



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 2, 2010

Date: November 23, 2007
Case No.: **2010.0512 C**
Project Address: **3132 CLEMENT STREET**
Zoning: NC-S (Neighborhood Commercial, Shopping Center)
40-X Height and Bulk District
Block/Lot: 1401/002
Project Sponsor: Holly Grzywacz
LandMark Retail Group
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PROJECT DESCRIPTION

The project is to establish a formula retail pharmacy/retail store (CVS) in the existing building formerly occupied by a formula retail grocery store that also included a pharmacy (Albertsons). The project would occupy approximately 14,270 square feet at the southern end of the building. The building's remaining floor area is proposed to be occupied by a Fresh and East grocery store. No expansion and no alteration to the exterior of the building are proposed. The project will include new signage consistent with the proposed CVS store.

The CVS retail pharmacy store would sell prescriptions and over-the-counter medications, beauty products, photo finishing, greeting cards, seasonal merchandise and convenience groceries such as milk, bread and eggs. The store will provide a variety of household and personal items at low cost and will improve the convenience of neighborhood residents by providing a broad selection of products in a single location. The project will retain the existing 135 off-street parking spaces and will utilize the two existing freight loading docks along Clement Street. The parking spaces and loading dock will be shared with Fresh and Easy. No new curb cuts, entrance or exit points are proposed.

SITE DESCRIPTION AND PRESENT USE

The project is located at the northwest corner of Clement Street and 32nd Avenue. The property is located within the NC-S (Neighborhood Commercial, Shopping) District and 40-X height and bulk district and is approximately 72,000 square feet in area with 240 feet of frontage on Clement Street and 300 feet of frontage on 32nd Avenue. The property is developed with an approximately 36,500 square foot, 27 foot tall commercial building approved by the Planning Commission in 1999, and completed in 2002. The building formerly housed an Albertsons Supermarket until 2006 and has been vacant since then. A Fresh

and Easy grocery store has recently been approved to occupy approximately 16,700 square feet of the building. The property has 135 parking spaces with 58 spaces in the surface lot to the north and east and the remainder located on the roof of the building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Outer Richmond neighborhood in an area generally characterized by residential uses with some neighborhood serving commercial uses along Clement Street and Geary Boulevard to the south. The property to the north is generally developed with two-story single-family residential buildings. Parcels to the east are developed with multi-family residential buildings up to four stories tall. The property across Clement to the south is developed with two-story commercial buildings in an NC-1 (Neighborhood Commercial, Cluster) District. The property to the west of the project site is Lincoln Park and its golf course.

ENVIRONMENTAL REVIEW

The Project is not considered a change of use under the California Environmental Quality Act.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 12, 2010	November 10, 2010	22 days
Posted Notice	20 days	November 12, 2010	November 10, 2010	22 days
Mailed Notice	20 days	November 12, 2010	November 8, 2010	24 days

PUBLIC COMMENT

- The Department has received four e-mails of support for the project, including one from the Lincoln Park Homeowner's Association and no letters or e-mails in opposition. The project sponsor conducted a neighborhood outreach meeting on June 24 2010 attended by approximately 75 people. The attendees expressed concerns regarding alcohol sales, hours of operation, loading and retention of existing parking.

ISSUES AND OTHER CONSIDERATIONS

- The project will provide approximately 14,270 square feet of retail pharmacy store space, which will occupy a portion of the existing vacant grocery store building. The project would provide new employment opportunities for neighborhood residents. The project would activate a vacant storefront, attracting pedestrian traffic that will also patronize smaller, existing neighborhood businesses along Clement Street.
- The project will not create a significant addition to the concentration of formula retail uses in the neighborhood. Relatively few formula retail uses are located within the general area and a formula retail Albertsons Supermarket operated on the property from 2002-2006 with no apparent adverse effects on the surrounding neighborhood. A Fresh and Easy store, also a

formula retail use, is proposed to occupy the portion of the building not occupied by CVS. In general, retail uses in the greater Outer Richmond area are overwhelmingly neighborhood-serving. The area is not in an easily accessible part of the City and consists mainly of residential neighborhoods. For this reason the retail uses in the vicinity generally serve local residents. The project will add a retail pharmacy that will serve this neighborhood. The neighborhood is currently served by a pharmacy located over a half mile away.

- The sponsor has not submitted a signage plan for the project; however, they have indicated that the signage for the CVS Pharmacy store will be similar in size and character to the signage used by Albertsons, the previous occupant of the building. Any proposed signage will be subject to the review and approval of the Planning Department and must comply with the requirements of Article 7 of the Planning Code.
- The existing building is unique in size and shape, which limits its use to larger scale retailers such as CVS.
- Neighbors have expressed concerns relating to the hours of operation of the use, loading and deliveries and late night sales of alcoholic beverages. The project sponsor has offered to close the store at 10:00 P.M. and restrict deliveries and loading to after 8:00 A.M. if so directed by the Planning Commission. The Planning Department is recommending a 10:00 P.M. closing time and restricting deliveries to after 8:00 A.M.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow for the establishment of a formula retail use and for a non-residential use size that exceeds 5,999 square feet in area in an NC-S District.

BASIS FOR RECOMMENDATION

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

- The project would activate a vacant storefront.
- The project is a neighborhood-serving use proposed in a neighborhood currently served by a pharmacy over a half mile away.
- The neighborhood is well-served by transit and provides ample off-street parking; therefore, customers should not affect traffic.
- The proposed Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions
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Attachments:

Block Book Map
Sanborn Map
Aerial Photograph
Photographs
Reduced Plans

Attachment Checklist

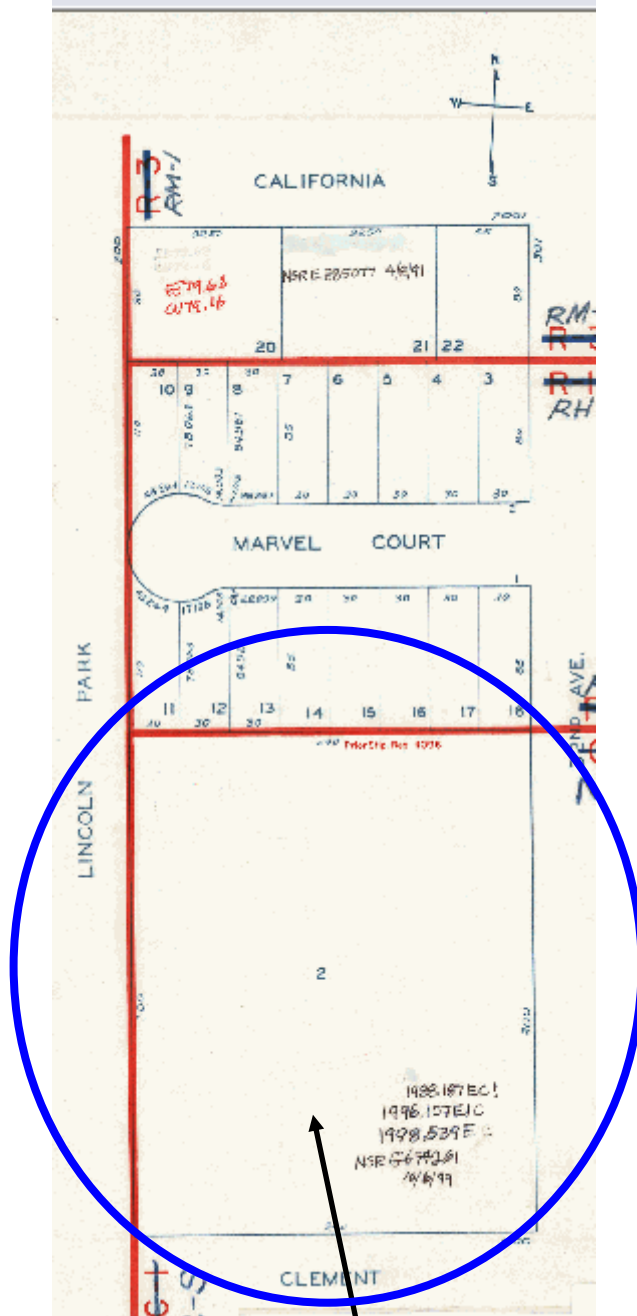
- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input type="checkbox"/> 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 | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Environmental Determination |
| <input checked="" type="checkbox"/> Site Photos | |

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

Planner's Initials

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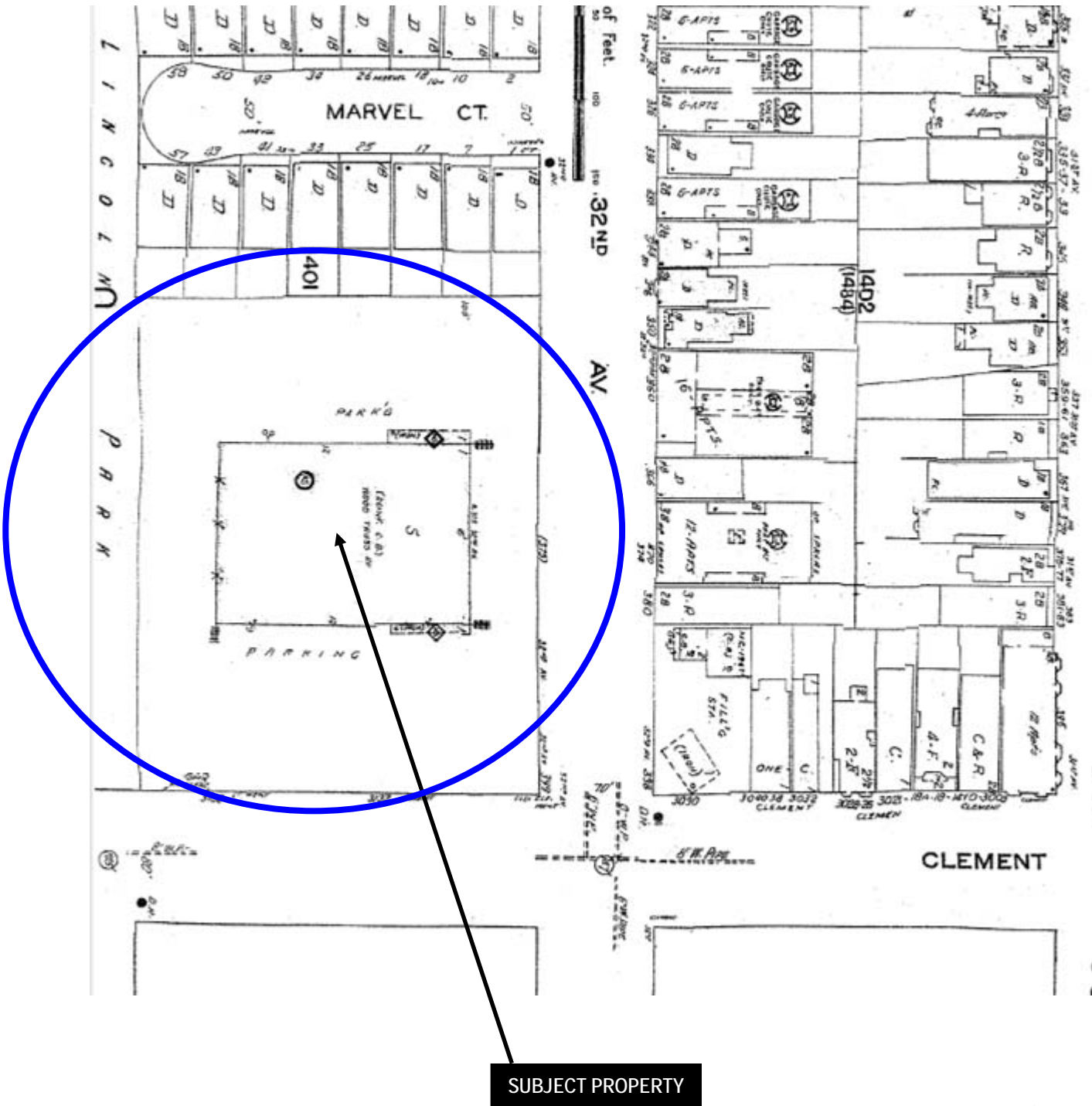
Parcel Map



