



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

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

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## Planning Commission Motion No. 18984

HEARING DATE: SEPTEMBER 26, 2013

*Date:* September 19, 2013  
*Case No.:* **2013.0177C**  
*Project Address:* **1285 SUTTER STREET**  
*Zoning:* RC-4 (Residential-Commercial, High-Density)  
Van Ness Special Use District  
Van Ness Automotive Special Use District  
130-V Height and Bulk District *Block/Lot:* 0691/008  
*Project Sponsor:* John Kevlin  
Reuben & Junius, LLP  
1 Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Sara Vellve – (415) 558 - 6263  
[sara.vellve@sfgov.org](mailto:sara.vellve@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.8, 303, 703.3, AND 703.4, OF THE PLANNING CODE TO ESTABLISH A FORMULA RETAIL USE (D.B.A. CVS PHARMACY), OF APPROXIMATELY 9,500 SQUARE FEET AND TO ALLOW THE PROPOSED PHARMACY TO OPERATE 24 HOURS PER DAY, 7 DAYS A WEEK, WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY) DISTRICT, THE 130-V HEIGHT AND BULK DISTRICT, VAN NESS SPECIAL USE DISTRICT, AND VAN NESS AUTOMOTIVE SPECIAL USE DISTRICT.**

### PREAMBLE

On February 19, 2013, John Kevlin (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 209.8, 303, 703.3 and 703.4 to establish a new formula retail use (d.b.a. CVS Pharmacy) operating 24 hours a day, 7 days a week within the RC-4 (Residential-Commercial Combined, High Density) District, a 130-V Height and Bulk District, the Van Ness Special Use District and the Van Ness Automotive Special Use District.

On September 26, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0177C.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0177C, 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 21,330-sq.ft. project site is located in the Van Ness Avenue corridor, west of the Polk Gulch area, at the southeast corner of Van Ness Avenue and Sutter Street. In 2008 the Planning Commission approved Conditional Use authorization to demolish a movie theatre (d.b.a. Galaxy Theater) and construct a mixed-use building containing ground floor commercial space and approximately 106 dwelling units. In 2008 it was anticipated that Trader Joe's would occupy the ground-floor commercial space. The residential units are nearing completion and leasing has commenced.
3. **Surrounding Properties and Neighborhood.** The project site is located on the eastern fringe of the Western Addition neighborhood and is adjacent to the Downtown/Civic Center as well as the Lower Nob Hill and Pacific Heights neighborhoods to the east. The subject property is also located in the Van Ness Special Use District and is part of the Van Ness Area Plan, which is predominantly a RC-4 and RC-3 zoning district. The corridor contains a number of architecturally and historically significant and contributory buildings. Van Ness Avenue is also known as the U.S. Highway 101, which is a wide vehicular arterial that consists of a variety of residential, commercial, and mixed-use buildings featuring residential uses above ground-floor commercial establishments. Generally, the commercial establishments characterizing this portion of Van Ness Avenue include a mixture of retail stores, office buildings, restaurants, and automobile dealership/repair shops.

Nearby land uses include residential, offices, retail, restaurants and bars, auto services, churches, hotels, and parking. The other lots on the subject block are zoned RC-4 and Polk Neighborhood

Commercial District and contain one-story buildings with commercial uses. To the north across Sutter Street is a four-story entertainment building (d.b.a. The Regency Ballroom). To the south across Hemlock Street is a two-story building with commercial uses. West across Van Ness Avenue is a two-story commercial building. An expanded BevMo! store is located diagonally across Van Ness Avenue from the proposed CVS pharmacy. The proposed CPMC Cathedral Hill hospital is located one block south of the subject site.

4. **Project Description.** The applicant proposes to establish a formula retail use, CVS Pharmacy, of approximately 9,500 square feet on the ground floor of the newly constructed Etta building. The store would sell prescription and OTC drugs, beauty products and cosmetics, photo finishing, seasonal merchandise, greeting cards, limited groceries (milk, bread, eggs), alcohol and household goods. Based on plans submitted by the sponsor, alcohol sales would occur in two areas of the store, one shelf area of approximately 88 square feet, and a second refrigerator of approximately 30 square feet. The store would require a Type 20 or 21 ABC license. Overall, the area of alcohol sales would represent approximately 1.3% of the store's area. The 2008 approval of a Trader Joe's outlet in this space stipulated that the operating hours were limited to 8:00 a.m. to 10:00 p.m. In order to serve project and neighborhood residents, and visitors and patients of CPMC's Cathedral Hill hospital, CVS proposes the flexibility to operate 24 hours a day, 7 days a week.

The pedestrian entrance for CVS is proposed to be at the corner of Sutter Street and Van Ness Avenue. A below-grade garage contains 21 off-street parking spaces for the commercial space, which is accessed from a garage entrance on Hemlock Street. Internal stairs and elevators provide direct access from the commercial parking garage to the store.

CVS has 10 stores operating in San Francisco, and has one additional Conditional Use authorization application pending (19<sup>th</sup> & Ortega), not including the subject proposal.

