

SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MARCH 6, 2014

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

Reception:

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415.558.6409

Planning Information: 415.558.6377

Date: February 27, 2014

Case No.: **2013.1137C**

Project Address: 4054 24th Street

Zoning: 24th Street/ Noe Valley Neighborhood Commercial District

40-X Height and Bulk District

Block/Lot: 3656/017

Project Sponsor: Vincent Hogan

4054 24th Street

San Francisco, CA 94114

Staff Contact: Michael Smith

michael.e.smith@sfgov.org

Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The project sponsor proposes to expand the existing bar use (d.b.a. Valley Tavern) through the legalization of the existing rear patio as an outdoor activity area. The existing bar measures approximately 1,725 square feet to accommodate 45 patrons. The rear patio measures approximately 1,112 square feet and has four tables and eight benches to accommodate 24 patrons. The patio in question has been in existence for over a decade but was issued a violation in August 2012. The project requires conditional use authorization for the expansion of an existing bar use (Section 728.41), to create an outdoor seating area within the rear yard (Section 728.24), and to create a use that is more than 2,499 square-feet (Section 728.21).

SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of 24th Street, between Castro and Noe Streets, Block 3656, Lot 017. The subject property is located within the 24th Street/Noe Valley Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a one-story commercial building, with one tenant space that is occupied by a bar (d.b.a. Valley Tavern). The bar currently operates with a type 48 ABC license.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located within the 24th Street/ Noe Valley Neighborhood Commercial District which extends along 24th Street from Chattanooga Street to the east to Diamond Street to the west. The District is the primary shopping area for the Noe Valley neighborhood. The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the District, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to four stories in height. Upper floors of buildings are generally occupied by offices or residential units. The adjacent property to the east is

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occupied by an auto repair business and the adjacent property to the west is a single-family dwelling. Residential properties on Elizabeth Street abut the property to the north.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	Feb. 14, 2014	Feb. 13, 2014	21 days
Posted Notice	20 days	Feb. 14, 2014	Feb. 14, 2014	20 days
Mailed Notice	10 days	Feb. 14, 2014	Feb. 14, 2014	20 days

PUBLIC COMMENT

- To date, the Department has received two communications in opposition to the proposal. These individuals expressed concerns regarding the noise impacts to adjacent residential properties.
- The project sponsor has submitted numerous letters in support of the project, primarily from people who live outside the immediate neighborhood.

ISSUES AND OTHER CONSIDERATIONS

- There are a number of residences that abut the subject property to the north and west. The Department has received a few calls from these neighbors expressing concern about noise from the proposed patio use. They claim that when the patio was being used illegally they experienced how loud it could be. The Department has proposed several conditions of approval to help address the neighbor's concerns about noise.
- There is a lot of unpermitted construction within the existing bar patio, including construction that would not be permitted under the Code without a rear yard variance. As part of the project approvals the project sponsor will be required to obtain proper permit approvals for the construction.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow for the expansion of a bar use within the 24th Street/Noe Valley NCD, pursuant to Planning Code Sections 303 and 728.41. In addition, the Commission would need to grant conditional use authorization for an outdoor activity area within the rear yard (Section 728.24) and to create a use that is more than 2,499 square-feet (Section 728.21).

CASE NO. 2013.1137C 4054 24th Street

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BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall 24th Street/ Noe Valley NCD.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood, and would not result in a net increase in the number of bars in the area
- With the recommended conditions of approval, the project would not have a significant noise impact on adjacent residential uses.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