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0512C
3132 Clement Street

Sanborn Map*



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

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-OISD

INDUSTRIAL DISTRICTS

C-M M-1 M-2

SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2010.0512C
3132 Clement Street

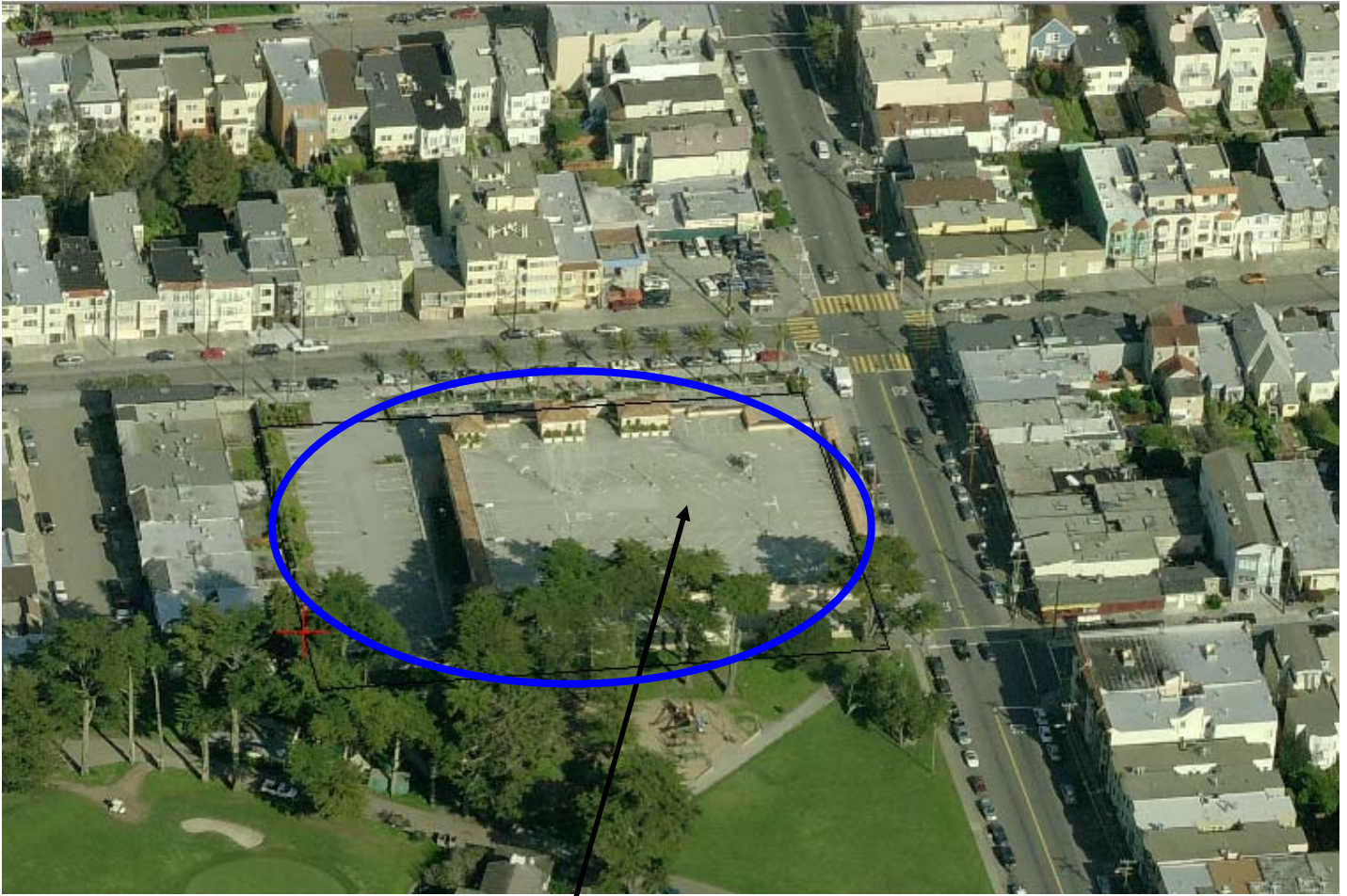
Aerial Photo



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0512C
3132 Clement Street

Context Photo



SUBJECT PROPERTY



Site Photo



Conditional Use Hearing
Case Number 2010.0512C
3132 Clement 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, 703.4, 121.2, AND 713.21 OF THE PLANNING CODE TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE AND NON-RESIDENTIAL USE EXCEEDING 5,999 SQUARE FEET IN AREA FOR A PHARMACY (DBA CVS) WITHIN THE NC-S (NEIGHBORHOOD COMMERCIAL, SHOPPING CENTER) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 30, 2010 LandMark Retail Group (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Sections 303, 121.2, 703.4 and 713.21 of the Planning Code to allow a formula retail use and a non-residential use size exceeding 5,999 square feet in area for an approximately 14,270 square foot pharmacy (dba CVS) within the NC-S (Neighborhood Commercial, Shopping Center) District and 40-X Height and Bulk District.

On December 2, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0512C.

The Project is not considered a change of use under the California Environmental Quality Act.

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. 2010.0512 C, 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 at the northwest corner of Clement Street and 32nd Avenue. The property is located within the NC-S (Neighborhood Commercial, Shopping) District and 40-X height and bulk district and is approximately 72,000 square feet in area with 240 feet of frontage on Clement Street and 300 feet of frontage on 32nd Avenue. The property is developed with an approximately 36,500 square foot, 27 foot tall commercial building approved by the Planning Commission in 1999, and completed in 2002. The building formerly housed an Albertsons Supermarket until 2006 and has been vacant since then. A Fresh and Easy grocery store has recently been approved to occupy approximately 16,700 square feet of the building. The property has 135 parking spaces with 58 spaces in the surface lot to the north and east and the remainder located on the roof of the building.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Outer Richmond neighborhood in an area generally characterized by residential uses with some neighborhood serving commercial uses along Clement Street and Geary Boulevard to the south. The property to the north is generally developed with two-story single-family residential buildings. Parcels to the east are developed with multi-family residential buildings up to four stories tall. The property across Clement to the south is developed with two-story commercial buildings in an NC-1 (Neighborhood Commercial, Cluster) District. The property to the west of the project site is Lincoln Park and its golf course.
4. **Project Description.** The project is located at the northwest corner of Clement Street and 32nd Avenue. The property is located within the NC-S (Neighborhood Commercial, Shopping) District and 40-X height and bulk district and is approximately 72,000 square feet in area with 240 feet of frontage on Clement Street and 300 feet of frontage on 32nd Avenue. The property is developed with an approximately 36,500 square foot, 27 foot tall commercial building approved by the Planning Commission in 1999, and completed in 2002. The building formerly housed an Albertsons Supermarket until 2006 and has been vacant since then. A Fresh and Easy grocery store has recently been approved to occupy approximately 16,700 square feet of the building.

