



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 19552 HEARING DATE: JANUARY 21, 2016

Date: January 21, 2016
Case No.: 2014 – 000437CUA
Project Address: 4171 24TH STREET
Zoning: 24th Street – Noe Valley NCD (Neighborhood Commercial) District
 40-X Height and Bulk District
Block/Lot: 6506/032
Project Sponsor: BMW Properties, LLC
 PO Box 460039
 San Francisco, CA 94146
Project Applicant: John Kevlin
 Reuben, Junius & Rose, LLP
 One Bush Street, Suite 600
 San Francisco, CA 94104
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 317 AND 728.37 FOR THE REMOVAL OF A TWO-STORY SINGLE-FAMILY RESIDENTIAL DWELLING WITH GARAGE AND REPLACEMENT WITH A FOUR-STORY, FIVE RESIDENTIAL-UNIT BUILDING WITH GROUND-FLOOR COMMERCIAL USE.

PREAMBLE

On November 4, 2015, John Kevlin of Reuben Junius Rose LLP (Project Applicant) for BMW Properties, LLC (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 317 and 728.37 to demolish a two-story single-family dwelling with garage, and replace with a four-story, five residential-unit building with ground-floor commercial use at **4171 24th Street** within the 24TH Street – Noe Valley NCD (Neighborhood Commercial) District and a 40-X Height and Bulk District.

On January 21, 2016 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-000437CUA.

On January 22, 2015, the Project was determined by the Department not to be an historic resource under Case No. 2014-000437ENV. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 3 categorical exemption. The Commission has reviewed and concurs with said determination. Further, on December 8, 2015, a shadow fan analysis was completed determining that the proposed project would not cast any new shadow on any properties under the jurisdiction of the Recreation and Parks Department (Section 295 of the Planning Code).

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. 2014-000437CUA, 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. **Project Description.** The project proposes to demolish the existing two-story with garage, single-family residential building. The proposed replacement is a four-story-over-basement building with five residential units (5,793 square feet) and ground floor commercial space (755 square feet). Four of the five dwelling units are family-sized (two or greater bedrooms), and the dwelling units range from a 765 square foot one-bedroom unit to a 1,314 square foot three-bedroom unit. Five bicycle parking spaces are provided on site for the residential units; no off-street parking for vehicles is provided. Two bicycle parking spaces are provided for the proposed commercial use on the sidewalk. Private and common open space is provided through a combination of access to the rear yard and roof decks. The overall proposed height is 45 feet. Pursuant to Section 263.20 of the Planning Code, in order to encourage generous ground floor ceiling heights for commercial and other active uses up to an additional 5 feet of height is allowed in certain NCT and NCD areas, including the 24th Street – Noe Valley NCD.

Pursuant to Planning Code Section 728.37, within the 24th Street – Noe Valley NCD, residential demolition at the 2nd story requires Conditional Use Authorization. Further, pursuant to Planning Code 317 (c), "where an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use Authorization by other sections of this Code, the application for a replacement building or alteration permit shall also be subject to

Conditional Use requirements.” This report includes findings for a Conditional Use Authorization in addition to Demolition Criteria established in Planning Code Section 317.

3. **Site Description and Present Use.** The project site is located on the south side of 24th Street between Castro and Diamond Streets, Lot 032 in Assessor’s Block 6506, in Noe Valley. The project site is within the 24th Street – Noe Valley NCD (Neighborhood Commercial) District and a 40-X Height and Bulk district. The project site currently contains a vacant, two-story single-family dwelling with garage. The lot is 25 feet wide and 114 in depth, containing approximately 2,848 square feet in lot area.
4. **Surrounding Properties and Neighborhood.** The project site is located approximately in the middle of the block-face flanked by buildings on either side. The adjacent building to the east is two-story over garage four-unit condominium residential building. The adjacent building to the west is a three-story residential structure setback from the property line, with a one-story commercial structure at the sidewalk. The block-face on the north and the south are characterized by one- to four-story buildings, and of mixed architectural style. At the street level, some buildings exhibit commercial use and some exhibit residential use (defined by entryways and garages); the majority of use at the ground floor is commercial. The buildings also vary in density from single-family residences to small multi-unit apartment buildings. Approximately 2/5-mile to the east is the Muni J-Church line on Church Street, three Muni bus lines run within ¼-mile of the site (nos. 24, 35, 48), and the regional serving BART stop at 24th Street-Mission is less than a one mile from the subject property.
5. **Public Comment.** The Department has received no direct communication in support or in objection to the project.
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. **Residential Demolition – Section 317:** Pursuant to Planning Code Sections 728.17 and 317, Conditional Use Authorization is required for applications proposing to remove residential units, located at the second floor or above. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

As the project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 have been incorporated as findings a part of this Motion. See Item 8 , “Additional Findings pursuant to Section 317” below.