RECOMMENDATION: Approval with Conditions

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Attachment Checklist

Executive Summary		Project sponsor submittal
Draft Motion		Drawings: Existing Conditions
Parcel Map		Check for legibility
Zoning District Map		Drawings: <u>Proposed Project</u>
Height & Bulk Map		Check for legibility
Aerial Photo		3-D Renderings (new construction or significant addition)
Environmental Determination		Check for legibility
Site Photos		Wireless Telecommunications Materials
Context Photos		Health Dept. review of RF levels
		RF Report
		Community Meeting Notice
		Housing Documents
		Inclusionary Affordable Housing Program: Affidavit for Compliance
		Residential Pipeline
Exhibits above marked with an "X" are inc	clude	d in this packet MES
		Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)	
☐ Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)
☐ Jobs Housing Linkage Program (Sec. 413)	☐ Child Care Requirement (Sec. 414)
☐ Downtown Park Fee (Sec. 412)	☐ Other

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Planning Commission Draft Motion

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 Project Address:
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Zoning: 24th Street/ Noe Valley Neighborhood Commercial District

40-X Height and Bulk District

Block/Lot: 3656/017

Project Sponsor: Vincent Hogan

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Staff Contact: Michael Smith

michael.e.smith@sfgov.org

Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 728.41, 728.24, AND 728.21 OF THE PLANNING CODE TO ALLOW FOR THE EXPANSION OF A BAR USE (D.B.A. VALLEY TAVERN) THROUGH THE LEGALIZATION OF AN OUTDOOR ACTIVITY AREA LOCATED WITHIN THE REAR YARD. THE SUBJECT PROPERTY IS LOCATED WITHIN THE 24TH STREET/ NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 16, 2013, Henry Karnilowicz of Occidental Express filed an application with the Planning Department (hereinafter "Department") on behalf of Vincent Hogan (hereinafter "Project Sponsor") for Conditional Use Authorization under Planning Code Section(s) 303, 728.41, 728.24, and 728.21 to allow an existing bar use (d.b.a. Valley Tavern) to legalize an existing outdoor activity area "beer garden" located within the rear yard. The project also requires conditional use authorization for the expansion of a bar use and a use size over 2,499 square-feet within the 24th Street/ Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District.

On March 6, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1137C.

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. 2013.1137C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- 1. The above recitals are accurate and constitute findings of this Commission.
- 2. **Site Description and Present Use.** The project is located on the north side of 24th Street, between Castro and Noe Streets, Block 3656, Lot 017. The subject property is located within the 24th Street/Noe Valley Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The property is developed with a one-story commercial building, with one tenant space that is occupied by a bar (d.b.a. Valley Tavern). The bar currently operates with a type 48 ABC license.
- 3. Surrounding Properties and Neighborhood. The subject property is located within the 24th Street/ Noe Valley Neighborhood Commercial District which extends along 24th Street from Chattanooga Street to the east to Diamond Street to the west. The District is the primary shopping area for the Noe Valley neighborhood. The area surrounding the project site is mixeduse in character. A variety of commercial establishments are located within ground floor storefronts in the District, including restaurants, bars, apparel stores, convenience stores, and other types of retailers. Buildings in the vicinity typically range from one to four stories in height. Upper floors of buildings are generally occupied by offices or residential units. The adjacent property to the east is occupied by an auto repair business and the adjacent property to the west is a single-family dwelling. Residential properties on Elizabeth Street abut the property to the north.
- 4. **Project Description.** The project sponsor proposes to expand the existing bar use (d.b.a. Valley Tavern) through the legalization of the existing rear patio as an outdoor activity area. The existing bar measures approximately 1,725 square feet to accommodate 45 patrons. The rear patio measures approximately 1,112 square feet and has four tables and eight benches to accommodate 24 patrons. The patio in question has been in existence for over a decade but was issued a violation in August 2012. The project requires conditional use authorization for the

expansion of an existing bar use (Section 728.41), to create an outdoor seating area within the rear yard (Section 728.24), and to create a use that is more than 2,499 square-feet (Section 728.21).

The existing bar use is an independent use and locally owned neighborhood-serving use. The proposed operation consists of 7-9 employees.