The property has 135 parking spaces with 58 spaces in the surface lot to the north and east and the remainder located on the roof of the building.

The CVS retail pharmacy store would sell prescriptions and over-the-counter medications, beauty products, photo finishing, greeting cards, seasonal merchandise and convenience groceries such as milk, bread and eggs. The store will provide a variety of household and personal items at low cost and will improve the convenience of neighborhood residents by providing a broad selection of products in a single location. The project will retain the existing 135 off-street parking spaces and will utilize the two existing freight loading docks along Clement Street. No new curb cuts, entrance or exits points are proposed.

5. **Public Comment.** The Department has received four messages of support for the project, including one from the Lincoln Park Homeowner's Association and no messages in opposition. The sponsor conducted two neighborhood outreach meetings on one on June 24 attended by approximately 75 people and one on July 29 attended by approximately 33 people. The attendees asked questions about alcohol sales, hours of operation, loading and retention of existing parking.
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. **Non-Residential Use Size.** Planning Code Section 713.21 states that a Conditional Use Authorization is required for a non-residential use that exceeds 5,999 square feet in area and Section 121.2 provides additional criteria for the Planning Commission to consider when reviewing a request for such a use size.

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

The proposed CVS pharmacy store will occupy approximately 14,270 square feet of the existing vacant grocery store building. As such it will not increase the intensity of activity in the district beyond that which existed when Albertson's operated at the property, nor will it foreclose the location of other neighborhood-serving uses in the area. The existing building is unique in size and shape, which limits its use to larger scale retailers such as CVS.

2. 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 property. The neighborhood is under-served by retailers of basic personal and household items as the nearest pharmacy is over a half mile away.

The proposed large use size is necessary for a CVS pharmacy store to provide the typical variety of products expected by customers. The CVS pharmacy store will only be occupying a portion of the building. No increase in size or exterior modification of the building is proposed.

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

The project will not increase the size or otherwise alter the existing building. The existing building was approved by the Planning Commission in 1999 and is appropriately scaled to the NC-S district's height and bulk requirements. The existing building is shorter than the 4-story multiple-family building located directly across 32nd Avenue.

- B. Formula Retail Use.** Planning Code Section 703.4 states that a Conditional Use Authorization is required for a Formula Retail use in a Neighborhood Commercial district. Section 303(i) provides additional criteria for the Planning Commission to consider when reviewing a request for such a use.

1. The existing formula retail uses in the Neighborhood Commercial district.

The controlling NC-S district consists only of the subject lot. A Fresh and Easy grocery store, also a formula retail use, is proposed to occupy that portion of the building not occupied by CVS. No formula retail uses are located in the nearby NC-1 districts along Clement Street from 31st Avenue to 33rd Avenue or in the NC-1 districts along Geary Boulevard from 32nd to 35th Avenues. Further from the project site, at least two formula retail uses are in the Outer Clement NCD west of 19th Avenue and about 14 such uses are in the NC-3 district along Geary Boulevard west of 19th Avenue. Three formula retail uses are located in the NC-2 district along Balboa Street between 33rd and 39th Avenues and one such use is in the NC-1 district at Geary Boulevard and 42nd Avenue. Finally there is a formula retail use on LaPlaya near Balboa Street and a formula retail Safeway grocery store on La Playa at Cabrillo Street. The closest formula retail use to the project site is a Delano's IGA four blocks east and one block south. The nearest formula retail pharmacy is a Walgreens at Geary and 42nd Avenue, over a half mile west of the project site.

The project will not create a significant addition to the concentration of formula retail uses in this area. Relatively few formula retail uses are located within the general area. A formula retail Albertsons Supermarket operated on the property from 2002-2006 with no apparent adverse effects on the surrounding neighborhood.

2. The availability of other similar retail uses within the Neighborhood Commercial district.

As this NC-S district includes only the subject property, there are no other similar retail uses in the NCD. The closest pharmacies to the site are over a half-mile away including a Walgreens at Geary Boulevard and 42nd Avenue (NC-1), Clement Pharmacy at Geary and 20th Avenue (Outer Clement NCD) and Torgsyn Pharmacy at Geary and 20th Avenue (NC-3). The entire Outer Richmond area consists primarily of residential neighborhoods that are generally underserved by pharmacy and related retail uses. The project would provide another pharmacy option to the Outer Richmond neighborhoods.

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

The project's design does not significantly alter or modify the exterior of the existing building and therefore is compatible with the existing character of the neighborhood. The existing building was approved by the Planning Commission in 1999 and is appropriately scaled to the NC-S District's height and bulk requirements and fits well in its context. The existing building has one indoor floor and rooftop parking and is shorter than the 4-story multifamily building across 32nd Avenue from the project site.

4. The existing retail vacancy rates within the Neighborhood Commercial district.

While the retail corridors along Clement Street and Geary Boulevard appear to have low vacancy rates, the existing building on the site has been vacant since 2006. The existing building was constructed to house a grocery store and there are few alternative uses that could appropriately occupy a space of this scale. The project would fill a portion of the building and activate the site that would otherwise remain vacant.

5. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district.

No retail uses, either Citywide or neighborhood-serving, exist in this NC-S district as the project building is the only building in the district. In general, retail uses in the greater Outer Richmond area are overwhelmingly neighborhood-serving. The area is not in an easily accessible part of the City and consists mainly of residential neighborhoods. For this reason the retail uses in the vicinity generally serve local residents. The project will add a retail pharmacy that will serve this neighborhood. The neighborhood is currently served by a pharmacy over a half mile away.