- B. **Rear Yard Requirement.** Planning Code Section 134 requires, in the 24TH Street- Noe Valley NCD, a rear yard measuring 25 percent of the total depth.

The Project proposes an approximately 28-foot 6-inch rear yard, which is equal to 25 percent of lot depth.

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

The Project site has approximately 25 feet of lineal street frontage along 24th Street with approximately 15 feet of street frontage devoted to either the potential commercial entrance or storefront window space. The proposed windows are un-tinted. As designed, the storefront windows are transparent and unobstructed, with exception of the window casework and bulkhead.

- D. **Floor Area Ratio, Non-Residential Uses.** Planning Code Section 728.21 restricts floor area ratio to 1.8 to 1.

Approximately 5,130 gross square feet of non-residential use is permitted pursuant to this Section of the Code. The project would provide approximately 755 gross square feet of non-residential use, which is within the permitted limits.

- E. **Use Size, Non-Residential.** Planning Code Section 728.21 permits use sizes up to 2,499 square feet, with a Conditional Use Authorization required for use sizes of 2,500 square feet and above, as defined by Planning Code Section 790.130.

The proposed size for the commercial space is 755 square feet, therefore is permitted.

- F. **Parking, Commercial.** Planning Code Section 151 generally requires one automobile parking space for commercial uses with greater than 5,000 occupied square feet. Planning Code Section 155.2(b)(6) requires two Class 2 bicycle parking spaces.

No automobile parking is provided. The proposed commercial square footage area is 755 square feet, below the threshold for required automobile parking. Two Class 2 bicycle parking spaces are proposed, although the commercial use has not been identified at this time. Where a project proposes to construct new non-residential uses or increase the area of existing non-residential uses, for which the project has not identified specific uses at the time of project approval by the Planning Department or Planning Commission, the project shall provide the amount of non-residential bicycle parking required for Retail Sales.

- G. **Parking, Residential.** Planning Code Section 151 requires one automobile parking space per dwelling unit. However, Planning Code Section 155.1(d) permits the reduction of required automobile parking for all districts when fulfilling bicycle parking requirements. Planning Code Section Table 155.2 requires one Class 1 bicycle parking space for each dwelling unit.

The Project proposes five (5) Class 1 bicycle parking spaces, one for each dwelling unit. The bicycle parking for the residential units will be provided in an enclosed room in the basement accessible by an elevator.

- H. **Density of Dwelling Units.** The ratio of dwelling units in the 24th Street – Noe Valley (NCD) Neighborhood Commercial District is generally one dwelling unit per 600 square feet, pursuant to Planning Code Section 728.91. Pursuant to Planning Code Section 207.1, fractions of one-half or more are rounded up.

The lot area is approximately 2,848 square feet, thus five dwelling units are permitted.

- I. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit. Pursuant to Planning Code Section 263.20, an additional 5 feet of height is permitted.

The project proposes a replacement building of approximately 45 feet in height, with permitted exceptions such as stair and elevator penthouses. In order to encourage generous ground floor ceiling heights for commercial and other active uses up to an additional overall height of 5 feet is allowed in certain NCT and NCD areas, including the 24th Street – Noe Valley NCD. The proposed ground floor commercial ceiling height is approximately 15 feet at the street.

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 use and size of the proposed project is compatible with the immediate neighborhood. The replacement building increases the number of units at the project site by four, and increases the number of bedrooms by eight. The replacement building is also designed to be compatible with the existing development pattern and the neighborhood character. The ground floor commercial is in keeping with the pedestrian-oriented neighborhood commercial district.