- 5. **Public Comment**. To date, the Department has received two communications in opposition to the proposal. These individuals expressed concerns regarding the noise impacts to adjacent residential properties. The project sponsor has submitted numerous letters in support of the project, primarily from people who live outside the immediate neighborhood.
- 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. **Outdoor Activity.** Planning Code Section 728.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70 if located within the rear yard.

The Project Sponsor proposes to legalize the expansion of the existing bar use into the rear patio. The Outdoor Activity would include four tables and eight benches to accommodate 24 patrons. The outdoor area would be used as a "beer garden" day and night. Evening hours in the outside area would be restricted to 10p.m. daily to mitigate neighbors' concerns about potential noise.

B. **Use Size.** Planning Code Section 728.21 states that a Conditional Use Authorization is required to establish a use size over 2,499 square feet.

The existing bar within the building measures approximately 1,725 square feet and accommodates 45 patrons. Legalization of the rear patio would add 1,112 square feet of gross floor area to the existing bar use. In total, the bar use would measure approximately 2,837 square-feet which is above the permitted use size limit of 2,499 square-feet. Therefore, conditional use authorization is required for the proposal.

C. **Bar Use.** Planning Code Section 728.41 states that a Conditional Use Authorization is required to establish a bar use, as defined by Planning Code Section 790.22. A new authorization is required to enlarge an existing conditionally permitted use.

The Project would add 1,112 gross square feet of area to the existing bar use, therefore, a new conditional use authorization is required.

D. Rear Yard Requirement in the 24th Street/ Noe Valley Neighborhood Commercial District. Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet. The rear yard is required at grade level and above.

The subject property has a rear yard that is greater than 25% of the lot depth. Within the rear yard is a covered patio that was constructed without proper permits. The Project Sponsor must obtain proper permits for all of the construction within the rear yard. Planning Code Section 728.24 allows for this rear yard to be used for Outdoor Activity as long as a Conditional Use Authorization is granted by the Planning Commission.

E. **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 proposed bar use would measure 2,837 square-feet of occupied floor area and thus does not require any off-street parking.

F. Street Frontage in Neighborhood Commercial Districts. Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 25-feet of frontage on 24^{th} Street with all of it devoted to storefront space. The existing windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- 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 size of the proposed use is in keeping with other storefronts on the block face. The proposed patio has four tables and eight benches to accommodate 24 patrons. The increase in bar capacity will not impact traffic or parking in the District because it is not a destination use. However, the increase in capacity, particularly within the open yard, could be noisy to nearby residential uses. Therefore,

conditions have been added to the approval to soften additional noise that could result from the project. These conditions include the construction of a 10' tall fence and the planting of tall vegetation along the back fence all in an effort to contain the sound on the premises. Furthermore, no amplified audio would be allowed on the patio and the patio itself would be required to close at 10pm.

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

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope, yet the inclusion of outside seating will alter the use of the property.

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 Planning Code does not require parking or loading for uses that are less than 5,000 square-feet. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

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

Smoking will not be permitted within the outdoor patio to better control the effects of second hand smoke on adjacent properties.

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

Lighting within the patio shall be limited to down lighting to control light pollution. Additional landscaping shall be planted at the rear property line to better control noise. The Department shall review all lighting and landscaping for compliance with the above objective.

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

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

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

The proposed project is consistent with the stated purposed of 24th Street/ Noe Valley Neighborhood Commercial District in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods primarily during daytime hours.

- 8. **Planning Code Section 121.2.** When reviewing applications for Conditional Use approval for use size, in addition to the criteria of Section 303 of this Code, the Commission shall consider the extent to which the following criteria are met pursuant to Section 121.2 of the Code:
 - (1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The project proposes to legalize the expansion of the existing bar use into an otherwise vacant rear yard open space, resulting in an overall use size that is greater in size than what is principally permitted within the District. There is no reasonable reason to believe that the presence of the outdoor activity area would foreclose the location of other needed neighborhood-serving uses since the area in question is located outside of a building and can only be accessed through the bar use that occupies the building.

