

1 [Zoning Appeal]

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3 **Motion disapproving decision of the Planning Commission by its Motion No. 16390,**  
4 **approving Conditional Use Application No. 2001.0996CE, on property located 3130-**  
5 **3154 Noriega Street, and approving conditional use application No. 2001.0099 CE**  
6 **subject to the conditions imposed by the Planning Commission and subject to**  
7 **additional conditions imposed by the Board of Supervisors and adopting findings**  
8 **pursuant to Planning code Section 101.1.**

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10 MOVED, That the decision of the Planning Commission by its Motion No. 16390 dated  
11 April 25, 2002, approving Conditional Use Application No. 2001.0995CE, approving a  
12 conditional use authorization under Planning Code Sections 121.1, 710.11, and 710.21 to  
13 develop a new four-story, mixed use building, at a maximum height of forty feet, containing  
14 approximately 3,400 square feet of commercial/retail space and nine dwelling units on a lot  
15 with a total area exceeding 5,000 square feet, in an NC-1 (Neighborhood Commercial Cluster)  
16 District and a 40X Height and Bulk District on property located at::

17 3130-3154 Noriega Street, on the north side of Noriega Street at 39<sup>th</sup> Avenue; Lot 7, in  
18 Assessor's Block 2011,  
19 be and the same is disapproved; and, be it

20 FURTHER MOVED, That the Board of Supervisors approves the Conditional Use  
21 Application No. 2001.0995CE, subject to conditions imposed by the Planning Commission by  
22 its Motion No. 16390, dated April 25, 2002; and, be it

23 FURTHER MOVED, That the Board of Supervisors imposes the following additional  
24 conditions upon the approved conditional use permit:

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9. The owners of this building shall make the largest of the two bedroom units in the building subject to the City's Affordable Inclusionary Housing Ordinance;

10. No building permit or site permit shall issue unless the Department of Building Inspection has received, reviewed, and approved a survey performed by a licensed surveyor showing that no point in the newly proposed building (other than ducts, flues, skylights, chimneys, mechanical equipment, ventilators, cooling towers, window-washing equipment, and other minor appurtenances necessary to the operation or maintenance of the structure itself) shall be at a higher elevation above sea level than the highest point of any portion of the parapet of the existing building known as "3100-3126 Noreiga Street";

11. The Department of Building Inspection shall issue no Certificate of Final Completion and Occupancy for the project until it independently verifies, or confirms a surveyor's certification, by field inspection or otherwise, that the property owner has complied with the height limitation stated in Condition 10.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Motion

**File Number:** 020902

**Date Passed:** July 15, 2002

Motion disapproving decision of the Planning Commission by its Motion No. 16390, approving Conditional Use Application No. 2001.0995CE, on property located 3130-3154 Noriega Street, and approving Conditional Use Application No. 2001.0099 CE with additional conditions imposed by the Board of Supervisors and adopting findings pursuant to Planning Code Section 101.1.

June 17, 2002 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Absent: 1 - Hall

July 1, 2002 Board of Supervisors — CONTINUED

Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Noes: 1 - Ammiano

July 8, 2002 Board of Supervisors — CONTINUED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

July 15, 2002 Board of Supervisors — AMENDED

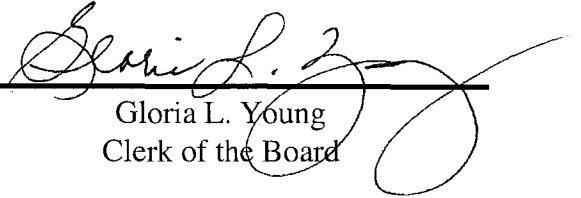
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

July 15, 2002 Board of Supervisors — APPROVED AS AMENDED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

File No. 020902

I hereby certify that the foregoing Motion  
was **APPROVED AS AMENDED** on July 15,  
2002 by the Board of Supervisors of the City  
and County of San Francisco.



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Gloria L. Young  
Clerk of the Board