2.3:**

Retain and improve the neighborhood's existing businesses while attracting new businesses that address unmet retail and service needs of the diverse local neighborhood.

The project furthers this policy by adding a new retail tenant along the Ocean Avenue corridor and occupying a vacant storefront. The project would provide a pharmacy and everyday convenience goods within walking, biking and transit distance from many of the area's residents. The project would serve the nearby City College. The project would also increase the vitality of the neighborhood commercial corridor by cleaning up and remodeling a vacant retail space that is becoming a blighting influence on the neighborhood. The project would bring competition for pharmacy services by bringing a second pharmacy to the area.

#### **OBJECTIVE 5.3:**

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

#### **Policy 5.3.1:**

Improve the visual and physical character of the Ocean Avenue Neighborhood Commercial District.

The façade of the retail space to be occupied by the project is currently in a neglected condition. Storefront windows have been boarded up and the façade is often tagged with graffiti. The project would remove the boards and open up the storefront, clean the façade and improve the physical appearance of the building and property in general. The activated site would bring renewed vitality to this portion of the Ocean Avenue corridor.

#### 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 is replacing another formula retail use of similar size and is not expected to generate more vehicular traffic than that use. The site is well served by transit with the K line streetcar operating in front of the property on Ocean Avenue. Several more transit lines, including the 8X, 8BX, 29, 43 and 49 bus lines about one half mile away and the Balboa Park BART and Muni Metro station approximately 0.8 miles from the property.

#### **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 only seeks to retain the existing parking on the property. The K light rail line runs directly in front of the property and five other bus lines stop within

one half mile of the site The easy transit access to the property encourages employees and patrons to utilize public transit, thereby reducing pollution, noise and energy consumption relating to automobile use..

#### **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 by maintaining the 44 existing off-street parking spaces on the property. No new parking is proposed. While the project encourages the use of public transit, pharmacy trips can result in larger loads not easily carried by customers on foot. The parking spaces would provide ready access for such customers, while maintaining a pedestrian-friendly environment.

#### **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 clean up and remodel the exterior of an existing retail space along Ocean Avenue that has been identified as a blighting influence by area residents. Street windows would be restored and the project would activate the block and make it more inviting to pedestrians. In addition, by filling a vacant retail space, the project would increase the vitality of the corridor, and help encourage new businesses to occupy other vacant retail spaces in the vicinity. The remodeled property would add to a consistent retail shopping corridor.

#### COMMERCE 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 which has substantial undesirable consequences that cannot be mitigated.

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#### Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The project would increase the level of commercial activity on the site by occupying a vacant retail space in accordance with the general land use requirements of the City. The project would bring competition to the neighborhood by establishing a second pharmacy store in the corridor.

#### **OBJECTIVE 3:**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

#### Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The proposed retail pharmacy store reactivates a site that might otherwise remain vacant. The proposed use would attract new jobs to the neighborhood, specifically for unskilled and semi-skilled workers.

- 8. **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 approximately 15,300 square feet of neighborhood-serving retail use, which would occupy a retail space at the property that has remained vacant for several years. The project would provide new employment opportunities for neighborhood residents. The project would activate the commercial space attracting pedestrian traffic that would also patronize existing neighborhood businesses along Ocean Avenue.

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

The project proposes a retail pharmacy store use and would occupy a vacant retail space in an existing mixed-use building. The project will have no impact on housing.

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 occupying an existing vacant commercial space.

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

The project is a neighborhood-serving retail pharmacy store, and not a major generator of commuter traffic. The project is well served by public transit with the MUNI K street-car line running in front of the site on Ocean Avenue, five MUNI bus lines within a half mile of the site and the Balboa Park BART and MUNI Metro station approximately 0.8 miles to the east of the property.

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. The project will enhance the City's service sector by putting a new retail pharmacy store in a vacant retail space in an existing mixed-use building.

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

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

G. That landmarks and historic buildings be preserved.

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.

