



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 16, 2013

Date: May 9, 2013
Case No.: **2012.1004CV**
Project Address: **2280 MARKET STREET**
Zoning: Upper Market Neighborhood Commercial Transit District
40-X and 50-X Height and Bulk Districts
Block/Lot: 3560/013
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**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project would establish a formula retail pharmacy/retail store (d.b.a. CVS Pharmacy) on the ground floor of an existing two-story commercial building. The project would expand this retail space within the existing building from 7,100 square feet to 10,048 square feet. Several existing retail spaces will be combined and the space previously occupied by Tower Records will be divided for the CVS store. The ground floor would be shared with the existing Radio Shack store. The second story would be renovated to be leased for future use as commercial or office space. The project would not expand the building envelope but would remodel the façade of the building. Internal tenant improvements will incorporate several existing small vacant retail spaces and an interior atrium into a new lobby. A new elevator and stairwell will be added to improve access to the second floor.

SITE DESCRIPTION AND PRESENT USE

The project is located on the northern side of Market Street, on the northeast corner of the intersection with Noe Street, Block 3560, Lot 013. The property is 14,640 square feet in area and is occupied by a 24,989 square foot two-story commercial building with rooftop parking. Radio Shack currently occupies the building, in part. The space to be occupied by the project has been vacant for five years and had been occupied previously by Tower Records, a formula retail record store.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Upper Market Street area. Upper Market Street is a multi-purpose commercial corridor that provides convenience goods and limited comparison shopping opportunities to the surrounding residential neighborhoods. The district includes a large number of office uses along Market Street, particularly on the upper stories of buildings and is within easy transit access to

downtown. The commercial core on Market Street is surrounded by moderate density residential neighborhoods.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 26, 2013	April 24, 2013	22 days
Posted Notice	20 days	April 26, 2013	April 24, 2013	22 days
Mailed Notice	10 days	May 6, 2013	April 25, 2013	21 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- To date, the Department has received one call in opposition to the proposal from an area resident concerned that the neighborhood is sufficiently served by the existing pharmacies. The Department has also received letters in support of the project from the Merchants of Upper Market and Castro and the Castro/Upper Market Community Benefit District.

ISSUES AND OTHER CONSIDERATIONS

- The project includes façade improvements to update the exterior of the building. The project will remove the protruding concrete bays and over-cladding of the frame with cement-board siding with metal trim, incorporate new bay windows with metal surrounds on the second floor, install a new lattice rain screen on the building, and screen the existing rooftop parking area.
- The project requires a Variance from Section 136(c)(1), of the Planning Code for the proposed metal lattice rain screen which will project 8 inches into the public right of way from the ground up for a height of 38 feet 6 inches.
- There are two pharmacies in the Upper Market Street districts providing a similar mix of retail goods as the project, a Walgreens, located 0.2 miles northeast of the project, and a Safeway Pharmacy located 0.4 miles north of the Project Site. Neighborhood residents have few nearby options for their convenience goods shopping. The project would provide an additional choice of pharmacy and basic everyday needs goods for neighborhood residents, resulting in prices that are more competitive and a greater availability of goods and services.
- The CVS pharmacy store will not sell alcoholic beverages.
- With the proposed CVS pharmacy store, only 18% of the linear street frontage was committed to formula retail uses.

- The Department has received letters in support of the project from the Merchants of Upper Market and Castro and the Castro/Upper Market Community Benefit District.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a 10,048 square foot Formula Retail pharmacy store (d.b.a. CVS Pharmacy) with hours of operation from 4 A.M. to 12 A.M. pursuant to Planning Code Sections 303, 121.2, 733.21, 703.4 and 733.27 within the Upper Market Street Neighborhood Commercial Transit District and 40-X and 50-X Height and Bulk Districts.

BASIS FOR RECOMMENDATION

- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- With the proposed CVS pharmacy store, only 18% of the linear street frontage was committed to formula retail uses.

RECOMMENDATION:	Approval with Conditions
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Attachments:

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

Attachment Checklist

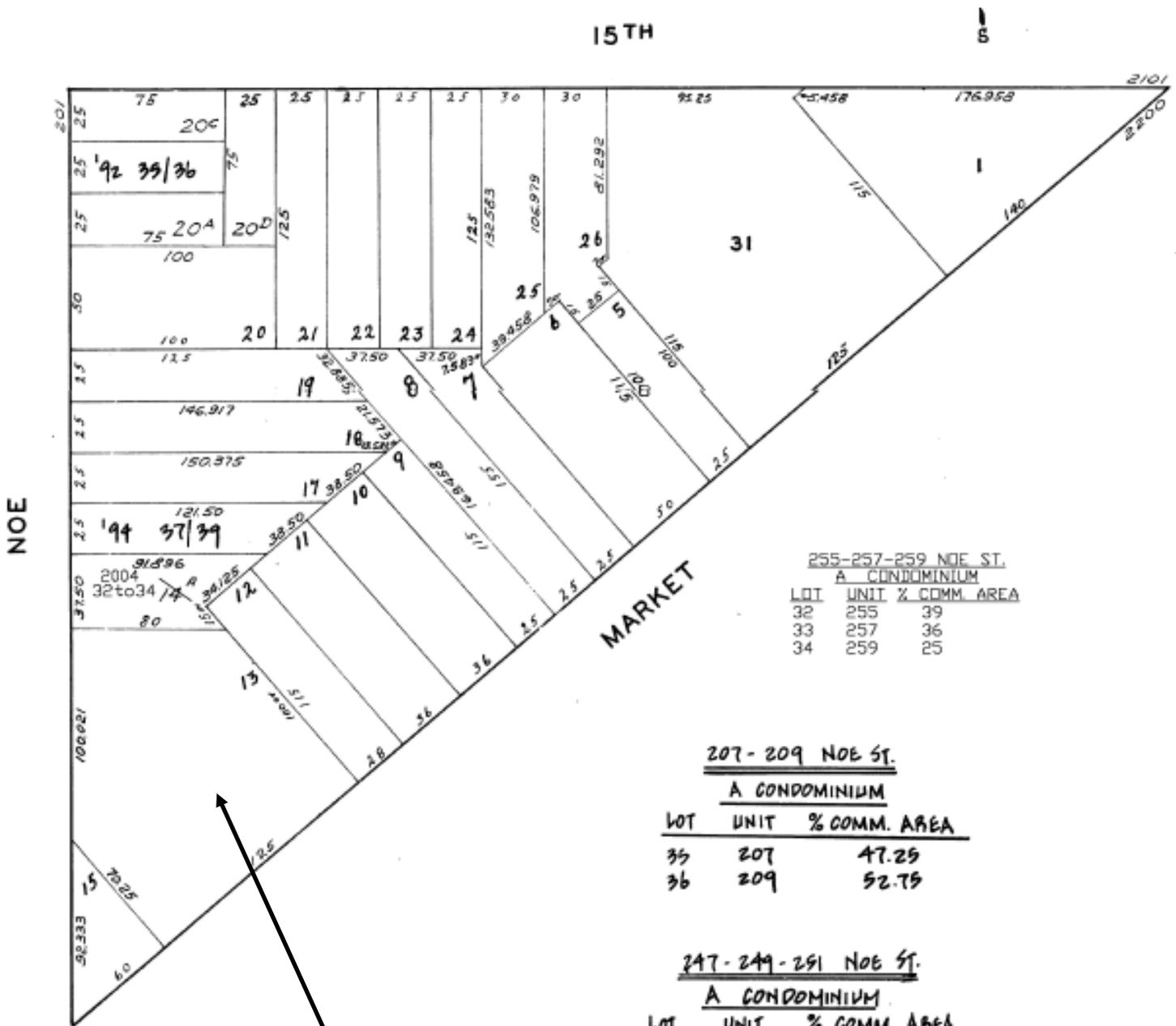
- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

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

_____ RC _____

Planner's Initials

Parcel Map



SUBJECT PROPERTY

255-257-259 NOE ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
32	255	39
33	257	36
34	259	25

207-209 NOE ST.
A CONDOMINIUM

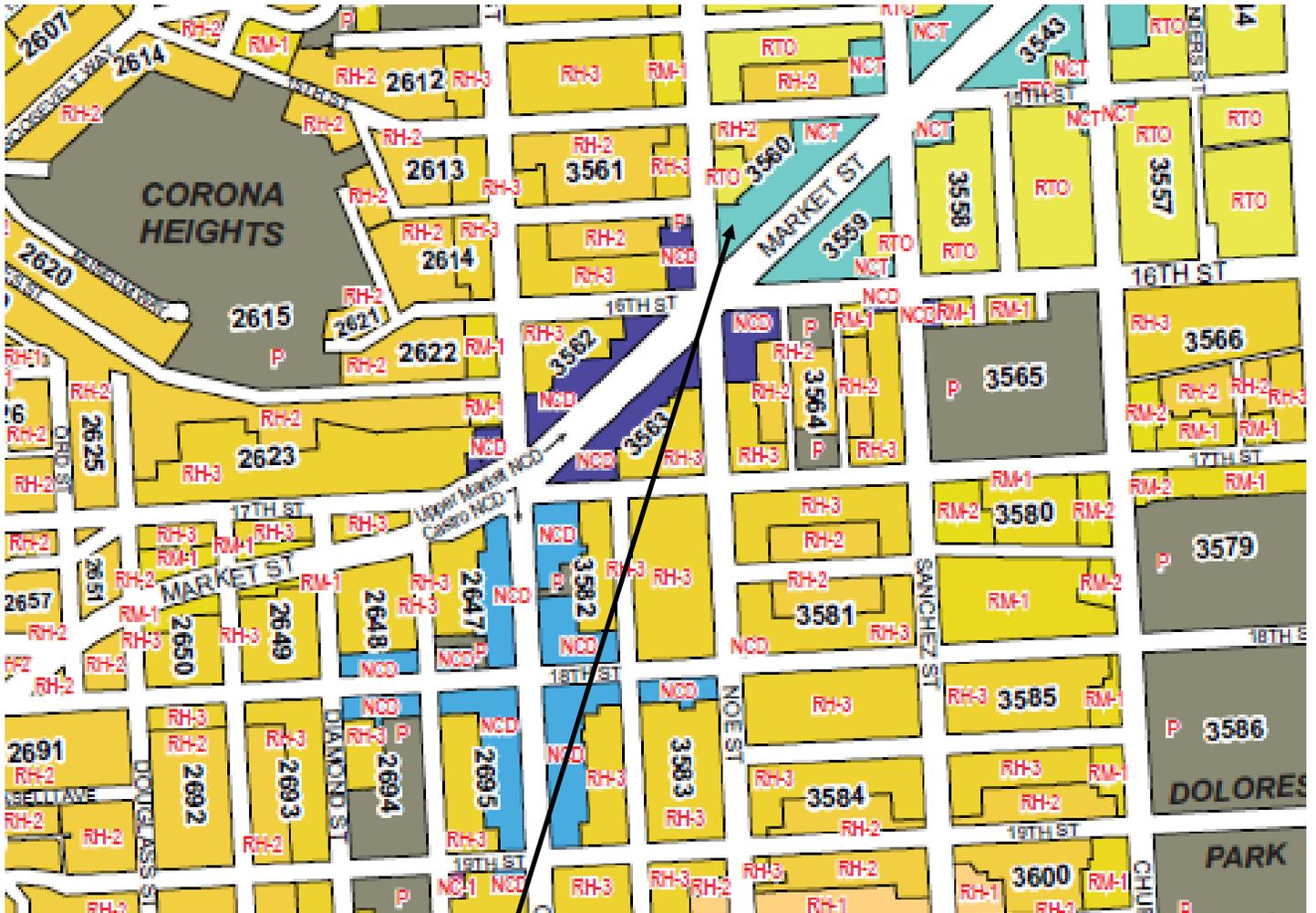
LOT	UNIT	% COMM. AREA
35	207	47.25
36	209	52.75

247-249-251 NOE ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
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Zoning Map

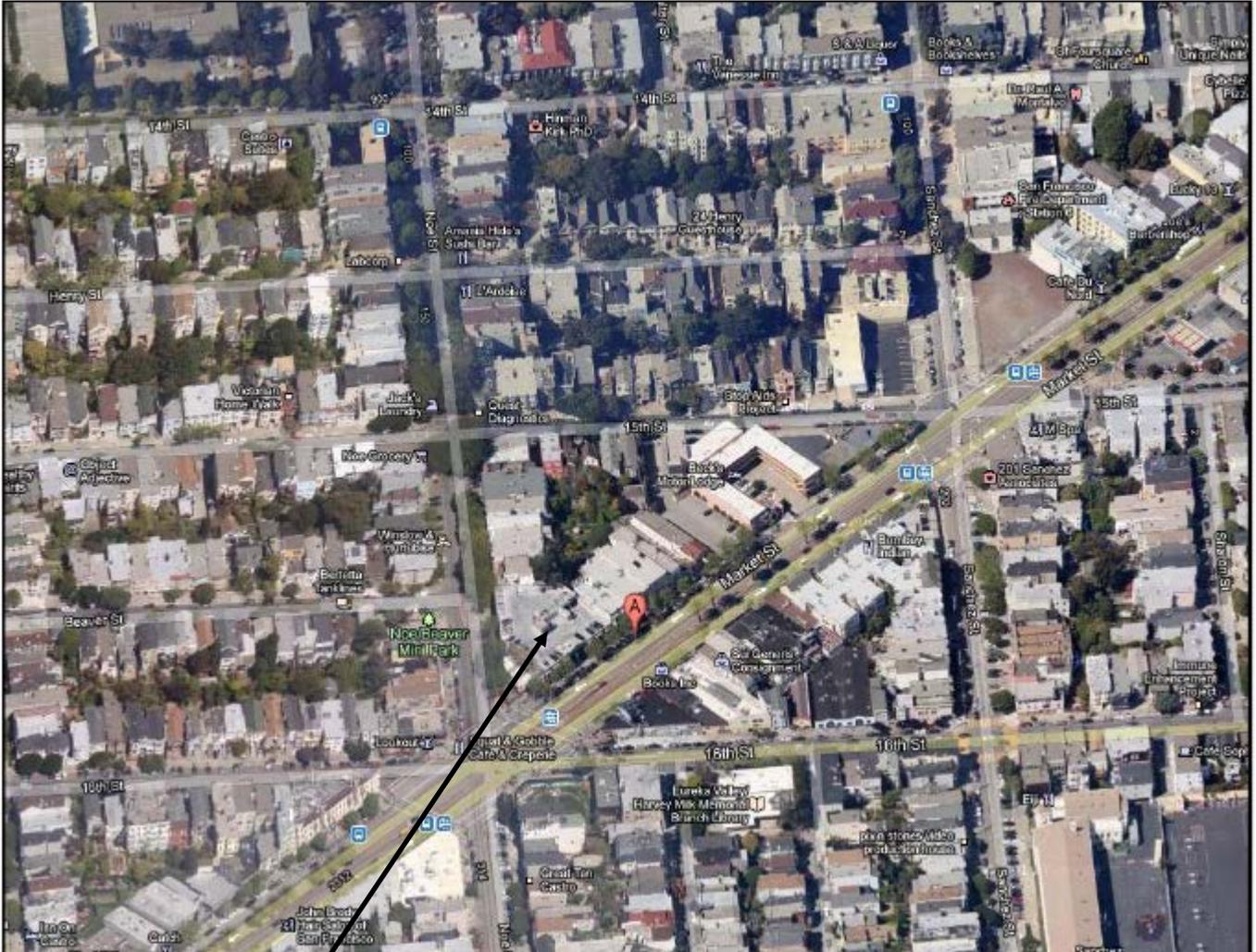


SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2012.1004CV
CVS
2280 Market Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2012.1004CV
CVS
2280 Market Street