- 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 proposal will generally conform with the neighborhood's pattern of development, scale and character, preserving mid-block open space. The Project is consistent with the type and size of structures in the district, and with the majority of the block-face, by providing a ground floor occupied by commercial use and upper levels occupied by residential uses. The existing buildings in the district are generally two- to four-story tall buildings with no front setback, and include multiple dwelling units, and the four-story, five residential unit and ground floor commercial proposal is compatible with adjacent structures and the district.

- 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 includes a ground-floor commercial use, which is expected to be neighborhood serving and be easily accessible by foot, public transportation or bicycle. There is no proposed off-street automobile parking, thereby minimizing any change in traffic volume directly at the subject site. The site is 2/5-mile from the Muni J-Church line, the Muni 24, 35 and 48 bus lines run with ¼ miles of the site, and the regional BART stop at 24th Street-Mission is less than one-mile from the site.

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

As the proposed project is primarily residential, the proposed residential use is not considered to have the potential to produce noxious or offensive emissions. The commercial use has not been determined at this time. The Project will implement necessary safeguards to prevent 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 Project will include the necessary treatments as appropriate. The commercial use at the Property will comply with Article 6 of 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 24th St- Noe Valley NCD District.

The proposed project is consistent with the stated purpose of this named NCD.

8. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

Criterion not applicable.

Not applicable. Soundness is not a criterion for review in the neighborhood commercial districts.

- ii. Whether the property is free of a history of serious, continuing code violations;

Project meets criterion.

A review of the Planning Department database showed no enforcement cases for the subject property. A review of the Department of Building Inspection showed no violations.

- iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

Project meets criterion.

The structure appears to be in decent condition.

- iv. Whether the property is an "historic resource" under CEQA;

Project meets criterion.

Although the existing structure is more than 45 years old, a review of the historic resource evaluation resulted in a determination that the structure is not an historical resource.

- v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Project meets criterion.

The structure is not an historical resource.

- vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

Project meets criterion.

The Project does not convert rental housing to other forms of tenure or occupancy, as the existing building is being used as a single-family residence. There are no restrictions on whether the new units will be rental or ownership.

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Project meets criterion.

No rent controlled units will be removed. Single-family dwellings are not subject to rent control.

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Project does not meet criterion.

The Project proposes demolition of a two-bedroom single-family dwelling. The replacement structure will bring on-line four additional units of varying size, and eight additional bedrooms at the project site.

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

Project meets criterion.

The replacement buildings conserve neighborhood character with appropriate scale, design, and materials, and improve cultural and economic diversity by providing four of the five units with multiple bedrooms, which provides family-sized housing. The project would provide a net gain of four dwelling units and eight bedrooms to the City's housing stock.

- x. Whether the Project protects the relative affordability of existing housing;

Project meets criterion.

The Project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing building and construction of a new building. However, it should be taken into consideration that the proposed structure offers an increased number of units and a variety of unit sizes.

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 415;

Project does not meet criterion.

The Project is not subject to the provisions of Planning Code Section 415, as the project proposes less than ten units.

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

Project meets criterion.

The Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

- xiii. Whether the Project creates quality, new family housing;

Project meets criterion.

The Project proposes four opportunities for family-sized housing. One three-bedroom unit is proposed, and three, two-bedroom units are proposed within the five-unit building.

- xiv. Whether the Project creates new supportive housing;

Project does not meet criterion.

The Project does not create supportive housing.

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project meets criterion.

The overall scale, design, and materials of the proposed buildings are consistent with the block-face and compliment the neighborhood character with a contemporary design.

- xvi. Whether the Project increases the number of on-site dwelling units;

Project meets criterion.

The Project increases the number of on-site units by four.

- xvii. Whether the Project increases the number of on-site bedrooms.

Project meets criterion.

The project proposes ten bedrooms: eight bedrooms more than that of the existing building.

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

HOUSING ELEMENT

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY AFFORDABLE HOUSING.

Policy 1.8:

Promote mixed-use development, and include housing, particularly permanent affordable housing, in new commercial, institutional or other single-use development projects.

Policy 1.10:

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project will build a new mixed –use development on the Property, where a vacant single-family residence exists. The Project will add five dwelling units in a district well-served by public transportation, within a neighborhood commercial district.

**OBJECTIVE 4:
FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS
LIFECYCLES.**

Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

This project will create four family-sized units.

**OBJECTIVE 11:
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN
FRANCISCO'S NEIGHBORHOODS.**

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

This new construction project will conform to the scale and character of the district, respecting the neighborhood character in design and use.

Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

The project conforms to the zoning and height districts for the named NCD.

COMMERCE AND INDUSTRY ELEMENT

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

Policy 6.3:

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

Policy 6.7:

Promote high-quality urban design on commercial streets.

The Project will contribute to the mixed commercial-residential character of the NCD by constructing a mixed-use building with commercial and residential uses. The Project will be located on 24th Street – Noe Valley NCD.

URBAN DESIGN

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 1.2:

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

The project proposes demolition of an existing single-family dwelling, setback from the street. Similar to other existing structures on the block-face, the replacement structure, built to the property line, will be mixed-use with ground-floor commercial and residential units above.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed replacement buildings reflect the existing neighborhood character and development pattern, particularly by proposing buildings of similar mass, width and height as the existing structures along the block-face. The front setbacks of the building reflects the prevailing pattern of front setbacks – built to the property line at the public right-of-way.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The massing of the replacement buildings' main front façades has been designed to be compatible with the prevailing street wall height, particularly the height and proportions of the adjacent buildings. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.

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 would improve on-site and nearby neighborhood-serving retail uses. It will provide an additional neighborhood-serving commercial space where one does not currently exist and will provide future opportunities for the employment of the neighborhood's residents in the proposed commercial use.

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

The Property is currently vacant. The Project will improve the existing housing and neighborhood character by contributing a new neighborhood-serving commercial use and new housing. In addition, the replacement structure respects the neighborhood's mixed-use character, scale, mass, and proportions.

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

The project will have no effect on the existing affordable housing.

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

The neighborhood is well-served by Muni service, and the modest increase of dwelling units will not impede that service. Also because the Property is well-served by public transportation, it is expected that new residents will not overburden the nearby streets or neighborhood parking, due to their reliance on the Muni and BART systems, and alternate modes of transportation.

- 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 does not currently include or propose industrial or office use. It will contribute to a diverse economic base by adding a new neighborhood-serving commercial use on the Property, which currently consists of a vacant building. Demolition and construction will create new temporary jobs, and the ground-floor commercial use will add new permanent jobs.

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

The replacement structures would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

- G. That landmarks and historic buildings be preserved.

Neither Landmark nor historic buildings 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 effect on existing parks and open spaces. The proposed height is greater than 40 feet, therefore a shadow fan analysis was completed determining that the proposed project would not cast any new shadow on any properties under the jurisdiction of the Recreation and Parks Department (Section 295 of the Planning Code).

11. 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. 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. 2014-000437CUA** subject to the following conditions attached hereto as "EXHIBIT A" 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. 19552. 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 94012.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 21, 2016



Jonas P. Ionin
Commission Secretary

AYES: Fong, Wu, Antonini, Hillis, Moore, Richards

NAYS: None

ABSENT: Johnson

ADOPTED: January 21, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow demolition of a two-story single-family dwelling with garage and replacement with a four-story five residential-unit building with ground-floor commercial use located at 4171 24TH Street, Block 6506, Lot 032, pursuant to Planning Code Section(s) 303, 317, 728.37 within the 24TH Street – Noe Valley NCD (Neighborhood Commercial) District and a 40-X Height and Bulk District; in general conformance with plans, dated December 22, 2015, and stamped “EXHIBIT B” included in the docket for Case No. 2014-000437CUA and subject to conditions of approval reviewed and approved by the Commission on January 21, 2016 under Motion No 19552. 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 January 21, 2016 under Motion No 19552.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19552 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

2. **Final Design.** The Project Sponsor shall continue to work with Staff on the following design related issued:
 - a. At the top level, provide a 15 foot front setback from the front building wall;
 - b. The roof deck to be setback from building edges so firewalls are not required;
 - c. At the third floor in rear, provide a 14 foot setback from rear building wall;
 - d. At ground floor level, provide greater definition to separate retail entry and residential entry;
 - e. Review interior stairs for number and placement for better efficiency;
 - f. Rear window size for compatibility and privacy;
 - g. Compatibility with the neighborhood.
3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

4. **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.

DESIGN

5. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

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

MONITORING

6. **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

OPERATION

7. **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/>*