(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 existing bar use serves the immediate neighborhood and would continue to serve the immediate neighborhood with an option for patrons to enjoy their libations outside when weather permits. The nature of the bar use does not require an outdoor space but the project would provide an amenity for patrons that is not present within this District. Furthermore, the proposed project helps to enliven the neighborhood by activating an underutilized space.

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

The existing bar use within the enclosed building measures 1,725 square-feet which is below the use size thresholds for the District. The use of the outdoor space in conjunction with the bar use is subject to weather conditions and therefore its use would not be constant.

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

NEIGHBORHOOD COMMERCE Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The expanded scope of the existing bar to include an outdoor activity area within the rear yard, will not result in undesirable consequences that cannot be abated with the proposed conditions of approval. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 6:

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

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

- 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 proposal would enhance the existing neighborhood-serving use by providing patrons an outdoor option in which to enjoy libations. The business is locally owned and it provides employment opportunities for skilled and semi-skilled workers.

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

The use of the outdoor space is being conditioned to ease any impacts the expanded use could have on adjacent properties in order to protect the livability of the neighborhood.

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

No housing would be removed for this Project.

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

The site is on 24th Street and is well served by transit. Use of the rear patio is not expected to impact transit flow as the use is intended to serve the immediate neighborhood which would result in more patrons arriving by alternative means.

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.

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

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.

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

The project will have no negative impact on existing public parks and open spaces. Conditions have been added to the project to abate its potential impact on adjacent private open spaces.

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. 2013.1137C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 17, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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 March 6, 2014.

Jonas P. Ionin Commission S	Secretary
AYES:	
NAYS:	
ABSENT:	
ADOPTED:	March 6, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to legalize the expansion of an existing bar use (d.b.a. Valley Tavern) located at [4054 24th Street, Block 3656, and 017] pursuant to Planning Code Section(s) 303, 728.21, 728.24, and 728.41 within the 24th Street/ Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated June 17, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1137C and subject to conditions of approval reviewed and approved by the Commission on March 6, 2014 under Motion No XXXXXX. 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 March 6, 2014 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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

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PLANNING DEPARTMENT 11 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

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

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

MONITORING

3. **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

4. **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/

- 5. **Lighting Plan.** All Project lighting shall be directed onto the Project site, shall be the minimum necessary to ensure safety, and shall be designed and managed so as not to be a nuisance to adjacent properties.
 - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, $\underline{www.sf-planning.org}$.
- 6. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.
 - For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment.
- 7. Noise. Noise within the rear yard patio shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. In order to better contain noise pollution the project sponsor shall install a 10′ tall fence around the subject rear yard with trees planted at the rear property line. Furthermore, no electronic or amplified audio source shall be permitted within the rear yard patio at any time of day.
 - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, $\underline{www.sf-planning.org}$.
- 8. **Hours of Operation.** Use of the subject rear yard patio shall not commence before 10 a.m. and shall end at 10 p.m. every day.
 - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 9. **Rear Yard Construction.** The project sponsor will be required to remove or obtain proper permit approvals for all unpermitted construction within the rear yard.
 - For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 10. **Smoking.** No smoking of any sort shall be permitted within the outdoor patio area. For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 11. **Community Liaison.** 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