Site Photo



Conditional Use Authorization
Case Number 2012.1004CV
CVS
2280 Market Street

Site Photo



Conditional Use Authorization
Case Number 2012.1004CV
CVS
2280 Market Street

Context Photos



Conditional Use Authorization
Case Number 2012.1004CV
CVS
2280 Market Street

Context Photos



Conditional Use Authorization
Case Number 2012.1004CV
CVS
2280 Market Street



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 121.2, 733.21, NONRESIDENTIAL USE SIZE, 703.4, FORMULA RETAIL AND 733.27, HOURS OF OPERATION, OF THE PLANNING CODE TO ALLOW A 10,048 SQUARE FOOT, FORMULA RETAIL ESTABLISHMENT, D.B.A. CVS PHARMACY STORE, TO BE DEVELOPED IN THE EXISTING BUILDING WITHIN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, AND 40-X AND 50-X HEIGHT AND BULK DISTRICTS.

PREAMBLE

On August 3, 2012 Holly Grzywacz (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Sections 303, 121.2, 733.21, 703.4 and 733.27 of the Planning Code to allow a 10,048 square foot formula retail establishment (d.b.a CVS Pharmacy) to be developed within an existing building within the Upper Market Street Neighborhood Commercial Transit District, and 40-X and 50-X Height and Bulk Districts.

On May 16, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1004CV.

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. 2012.1004CV, 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 northern side of Market Street, on the northeast corner of the intersection with Noe Street, Block 3560, Lot 013. The property is 14,640 square feet in area and is occupied by a 24,989 square foot two-story commercial building with rooftop parking. Radio Shack currently occupies the building, in part. The space to be occupied by the project has been vacant for five years and had been occupied previously by Tower Records, a formula retail record store.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Upper Market Street area. Upper Market Street is a multi-purpose commercial corridor that provides convenience goods and limited comparison shopping opportunities to the surrounding residential neighborhoods. The district includes a large number of office uses along Market Street, particularly on the upper stories of buildings and is within easy transit access to downtown. The commercial core on Market Street is surrounded by moderate density residential neighborhoods.
4. **Project Description.** The project would establish a formula retail pharmacy/retail store (d.b.a. CVS Pharmacy) on the ground floor of an existing two-story commercial building. The project would expand this retail space within the existing building from 7,100 square feet to 10,048 square feet. Several existing retail spaces will be combined and the space previously occupied by Tower Records will be divided for the CVS store. The ground floor would be shared with the existing Radio Shack store. The second story would be renovated to be leased for future use as commercial or office space. The project would not expand the building envelope but would remodel the façade of the building. Internal tenant improvements will incorporate several existing small vacant retail spaces and an interior atrium into a new lobby. A new elevator and stairwell will be added to improve access to the second floor.

The CVS retail pharmacy store would sell prescription and over-the-counter drugs, health and beauty products, photo finishing, seasonal merchandise, greeting cards and limited convenience grocery items. In response to feedback from the neighborhood, CVS is proposing hours of operation from 4 A.M. to midnight. CVS is not proposing to sell alcoholic beverages at this location within the Upper Market Street Neighborhood Commercial Transit District and 40-X and 50-X Height and Bulk Districts.

The project would retain the 39 existing rooftop spaces at the property, accessed by a drive to Noe Street. The property is currently serviced by one off-street loading dock accessed from Noe Street, as well as two existing metered loading spaces located on Market Street.

5. **Public Comment.** To date, the Department has received one call in opposition to the proposal from an area resident concerned that the neighborhood is sufficiently served by the existing pharmacies. The Department has also received letters in support of the project from the Merchants of Upper Market and Castro and the Castro/Upper Market Community Benefit District.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use Size Limits.** Planning Code Section 121.2 states that a Conditional Use Authorization is required for nonresidential uses within this District that exceed 2,999 square feet. The proposed use size is approximately 10,048 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 10,048 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 Tower Records operated at the site, and will occupy significantly less floor area than this previous tenant. The CVS store will not interfere with other needed neighborhood-serving businesses in the area since there are numerous other vacant retail spaces along in the Upper Market NCT and NCD districts.

- 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 10,048 square-foot retail space is the most appropriate use of the remaining, vacant space on the ground floor of the Project Site. This space was divided amongst several retail units, none of which was occupied by a successful retail tenant since Tower Records vacated the premises. The proposed CVS will occupy and activate the remainder of the ground floor retail space, creating a consistent

retail frontage for the entirety of the building. 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 10,048 square feet of the existing building. No increase in the size or bulk of the existing building is proposed.

The space formerly occupied by Tower Records was much larger than the space proposed for CVS. The project will occupy about half the space of the former record store, and will create at least two new neighborhood-serving retail units on the second floor.

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 existing building on the Project Site is relatively large for this District, but is broken up into discrete sections on the ground floor to provide appropriately sized retail frontage. The project CVS will occupy the same amount of ground floor retail frontage as Tower Records had occupied. The majority of the retail space is located behind the Market Street frontage. The building is located at the intersection of Market and Noe Streets, which intersect at a 45-degree angle, resulting in an unusually shaped building. Most of the floor area of the proposed CVS store is created by a widening of the building and not a longer frontage.

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.

The Upper Market Street NCD and NCT districts run along both sides of Market Street between 14th and 17th Streets. There are approximately 16 formula retail uses in the two zoning districts. Walgreens at 2145 Market Street and Safeway Pharmacy at 2020 Market Street are the only formula retail uses in the combined districts that provide similar goods and services as CVS.

In keeping with the policy for Determining Formula Retail Concentration in the Upper Market NCD and NCT recently adopted by the Planning Commission, a survey of land uses within 300 feet of the Project Site was conducted. This survey found that, with the proposed CVS pharmacy store, only 18% of the linear street frontage was committed to formula retail uses.

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

Two specialty pharmacies are located within the Upper Market Districts: a BioScript Pharmacy (operated by Walgreens) at 2262 Market Street and AHF Pharmacy at 100 Church Street. These

pharmacies do not offer convenience goods and specialize in pharmaceuticals to treat chronic conditions and sports nutrition products.

There are two pharmacies in the Upper Market Street districts providing a similar mix of retail goods as the project, a Walgreens, located 0.2 miles northeast of the project, and a Safeway Pharmacy located 0.4 miles north of the Project Site. Neighborhood residents have few nearby options for their convenience goods shopping. The project would provide an additional choice of pharmacy and basic everyday needs goods for neighborhood residents, resulting in prices that are more competitive and a greater availability of 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 Market Street are consistent with that of the Market Street corridor. The height is limited to two stories and the ground floor retail space is divided between CVS and Radio Shack. The second floor will be renovated for future use as commercial space. The project will improve the façade and turn it into a space that enhances the aesthetic character of the Upper Market Street Neighborhood Commercial Transit district while providing a neighborhood-serving tenant.

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

The Upper Market Street Neighborhood Commercial Transit district currently contains five vacant storefronts available for other neighborhood serving businesses. The existing building had been occupied by Tower Records and few other uses could appropriately occupy this space. The project would fill a portion of the existing building and remodel the remaining commercial space on the second floor with at least two units for future tenants.

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 Market Street corridor are not only neighborhood serving, but also serve as a shopping street for a broader trade area. The area is an easily accessible part of the City and consists mainly of dispersed centers of commercial activity and office space surrounded by residential housing. For this reason, the retail uses in the area generally serve both local and area wide residents. The project will add a retail pharmacy store that will serve this neighborhood.

C. 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.

CVS is proposing a sign package that would replace their typical internally lit, red plastic cabinet signs with directly lit, brushed metal signs with a red border. The size and location of the signs would comply with the requirements and limitations of Planning Code

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

The project is located within the Upper Market Street NCT and no parking is required. The project would retain the 39 existing rooftop spaces at the property, accessed by a drive to Noe Street. The project plans to make these parking spaces available to customers and employees.

- E. **Loading.** Section 152 of the Planning Code establishes off-street loading requirements for Districts other than other than C-3, Eastern Neighborhoods Mixed Use Districts, or South of Market Mixed Use Districts.

The property is currently serviced by one off-street loading dock accessed from Noe Street, as well as two existing metered loading spaces located on Market Street. The off-street loading space is slightly undersized but as an existing space, it is considered a nonconforming space and may be continued.

- F. **Hours of Operation.** Section 733.27 of the Planning Code principally permits hours of operation between 6:00 A.M. and 2:00 A.M. and allows hours between 2:00 A.M. and 6:00 A.M. with Conditional Use authorization.

In response to feedback from the neighborhood, the project is proposing hours of operation from 4:00 A.M. to 12:00 A.M.

- G. **Permitted Obstructions.** Section 136(c)(1), of the Planning Code allows the projection of architectural details into the public right of way provided they are no taller than 2 feet 6 inches in height and have a minimum of 7 feet 6 inches of vertical clearance from the sidewalk.

The project includes façade improvements to update the exterior of the building. The project will remove the protruding concrete bays and over-cladding of the frame with cement-board siding with metal trim, incorporate new bay windows with metal surrounds on the second floor, install a new lattice rain screen on the building, and screen the existing rooftop parking area. The proposed metal lattice rain screen will project 8 inches into the public right of way from the ground up for a height of 38 feet 6 inches. Therefore, the project requires a Variance from Section 136(c)(1), of the Planning Code.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The project is necessary and desirable because it will provide a retail pharmacy store in a dense neighborhood with high demand for pharmacy services. The project will occupy a long vacant storefront, remodel, and update the exterior façade. The project provides an opportunity to reactivate the large ground floor space, renovate the façade and the interior spaces, and remodel the upper floor to better position the space for a future tenant.

The surrounding area is characterized by residential neighborhoods with Market Street as the principal commercial corridor. Establishing a pharmacy and retail store at the Project Site would provide basic, daily necessities for neighborhood residents. CVS could serve as an anchor store for the district attracting shoppers to the area and driving traffic to other nearby retailers and restaurants.

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

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

The height and bulk of the existing building will remain the same and will not alter the character of the project vicinity. The proposed work will not affect the building envelope, however the project will renovate the building façade to update and improve the appearance of the building and surrounding vicinity. The reconfiguration of the interior will create a net of two new retail spaces on the second floor that will provide additional opportunities for local, neighborhood-serving retail businesses.

- 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 located in a transit-rich location close to multiple surface transit lines and to the Church Street and Castro Street MUNI subway stations. Parking is not required for commercial uses in the Upper Market Street NCT however; the project will retain the existing shared 39-rooftop parking spaces. On street parking is provided along Market Street and nearby side streets.

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

The project consists of a 10,048 Square foot retail pharmacy store and is not expected to emit noxious or offensive emissions such as noise, dust, glare, 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 remodel the exterior façade of the existing building with input from the community and the Department. The existing parking garage on the rooftop will not be changed. Loading will continue to take place from the existing interior loading dock. The two existing loading spaces on Market Street will serve the project's delivery needs. The proposed signage program complies with the Planning Code.

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

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

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

The proposed project is consistent with the stated purposed of Upper Market Street NCT in that the intended use is located at the ground floor, will provide a compatible retail pharmacy use for the immediately surrounding neighborhoods. 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 scale of the project would be in relation to other buildings in the surrounding area, as it would not alter the footprint of 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 39 off-street parking spaces.

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

MARKET AND OCTAVIA AREA PLAN

Objectives and Policies

OBJECTIVE 1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.8:

Reinforce continuous retail activities on Market, Church, and Hayes Streets as well as on Van Ness Avenue.

The project furthers this policy by adding a new retail tenant along the Market Street corridor. The project would provide a pharmacy and everyday convenience items within walking, biking and transit distance of many area residents. The project would increase the vitality of the corridor by remodeling the exterior façade to compliment the aesthetic of the neighborhood. The project will bring competition to the neighborhood with the opening of an additional pharmacy, giving residents a choice of pharmacies to patronize.

OBJECTIVE 4.3:

REINFORCE THE SIGNIFICANCE OF THE MARKET STREET STREETScape AND CELEBRATE ITS PROMINENCE AS SAN FRANCISCO'S SYMBOLIC "MAIN STREET."

Policy 4.3.1:

Recognize the importance of the entire Market Street corridor in any improvements to Market Street proposed for the plan area.

The façade of the building is currently in need of remodeling. The project proposes a complete exterior remodel that would create an improved visual appearance for the building in general. The redesign will also result in a net gain of two smaller retail units on the second floor. This would be more consistent with the neighborhood-retail character of this block of Market Street than the former two-story Tower Records space. Activating the long vacant space would add vitality to the Market Street corridor.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 35:

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

The project supports this objective by maintaining 39 existing rooftop parking spaces. No new parking will be added to the building. While the location of the Project Site encourages the use of public transit, pharmacy trips can sometimes result in larger loads not easily carried by customers on foot. The existing parking spaces would provide ready access to those customers, while maintaining pedestrian-friendly environment as presently exists. Access to the parking is located on Noe Street, away from the busy Market Street corridor.