- 9. 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.
- 10. 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** 

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**Application No. 2011.0085C** 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 1760 Ocean Avenue, lot 195 in assessor's block 3283 pursuant to Planning Code Section(s) 121.2, and 737.21, for use size and 703.4, for formula retail within the Ocean Avenue Neighborhood Commercial Transit Oriented District and a 45-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. 2011.0085 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

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.

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

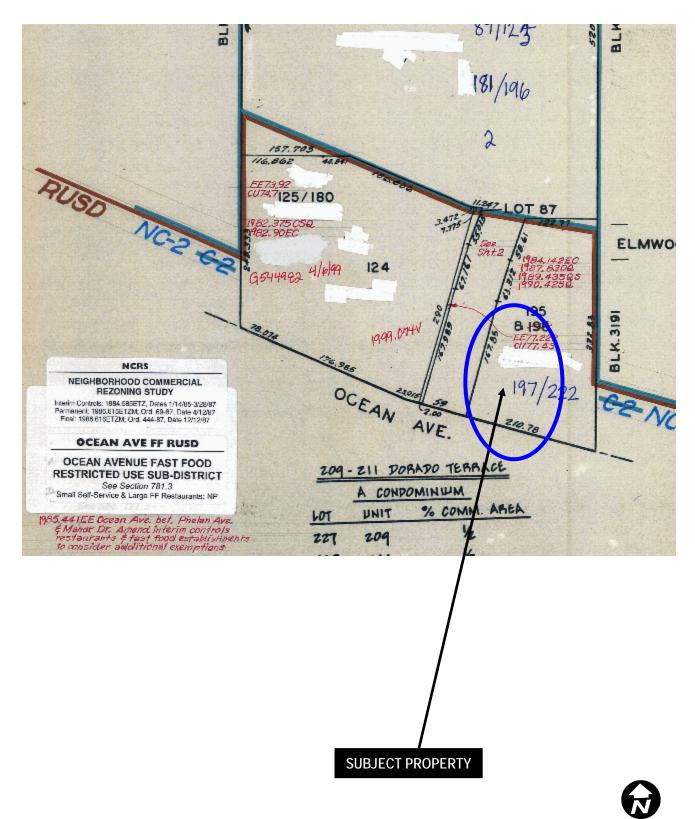
#### **OPERATION**

- 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, <a href="http://sfdpw.org/">http://sfdpw.org/</a>
- 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, <a href="http://sfdpw.org/">http://sfdpw.org/</a>.
- 8. 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.

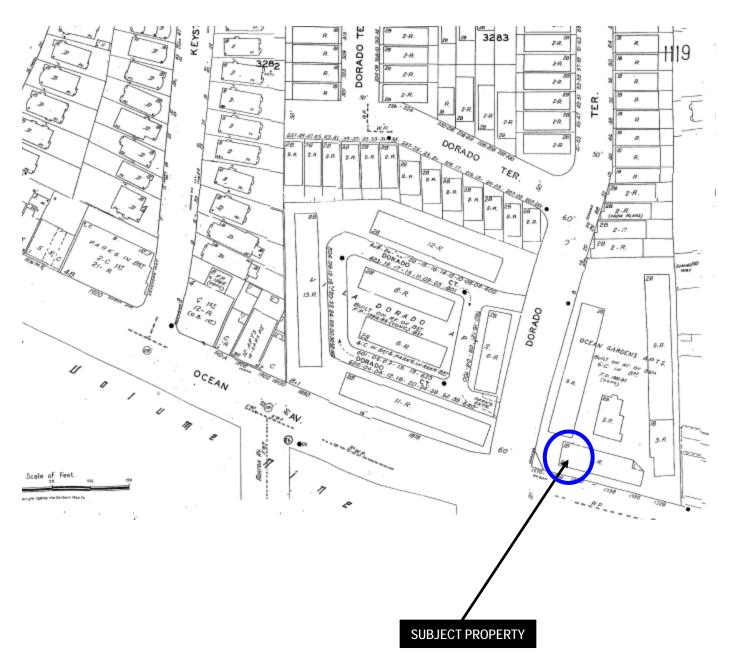
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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### **Parcel Map**