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)			
Case No.		Permit No.	Plans Dated		
Additional Additional	on/	Demolition	New	Project Modification	
Alterati	ion	(requires HRER if over 50 years old)	Construction	(GO TO STEP 7)	
Project desc	cription for	Planning Department approval.			
STEP 1: EX	EMPTION	CLASS			
TO BE CO	MPLETED	BY PROJECT PLANNER			
Note: If ne	ither class	applies, an Environmental Evaluation App	nlication is require		
11010111110		Existing Facilities. Interior and exterior alt			
		principally permitted or with a CU.	,	, 1 , 0	
	Class 3 –	New Construction. Up to three (3) new sin	gle-family residenc	es or six (6) dwelling units	
	in one bui	ilding; commercial/office structures; utility	extensions.		
	Class				
STEP 2: CE		CTS BY PROJECT PLANNER			
		below, an Environmental Evaluation App	lication is required	l.	
	Transpor	rtation: Does the project create six (6) or mo	ore net new parking	spaces or residential units?	
	Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety				
	(hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?				
	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care				
	facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot				
	spot? (refer to EP _ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)				
	Hazardous Materials: Any project site that is located on the Maher map or is suspected of				
	containing hazardous materials (based on a previous use such as gas station, auto repair, dry				
	cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project				
	involve soil disturbance of any amount or a change of use from industrial to				
	commercial/residential? If yes, should the applicant present documentation of a completed Maher				
	Application that has been submitted to the San Francisco Department of Public Health (DPH), this				
	box does not need to be checked, but such documentation must be appended to this form. In all				
	other circumstances, this box must be checked and the project applicant must submit an				
	Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher				
	Applicati	ion with DPH. (refer to EP_ArcMap > Mah	er iaver.)		

	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)			
	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)			
	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)			
	Slope = or > 20%: : Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required			
	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required			
	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required			
	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)</i>			
	are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Application is required.			
	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.			
Comments and Planner Signature (optional):				
TO BE COM	OPERTY STATUS – HISTORIC RESOURCE IPLETED BY PROJECT PLANNER			
	(IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)			
	tegory A: Known Historical Resource. GO TO STEP 5. tegory B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.			
	tegory C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.			

STEP 4: PROPOSED WORK CHECKLIST

TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.					
	1. Change of use and new construction. Tenant improvements not included.				
	3. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.				
4. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not indestore storefront window alterations.					
	5. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.				
	6. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.				
	7. Mechanical equipment installation that is not visible from any immediately adjacent public right-ofway.				
	8. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .				
	9. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.				
Note	e: Project Planner must check box below before proceeding.				
	Project is not listed. GO TO STEP 5.				
Project does not conform to the scopes of work. GO TO STEP 5 .					
Project involves four or more work descriptions. GO TO STEP 5.					
	Project involves less than four work descriptions. GO TO STEP 6.				
STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PRESERVATION PLANNER					
Che	ck all that apply to the project.				
	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.				
	2. Interior alterations to publicly accessible spaces.				
	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.				
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.				
	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.				
	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.				
	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .				

	8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):			
	(epecyg or min commons).			
	9. Reclassification of property status to Category C. (<i>Requires approval by Senior Preservation Planner/Preservation Coordinator</i>)			
	a. Per HRER dated:	(attach HRER)		
	b. Other (<i>specify</i>):			
Note	e: If ANY box in STEP 5 above is checked	d, a Preservation Planner MUST check one box below.		
	Further environmental review requi Environmental Evaluation Application to	red. Based on the information provided, the project requires an o be submitted. GO TO STEP 6.		
	, -	exemption review . The project has been reviewed by the l with categorical exemption review. GO TO STEP 6.		
Com	ments (optional):	-		
Proce	ervation Planner Signature:			
11686	rvation I fainter Signature.			
	P 6: CATEGORICAL EXEMPTION DETER IE COMPLETED BY PROJECT PLANNE			
	Further environmental review required	. Proposed project does not meet scopes of work in either (check		
	all that apply): ☐ Step 2 – CEQA Impacts			
	Step 5 – Advanced Historical R	eview		
	STOP! Must file an Environmental Eva	luation Application.		
	No further environmental review is req	uired. The project is categorically exempt under CEQA.		
	Planner Name:	Signature or Stamp:		
	Project Approval Action:			
	*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	APPROVED		
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.			
	In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.			