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 would remodel the exterior façade of the existing retail space along Market Street in a fashion that compliments the neighborhood aesthetic. The project would add livelihood to the corridor by occupying this long vacant retail space and will help encourage new businesses to fill other vacant retail spaces in the area.

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.5

Relate the height of buildings to important attributes of the city pattern and to the heights and character of existing development.

The project's two-story retail space is consistent with other retail development along the corridor. The project does not increase the height or bulk of the existing building. By maintaining the existing structure, the project maintains the existing city pattern. Remodeling the façade would break up the scale of the building to be more consistent with the smaller buildings along Market Street

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.

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 another 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.

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 approximately 10,048 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 this portion of Market Street.

- 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 retail building. The project will have no effect on housing.

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

The project will have no effect 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 site is on Market Street and is well served by transit. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking.

- 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 affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project Site.

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

The project will have no negative affect on existing parks and open spaces. The project does not have an effect 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. 2012.1004CV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 22, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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 May 16, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 16, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Formula Retail pharmacy store (d.b.a. CVS) located at 2280 Market Street Block 3560 and lot 013 pursuant to Planning Code Sections 303, 121.2, 733.21, 703.4, and 733.27 within the Upper Market Street Neighborhood Commercial Transit District and 40-X and 50-X Height and Bulk Districts; in general conformance with plans, dated April 22, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2012.1004CV and subject to conditions of approval reviewed and approved by the Commission on May 16, 2013 under Motion No XXXXX. 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 May 16, 2013 under Motion No XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a

Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

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

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

MONITORING

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

OPERATION

9. **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/>.*
10. **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/>.
11. **Hours of Operation.** The subject establishment is limited to hours of operations from 4:00 A.M. to 12:00 A.M. seven days a week.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
12. **Alcohol Sales.** The Conditional Use approval is based on the understanding that no sales of alcoholic beverage may occur at this business.

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

13. **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

REUBEN, JUNIUS & ROSE, LLP

May 6, 2013

By Messenger

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Planning Case No. 20121004CV
Hearing Date: May 16, 2013
Our File No.: 6483.17

Dear President Fong and Commissioners:

This office represents LandMark Retail Group, the project sponsor (“Sponsor”) for a project to locate a CVS pharmacy and retail store in an existing vacant retail space at 2280 Market Street (“Property”), and to remodel the interior and exterior of the existing building (“Project”). The Sponsor respectfully requests that the Planning Commission grant conditional use authorization to allow the Project to:

- Establish a formula retail use in a the Upper Market Neighborhood Commercial Transit District (“NCT”);
- Have a use size exceeding 2,999 square feet; and
- Allow hours of operation from 4:00 a.m. to midnight.¹

In addition, the Sponsor is requesting a variance from the Zoning Administrator, in order to allow the installation of new metal lattice and cement board rain screen siding on the building’s Market Street facade.

We look forward to presenting the Project to you on May 16, 2013.

A. Project Description

The existing building at the Property is occupied by Radio Shack and other vacant retail space at the first and second floors. The retail unit CVS proposes to occupy was previously occupied by Tower Records, but has been vacant for over six years. However,

¹ In the Upper Market NCT, businesses are principally permitted to operate between the hours of 6:00 a.m. and 2:00 a.m. CVS is requesting conditional use authorization to operate between the hours of 4:00 a.m. and 6:00 a.m., in order to allow maximum hours of operation from 4:00 a.m. to midnight.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben¹ | David Silverman | Thomas Tunny | Jay F. Drake | John Kevin
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Course! 3. Also admitted in Massachusetts

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

Tower Records occupied space on both floors of the building, whereas CVS will only occupy space on the ground floor. The building was constructed in 1987, and currently features a dated and unattractive façade that no longer aligns with the aesthetic of the Upper Market Neighborhood Commercial Transit District. The vacant retail unit is also currently configured in manner that is undesirable for most potential commercial uses.

The Project will establish a CVS Pharmacy in the ground floor of the two-story commercial building. Several existing retail spaces will be combined, and the previous two-story space occupied by Tower Records will be divided. The ground floor will be shared with Radio Shack, an existing tenant. The second story will be renovated for future use as a commercial space to be leased to a future retail or office tenant. The CVS Pharmacy will occupy approximately 10,048 square feet of the existing building on the ground floor. The Project would retain the existing 39 shared rooftop parking spaces at the Property, without adding any new parking spaces.

The Project will also improve the second floor commercial space to be more usable for future tenants, although following renovation CVS will not retain any control over or rights to the second floor space. The improvements will entail relocating a stairwell and adding a new elevator to be accessed directly from Market Street, and reorganizing utilities for easier use in the future. No expansion of the existing building envelope will occur. A remodel of the exterior façade of the building is also proposed, in a design that will modernize the building in a manner that is more consistent with the surrounding character of the Upper Market Street neighborhood.

The CVS retail pharmacy store would sell prescription drugs, over-the-counter drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, and limited groceries (such as milk, bread and eggs). A CVS retail pharmacy store provides a range of quality household and personal items, and will provide neighborhood residents with a broad selection of products needed on a daily basis at one convenient location. *In response to feedback from the neighborhood as part of the Sponsor's outreach efforts, the CVS retail pharmacy will not sell alcohol and will limit its hours of operation to between 4 a.m. and midnight.*

A site plan, elevations, photos of existing site conditions and renderings for the proposed store are included in your packet.

B. Benefits of the Project

The benefits of the Project will include:

- Renovating and re-activating an existing retail space that has become dated and is currently unsuitable for most second-floor commercial uses;
- Establishing a local pharmacy for area residents;
- Creating new construction jobs during building remodeling;

- Creating up to 25 new jobs in the city, including 6 to 8 new full time positions and many other entry-level opportunities; and
- Generation of new economic activity and production of business tax revenue to the City.

C. Compliance with Conditional Use Criteria for Formula Retail, Use Size, and Hours of Operation.

The proposed Project meets and exceeds the requirements necessary to grant a conditional use authorization for a formula retail use, a use size greater than 2,999 square feet, and to allow maximum hours of operation from 4:00 a.m. to midnight.

The retail unit CVS proposes to occupy has sat vacant at the Property for approximately five years. This prominent retail location has been particularly difficult to fill with a tenant since Tower Records left, and the Project provides an opportunity to reactivate the ground floor space, while simultaneously renovating the façade, entrance, lobby, elevator and stairs to better position the upstairs for a successful tenant.

As numerous other vacant retail spaces exist throughout the Upper Market Street neighborhood, CVS will not interfere with other potential neighborhood-serving businesses in the area. CVS will offer hours of operation specifically tailored to the needs of the surrounding community. Also, because CVS will occupy approximately 10,048 square feet within an existing retail unit at the Property, it will not increase the intensity of the activity in the district that existed when the space was previously occupied by Tower Records. In fact, the existing large commercial retail space would be split to provide two new retail spaces with sizes closer to the 2,999 square foot use size threshold of the Upper Market NCT. The Project's improvements will also modernize the interior and exterior of the existing building in a manner that attracts new active commercial uses, benefitting the surrounding neighborhood.

The Project will provide a desirable new retail pharmacy store in a dense neighborhood with a high demand for pharmacy services. CVS will predominantly serves the surrounding neighborhood, rather than the City generally, and it is anticipated that the predominance of its shoppers will live in the immediate area. CVS is proposing to occupy a retail space that was previously used by formula retail, and the reestablishment of a formula retail use in this space would not adversely affect the surrounding neighborhood. The Upper Market NC and NCT districts currently contain approximately 13 formula retail uses, creating a good balance of formula retail and non-formula retail uses. Walgreens and Safeway Pharmacy are the only two local formula retail uses that provide similar goods and services as CVS. In addition, the only two specialty pharmacies within the Upper Market districts do not offer convenience goods or groceries. The Project would provide an additional choice of pharmacy and basic everyday needs goods for neighborhood residents, resulting in competitive prices and more goods and services.

D. Providing Access to Good Jobs

CVS also looks forward to being a strong source of good jobs in the community. CVS wages and benefits programs are developed specifically for each individual location and are very competitive, taking into account area wages of direct competitors, union wage salaries, and other geographical market factors.

CVS is committed to filling its new positions with local hires. CVS will work with the Mayor's Office of economic and Workforce Development to identify qualified local candidate and will post signs at the Property advertising the available positions.

E. Construction and Operation

CVS wants to move quickly to get the store open. Assuming the Project is approved by the Commission, CVS plans to file for a building permit as soon as possible, and hopes to open the store by February 2014, and hopefully sooner.

The Project is not expected to have any construction impacts on the surrounding neighborhood, since the construction involved will consist of only internal tenant improvements and adding exterior signage. CVS will also work to minimize construction impacts on the community and will work closely with surrounding neighbors to minimize inconveniences.

F. Community Outreach

CVS has done extensive community outreach for the Project. The Sponsor held a public meeting on the Project on April 23, 2012, and has since held a number of meetings with local neighborhood groups, key project stakeholders and representatives from the Planning Department to ensure that the Project's design and operation are consistent with the needs and interests of the surrounding community. The Sponsor has also conducted a canvas of Upper Market Street in order to gather input from the local merchants. In response to this feedback, CVS has revised its exterior designs for the site, tailored the style of its signage to better conform to the character of the surrounding Upper Market NCT, and has determined that the CVS retail pharmacy will not sell alcohol and will limit its hours of operation to 4 a.m. to 12 a.m.

As a result of its outreach efforts and demonstrated willingness to address the interests of the surrounding community, CVS has garnered strong neighborhood support for the Project. The Project has obtained support from the Merchants of Upper Market Street and Castro (MUMC), Duboce Triangle Neighborhood Association (DTNA), Castro CBD and various other key neighborhood stakeholders. A summary of the Sponsor's community outreach efforts is attached as **Exhibit A**.

G. Conclusion

The Project requires conditional use authorization for a formula retail use, for a use size exceeding 2,999 square feet, and to have maximum hours of operation from 4:00 a.m. to

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

REUBEN, JUNIUS & ROSE, LLP

www.reubenlaw.com

President Fong and Commissioners

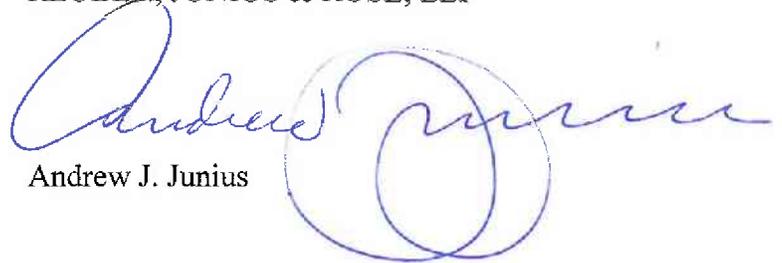
May 6, 2013

Page 5

midnight. The CVS retail pharmacy will provide substantial benefits for the City by occupying, modernizing and reactivating a large commercial space that has sat vacant for the more than six years, and provides desirable pharmacy services and convenience goods to the surrounding neighborhood. Planning staff is recommending approval of the requested authorization. The neighborhood is very supportive, and has been involved throughout the Project design process. For all of these reasons and those listed in the application, we respectfully request that this Commission grant this conditional use authorization for this Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Andrew J. Junius

Enclosures

cc: Vice-President Cindy Wu
Commissioner Michael Antonini
Commissioner Gwyneth Borden
Commissioner Rich Hillis
Commissioner Kathrin Moore
Commissioner Bill Sugaya
Jonas P. Ionin – Acting Commission Secretary
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Holly Grzywacz – Landmark Retail Group

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

REUBEN, JUNIUS & ROSE, LLP

www.reubenlaw.com

BergDavis Public Affairs



Date: May 6, 2013
To: San Francisco Planning Commission
From: BergDavis Public Affairs
Re: CVS at 16th and Noe Community Outreach Summary

For over two years BergDavis on behalf of CVS Pharmacy, has conducted extensive community outreach to the residents, merchants and community organizations in the Upper Market/Castro neighborhood. A myriad of community outreach tools were used to engage the community in the planning process including a community meeting, merchant walks, participation in key community events and in-store outreach. Additionally numerous meetings were held with the Merchants of Upper Market and Castro (MUMC), Castro CBD, Eureka Valley Neighborhood Association (EVNA) and the Duboce Triangle Neighborhood Association (DTNA).

The proposed CVS Pharmacy at 2280 Market Street will be located at the Noe Center at the intersection of 16th and Noe, which has been vacant for over seven years. CVS will occupy 10,048 SF of the ground floor of the Noe center, which includes all storage and service areas, the retail sales floor including the Pharmacy is 6,900 SF.

The proposal includes plans to do a complete exterior façade remodel. Tenant improvements on the ground floor include the addition of an elevator and stairwell core along Market Street to provide for enhanced access for future tenants on the second floor. CVS retained local Noe Valley Architect Chuck Bloszies to create a one-of-a-kind design and signage that would complement the uniqueness of the neighborhood, and which has been deeply embraced by the surrounding neighbors.

Community Organizations

Before scheduling any public noticed meetings, BergDavis began initial discussions with community organizations (DTNA, EVNA and MUMC) in April 2011 to assess community reaction to the proposed CVS Pharmacy. These discussions have resulted in a collaborative work process between the CVS project team and the community organizations. Discussions have been ongoing to this day and have resulted in significant changes to the project. Some of the changes include:

- No alcohol will be sold at this store
- Limiting store and delivery hours
- Concentrating delivery away from the residential blocks
- Leaving the parking on the roof accessible to other neighborhood uses and businesses

- Leaving store windows clear and unobstructed

The building design and signage have been vetted by the community organizations and publically endorsed by DTNA, MUMC and the Castro CBD.

Community Meeting

On April 23, 2012 CVS held a community meeting as required by the conditional use process. Approximately 15 neighbors and representatives from community organizations including DTNA, EVNA and MUMC attended the meeting. Prior to the meeting BergDavis conducted a merchant walk along the Upper Market/Castro corridor handing out community meeting invitations and project information to merchants. In general, the merchant community was enthusiastic that the long-vacant Noe Center would have an anchor tenant and that the building would receive a much needed facelift.

Endorsements

The proposed CVS Pharmacy project has received official endorsements from MUMC and the Castro CBD. DTNA has written two articles in their monthly newsletters explaining why they feel CVS is a good fit for their neighborhood and praising CVS for their willingness to work with community.