- C. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The project contains approximately 14,270 square-feet of occupied floor area and requires 29 off-street parking spaces. The project site features 135 off-street parking spaces to be used jointly by CVS and Fresh and Easy so no additional off street parking spaces are required.

- D. **Signage.** Planning Code Article 6 regulates signage in this district.

The sponsor has not submitted a signage plan for the project; however, they have indicated that the signage for the CVS Pharmacy store will be similar in size and character to the signage used by Albertsons, the previous occupant of the building. Any proposed signage will be subject to the review and approval of the Planning Department and must comply with the requirements of Article 7 of the Planning Code.

- E. **Loading.** Planning Code Section 152 requires one off-street loading space for the project

The project proposes to use the 2 off-street loading spaces that currently exist on the property and complies with the loading requirement. The loading spaces will be shared with the Fresh and Easy grocery store.

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 neighborhood currently underserved by that use. The nearest pharmacies are over a half mile from the project site.

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

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

The existing building was previously used as a grocery store. No modifications to the exterior of the building are proposed other than changing the signage. The project will restore many of the same retail services performed by Albertsons which operated a pharmacy in conjunction with a full-service grocery store. The site and structures will remain unchanged.

- 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 area is well-served by public transit with MUNI 1, 1AX and 18 bus lines running adjacent to the site. In addition, the MUNI 38, 38AX and 38L lines operate a block away on Geary Boulevard. The project will retain 135 off-street parking spaces to provide parking for patrons who do not arrive by transit.

The project will replace a portion of a former formula retail grocery store (dba Albertsons) with a new formula retail use occupying a smaller amount of space and offering similar retail products. The project would likely result in similar traffic patterns to those existing when the former grocery store was in operation. The project would have no significant impact on neighborhood parking capacity.

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

The project consists of approximately 14,270 square feet of retail pharmacy store space. The project will not generate or include any activities that would emit noxious or offensive emissions such as noise, glare, dust, or odor.

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

The project will not alter the existing landscaping, screening, open space, parking and loading areas, or lighting on the site. The signage proposed for the use will comply with all requirements of the Planning Code and will not be significantly different from that of the previous tenant.

- 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.

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

The project is consistent with the stated purpose of NC-S Districts in that the intended use is located in a large shopping center and, will provide compatible sales and service for the immediately surrounding neighborhoods.

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

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.3:

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

The project furthers this policy in that it proposes no new off-street parking, seeking only to retain the existing parking lots. The MUNI 1, 1AX and 18 bus lines all run directly in front of the property and three more lines run on Geary Boulevard one block away. The easy access to public transit encourages employees and customers to utilize public transit.

OBJECTIVE 2:

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

Policy 2.2:

Reduce pollution, noise and energy consumption.

The project furthers this policy in that it proposes no new off-street parking, seeking only to retain the existing parking lots. The MUNI 1, 1AX and 18 bus lines all run directly in front of the property and three more lines run on Geary Boulevard one block away. The easy access to public transit encourages employees and customers to utilize public transit, thereby reducing pollution, noise and energy consumption relating to automobile use.

OBJECTIVE 35:

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

The project supports this objective by maintaining the 135 existing off-street parking spaces on the site. While the property's location encourages use of public transit, pharmacy trips can sometimes result in larger loads than cannot easily be accommodated on transit. The parking spaces will provide ready access for such customers while maintaining a pedestrian-friendly environment as presently exists.

OBJECTIVE 36:

PROMOTE FREIGHT DELIVERY/PICKUP TRAFFIC AS NECESSARY FOR THE ECONOMIC VITALITY OF SAN FRANCISCO AND THE BAY REGION.

Policy 36.1:

Support urban goods movement networks in San Francisco, especially in the areas reserved for industrial development and in neighborhood commercial districts.

The project supports this policy by providing retail pharmacy, beauty and health goods in an established Neighborhood Commercial District, and specifically by providing access to a retail pharmacy store for residents of this underserved neighborhood.

URBAN DESIGN ELEMENT

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 for orientation.

The project will serve as a retail “anchor” to this area of the Outer Richmond, as did the previous Albertson’s store. A retail pharmacy store is a destination point in a typical neighborhood, and thus is an appropriate re-use of the existing larger building that could only appropriately house a limited number of uses due to its unique size.

OBJECTIVE 3:

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

Policy 3.1

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

The project will serve as a retail “anchor” to this area of the Outer Richmond, as did the previous Albertson’s store. A retail pharmacy store is a destination point in a typical neighborhood, and thus is an appropriate re-use of the existing larger building that could only appropriately house a limited number of uses due to its unique size.

Policy 3.5

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

The project’s one-story envelope is sympathetic to the scale, form and proportion of development of the surrounding neighborhood, and does not alter or modify the existing building. By maintaining the existing structure the project will maintain the existing city pattern, as well as height and character of the existing development.

URBAN DESIGN ELEMENT

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.

The project supports this policy by creating new jobs and increasing foot traffic in this Neighborhood Commercial District. The project will also activate this large building that would otherwise continue to sit vacant.

OBJECTIVE 2:

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

Policy 2.1

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

The project will establish a retail pharmacy store on the property, increasing the level of commercial activity in the area in accordance with the general land use requirements of the City.

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 will reactivate this property that would otherwise continue to sit vacant. CVS Pharmacy will provide new jobs for the neighborhood, especially 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 14,270 square feet of retail pharmacy store space, which will occupy a portion of the existing vacant grocery store building. The project would provide new employment opportunities for neighborhood residents. The project would activate this vacant site, attracting pedestrian traffic that will also patronize smaller, existing neighborhood businesses along Clement 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 and will occupy a portion of a vacant commercial building. The project will have no effect on housing.

- 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 is a neighborhood-serving retail pharmacy store, and not a major generator of commuter traffic. The project area is well-served by public transit with three MUNI bus lines operating adjacent to the project site and 3 more MUNI bus lines operating one block away on Geary Boulevard.

- 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 industrial establishment. The project proposes no office use. The project will enhance the City's service sector by developing a retail pharmacy store in a vacant commercial building.