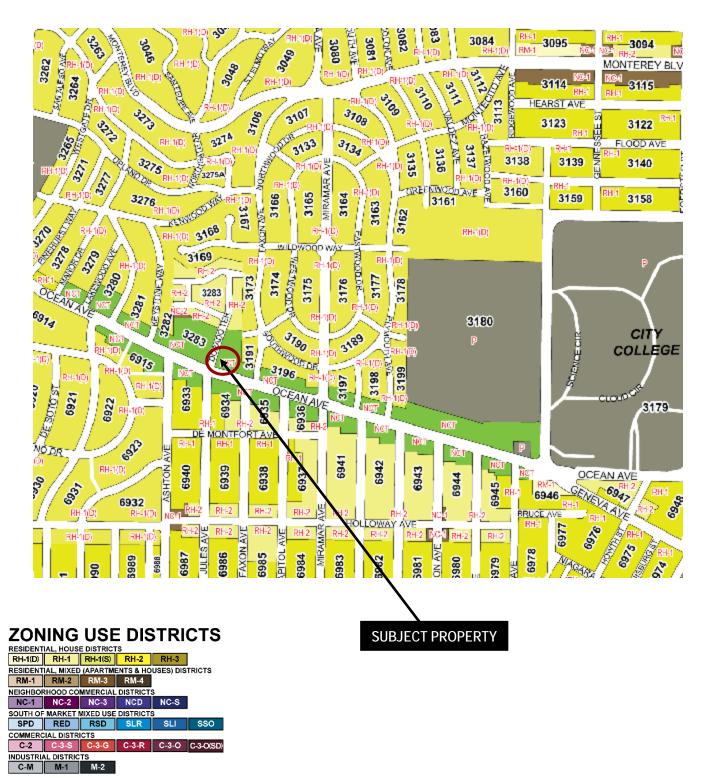
# Sanborn Map\*



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

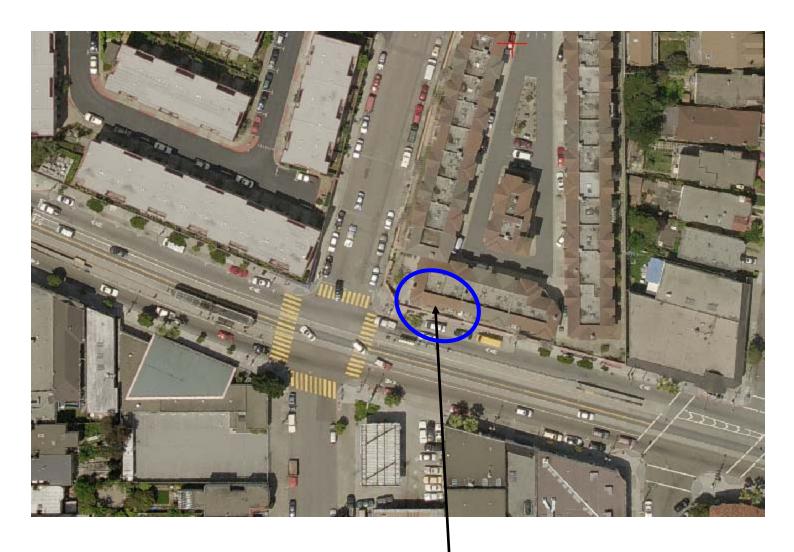


### **Zoning Map**





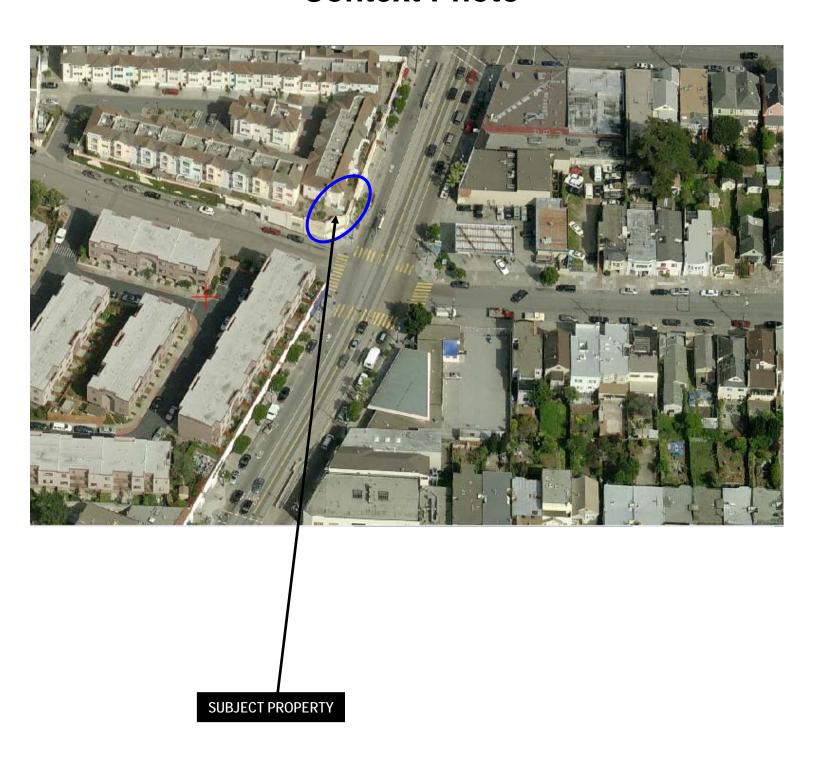
## **Aerial Photo**



SUBJECT PROPERTY



### **Context Photo**





### **Context Photo**



SUBJECT PROPERTY