Community Engagement

CVS has been a sponsor of the annual Castro Christmas Tree Lighting ceremony for the past two years. BergDavis has attended the ceremony both times and distributed project information to the community. CVS has also had a project display for over a year at the CVS Caremark Specialized Pharmacy at 445 Castro Street with project details.

CVS has made significant modifications to the scope of this project based on community input to ensure that this neighborhood servicing pharmacy would be a welcome addition to the neighborhood. In summary, this project has received widespread support from the community organizations, merchants and neighbors.



584 Castro Street, # 333
San Francisco CA 94114-2512
415/431-2359
Email MUMC-SF@earthlink.net
www.CastroMerchants.com

Terry Asten Bennett, President
415/431-5365 Ext. 4
TerryAsten@cs.com

April 18, 2013

By Email and USPS hardcopy

Rick Crawford, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

Re: Planning Case File No. 2012.1004CV, Request for Conditional Use Authorization
2280 Market Street, *CVS Pharmacy*

Dear Mr. Crawford

This confirms that the Members of **Merchants of Upper Market & Castro (MUMC)** have voted to SUPPORT the Request for a Formula Use and related approvals of *CVS Pharmacy* for a retail pharmacy at 2280 Market Street in San Francisco. We understand that Planning Commission's Hearing for this item currently is scheduled for May 16, 2013.

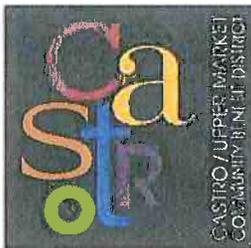
MUMC is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19th Street, and cross streets throughout that area. **MUMC** has over 250 paid Members for the current year. The property covered by this matter is within MUMC's primary service area.

Please let us know if you have any questions regarding **MUMC's** SUPPORT for this Request. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,

Terry Asten Bennett, President

cc: Holly Grzywacz, *Landmark Retail Group* for *CVS*; Luis Cuadra, *BergDavis Public Affairs*
Kent Jeffrey, *Market & Noe Center*
email cc: Supervisor Scott Wiener and staff
Capt. Greg Corrales, SFPD Park Station
Capt. Bob Moser, SFPD Mission Station



584 Castro Street #336
San Francisco, CA 94114
PH 415.500.1181
FX 415.522.0395
www.castrocbd.org
www.facebook.com/castrocbd
[@visitthecastro](https://twitter.com/visitthecastro)

March 19, 2013

Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street
San Francisco, CA 94103

Dear President Fong and Fellow Commissioners,

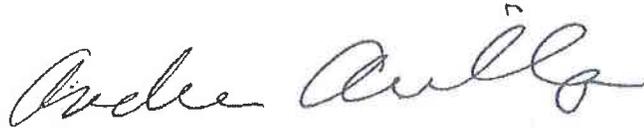
This letter is written to express the Castro/Upper Market Community Benefit District's support for CVS Pharmacy's conditional use application to locate at 2278 Market St. in San Francisco.

The storefront at 2278 Market Street has been vacant for some time and the Castro/Upper Market Community Benefit District is looking forward to a strong tenant moving in to help activate this part of Market Street. It is anticipated that CVS Pharmacy will bring additional pedestrian traffic to this section of Market Street and will serve to meet the growing demand for goods and services as the density on Upper Market increases.

The Castro Community Benefit District would also like to acknowledge the effort that CVS Pharmacy dedicated to the project, up front, to work with community groups on building design and storefront image, streetscape and sale of alcohol. It is our understanding that the CVS Pharmacy at this location will not sell alcohol and will ensure that the window displays are interesting and inviting to passersby.

If there is anything the Castro/Upper Market Community Benefit District can do to assist your moving into this space, please let me know. I can be reached at 415-500-1181 or via email at execdirector@castrocbd.org.

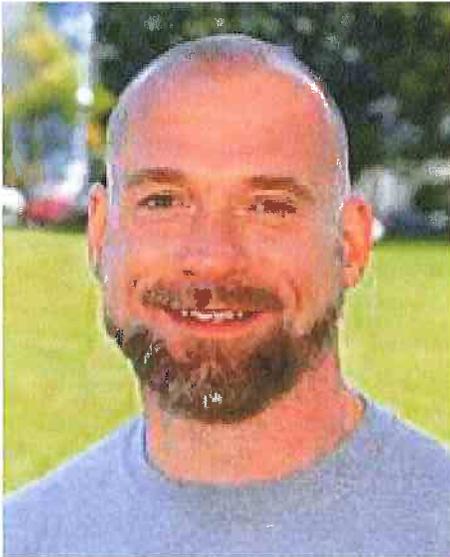
Sincerely,



Andrea Aiello
Executive Director

cc: Supervisor Scott Wiener, Supervisor District 8
Andres Power, Legislative Aide, Supervisor Scott Wiener
Rick Crawford, Planner, S.F. Planning Department
Holly CJ Grzywacz, Land Retail Group
Luis Cuadra, BergDavis Public Affairs
Castro/Upper Market CBD Board of Directors

CVS: A Good Fit in Our Neighborhood



*Dennis Richards
DTNA President*

None of us likes seeing vacant storefronts in our neighborhood. Just a few years ago, in the midst of the Great Recession, the number of vacant storefronts was very noticeable. Recently we have seen many of the vacant store fronts filled with new shops and restaurants.

One exception has been the Market Noe Center which has sat vacant for five-and-a-half years now. You may recall that Tower Records and Video used to occupy most of both the upstairs and downstairs, with Kard Zone and Sonia's Dry Cleaners (both closed for more than 2 years now) and Radio Shack also on the ground floor.

CVS Pharmacy has signed a lease for all of the ground floor except for the space occupied by Radio Shack. At first many of us were concerned that yet another national Formula Retailer moving into such a large space would further erode the uniqueness of our neighborhood. However my concerns have been alleviated.

Unlike Trader Joe's, which wanted to open its cookie-cutter car-oriented sub-

urban store model in our dense transit-rich neighborhood, and didn't want to alter their "Formula" to fit our urban neighborhood, CVS actively sought input early on from the immediate neighbors, local small grocery stores, our neighborhood association, as well as the Eureka Valley Neighborhood Association and others, on how a new CVS would "fit" into our neighborhood.

As a result, CVS no longer plans to seek permission to sell alcohol after hearing concerns from neighbors about the intensification of alcohol sales and its negative quality of life impacts, as well as the impacts on small locally owned grocery stores.

CVS does plan to have extended hours, but will not be open 24 hours, and they

have agreed to a reasonable plan on deliveries, scheduling them a little later in the morning and not in the middle of the night, which would awaken people living nearby.

Lastly, the Market Noe Garage will reopen. CVS will validate parking for long enough to allow their patrons to shop at CVS and also shop at other stores as well.

Honestly, it has been so refreshing seeing such a large national retailer—with over 7000 locations spread across 43 states—work with the neighborhood on a solution where they will be successful and where they also will be a good addition for our neighborhood. While CVS will still need approval from the Planning Commission, I look forward to having CVS as a good neighbor soon.

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REAL ESTATE

CVS Responds to Neighborhood Concerns, Revises Plans

Since 2011, CVS has been working toward restructuring and occupying the first floor of the Market and Noe center (the former Tower Records store, long vacant).

After consultations with DTNA, they have agreed to various changes in their proposal, including limiting store and delivery hours, concentrating delivery away from the residential blocks, agreeing not to sell alcohol, leaving the parking on the roof accessible to other neighborhood uses and businesses, and leaving their windows clear and unobstructed, not blocked in with merchandise as Walgreen's does.

At our March Land Use Committee meeting, CVS presented new renderings of their architectural design, which has met with approval from the Planning Department, and which received general positive reviews from the Land Use Committee.

The design, by a local, Noe Valley architect, visually splits the building into three vertical sections. No change is being contemplated to the Radio Shack section of the building which CVS is not leasing. The central section will remove the bay windows and add an elevator to access parking and 2nd floor businesses (CVS is not occupying the 2nd floor).

The third section also removes the bays and replaces them with large rectangular ground-floor windows. Visually the center section will be distinguished with a see-through lattice and the eastern section with ceramic tile.

The biggest improvement on previous iterations is in signage – CVS has removed the large billboard-like sign initially proposed for the elevator tower, and replaced it with smaller signs that,

crucially, are not the standard suburban strip mall version, but front-lit and will be unique to this CVS store. Hopefully, Bank of the West and other soon-to-arrive formula businesses (chains) will take a similar approach.

CVS will be at our April 8th General Meeting to present and discuss their plans.

Chipotle wants ex-Home Space

At this writing, Chipotle Mexican Grill Inc. has not yet applied for their conditional use permit to operate at 2100 Market Street, the corner of Market, Church, and 14th Streets. We have seen, however, lots of public relations by Chipotle in the neighborhood: A full-page ad in the BAR, the lobbying of local merchants, and going door-to-door to gain resident support.

2100 Market St. is strategically located at the gateway to the Upper Market corridor. DTNA's Board feels that it is critical for that site to house a unique local business which will add to our neighborhood's unique character. The adjacent Safeway property is an immense parcel of formula retail stores—Safeway, Starbucks, GNC, and Jamba Juice.

There are three existing (independent) Mexican restaurants within a block of 2100 Market, evidence that a Chipotle is not

"necessary" at that location. And since Chipotle would siphon sales from those local restaurants and threaten their viability, and would diminish unique neighborhood character, the proposed fast-food restaurant is also not desirable.

Local merchants have submitted a petition in opposition to the project. However, they don't have the time or money to launch a PR campaign like Chipotle has done. With revenue of \$699,000,000, Chipotle Mexican Grill Inc. can spend what it likes to try to ensure success.

As consumers we all have choices of how to spend our money. As urban dwellers we have choices of what we want our environment to be where we live. You can contribute to multi-national profits or you can contribute to viable local businesses and make them profitable. The choice is yours to define the unique character of our neighborhood.

Hours: Tuesday through Saturday
10:00 am to 5:00 pm
Appointments recommended

San Francisco
Pet Grooming



209A Sanchez St. at Market St. (415) 861-0111

THANK YOU
FOR SHOPPING
MOLLIE STONE'S!

As a small, local business we'd like to thank you for shopping at Mollie Stone's Markets, your neighborhood food store. Our roots are deep within our community, and we appreciate your choice to support a community-based business such as ours.



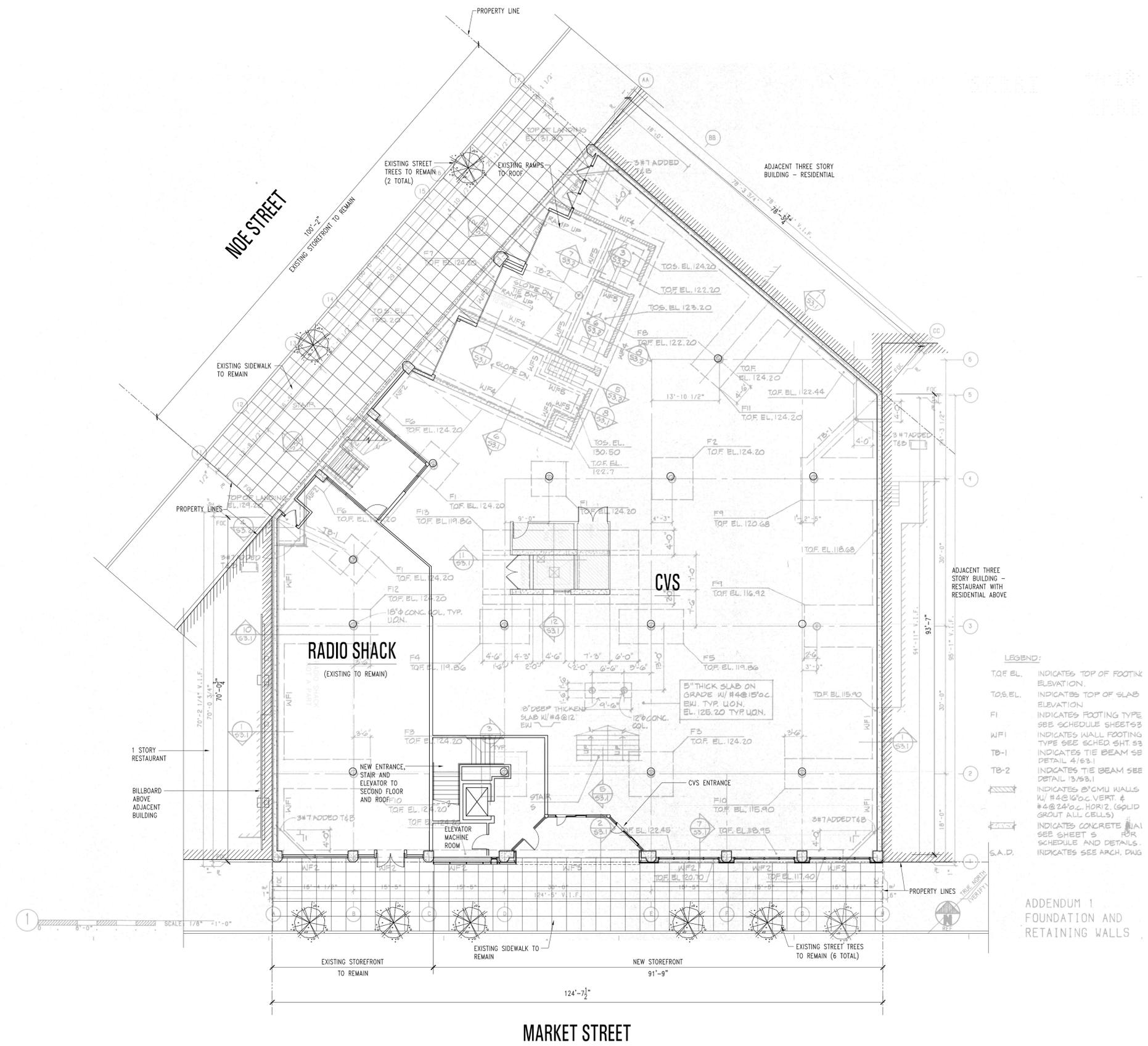
When you shop with us,
you accomplish the following:

1. You keep your dollars in our local economy.
2. You create local jobs.
3. You nurture our community.
4. You help the environment by buying locally.
5. You invest in local ownership.
6. You create more choice in shopping.
7. You utilize our expertise.
8. You embrace what makes us different and unique from larger chain supermarkets & supercenters.
9. You make our store a destination, and we appreciate it!
10. Every week you will find hundreds of specials throughout the store.