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the project site and the property is not located in any Historic or Conservation District.

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

The project is adjacent to the eastern edge of Lincoln Park, however no new construction or modification of the existing building on the property is proposed so the project would have no effect on Lincoln Park or its access to sunlight and vistas.

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. 2010.0512C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on June 30, 2010 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 December 2, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 2, 2010

Exhibit A

Conditions of Approval

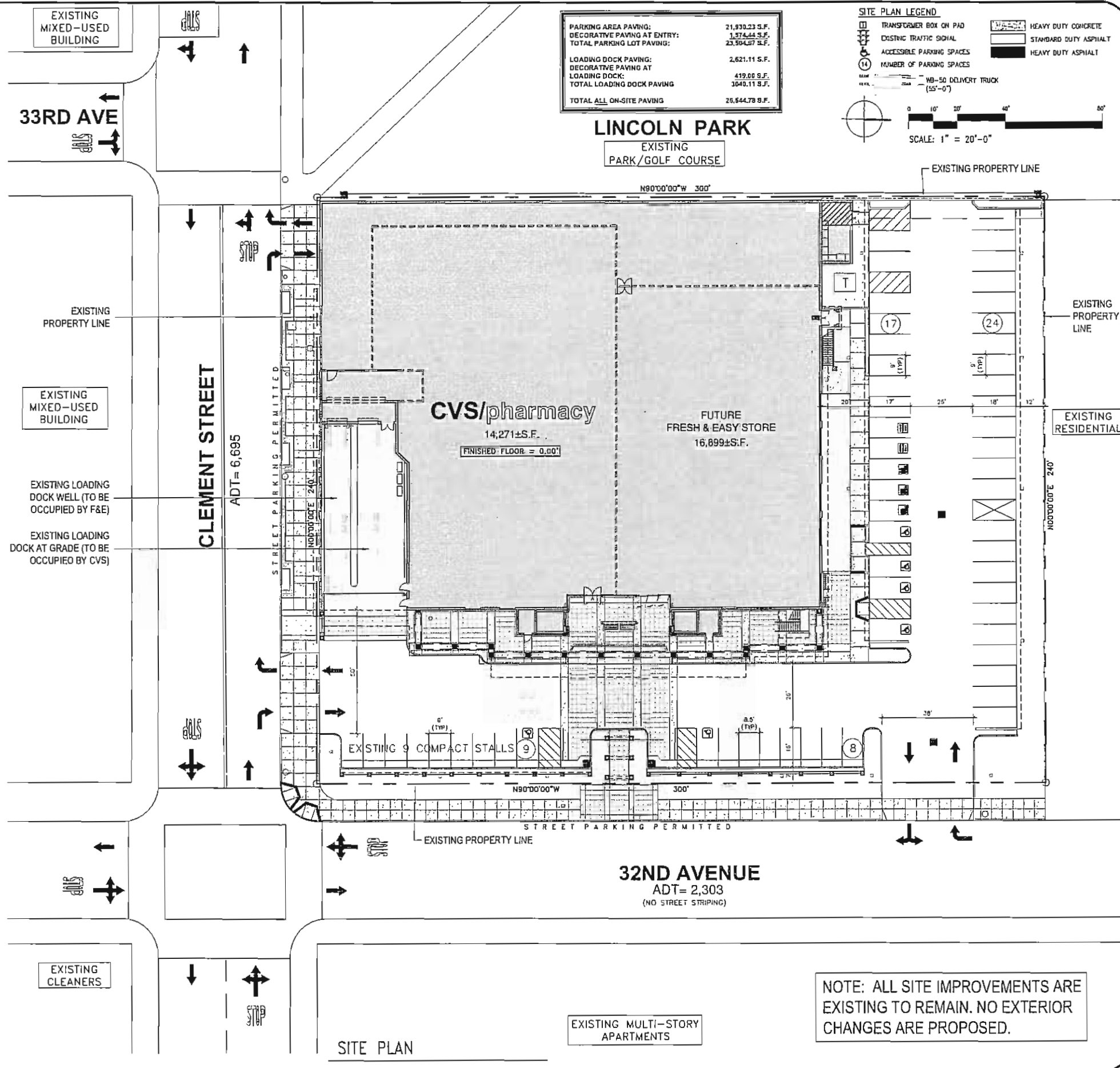
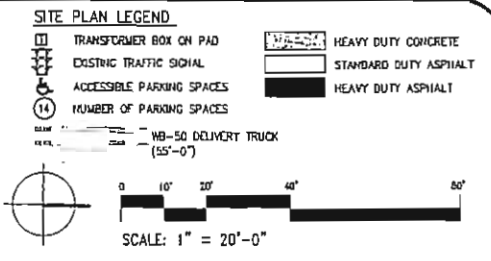
1. This authorization is for a Conditional Use Authorization pursuant to Planning Code Sections 303 and 703.4, to establish a Formula Retail use and Sections 121.2 and 713.21 to develop a Non-Residential Use exceeding 5,999 square feet in area for an approximately 14,270 square foot retail pharmacy store (dba CVS), within the Neighborhood Commercial Shopping Center District (NC-S) and 40-X Height and Bulk District in general conformance with plans filed with the Application as received on June 30, 2010 and stamped "EXHIBIT B" included in the docket for **Case No. 2010.0512C**, reviewed and approved by the Commission on December 2, 2010.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's 1401, Lot 002), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront providing visibility of the pharmacy store interior through the storefront windows.
8. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.

9. The project sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
10. The project sponsor shall operate the proposed pharmacy store such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
11. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the enclosure until pick-up by the disposal company.
12. The hours of operation shall be limited to 7 a.m. to 10 p.m. daily.
13. Loading activities and deliveries to the store shall be limited to 8 A.M. to 10 P.M. daily
14. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.

SITE DATA
 TOTAL SITE AREA: 72,000 S.F. (1.65 AC)
 CVS PHARMACY AREA: 14,271 S.F.
 FRESH & EASY MARKET AREA: 16,627 S.F.
 TOTAL PARKING REQUIRED FOR SITE: 62 STALLS (1 PER 500 S.F.)
 PARKING REQUIRED FOR CVS: 29 STALLS
 PARKING REQUIRED FOR F&E: 33 STALLS
 TOTAL PARKING PROVIDED FOR SITE: 135 STALLS
 TOTAL PARKING AREA: 59,508 S.F.