5. **Public Comment.** The Department has received one letter in support of the proposal and one letter in opposition to the proposal. The Department understands that the sponsor has worked with those opposing the proposal to address their concerns.

At the hearing a number of speakers expressed opposition to the proposed sale of alcohol in the Formula Retail store. The opposition was based on the existing concentration of outlets that are licensed to sell alcohol for off-site consumption in the Lower Polk Neighborhood. The speakers did not otherwise oppose the CVS/Formula Retail use.

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

*The proposed tenant space is approximately 9,500 square feet of area and requires 19 off-street parking spaces. The building includes 21 commercial off-street parking spaces in a below-grade garage. The garage entrance is located on Hemlock Street and the exit is located on Sutter Street. Stairs and elevators provide access from the garage to the commercial space.*

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

*The proposed CVS pharmacy would be approximately 9,500 square feet, which does not meet the threshold for the off-street loading requirement. However, the sponsor is working with the Department of Parking and Traffic to locate a loading zone on Hemlock Street.*

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

*In 2008, the area of retail space was proposed to be approximately 17,300 square feet, and the Planning Commission granted Conditional Use authorization for the use size. Although the proposed use size exceeds 6,000 square feet, the 2008 Conditional Use authorization for use size remains in effect.*

- D. **Formula Retail.** Planning Code Section 703.3 defines Formula Retail as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark. Planning Code Section 209.8(d) requires Conditional Use authorization for Formula Retail Use, as defined in Section [703.3\(b\)](#) of this Code.

*The proposed Formula Retail expansion would share a standardized array of merchandise, décor and color scheme, uniform apparel, standardized signage and trademark with approximately 7,500 other existing CVS/Long's Drug locations nationwide, and requires Conditional Use authorization.*

- E. **Signage.** Any proposed signage will be subject to the review and approval by the Planning Department and must comply with Article 6 of the Planning Code.

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

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

*The proposed use will occupy an existing vacant retail space and does not involve an exterior expansion. Although the subject storefront will be generous, it is not uncommon for commercial uses to occupy the length of a block in the subject SUD. The subject building was recently constructed and designed for a single retail tenant at the ground floor. The proposed use complements the mix of goods and services currently available in the district and will not alter the existing mix of uses; therefore, it is necessary and desirable.*

*The Planning Commission heard public testimony in opposition to the sale of alcohol in the proposed CVS store. The opposition was focused on the existing concentration of retail outlets where alcohol is available in the area of the Lower Polk Street Alcohol Restricted Use District . On August 8, 2013, the Commission granted Conditional Use authorization to expand an existing BevMo! alcohol store (Motion 18947), which is located diagonally across Sutter Street from the subject property. Based on the opposition to the sale of alcohol in the proposed CVS, the recurring issues and concerns regarding alcohol sales in this neighborhood, and the proximity of an existing BevMo! alcohol store to the site, the Commission determined that there was sufficient access to alcohol in the area and that addition of another off-sale alcohol outlet at this site could be detrimental to a neighborhood with an existing over-concentration of alcohol outlets. within the general area bounded by Pine Street to the north, Franklin Street to the west, Geary Street to the south and Larkin Street to the east, and the Lower Polk Street Alcohol Restricted Use District*

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

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

*The height and bulk of the existing building will remain the same and the project will not alter the existing exterior appearance or character of the project vicinity. No building expansion is proposed.*

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

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

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

*The proposed use would not emit noxious or offensive emissions such as noise, glare, dust and odor.*

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

*The proposed project will involve a tenant improvement, and the Department will review all lighting and signs proposed for the project in accordance 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 as modified by the Commission based on the findings contained in this Motion 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.

*Although the proposed project is not located within a Neighborhood Commercial District, Planning Code Section 209.8 allows the use table for NC-3 districts to be applied in RC-4 districts.*

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

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

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

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

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

*The subject site is not in a Neighborhood Commercial District. There are currently two pharmacies in the Van Ness SUD within the RC-4 zoning district, a Walgreens at 790 Van Ness Avenue (at Eddy Street, 0.3 miles) and another CVS Pharmacy at 2025 Van Ness Avenue (at Pacific Avenue, 0.5 miles). Additional formula retail pharmacies are located on Franklin, Polk, Hyde and Market Streets. There appear to be approximately two small general stores along Van Ness Avenue, one at Washington Street and one at Ellis Street.*

*With regard to alcohol stores, BevMo! (which was recently granted Conditional Use authorization to expand) is located across Van Ness Avenue from the project site. There are two other alcohol stores along Van Ness Avenue. Based on information provided by California's Department of Alcohol and Beverage Control, there are approximately nine locations where Type 20 or 21 ABC licenses have been granted in the general area of the project north to Pine Street, west to Sutter Street, south to Geary Street, and east to Larkin Street. In addition, the Lower Polk Street Alcohol Restricted Use District is located approximately one block east of the subject site.*