Visit www.molliestones.com for more information and store locations.

MOLLIE STONE'S

2280 Market Street
San Francisco, CA



- LEGEND:**
- T.O.F. EL. INDICATES TOP OF FOOTING ELEVATION.
 - T.O.S. EL. INDICATES TOP OF SLAB ELEVATION
 - F1 INDICATES FOOTING TYPE SEE SCHEDULE SHEET S3
 - WF1 INDICATES WALL FOOTING TYPE SEE SCHED SHT. S3
 - TB-1 INDICATES TIE BEAM SEE DETAIL 4/53.1
 - TB-2 INDICATES TIE BEAM SEE DETAIL 13/53.1
 - INDICATES 8" CMU WALLS W/ #4@16" O.C. VERT. & #4@24" O.C. HORIZ. (SPOLID GROUT ALL CELLS)
 - INDICATES CONCRETE WALL SEE SHEET S FOR SCHEDULE AND DETAILS.
 - S.A.D. INDICATES SEE ARCH. DWG

ADDENDUM 1
FOUNDATION AND
RETAINING WALLS

File Name:	Drawn By:	Checked By:
12105-A1.00	ML	CB

Issues	
Number	Date

Revisions	
Number	Date

SITE PLAN

Date: APRIL 22, 2013

A1.00



2280 Market Street
San Francisco, CA

File Name:	Drawn By:	Checked By:
12105-A1.00	ML	CB

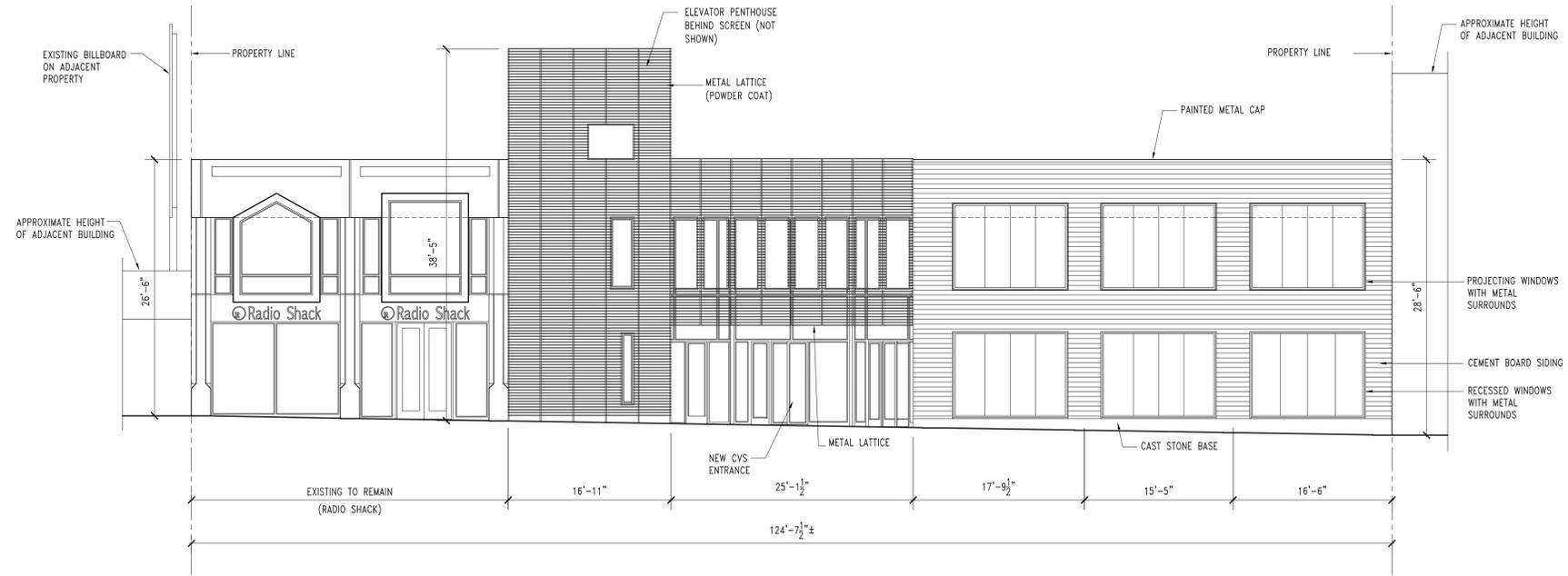
Issues		
Number	Date	Description

Revisions		
Number	Date	Description

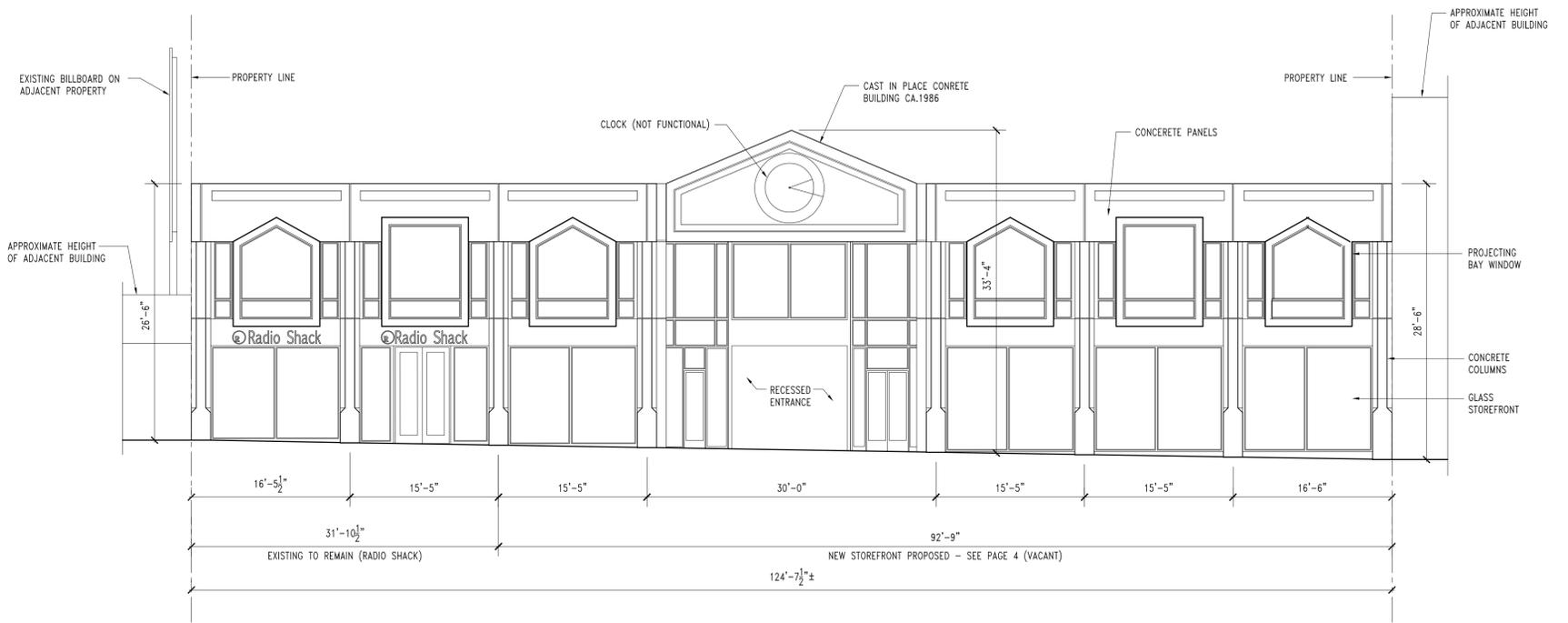
EXISTING & PROPOSED ELEVATIONS

Date: APRIL 22, 2013

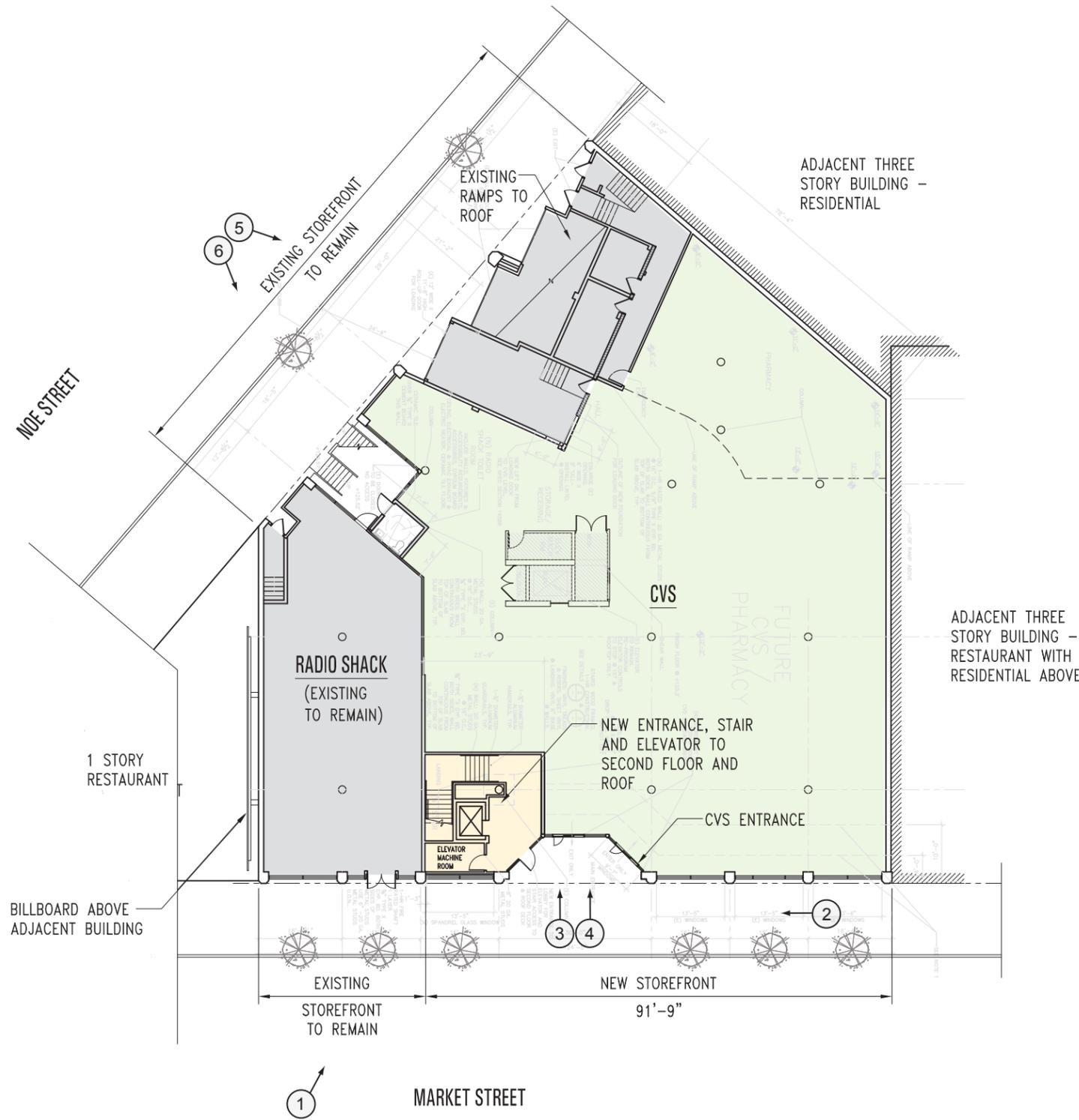
A2.00



2 PROPOSED MARKET STREET ELEVATION
1/8" = 1'-0" A-EE-ALL

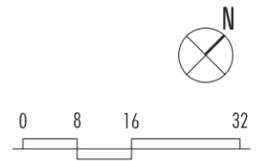


1 EXISTING MARKET STREET ELEVATION
1/8" = 1'-0" A-EE-ALL



KEY

- CVS
- Entrance to Second Floor
- Existing to Remain
- ↗
 Location of Photos on Page 2



CVS/pharmacy[®]
 2280 Market Street
 San Francisco

Existing Conditions Photos



5



6



1



2



3



4

CVS/pharmacy

2280 Market Street
San Francisco

Proposed Design

The design proposed includes removal of the protruding concrete bays and over-cladding of the concrete frame with cement-board siding with metal trim. The Metal lattice will serve as a screen for the existing parking deck and elevator penthouse on the roof.



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2280 Market Street
San Francisco

Street View

The existing concrete façade will be over-clad with cement-board siding. New storefronts will be aluminum with metal surrounds, set back a few inches from the principal façade. New bay windows with metal surrounds will replace the existing concrete bays on the second floor. A new metal lattice will mark the entrance and will support an illuminated sign consisting of individual channel letters while the blade sign will be illuminated by a wall-mounted fixture.