ZONING INFORMATION
 EXISTING ZONING: NC-S (NEIGHBORHOOD COMMERCIAL - SHOPPING CENTER)
 ADJACENT ZONING: RH-1 (RESIDENTIAL HOUSING), NC-1 (NEIGHBORHOOD COMMERCIAL, P (PUBLIC))
 ZONING CONTACT: MARY WOOD, (415-559-0315)
 CONDITION OF REZONING: NONE
 DENSITY LIMITS: F.A.R. 1.8 to 1.0

PARKING AREA PAVING:	21,930.23 S.F.
DECORATIVE PAVING AT ENTRY:	1,374.44 S.F.
TOTAL PARKING LOT PAVING:	23,304.67 S.F.
LOADING DOCK PAVING:	2,621.11 S.F.
DECORATIVE PAVING AT LOADING DOCK:	419.00 S.F.
TOTAL LOADING DOCK PAVING:	3,040.11 S.F.
TOTAL ALL ON-SITE PAVING:	26,344.78 S.F.



NOTE: ALL SITE IMPROVEMENTS ARE EXISTING TO REMAIN. NO EXTERIOR CHANGES ARE PROPOSED.

CONSULTANT:
Tait & Associates, Inc.
 Engineering - Architecture - Environment
 2000 California Street
 Berkeley, California 94704
 (415) 841-6200 • FAX (415) 841-6211
 www.tait.com

SEAL:

CVS/pharmacy
 STORE NUMBER: NEW
 32ND AVENUE AND CLEMENT STREET
 SAN FRANCISCO, CALIFORNIA

DEVELOPER: 5850 CANOGA AVE., #650
 WOODLAND HILLS, CA 91367
 (818) 880-4400

LANDMARK
 RETAIL GROUP
 A NewMark Merrill Company

REVISIONS:
 SHOW EXTERIOR PAVING S.F.
 REVISED PER CITY COMMENTS

LAYOUT COORD: 000
 PLANNING HDR: MIKE MACFARLAND
 DRAWING BY: GEOFFREY GULPEO
 DATE: 07.13.10
 JOB NUMBER: CVS1030
 TITLE:

CONCEPTUAL SITE PLAN
 SHEET NUMBER:
SK-1
 1 OF 3

PROJECT DATA	
TOTAL PARKING REQUIRED FOR CVS 128 STALLS	
TOTAL PARKING REQUIRED FOR PAR 33 STALLS	
TOTAL PARKING PROVIDED FOR SITE 1135 STALLS	

ROOFTOP PARKING AREA PAVING: 29,078.29 S.F.
 ROOFTOP ACCESS RAMP PAVING: 3,884.65 S.F.
 TOTAL ROOFTOP PAVING: 32,962.94 S.F.

LINCOLN PARK


33RD AVE

CLEMENT STREET
ADT= 6,695

MARVEL COURT

32ND AVENUE
ADT= 2,303

NOTE: THIS SITE PLAN IS PROVIDED BY THE LANDLORD/FRESH & EASY.
 SAID PLAN HAS NOT BEEN MODIFIED AND IS FOR REFERENCE ONLY.

CONSULTANT:

Tait & Associates, Inc.
 ENGINEERING • ARCHITECTURE • ENVIRONMENTAL
 275 North Normandie Street
 San Jose, California 95133
 (415) 962-4225 • (415) 962-4211 fax
 Other: San Diego • San Francisco • Berkeley • Phoenix • Denver • Tulsa

SEAL:

CVS
 pharmacy
 STORE NUMBER: NEW
 1000X
 32ND AVENUE AND CLEMENT STREET
 SAN FRANCISCO, CALIFORNIA

DEVELOPER: 5850 CANOGA AVE., #550
 WOODLAND HILLS, CA 91367
 (818) 880-4400

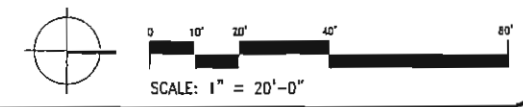
LANDMARK
 RETAIL GROUP
 A NewMark Merrill Company

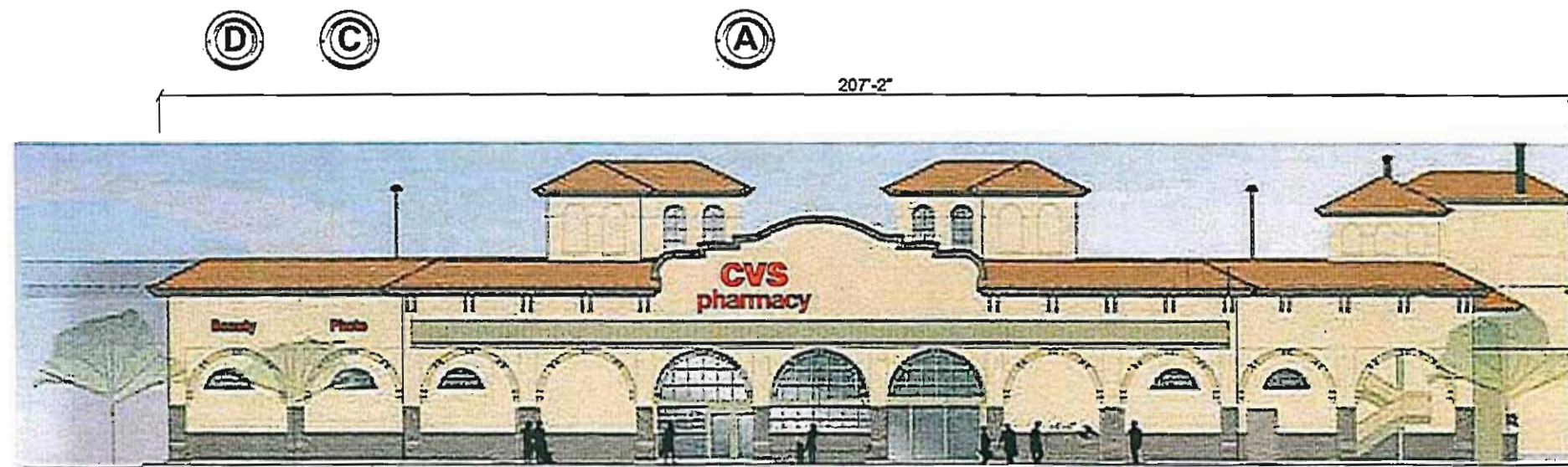
REVISIONS:
 ▲ SHOW EXTERIOR PAVING S.F.