*At the hearing, the Planning Commission heard public testimony in opposition to the sale of alcohol in the proposed CVS store. The opposition was based on the concentration of retail outlets in the area that offer alcohol for sale. The public testimony was not in opposition to the Formula Retail use. Based on the existing concentrations of retail outlets in the area selling alcohol, and the proximity of the Lower Polk Street Alcohol Restricted Use District, the Commission prohibited the sale of alcohol in the proposed CVS store.*

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

*The subject site is not in a Neighborhood Commercial District. The proposed project involves the elimination of a commercial door system to be replaced by a commercial window system on the Van Ness Avenue façade.*

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

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

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

*The subject site is not in a Neighborhood Commercial District. The proposed CVS pharmacy will complement the mix of goods and services along the Van Ness Avenue SUD. The proposed use will not change the existing mix of Citywide-serving and neighborhood-serving uses in the district.*

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

## VAN NESS AVENUE AREA PLAN

### Objectives and Policies

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

Encourage development of high density housing above a podium of commercial uses in new construction or substantial expansion of existing buildings.

*The project furthers this policy by adding a new retail tenant in a new ground-floor retail space along the Van Ness Avenue corridor. The CVS store with pharmacy would provide a pharmacy and everyday convenience items within walking, biking and transit distance from the growing number of residents in the area.*

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

#### **Policy 1.1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

*The project supports this policy by creating new jobs and increasing foot traffic in the subject neighborhood. The proposed CVS will occupy a large, new retail space on a commercial corridor with a vacancy rate of approximately 10%. The goods and services will benefit the growing residential neighborhood and those using CPMC's approved Cathedral Hill hospital, one block from the subject property.*

*The Planning Commission determined that the sale of alcohol at this site would have detrimental impacts on the Lower Polk Neighborhood as there is already a high concentration of retail outlets selling alcohol. In addition, there is already adequate access to alcoholic beverages in the immediate vicinity of the project.*

#### **OBJECTIVE 2:**

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



**Policy 2.1:**

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

*The project proposes to establish a retail pharmacy store use of approximately 9,500 square feet at the site, thus increasing the level of commercial activity in area. The building was approved in 2008 anticipating that one commercial formula retail tenant would occupy the site.*

**OBJECTIVE 6:**

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

**Policy 6.1:**

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

*The proposed use is neighborhood-serving in that it will provide a number of beneficial goods and services such as a pharmacy, photo processing, household supplies and limited grocery items. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The project will provide approximately 9,500 square feet of neighborhood- serving retail use, and will occupy a large, new retail space on the property. The project provides new employment opportunities for neighborhood residents, and would activate the neighborhood by increasing pedestrian traffic that would patronize other neighborhood establishments.*

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

*The proposal involves the use of a newly constructed commercial space and will have no effect on housing or neighborhood character.*

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

*No housing is removed for this project.*

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

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

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

*The project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project. The tenant space it would occupy is currently vacant.*

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

*The project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not 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 effect on existing parks and open spaces. The project does not have an effect on open spaces.*

11. By approving the Formula Retail use and prohibiting the sale of any alcohol in the proposed CVS store, the Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. With the restriction on the sale of alcohol, the Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City..

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0177C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 18, 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. 18984. 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 September 26, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Wu, Borden, Moore, Sugaya  
NAYS: Antonini, Fong, Hillis

ABSENT: None  
ADOPTED: September 26, 2013

## **AUTHORIZATION**

This authorization is for a conditional use to permit a new formula retail use (d.b.a. CVS Pharmacy) to operate 24 hours a day, 7 days a week located at 1285 Sutter Street, Block 0691, and Lot 008 pursuant to Planning Code Sections 209.8, 303, 703.3 and 703.4 within the RC-4 (Residential-Commercial Combined, High Density) District, a 130-V Height and Bulk District, and the Van Ness Special Use District; in general conformance with plans, dated **July 18, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.0177C** and subject to conditions of approval reviewed and approved by the Commission on **September 26, 2013** under Motion No. **18984**. 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 **September 26, 2013** under Motion No. **18984**.

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

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18984** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

## **SEVERABILITY**

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

## **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

2. **Motion 17592.** All Conditions, Mitigation Measures and aspects of Motion 17592 shall remain in effect except the hours of operation for the ground-floor commercial space as modified by the subject Case 2013.0177C. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Alcohol Sales.** The sale of alcohol in the ground-floor commercial space is prohibited.. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Security Guard:** When the store is open between 10 pm and 6 am, a security guard shall be on-site to monitor activity in the ground-floor commercial space. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN

5. **Ground-Floor Façade Changes.** Changes to materials and openings on the building to accommodate any proposed use shall match all materials, openings and any other design components of the newly-constructed building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*
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](http://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](http://www.sf-planning.org).*

## **OPERATION**

8. **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/>*
9. **Hours of Operation:** Condition 1(K) of Motion 17592 is revoked. The ground-floor commercial space may operate 24-hours per day, 7 days per week. The retail sales and pharmacy are to be open at the same time so there is no period when one is open and one is closed. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Window Transparency.** All street facing windows shall remain free of any visual clutter and store furniture and fixtures so that visual access between the use and street is not blocked in any way. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
11. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*