Appropriately scaled modern building nearby (Dailey Method building)



Cement board siding

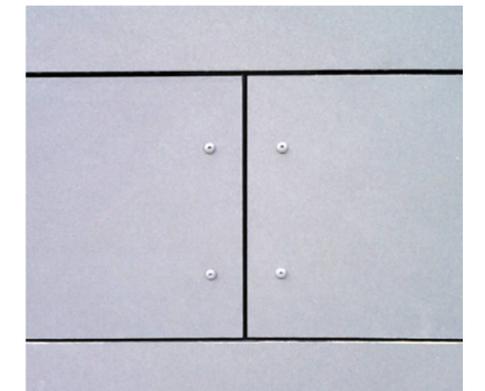
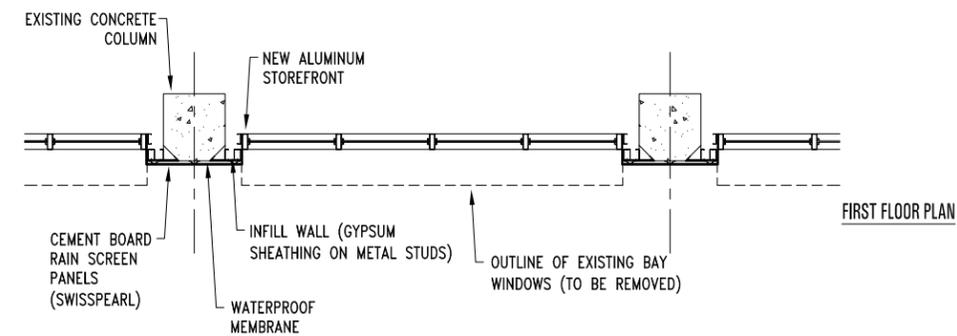
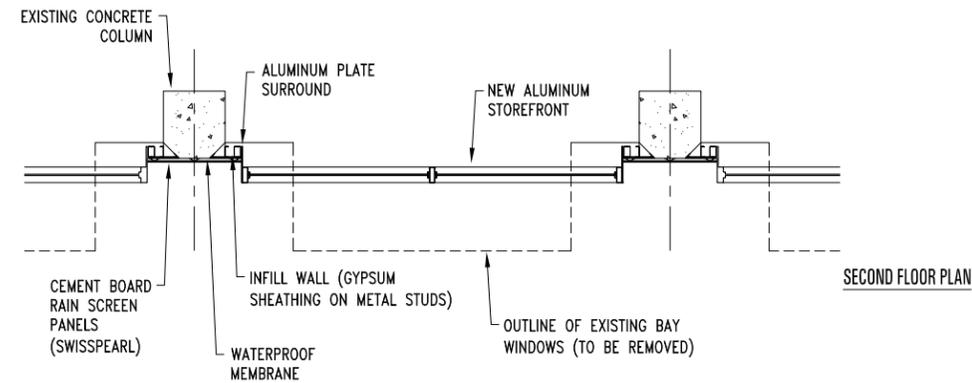
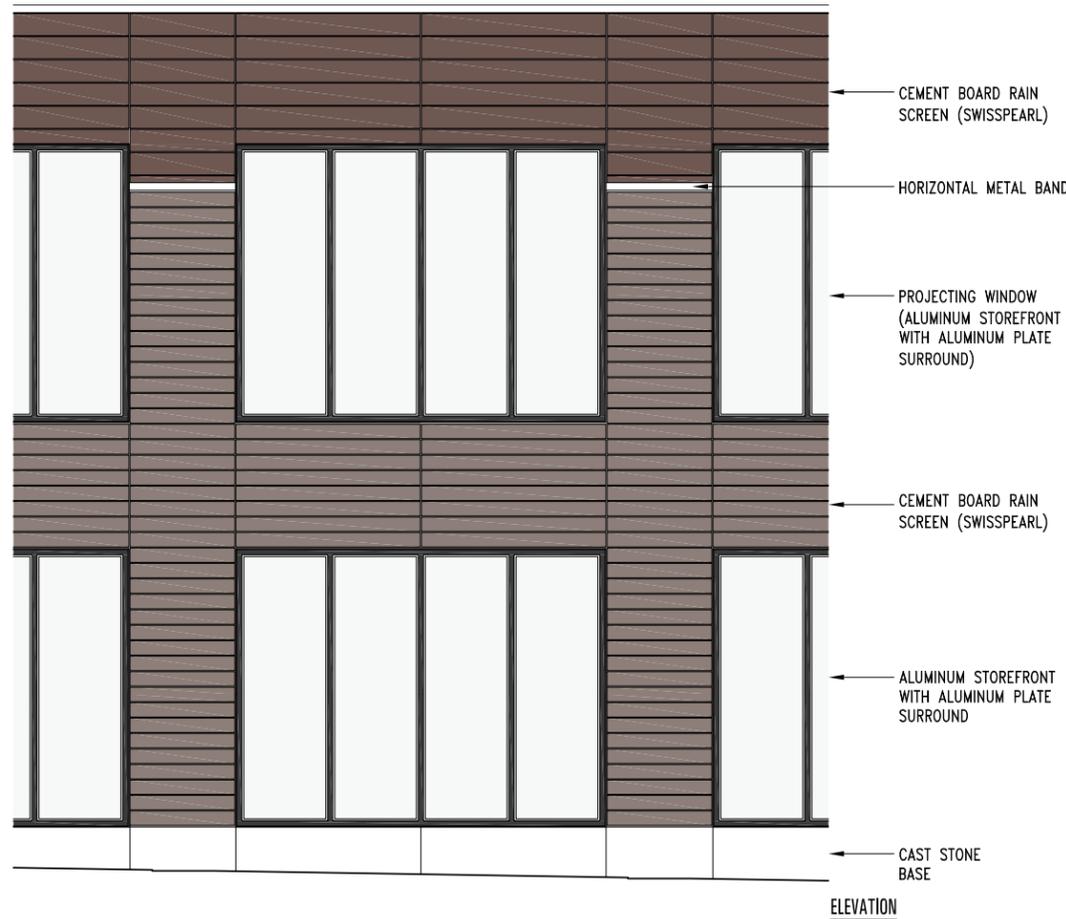
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Rain Screen Cladding

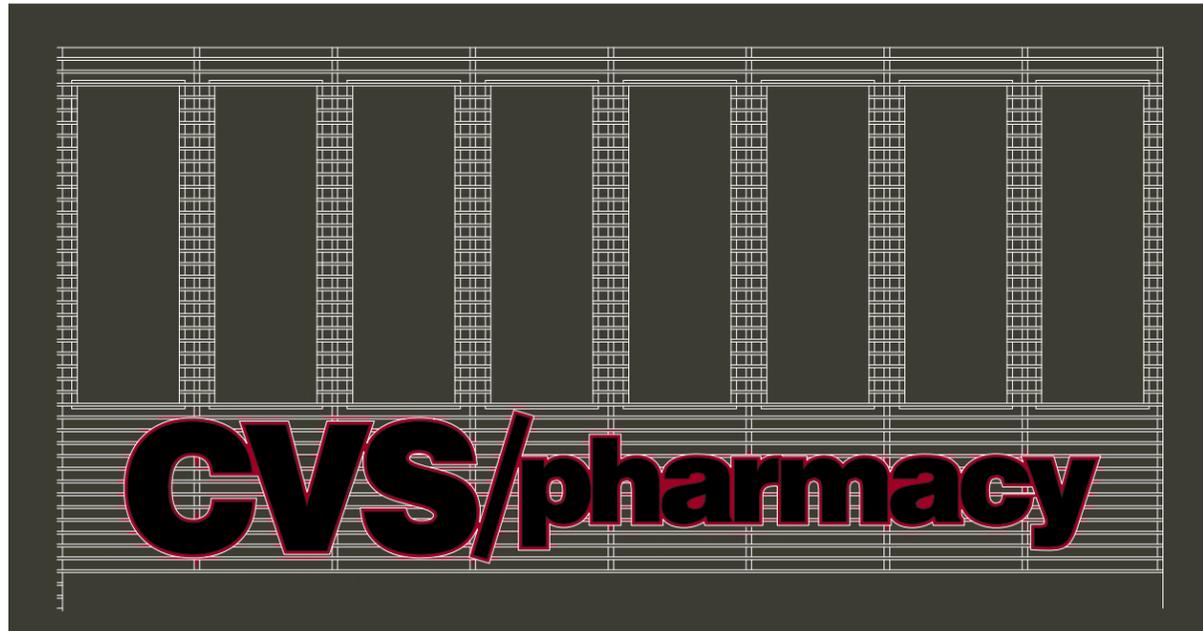
The existing concrete structure will be over-clad with a cement board rain screen. The concrete bays on the second floor will be removed and new storefronts will be installed on the first and second floors in existing structural openings.

The new rain screen will consist of Swiss Pearl cement board panels affixed to metal "hat" channels. A waterproof membrane will be applied to the face of the existing concrete and new infill panels consisting of conventional metal stud construction. The channels are attached over the membrane and anchored to the existing concrete and new metal studs.

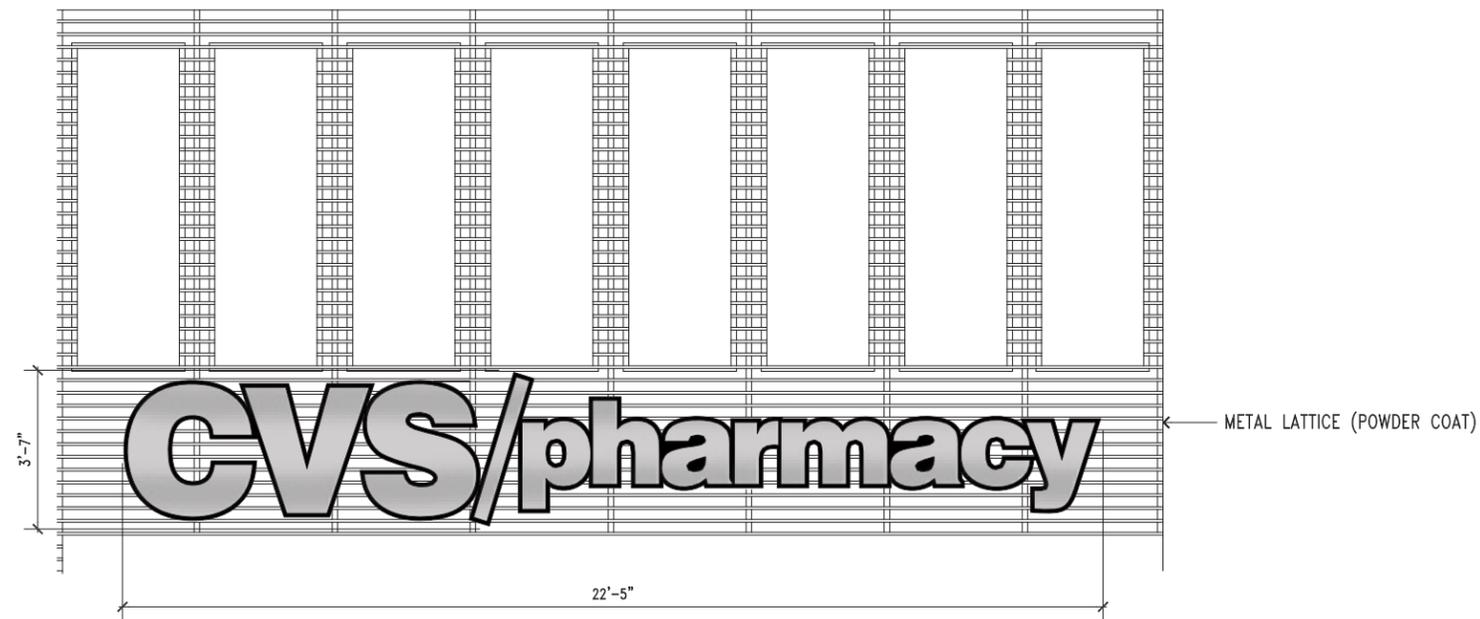


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WALL SIGN - NIGHT VIEW



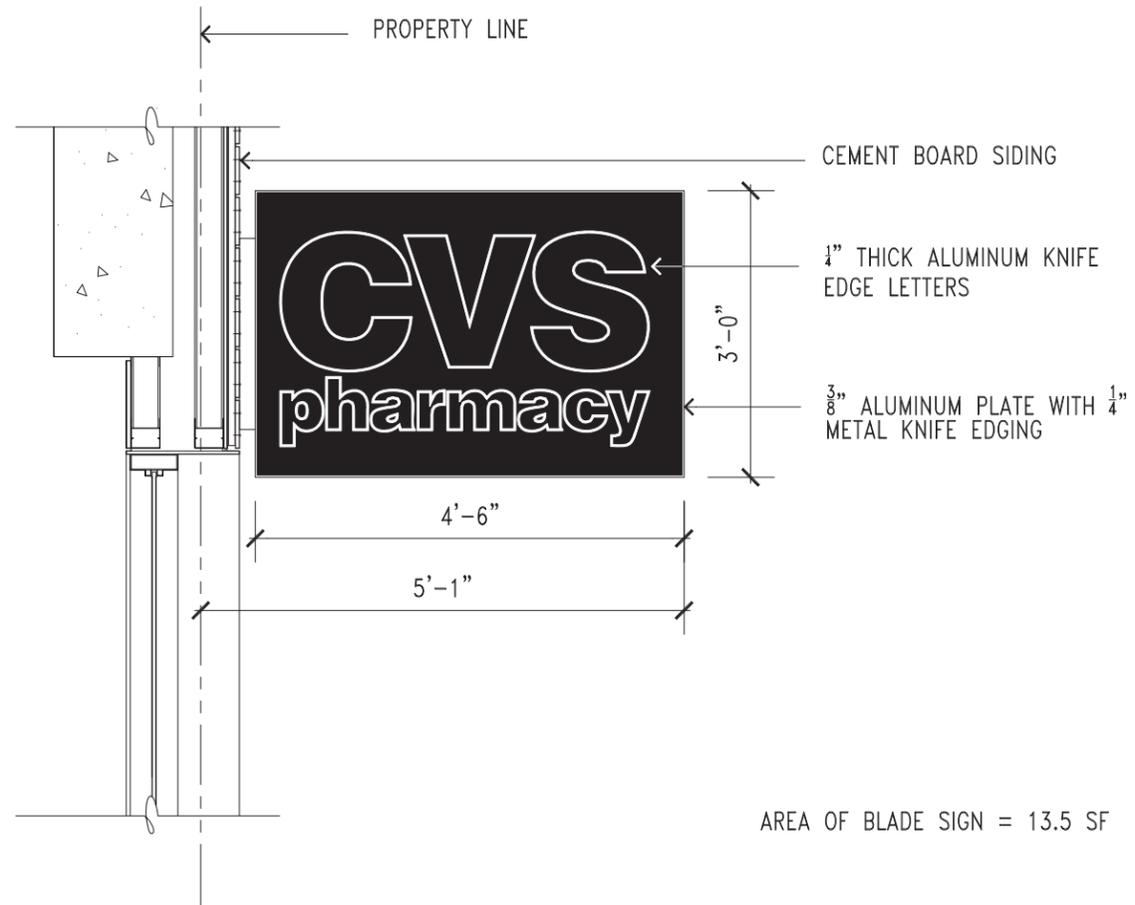
WALL SIGN

AREA OF WALL SIGN = 80 SF

BRUSHED ALUMINUM CHANNEL LETTERS WITH RED LED
AND BLACK BACK PLATE

CVS/pharmacy[®]