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

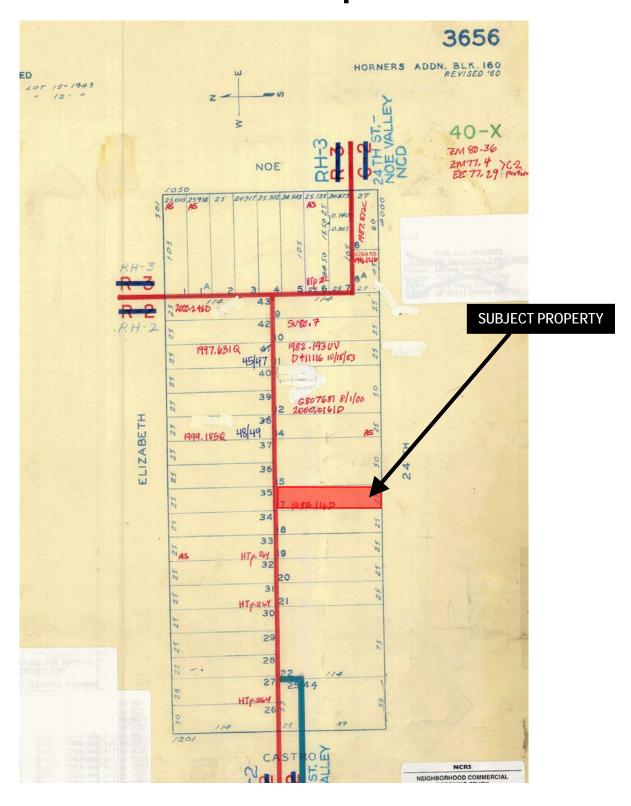
TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

· ····		. 52001111 11011			
Project Address (If different that		in front page)	Block/Lot(s) (If different than		
			front page)		
Case No) .	Previous Building Permit No.	New Building Permit No.		
Plans Da	ated	Previous Approval Action	New Approval Action		
Modifie	d Project Description:	•			
	, .				
DETERMI	NATION IF PROJECT CC	DNSTITUTES SUBSTANTIAL MODIF	ICATION		
Compar	ed to the approved pro	ject, would the modified project:			
	Result in expansion of	of the building envelope, as define	d in the Planning Code;		
	Result in the change	of use that would require public notice under Planning Code			
	Sections 311 or 312;				
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?				
	Is any information be	eing presented that was not know	n and could not have been known		
	~		e originally approved project may		
	no longer qualify for	-			
If at least one of the above boxes is checked, further environmental review is required.					
DETERMIN	IATION OF NO SUBSTANT	IAI MODIFICATION			
☐ The proposed modification would not result in any of the above changes.					
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project					
approval and no additional environmental review is required. This determination shall be posted on the Planning					
Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.					
Planner Name:		Signature or Stamp:			

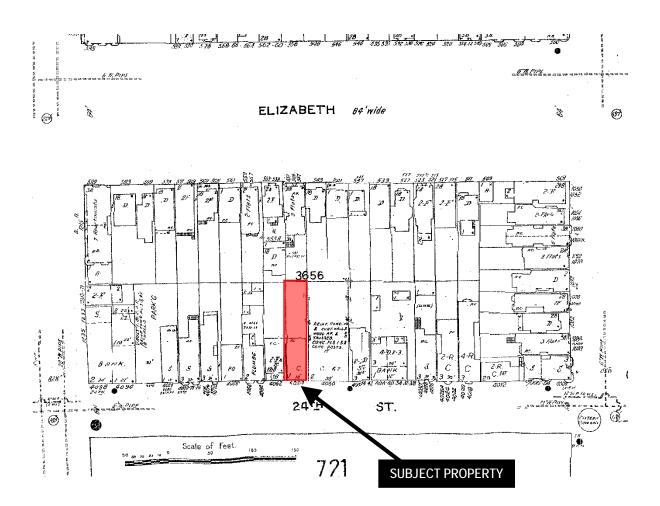
Parcel Map



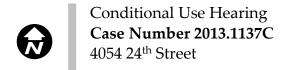


Conditional Use Hearing Case Number 2013.1137C 4054 24th Street

Sanborn Map*



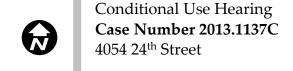
^{*}The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