## **Site Photo**

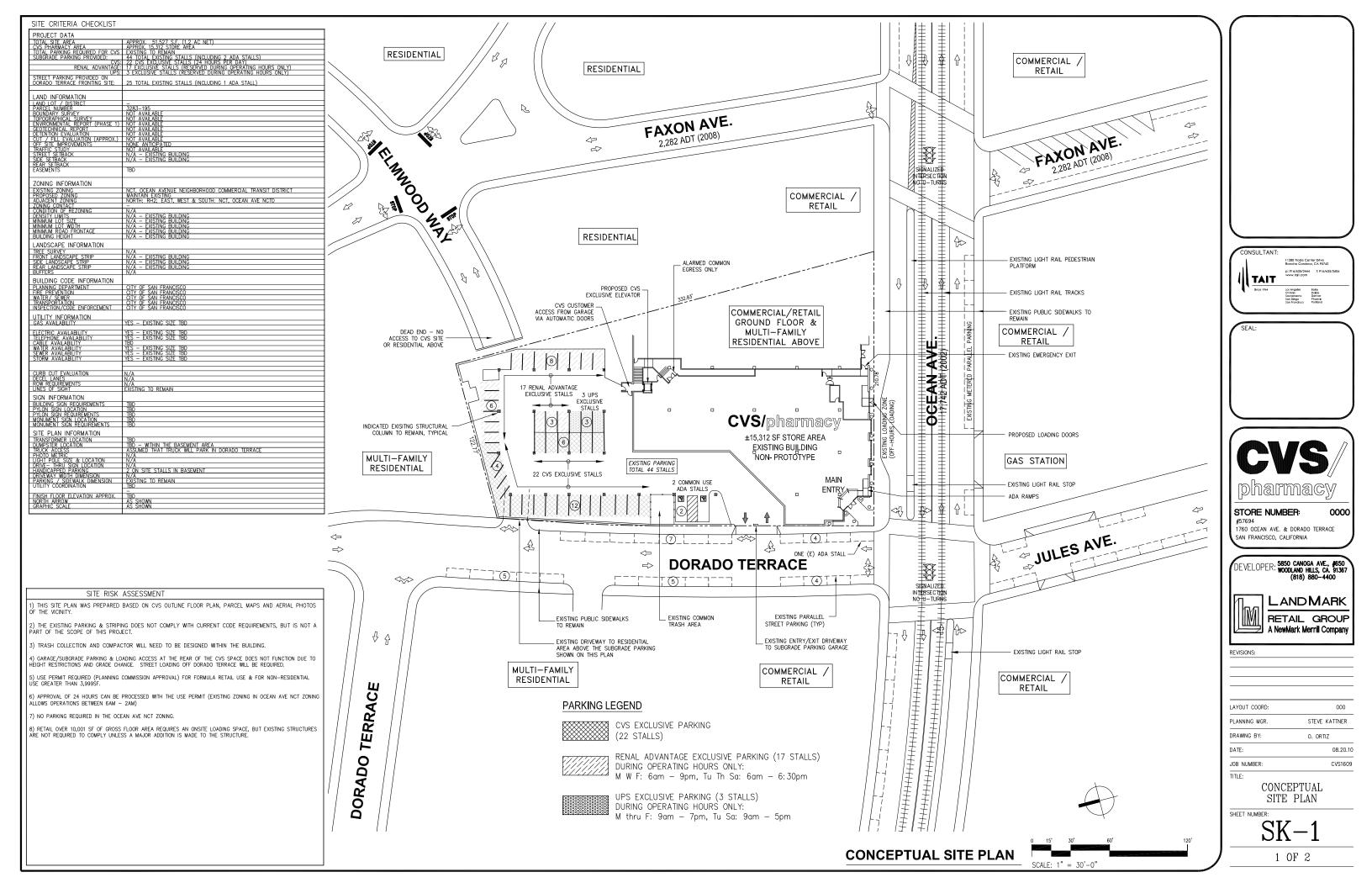


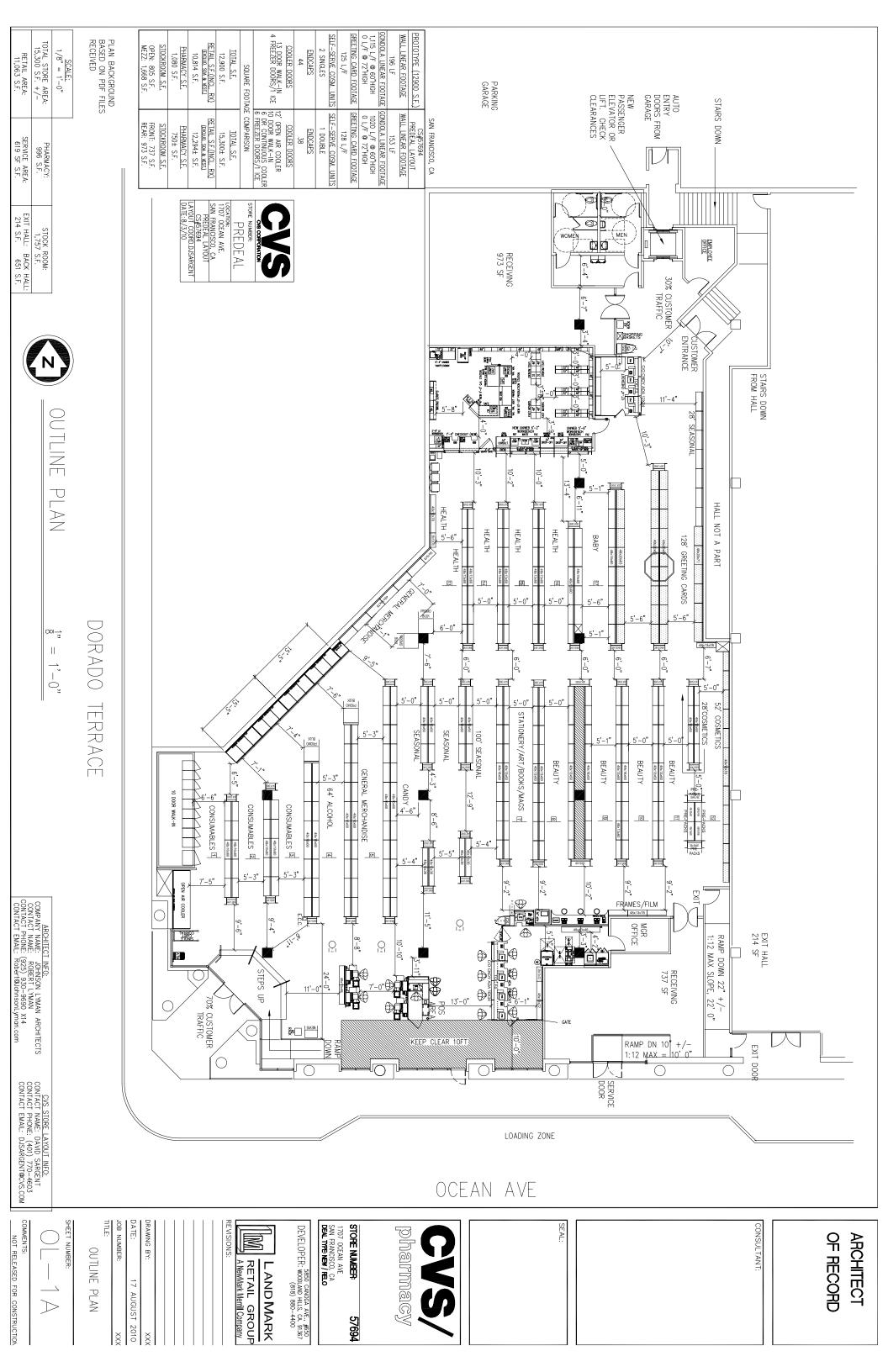
SUBJECT PROPERTY

## **Site Photo**



SUBJECT PROPERTY





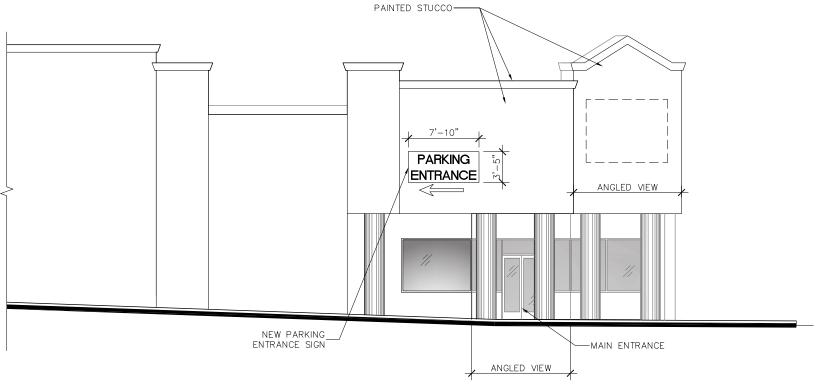


NORTH ELEVATION SCALE: 3/32" = 1'-0"

ARCHITECTURAL DIMENSIONS

1600 S. Main Street, Suite 275 Walnut Creek, CA 94596-5341 TEL. 925.932.8651 • FAX. 925.746.8744 PROJECT INFO.

JOB NO. DRAWING NO. LMD09 **X-2** DATE. 4/20/11



PAINTED STUCCO-

ANGLED VIEW

ANGLED VIEW

SCALE: 3/32" = 1'-0"

NORTHEAST ELEVATION

pharmacy

14'-6"

ANGLED VIEW

ANGLED VIEW

ANGLED VIEW ANGLED VIEW

-MAIN ENTRANCE

\_\_\_ALUMINUM STOREFRONT

EAST ELEVATION SCALE: 3/32" = 1'-0"

ARCHITECTURAL DIMENSIONS

1600 S. Main Street, Suite 275 Walnut Creek, CA 94596-5341 TEL. 925.932.8651 • FAX. 925.746.8744 PROJECT INFO.

**CVS/pharmacy 1760 OCEAN AVENUE SAN FRANCISCO** 

JOB NO. DRAWING NO. LMD09 **X-3** DATE. 4/20/11