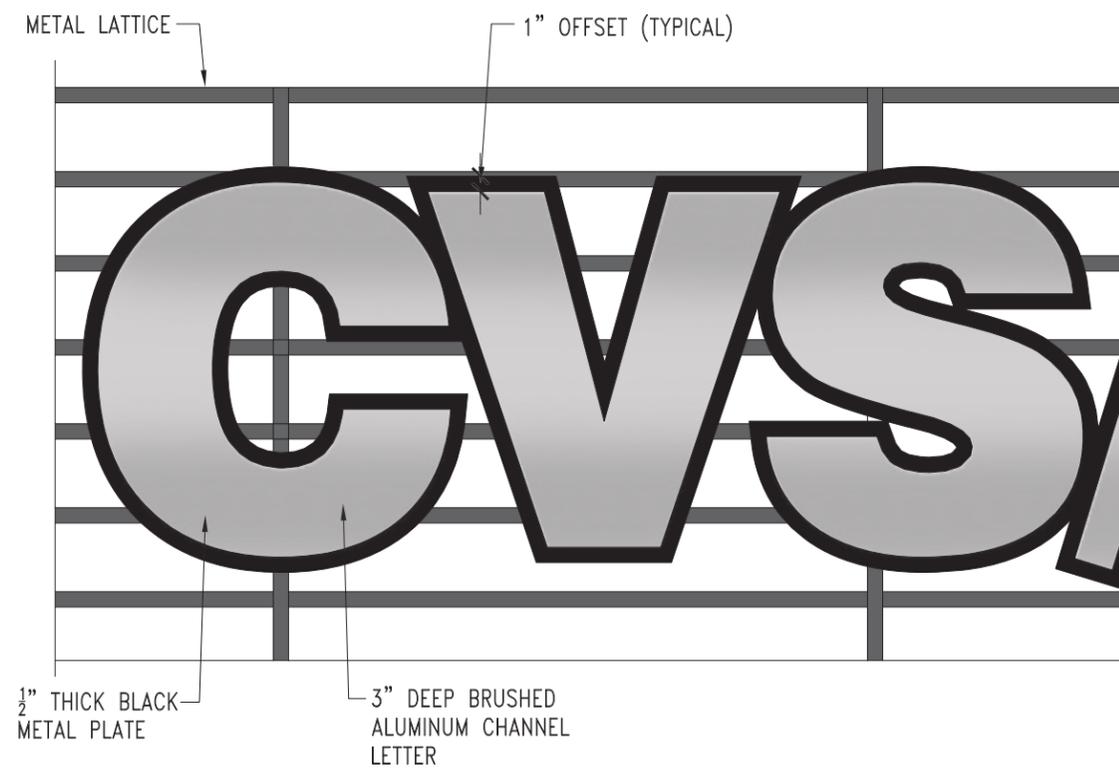
2280 Market Street
San Francisco



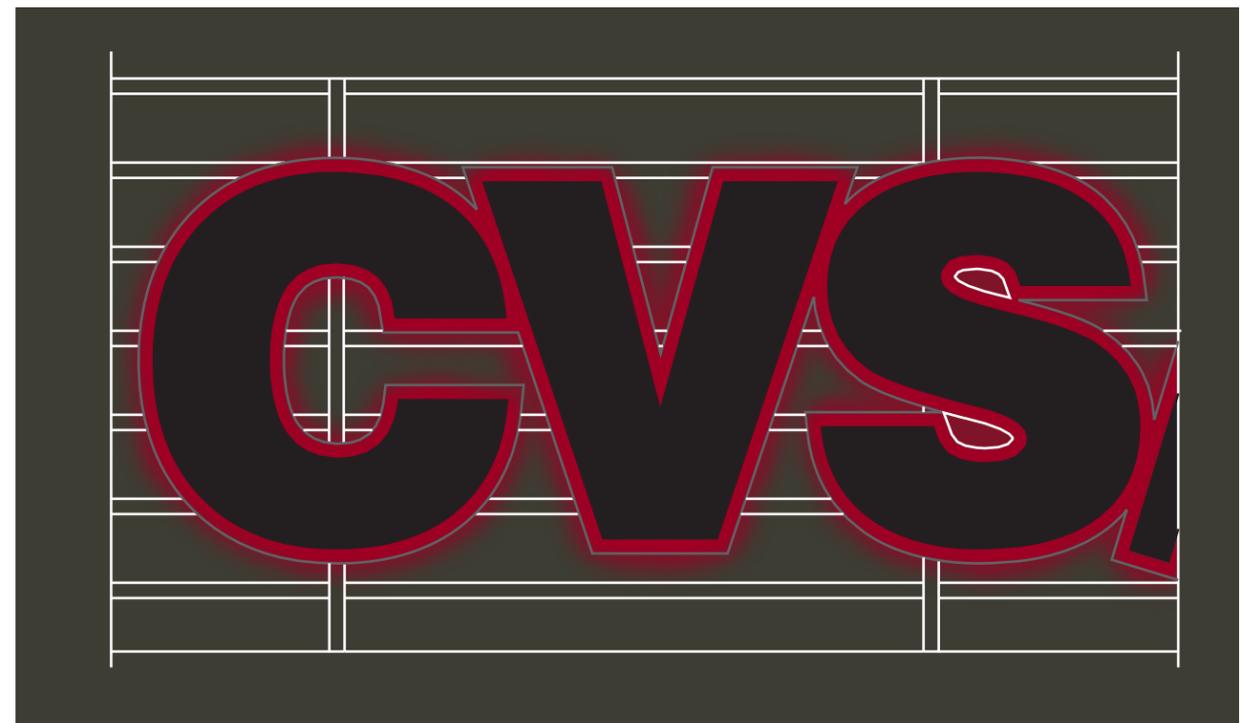
BLADE SIGN

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San Francisco



ELEVATION

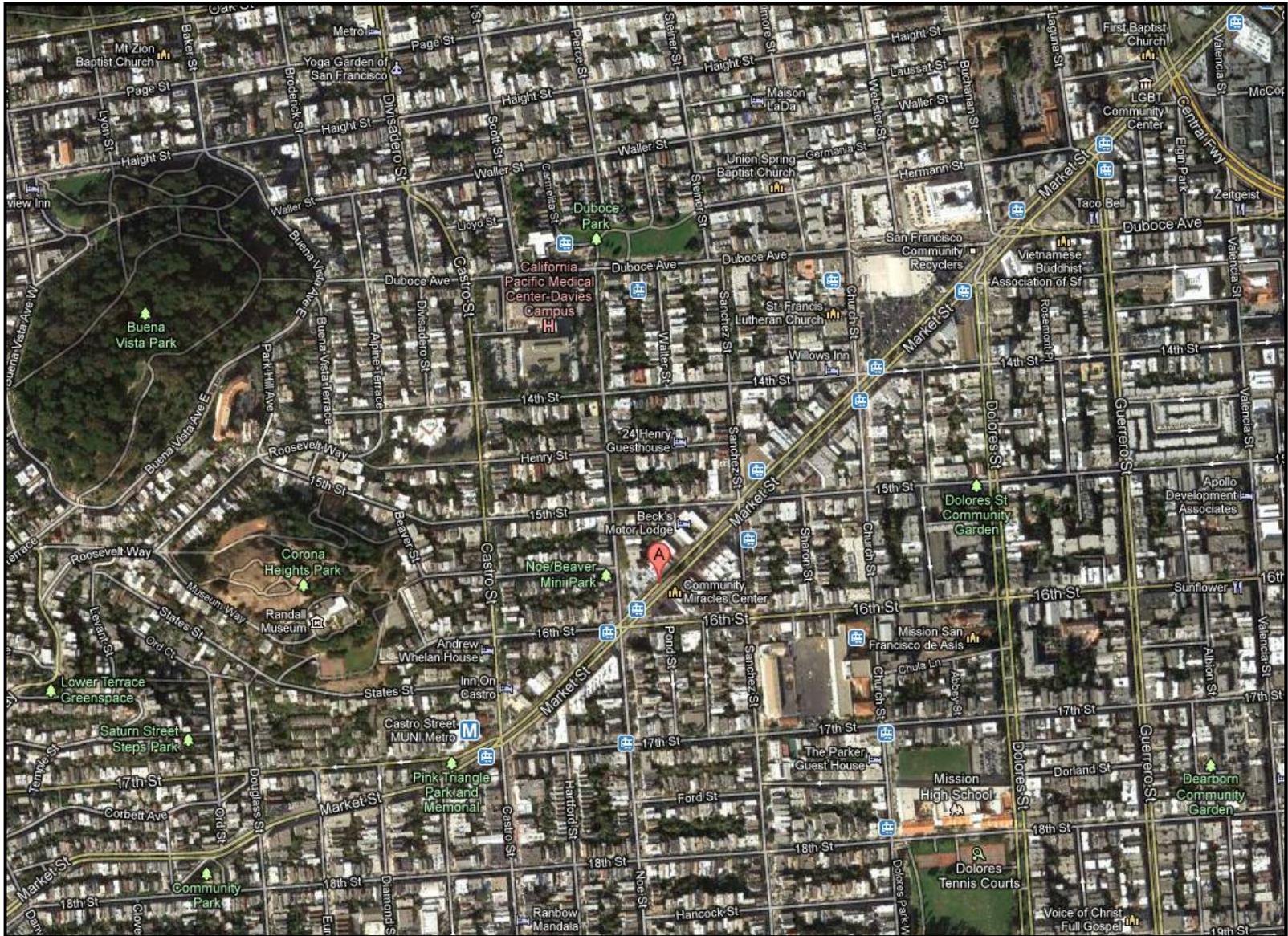


NIGHT VIEW

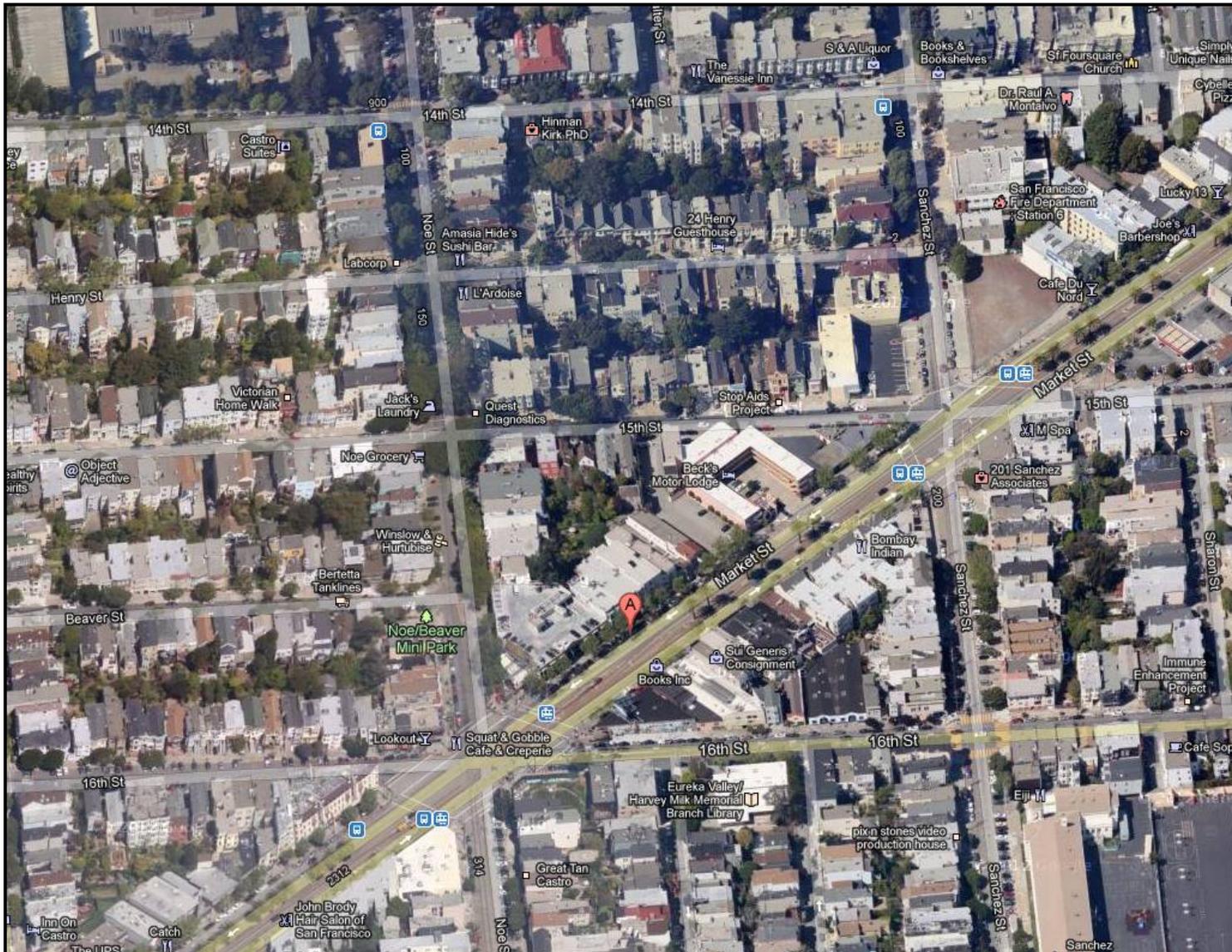
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2280 Market Street
San Francisco

2280 Market Street – Aerial View



2280 Market Street – Aerial View



2280 Market Street – Aerial View



2280 Market Street – Street View On Market Street



2280 Market Street – Street View West On Market Street



2280 Market Street – Street View East On Market Street



2280 Market Street – Street View Opposite Side of Market Street



2280 Market Street – Street View Opposite Side of Market Street, Looking East



2280 Market Street – Street View Opposite Side of Market Street, Looking West



2280 Market Street – Street View on Noe Street



2280 Market Street – Street View Looking North on Noe Street

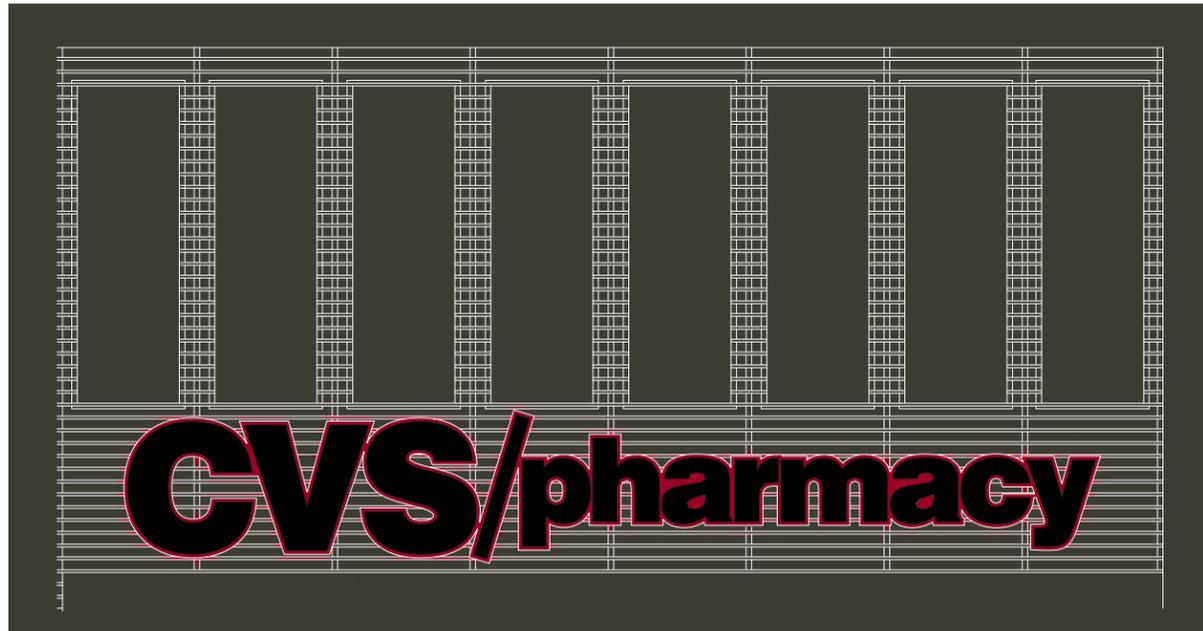


2280 Market Street – Street View Looking South on Noe Street

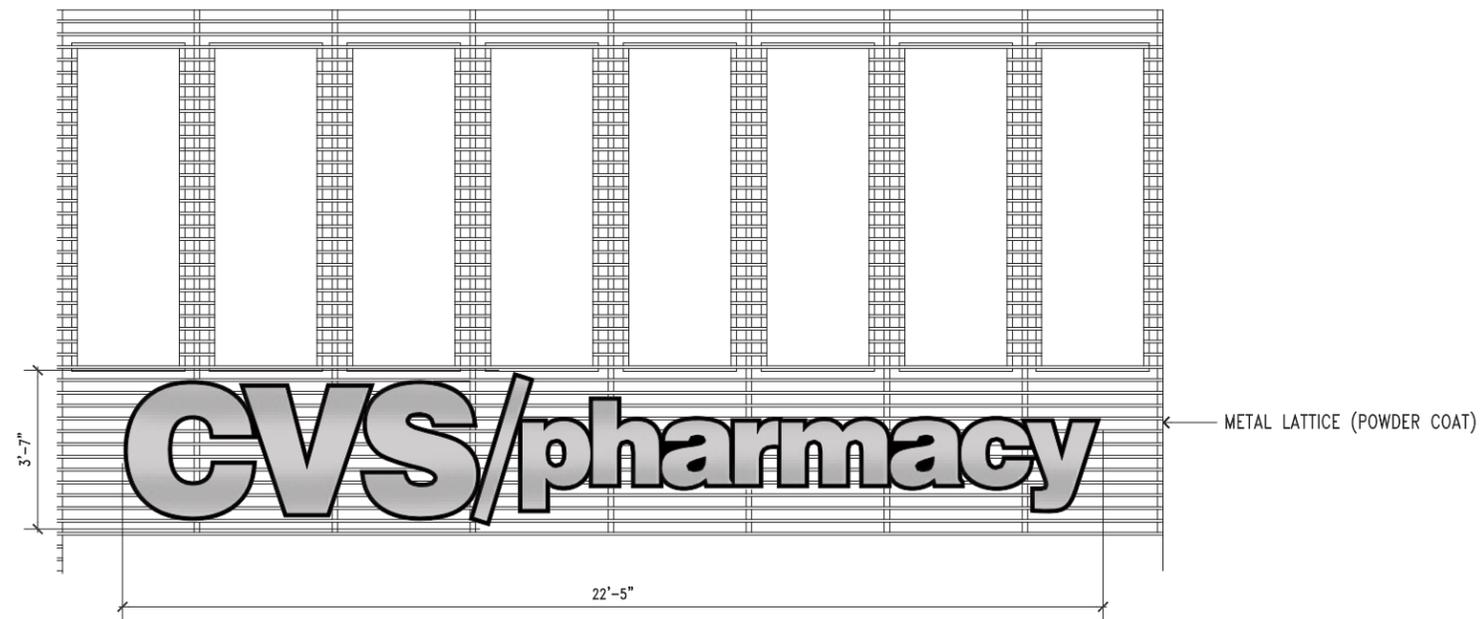


2280 Market Street – Street View Opposite Side of Noe Street





WALL SIGN - NIGHT VIEW



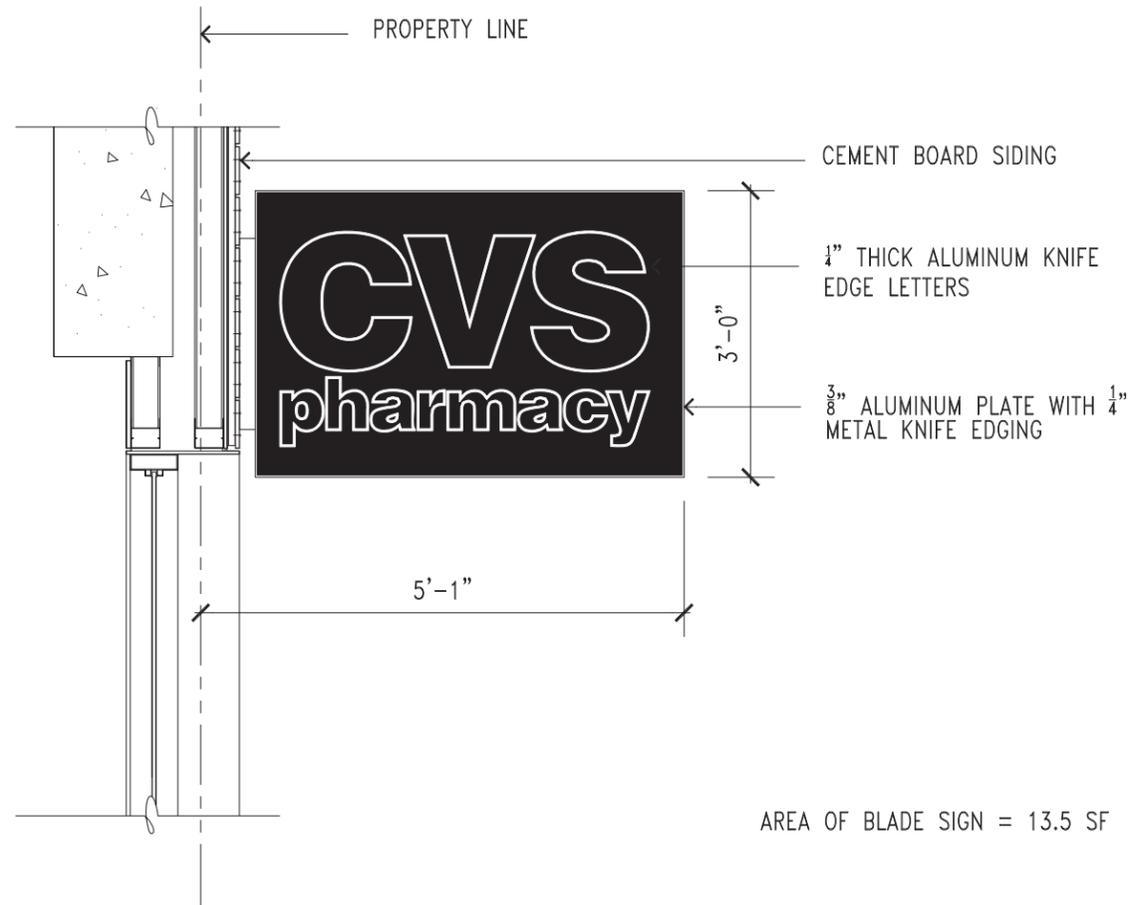
WALL SIGN

AREA OF WALL SIGN = 80 SF

BRUSHED ALUMINUM CHANNEL LETTERS WITH RED LED
AND BLACK BACK PLATE

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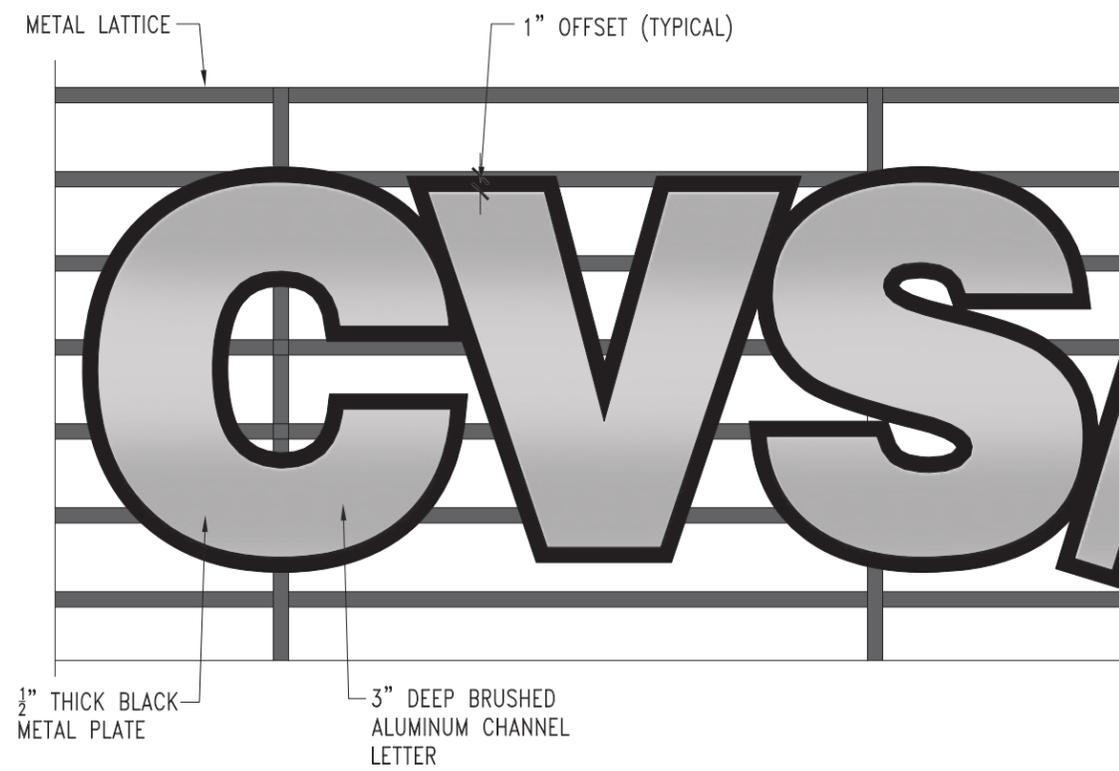
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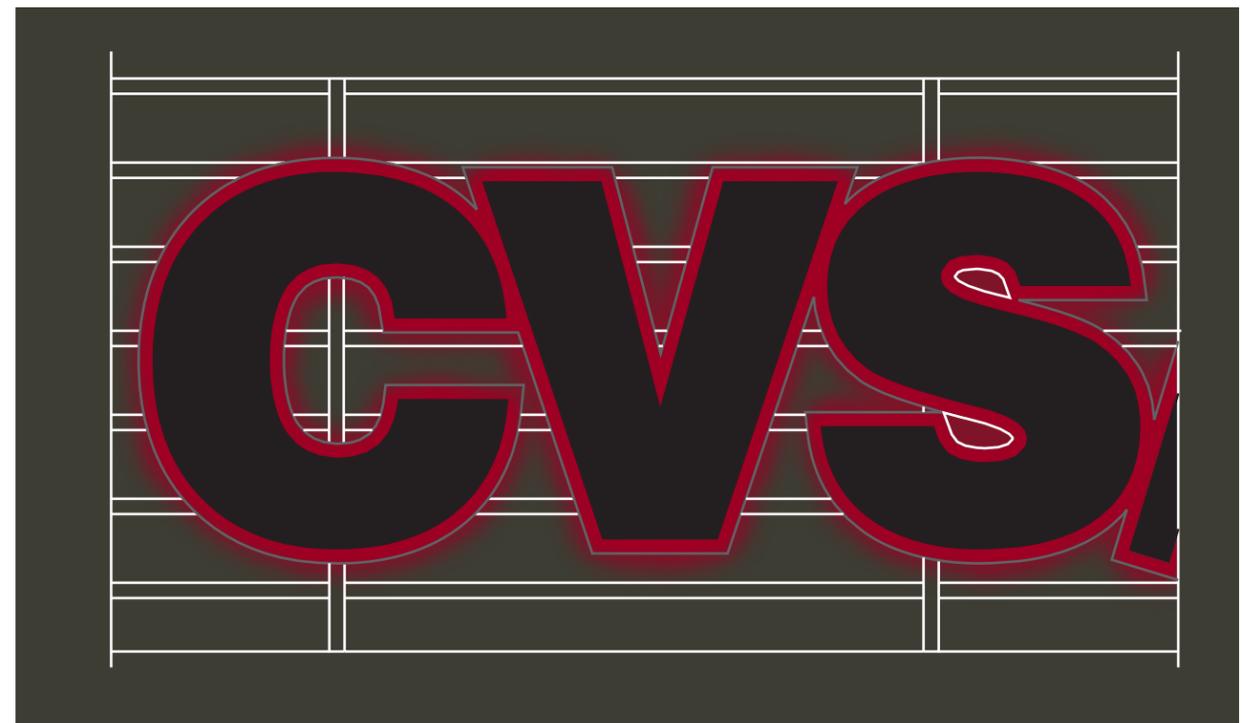
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ELEVATION



NIGHT VIEW

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