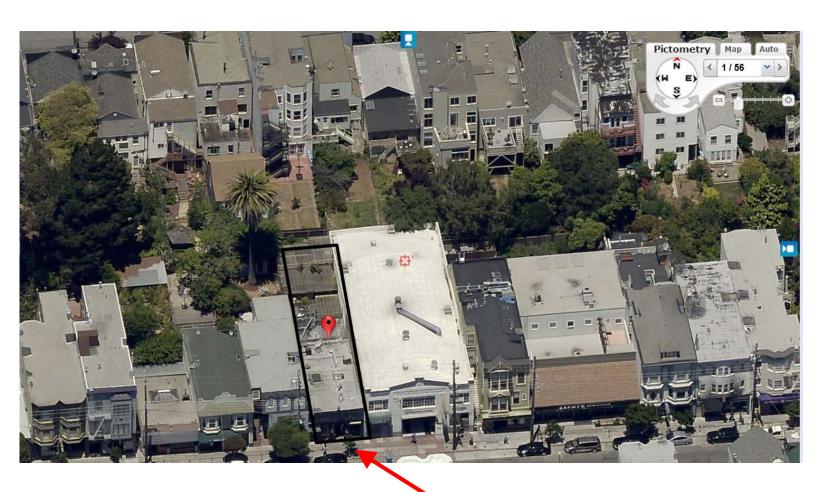
Zoning Map*



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



Aerial Photo

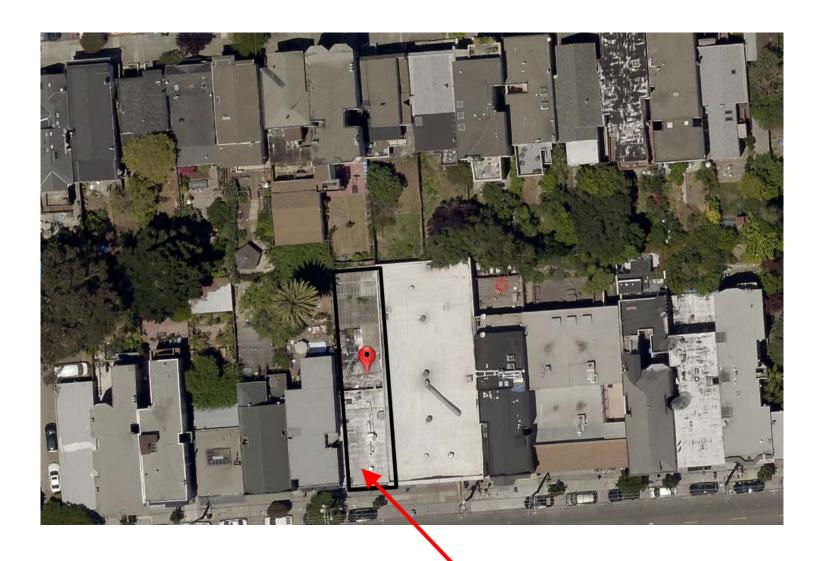


SUBJECT PROPERTY



Conditional Use Hearing Case Number 2013.1137C 4054 24th Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing Case Number 2013.1137C 4054 24th Street



Image front

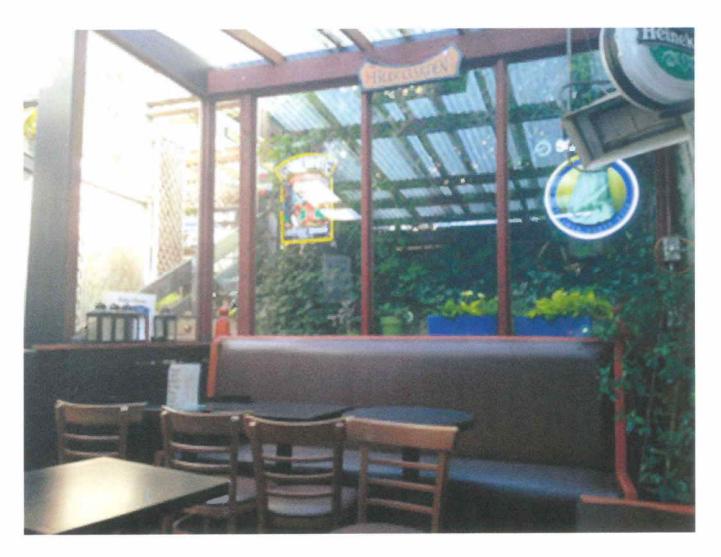


Image upper section facing rear yard

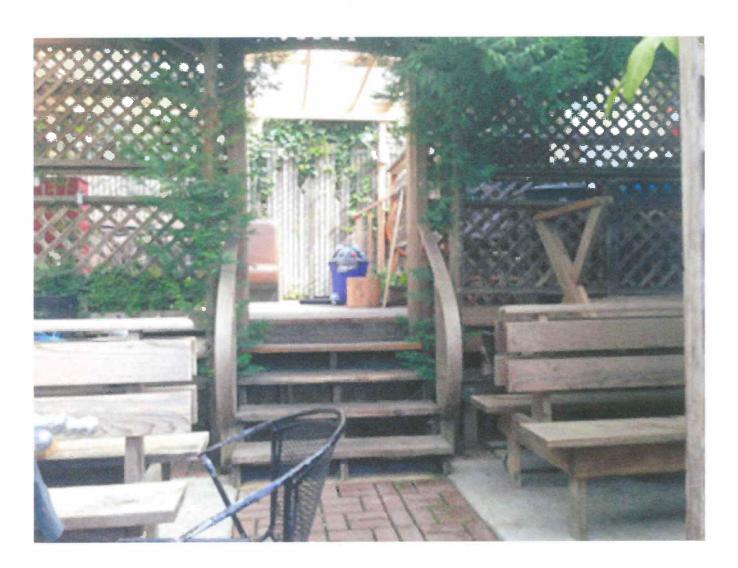


Image upper section facing rear yard

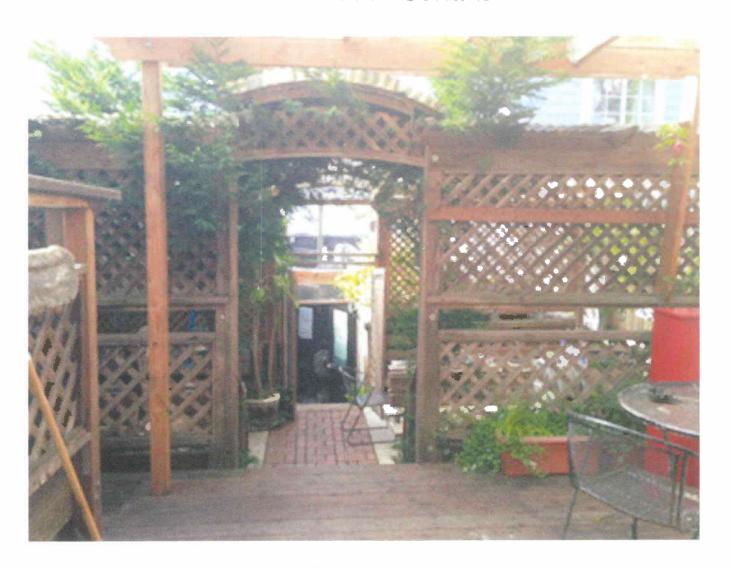


Image facing rear of bar