LAYOUT COORD: 000
 PLANNING MGR. MIKE MACFARLAND
 DRAWING BY: GEOFFREY GULPEO
 DATE: 07.06.10
 JOB NUMBER: CVS1030

TITLE:
 EXISTING ROOF TOP
 & SITE PARKING PLAN
 SHEET NUMBER:

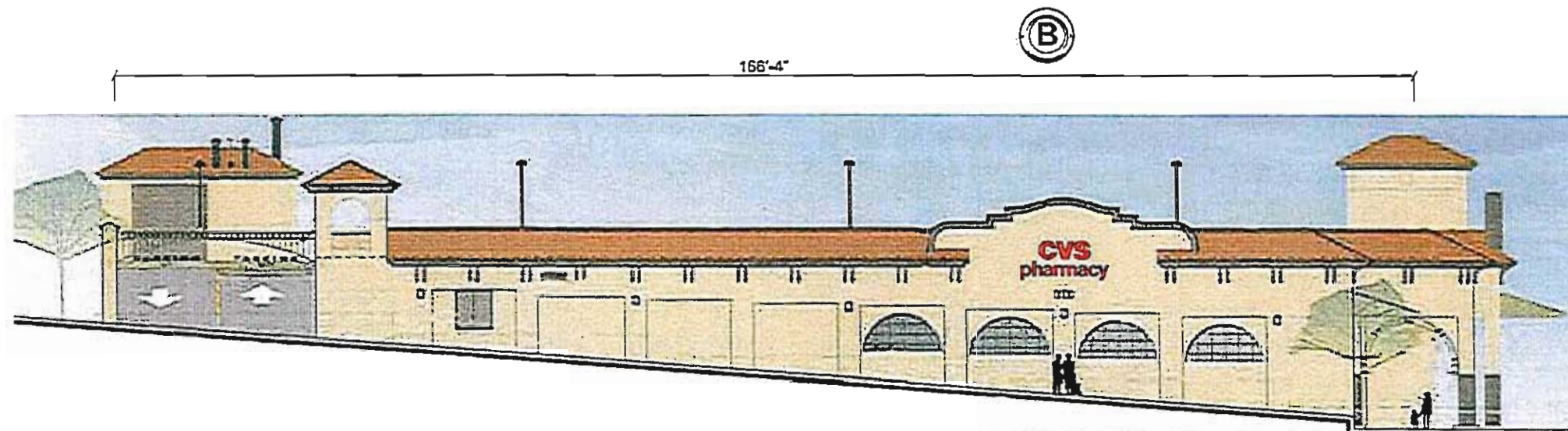
SK-3
 3 OF 3





EAST ELEVATION

Scale: 1/16"=1'-0"



SOUTH ELEVATION

Scale: 1/16"=1'-0"

CVS/pharmacy

LOCATION:

ADDRESS: 3132 Clement Street

San Francisco, CA

FILE:

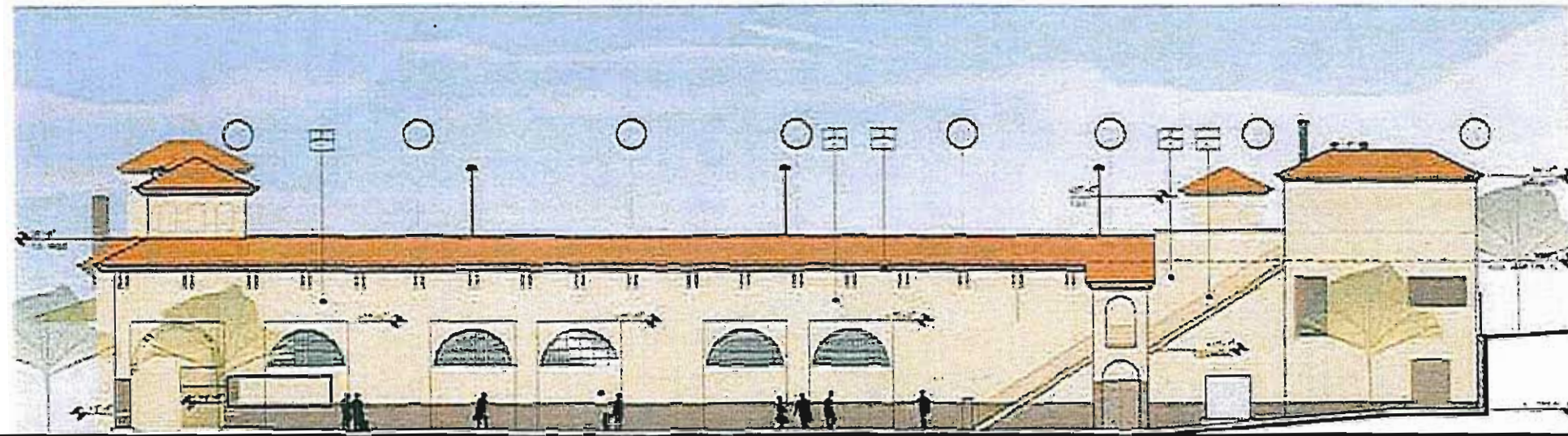
DATE: 01-20-09

DRAWN: Ruben B.

REVISED:

DEV-CVS1-00368-r3

File Location:
W:\CVS\Art\Drawings\DEV-CVS1-00000



NORTH ELEVATION

Scale: 1/16"=1'-0"

CVS/pharmacy



LOCATION:
ADDRESS: 3132 Clement Street
San Francisco, CA

FILE:
DATE: 01-20-09
DRAWN: Ruben B.

REVISED:

DEV-CVS1-00368-r3
File Location: