



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 12, 2016

Date: May 5, 2016
Case No.: **2014-002414CUAVAR**
Project Address: **3701 Noriega Street**
Zoning: NC-1 (Neighborhood Commercial, Cluster)
40-X Height and Bulk District
Block/Lot: 2081/001
Project Sponsor: CJ Higley
Farella, Braun + Martell LLP
Russ Building, 235 Montgomery Street, 17th Floor
San Francisco, CA, 94104
Staff Contact: Elizabeth Jonckheer – (415) 575-8728
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PROJECT DESCRIPTION

The proposal is the demolition of an existing automotive service station and construction of a four-story, 45-foot tall, 46,164 gross square foot mixed use building with 12 dwelling units, 2 levels of below grade off-street parking and a 9,694 square foot retail space including ground floor grocery and basement storage. The new building will contain 7,026 square feet of common open space, 42 parking spaces (18 residential and 24 commercial spaces (including one (1) carshare space) utilizing stackers) and 22 bicycle parking spaces (16 residential and 6 commercial). The Project requires Conditional Use Authorization pursuant to Planning Code Sections 303, 121.1 (per Code Section 710.11 to develop a lot exceeding 5,000 square feet), 121.2 (per Code Section 710.21 for a non-residential use greater than 3,000 square feet), and 202.5 (for conversion of an automotive service station), in the NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District. NC-1 parcels along Noriega Street west of 19th Avenue with an active commercial use on the ground floor are allotted an additional 5 feet in height. The project is also seeking a Rear Yard Modification per Planning Code Section 134.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the southwest corner of Noriega and 44th Avenue; Lot 001 in Assessor's Block 2081 and is approximately 9,360 square feet. The property is located within an NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District, and is improved with an automotive service station with fueling stations, convenience store and auto repair shop (d.b.a. 76). The subject property encompasses approximately 120 feet of frontage along Noriega Street and 78 feet on 44th Avenue.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located along Noriega Street in the Outer Sunset Neighborhood and within a NC-1 (Neighborhood Commercial, Cluster) Zoning District. The NC-1 District spans Noriega Street from 44th Avenue to midblock between 46th and 47th Avenues. To the south and east of the project site are residential buildings, mostly two-story, single-family dwellings. Immediately to the north, occupying the entire corner lot opposite the project site is the Noriega Child Development Center. To the west are additional residential structures interspersed with mixed-use buildings with ground floor businesses such as the adjacent Woodshop Studio, the Sunset Veterinary Hospital, Beach Wash Laundromat, Sunset Dental office and Papa Maks restaurant. The Project Sponsor owns and operates the Noriega Produce Market, approximately one block west of the subject site. The surrounding residential properties on 44th and 45th Avenues are zoned RH-1 (Residential, House, One-Family). The Noriega Child Development Center is zoned P (Public). The subject property is within .25 miles of stops for the following MUNI transit lines: the #7-Haight-Noriega bus line (stop at 44th and Noriega Street) and the #18-46th Avenue bus line (stop at Noriega Street and 46th Avenue). The site is also within .5 miles of the #29- Sunset bus line (stop at Noriega Street and Sunset Boulevard).

The NC-1 District is characterized by its location in residential neighborhoods, often in outlying areas of the City. The commercial intensity of these districts varies. Many of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development. Building controls for the NC-1 District promote low-intensity development which is compatible with the existing scale and character of these neighborhood areas. Commercial development is limited to one story. Rear yard requirements at all levels preserve existing backyard space.

NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts. Housing development in new buildings is encouraged above the ground story in most districts. Existing residential units are protected by prohibitions of conversions above the ground story and limitations on demolitions.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption and General Rule Exclusion, Section 15061(b)(3).

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 1, 2016	April 1, 2016	42 days
Posted Notice (repost)	20 days	April 22, 2016	April 19, 2016	24 days

Mailed Notice	20 days	April 1, 2016	April 1, 2016	42 days
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The Project was originally scheduled for the Planning Commission hearing of April 21, 2016 with a continuation to the hearing of April 28, 2016. The news ad and mailed notice dates reflect the April 21 hearing date. The Zoning Administrator found that the posted notice was insufficient. As such, the item was rescheduled to the Planning Commission hearing of May 12, 2016 to allow for proper posting in accordance with the requirements of the Planning Code. The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

As of May 2, 2016, the Planning Department has received three general inquiry phone calls regarding the project, as well as 20 emailed letters in support of the project and 5 emailed letters in opposition to the project. In general, the opposition letters note: (1) the original posting location was difficult to see and that there was confusion regarding the scope of the project, (2) overall opposition to the rear yard modification, (3) concern that a four-story building is out of character for the neighborhood and that the new building would shadow the Noriega Child Development Center, (4) that the proposed number of parking spaces is excessive, (5) concern over the displacement of the automotive service station tenant and employees, and (6) issues regarding storm water drainage and management of drainage for the propose structure.

ISSUES AND OTHER CONSIDERATIONS

- **Conditional Use Authorization.** The proposed project requires Conditional Use Authorization from the Planning Commission to demolish an automotive service station per Planning Code Section 202.5 and for development on a lot greater than 5,000 square feet per Planning Code Sections 710.11 and 121.1. The subject property is approximately 9,360 square feet. The project also requires Conditional Use Authorization for a non-residential use greater than 3,000 square feet per Planning Code Sections 710.21 and 121.2. The proposed occupied floor area of the ground floor grocery retail space is 7,570 square feet. Including basement storage the total square footage of the commercial space is approximately 9,694 square feet.
- **Rear Yard Modification.** The proposed project requires a Rear Yard Modification from the Zoning Administrator, per Planning Code Section 134(e) which allows the rear yard requirement in NC Districts to be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances. Planning Code Section 134 requires a 25% rear yard at grade level and each level or story of the building in NC-1 Districts per Planning Code Section 710.12. The Project does not provide a rear yard at grade level due to the inclusion of the ground floor retail space.
- **Density.** The Project proposes 12 dwelling units. Planning Code Section 710.91 principally permits one dwelling unit per 800 square feet of lot area (9,360 square feet), or 11.7 total dwelling units for this Property. Per Code Section 207.4, in Neighborhood Commercial Districts, any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.

- **Inclusionary Affordable Housing.** Planning Code Section 415 requires any housing project consisting of ten units or more to participate in the Inclusionary Housing Program. The Project has elected to pay the Affordable Housing In-Lieu Fee per Planning Code Section 415.5. The project site is located within the NC-1 Zoning District, which requires payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development (MOHCD) at a rate equivalent to an off-site requirement of 20 percent (2.4 units). The on-site alternative for this site is equal to 12 percent (1.44 units).
- **Floor Area Ratio, Non-Residential Uses.** Per Planning Code Section 102.11, Floor Area Ratio is defined as the ratio of gross floor area of all the buildings on the lot to the area of the lot. Per Planning Code Sections 124 and 710.20, the floor area ratio in the NC-1 Zoning District for non-residential uses is 1.8 to 1, or 1.8 times the lot area. The subject parcel would allow up to 16,848 square feet on site for non-residential uses (lot area of 9,360 square feet x 1.8 = 16,848 square feet) per Code. The proposed retail and retail storage space proposed as part of the Project is 9,694 square feet.
- **Height.** Per Planning Code Section 263.2(b)(2)(F), up to a 5-foot bonus is permitted on NC-1 parcels along Noriega Street west of 19th Avenue when the ground floor commercial space exceeds 10 feet. As the proposed height of the ground floor commercial space is approximately 15 feet, the 5-foot bonus is permissible. The proposed height of the building is 45 feet tall. Planning Code Section 260(b)(A) & (B) exempts stair penthouses and mechanical equipment from the height limit so long as this feature does not exceed 16 feet and is limited to the footprint of the elevator shaft. The proposed stair and elevator penthouses do not exceed these thresholds.
- **Permitted Obstructions.** Bay windows and balconies are limited to a projection of three feet over streets and alleys (and further limited to two feet where the sidewalk width is nine feet or less). Additionally, Planning Code Section 136(c)(2)(D) limits the maximum length of each bay window or balcony to 15 feet at the property line/front setback/rear yard/open space and 9 feet at a line parallel to and at a distance of 3 feet from the property line/front setback/rear yard/open space. In order to comply with this Code Section, square bay windows projecting 1 foot shall be no greater than 13 feet in length, projecting 2 feet shall be no greater than 11 feet in length, and projecting 3 feet shall be no greater than 9 feet in length. The project proposes bay windows/balconies of between 8-11 feet not projecting more than 2 feet over the property line where the sidewalk width is 9.9 feet (Noriega Street) and 12 feet (44th Avenue).
- **Usable Open Space.** Planning Code Section 135 requires a minimum of 100 square feet of Usable Open Space per unit if such space is private, and each square foot of private open space may be substituted with 1.33 square foot of common open space. Planning Code Section 135(g)(1) states that any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet. The obstructions listed in Planning Code Section 136 for usable open space are permitted in the open space. As part of the Project, two units are proposed with private terraces - 115 square feet each for Units 201 and 301. The Project provides 2,087 square feet of common open space at a first floor terrace and 4,939 square feet of common open space as a roof terrace (the open space required for all units utilizing common usable open space is 1.33 x 12 units or 1,596 square feet).

- **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room with a minimum floor area of 120 square feet face directly onto a public street or alley at least 20 feet in width, a side yard at least 25 feet in width, an unobstructed open area at least 25 in every horizontal dimension, or a Code complying rear yard. Ten of the 12 units proposed face onto either Noriega Street or 44th Avenue. Units 201 and 301 face an open area of 45'-0" x 56'-9 ½".
- **Off-Street Parking and Bicycle Parking.**
 - Off-Street Parking, Residential. Per Planning Code Section 151(b), one off-street parking space per dwelling unit is required. Planning Code Section 151(c) further sets a maximum of accessory parking at 150 percent of the required number of spaces where three or more spaces are required by this section. A minimum of 12 off-street parking spaces and a maximum of 18 off-street parking spaces are principally permitted. The project proposes 18 ~~17~~ dedicated residential off-street parking spaces on the Lower Basement level of the building. These spaces include nine stackers and one accessible parking space.

Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units. The Project is providing off-street parking that is accessory to 12 dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units.

- Bicycle Parking, Residential. Planning Code Section 155.2 requires the construction of a new building to provide one Class 1 bicycle parking space per dwelling unit that is easily accessible to residents and not otherwise used for automobile parking or other purposes. The project proposes 16 Class 1 spaces at the Lower Basement level of the building adjacent to the residential elevator.
- Off-Street Parking, Commercial. Per Planning Code Section 151, retail uses such as grocery stores require one off-street parking space for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet. The occupied floor area of the ground floor grocery store retail space is 7,570 square feet, requiring 15.14 commercial parking spaces (7,570 square feet/500). Accessory commercial parking (150 percent of the required number of spaces) is capped at 23 off-street spaces. The project proposes 24 parking spaces -- 12 spaces at the Lower Basement level (1 accessible parking space and 6 stackers) and 12 spaces at the Upper Basement level (including 1 car share space -- see description below -- not counted toward accessory parking). Per Planning Code Section 152, the Project does not require off-street freight loading spaces.
- Car-Share Spaces. Per Planning Code Section 166, in addition to any permitted or required parking that may apply to the project, the property owner may elect to provide additional car-share parking spaces in the maximum amount specified in Table 166A of the Code; provided, however, that the optional car-share parking spaces authorized are not permitted for a project that receives a Conditional Use authorization to increase parking. The maximum number of optional car share spaces for buildings with 10-24 residential units is two (2). For

non-residential uses between 5,000-9,000 square feet the maximum number of optional car-share spaces is also two (2). The Project proposes to include one (1) carshare space. Car share spaces are not counted against the maximum number of parking spaces allowed by the Code as a principal use, an accessory use, or a conditional use.

- Bicycle Parking, Commercial. For Retail Sales uses, including grocery stores, Planning Code Section 155.2 requires one Class 1 space for every 7,500 square feet of occupied floor area, but at minimum two spaces. One Class 2 space is required for every 2,500 square feet of occupied floor area. The project proposes two Class 1 retail bicycle parking spaces (7,570 square feet of occupied commercial floor area) within the retail area on the ground floor of the building. Four Class 2 retail bicycle parking spaces ($7,570 \text{ square feet} / 2,500 = 3.03$) are proposed outside of the building at street level along Noriega Street.
- **Entrances and Street Frontage.** Planning Code Section 145.1 contains requirements for street frontages in neighborhood commercial districts as they relate to parking setbacks, active uses, parking entrances and transparency and fenestration.
 - Special Height Exception for Active Ground Floor Uses. As noted above, to encourage generous ground floor ceiling heights for commercial and other active uses, up to an additional 5 feet of height is allowed on parcels zoned NC-1 on Noriega Street west of 19th Avenue. Per Planning Code Section 263.20(B)(2)(F), one additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade. The project currently proposes a ground floor ceiling height of approximately 15 feet, taking advantage of the Special Height Exception.
 - Active Uses. With the exception of space allowed for parking access, building egress, and access to mechanical systems, space for active uses – an active use is any principal, conditional or accessory use excluding the storage of goods or vehicles, that requires transparent windows as defined in Section 145.1(b)(2), shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any façade facing a street of at least 30 feet in width. The proposed project provides transparent storefronts along Noriega Street and 44th Avenue.
 - Street-Facing Ground Level Spaces. Floors of street-fronting interior spaces shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces and shall open directly onto the street, rather than solely into the lobbies or interior spaces of the buildings. The project proposes two street level entrances to the grocery store at the corner of Noriega Street and 44th Avenue and a residential entrance at sidewalk along Noriega Street west of the storefront entrance.
 - Transparency and Fenestration. Frontages with active uses that are not residential must be fenestrated with transparent windows and doorways for no less than 60% 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. The Project provides

transparent windows (minimal concrete bulkhead along Noriega Street in order to transition with grade) and doorways along all street level frontages to the grocery store.

- **Architecture and Design.** The Planning Department's Urban Design Team (UDAT) reviewed the Project and supported the site design, open space, and massing, including the open space location at the first level of the residential use. UDAT also supported the design of the commercial street frontage with the suggestion that the interior programming be organized to support positive sidewalk activity. (The Planning Department discourages the masking of transparency along the street frontages with product display or other interior-oriented furnishings). UDAT supported the proposed architecture as shown on the attached plans.
- **First Source Hiring.** A First Source Hiring Agreement is required for any project proposing to construct 25,000 square feet or more. The Project is a 46,164 gross square foot mixed use building.
- **Anti-Discriminatory Housing.** Administrative Code Section 1.61 requires the Planning Department to collect an affidavit with information about an applicant's internal anti-discriminatory policies for projects proposing an increase of ten (10) dwelling units or more.
- **Development Impact Fees.** The Project will be subject to the following development impact fees, which are estimated as follows:

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT
Inclusionary Housing Fee for Residential Dwelling Units > or = 10	Planning Code Section 415/ Fee varies by unit size: * Studio - \$198,008 * 1 Bedroom - \$268,960 * 2 Bedroom - \$366,369 * 3 Bedroom - \$417,799 * 4 Bedroom - \$521,431	Amount to be established by MOHCD at a rate equivalent to an off-site requirement of 20 percent (2.4 units).
Residential Child Care Impact Fee for 10 Units and Above	414 (@ \$1.83 per square foot new residential)	9,193 square feet x 1.83 = \$16,547.40

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the demolition of an automotive service station and the construction of a four-story, 45-foot tall, 46,164 gross square foot mixed use building with 12 dwelling units, 2 levels of below grade off-street parking and a 9,694 square foot retail space including ground floor grocery and basement storage, on a 9,360 square foot lot in the NC-1 (Neighborhood Commercial, Cluster) Zoning District, per Planning Code Sections 121.1, 710.11, 121.2, 710.21, 202.5 and 303.

BASIS FOR RECOMMENDATION

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan.
- The Project is located in a zoning district where residential units are principally permitted.
- The Project is located in a zoning district which encourages a full range of neighborhood-serving convenience retail sales and services at the first story. The proposed grocery store will not impact residential livability.
- The proposal would enhance the district by providing a neighborhood-serving grocery store. The business would be locally owned and create employment opportunities for the community.
- The Project is consistent with and respects the neighborhood character, and provides an appropriate massing and scale for the adjacent contexts.
- The Project adds 12 units to the City's housing stock and will contribute to the Citywide Affordable Housing Fund.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Draft Motion
CEQA Environmental Determination
Block Book Map
Sanborn Map
Aerial Photographs
Zoning District Map
Site Photographs
First Source Hiring Affidavit
Affordable Housing Affidavit
Anti-Discriminatory Housing Policy Affidavit
Public Correspondence
Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

EGJ
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

HEARING DATE: MAY 12, 2016

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 121.2, 202.5, AND 303 OF THE PLANNING CODE TO ALLOW THE DEMOLITION OF AN AUTOMOTIVE SERVICE STATION AND THE CONSTRUCTION OF A FOUR-STORY, 45-FOOT TALL, 46,164 GROSS SQUARE FOOT MIXED USE BUILDING WITH 12 DWELLING UNITS, 2 LEVELS OF BELOW GRADE OFF-STREET PARKING, A 9,694 SQUARE FOOT RETAIL SPACE INCLUDING GROUND FLOOR GROCERY AND BASEMENT STORAGE, 7,026 SQUARE FEET OF COMMON OPEN SPACE, 42 PARKING AND 22 BICYCLE PARKING SPACES WITHIN AN NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 8, 2015, CJ Higley of Farella Braun + Martel LLP (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1 (per Code Section 710.11 to develop a lot exceeding 5,000 square feet), 121.2 (per Code Section 710.21 for a non-residential use greater than 3,000 square feet), 202.5 (for conversion of an automotive service station), and 303 of the Planning Code to allow the demolition of an automotive service station and the construction of a four-story, 45-foot tall, 46,164 gross square foot mixed use building with 12 dwelling units, 2 levels of below grade off-street parking, a 9,694 square foot retail space including ground floor grocery and basement storage, 7,026 square feet of common open

space, 42 parking and 22 bicycle parking spaces within an NC-1 (Neighborhood Commercial, Cluster) zoning district and a 40-x height and bulk district.

On May 12, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2014-002414CUA.

This Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption and General Rule Exclusion, Section 15061(b)(3).

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 approves the Conditional Use requested in Application No. 2014-002414CUA, 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 site is located on the southwest corner of Noriega and 44th Avenue; Lot 001 in Assessor's Block 2081 and is approximately 9,360 square feet. The property is located within an NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District, and is improved with an automotive service station with fueling stations, convenience store and auto repair shop (d.b.a. 76). The subject property encompasses approximately 120 feet of frontage along Noriega Street and 78 feet on 44th Avenue.
3. **Surrounding Properties and Neighborhood.** The project site is located along Noriega Street in the Outer Sunset Neighborhood and within a NC-1 (Neighborhood Commercial, Cluster) Zoning District. The NC-1 District spans Noriega Street from 44th Avenue to midblock between 46th and 47th Avenues. To the south and east of the project site are residential buildings, mostly two-story, single-family dwellings. Immediately to the north, occupying the entire corner lot opposite the project site is the Noriega Child Development Center. To the west are additional residential structures interspersed with mixed-use buildings with ground floor businesses such as the adjacent Woodshop Studio, the Sunset Veterinary Hospital, Beach Wash Laundromat, Sunset Dental office and Papa Maks restaurant. The Project Sponsor owns and operates the Noriega Produce Market, approximately one block west of the subject site. The surrounding residential properties on 44th and 45th Avenues are zoned RH-1 (Residential, House, One-Family). The Noriega Child Development Center is zoned P (Public). The subject property is within .25 miles of stops for the following MUNI transit lines: the #7-Haight-Noriega bus line (stop at 44th and Noriega Street) and the #18-46th Avenue bus line (stop at Noriega Street and 46th Avenue). The

site is also within .5 miles of the #29- Sunset bus line (stop at Noriega Street and Sunset Boulevard).

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4. **Project Description.** The proposal is the demolition of an existing automotive service station and construction of a four-story, 45-foot tall, 46,164 square foot mixed use building with 12 dwelling units, 2 levels of below grade off-street parking and a 9,694 square foot retail space including ground floor grocery and basement storage. The new building will contain 7,026 square feet of common open space, 42 parking spaces (18 residential and 24 commercial spaces (including one (1) carshare space) utilizing stackers) and 22 bicycle parking spaces (16 residential and 6 commercial). The Project requires Conditional Use Authorization pursuant to Planning Code Sections 303 and 710.11 (to develop a lot exceeding 5,000 square feet), 710.21 (for a non-residential use greater than 3,000 square feet), and 202.5 (for conversion of an automotive service station), in the NC-1 (Neighborhood Commercial, Cluster) Zoning District and 40-X Height and Bulk District. NC-1 parcels along Noriega Streets west of 19th Avenue with an active commercial use on the ground floor are allotted an additional 5 feet in height. The Project is also seeking a Rear Yard Modification per Planning Code Section 134.
5. **Public Comment.** As of May 2, 2016, the Planning Department has received three general inquiry phone calls regarding the project, as well as 20 emailed letters in support of the project and 5 emailed letters in opposition to the project. In general, the opposition letters note: (1) the original posting location was difficult to see and that there was confusion regarding the scope of the project, (2) overall opposition to the rear yard modification, (3) concern that a four-story building is out of character for the neighborhood and that the new building would shadow the Noriega Child Development Center, (4) that the proposed number of parking spaces is excessive, (5)

concern over the displacement of the automotive service station tenant and employees, and (6) issues regarding storm water drainage and management of drainage for the propose structure.

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. **Automotive Service Stations in NC-1 Districts.** Planning Code Section 202.5 requires Conditional Use Authorization to convert an automotive service station to another use.

The proposal will result in the conversion of an automotive service station to a residential use and commercial use and is seeking Conditional Use Authorization from the Planning Commission. The required criteria for consideration by the Planning Commission per Planning Code Section 202.5 are outlined below.

- B. **Permitted Uses in the NC-1 Zoning District.** Planning Code Section 710.90 states that residential uses are permitted as of right within the NC-1 Zoning District.

The Project would construct a new mixed-use building within the NC-1 Zoning District; including residential units compliant with Planning Code Section 710.90.

- C. **Dwelling unit Density.** Planning Code Section 710.91 principally permits one dwelling unit per 800 square feet of lot area in the NC-1 Zoning District.

The subject property is approximately 9,360 square feet, thus a maximum of 11.7 dwelling units are permitted. Per Code Section 207.4, in Neighborhood Commercial Districts, any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units. The Project is proposing 12 dwelling units.

- D. **Development of Large Lots.** Planning Code Section 121.1 requires Conditional Use Authorization for new construction on lots greater than 5,000 square feet within an NC-1 Zoning District per Planning Code Section 710.11.

The subject property is approximately 9,360 square feet and located within an NC-1 Zoning District. The proposal is seeking Conditional Use Authorization to construct a new mixed-use building. The required criteria per Planning Code Section 121.1, for consideration by the Planning Commission, are outlined below.

- E. **Use Size, Non-residential.** Planning Code Section 121.2 requires non-residential uses to be limited to a maximum of 3,000 square feet in size within the NC-1 Zoning District per Planning Code section 710.21. Modifications to this requirement may be granted through the Conditional Use Authorization process.

The proposal is seeking Conditional Use Authorization for a 9,694 square foot retail space including a grocery at the ground floor and basement storage. The required criteria per Planning Code Section 121.2, for consideration by the Planning Commission, are outlined below.

- F. **Rear Yard.** Planning Code Section 134 requires a rear yard at grade level and at each succeeding level or story of the building equal to 25 percent of the total lot depth, but in no case less than 15 feet.

The Subject Property is a corner lot with a width of 120 feet and a depth of 78 feet, thereby requiring a rear yard 19.5 feet deep and 2,340 square feet in area. The Project does not provide a rear yard at grade level due to the inclusion of a ground floor commercial space. The Project includes an open courtyard at the first residential level (above the grocery store) of approximately 2489 square feet that will provide for a comparable amount of usable open space as is required, and a 4,939 square foot common roof terrace. Together, these usable spaces exceed the amount of open space and rear yard that would typically be required. The proposed project site is a corner lot, with the majority of the proposed building mass located along the two street frontages. As such, the Project will not significantly impede light, air or views to the adjacent properties. Additionally, the proposed project will not have any material effect on the mid-block open space formed by the rear yards of the adjacent properties. The two adjacent properties on Noriega Street cover the entire lots on which they are located, thus they provide no rear yards and do not contribute to a pattern of mid-block open space. The mid-block open space for the subject block is formed by the buildings and lots south of Noriega Street. This pattern will remain unaltered with the addition of the Project. The Project is seeking a modification of the rear yard requirements from the Zoning Administrator (Case No. 2014-002414VAR).

- G. **Open Space.** Planning Code Section 135 requires a minimum of 100 square feet of Usable Open Space per unit if such space is private, and each square foot of private open space may be substituted with 1.33 square foot of common open space. Planning Code Section 135(g)(1) states that any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet. The obstructions listed in Planning Code Section 136 for usable open space are permitted in the open space.

The minimum amount of usable open space required for the Project total of 12 new units, if provided as common open space, is 1,596 square feet. As part of the Project, two units are proposed with private terraces of 115 square feet each for Units 201 and 301. The Project provides 2,431 square feet of common open space at a first floor terrace and 4,939 square feet of common open space as a roof terrace. The provision of a total of 230 square feet of private open space and 7,370 square feet of common usable space satisfies the open space requirements of Planning Code Section 135.

- H. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room with a minimum floor area of 120 square feet face directly onto a public street or alley at least 20 feet in width, a side yard at least 25 feet in width, an unobstructed open area at least 25 in every horizontal dimension, or a Code complying rear yard.

Ten of the 12 units proposed face onto either Noriega Street or 44th Avenue, and 2 units face the open space, satisfying the dwelling unit exposure requirements of Planning Code Section 140.

- I. **Permitted Obstructions.** Bay windows and balconies are limited to a projection of three feet over streets and alleys (and further limited to two feet where the sidewalk width is nine feet or less). Additionally, Planning Code Section 136(c)(2)(D) limits the maximum length of each

bay window or balcony to 15 feet at the property line/front setback/rear yard/open space and 9 feet at a line parallel to and at a distance of 3 feet from the property line/front setback/rear yard/open space. In order to comply with this Code Section, square bay windows projecting 1 foot shall be no greater than 13 feet in length, projecting 2 feet shall be no greater than 11 feet in length, and projecting 3 feet shall be no greater than 9 feet in length.

The project proposes bay windows/balconies of between 8-11 feet not projecting more than 2 feet over the property line where the sidewalk width is 9.9 feet (Noriega Street) and 12 feet (44th Avenue).

- J. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 establishes requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation consistent with the San Francisco General Plan. Improvements include but not limited to street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the subject property.

The Project Sponsor will work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan meets the standards of the Better Streets Plan and all applicable City standards.

- K. **Floor Area Ratio.** Per Planning Code Section 102.11, Floor Area Ratio (FAR) is defined as the ratio of gross floor area of all the buildings on the lot to the area of the lot. Per Planning Code Sections 124 and 710.20, the FAR in the NC-1 Zoning District for non-residential uses is 1.8 to 1, or 1.8 times the lot area.

The subject parcel would allow up to 16,909 square feet on site for non-residential uses (lot area of 9,360 square feet x 1.8 = 16,848 square feet) per Code. The proposed retail and retail storage space proposed as part of the Project is 9,694 square feet. The Project is under the FAR threshold for this property.

- L. **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 must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level to 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.

- i. **Active Uses.** Excluding space allowed for parking access, building egress, and access to mechanical systems, space for active uses – an active use is any principal, conditional or accessory use excluding the storage of goods or vehicles, that requires transparent windows as defined in Section 145.1(b)(2), shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any façade facing a street of at least 30 feet in width.

The proposed Project provides transparent storefronts along Noriega Street and 44th Avenue.

- ii. **Street-Facing Ground Level Spaces.** Floors of street-fronting interior spaces shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces and shall open directly onto the street, rather than solely into the lobbies or interior spaces of the buildings.

The Project proposes two street level entrances to the grocery store at the corner of Noriega Street and 44th Avenue and a residential entrance at sidewalk along Noriega Street west of the storefront entrance.

- iii. **Transparency and Fenestration.** Frontages with active uses that are not residential must be fenestrated with transparent windows and doorways for no less than 60% 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.

The Project provides transparent windows (minimal concrete bulkhead along Noriega Street in order to transition with grade) and doorways along all street level frontages to the grocery store.

M. Off-Street Parking.

- i. **Off-Street Parking, Residential.** Per Planning Code Section 151(b), one off-street parking space per dwelling unit is required. Planning Code Section 151(c) further sets a maximum of accessory parking at 150 percent of the required number of spaces where three or more spaces are required by this section.

A minimum of 12 off-street parking spaces and a maximum of 18 off-street parking spaces are principally permitted. The Project proposes 18 dedicated residential off-street parking spaces on the Lower Basement level of the building. These spaces include nine stackers and one accessible parking space.

- ii. **Off-Street Parking, Commercial.** Per Planning Code Section 151, retail uses such as grocery stores require one off-street parking space for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet.

The occupied floor area of the ground floor grocery store retail space is 7,570 square feet, requiring 15.14 commercial parking spaces (requirement: 7,570 square feet/500). Accessory commercial parking (150 percent of the required number of spaces) is capped at 23 off-street spaces. The Project proposes 24 parking spaces -- 12 spaces at the Lower Basement level (1 accessible parking space and 6 stackers) and 12 spaces at the Upper Basement level (including 1 car share space -- see description below -- not counted toward accessory parking). Per Planning Code Section 152, the Project does not require off-street freight loading spaces.

N. Bicycle Parking.

- i. **Bicycle Parking, Residential.** Planning Code Section 155.2 requires the construction of a new building to provide one Class 1 bicycle space parking per dwelling unit that is easily accessible to residents and not otherwise used for automobile parking or other purposes.

The Project proposes 16 Class 1 spaces at the Lower Basement level of the building adjacent to the residential elevator.

- ii. **Bicycle Parking, Commercial.** For Retail Sales uses, including grocery stores, Planning Code Section 155.2 requires one Class 1 space for every 7,500 square feet of occupied commercial floor area, but at minimum two spaces. One Class 2 space is required for every 2,500 sq. ft. of occupied floor area.

The Project proposes two Class 1 retail bicycle parking spaces (7,570 square feet of occupied floor area) within the retail area on the ground floor of the building. Four Class 2 retail bicycle parking spaces ($7,570 \text{ square feet} / 2,500 = 3.03$) are proposed outside of the building at street level along Noriega Street.

- O. **Car Share Parking.** Per Planning Code Section 166, in addition to any permitted or required parking that may apply to the project, the property owner may elect to provide additional car-share parking spaces in the maximum amount specified in Table 166A of the Code; provided, however, that the optional car-share parking spaces authorized are not permitted for a project that receives a Conditional Use authorization to increase parking. The maximum number of optional car share spaces for buildings with 10-24 residential units is two (2). For non-residential uses between 5,000-9,000 square feet the maximum number of optional car-share spaces is also two (2).

The Project proposes to include one (1) carshare space. Car share spaces are not counted against the maximum number of parking spaces allowed by the Code as a principal use, an accessory use, or a conditional use

- P. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold

separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

The Project is providing off-street parking that is accessory to 12 dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units; therefore, the Project meets this requirement.

- Q. Height.** Per Planning Code Section 263.2(b)(2)(F), to encourage generous ground floor ceiling heights for commercial and other active uses, up to a 5-foot bonus is permitted on NC-1 parcels along Noriega Street west of 19th Avenue when the ground floor commercial space exceeds 10 feet. Per Planning Code Section 263.20, one additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade.

As the proposed height of the ground floor commercial space is approximately 15 feet, the 5-foot bonus is permissible, taking advantage of the Special Height Exception. The proposed height of the building is 45 feet tall. Planning Code Section 260(b)(A)(B) exempts stair penthouses and mechanical equipment from the height limit so long as this feature does not exceed 16 feet and is limited to the footprint of the elevator shaft. The proposed stair and elevator penthouses do not exceed these thresholds.

- R. Signage.** Any proposed signage for the commercial space will be subject to the review and approval of the Planning Department, according to the requirements provided in Article 6 of the Planning Code.

Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. The Project Sponsor shall apply for the appropriate sign permits, and shall follow the requirements of Article 6 of the Planning Code.

- S. Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program for projects that include ten or more dwelling units to provide either 12 percent affordable units on-site, 20 percent affordable units off-site, or a fee equivalent to 20 percent.

The Project Sponsor has elected to pay the Affordable Housing In-Lieu Fee per Planning Code Section 415 and has submitted an 'Affidavit of Compliance with the Inclusionary Housing Program: Planning Code Section 415', to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development (MOHCD) at a rate equivalent to an off-site requirement of 20 percent (2.4 units). The Project Sponsor has not selected an alternative to payment of the Fee. The on-site alternative for this site is equal to 12 percent (1.44 units).

- T. Residential Child Care Impact Fee.** Pursuant to Section 414, a Residential Child Care Impact in-lieu fee shall be assessed for all residential development projects. The proposed project is subject to the Residential Child Care Impact Fee for 10 Units and above. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

The Project is subject to the Residential Child Care Impact Fee which shall be paid prior to the issuance of the building permit.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the Project complies with the criteria of Section 303, in that:

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

The proposed project is located on Noriega Street, the primary commercial corridor in the immediate neighborhood. The existing land use pattern on Noriega Street includes a variety of building heights and sizes, ranging from one- to four-stories. The proposed project is in keeping with the intended character of the NC-1 District, where housing over a commercial ground floor is encouraged. The Project is necessary and desirable in that 12 dwelling units will be added to the City's housing stock. In addition, the proposed project locates housing on an underdeveloped lot along the established commercial corridor of Noriega Street, intended for higher residential densities, and is therefore compatible with the neighborhood and community. The proposed uses (residential and retail grocery) are of a scale and intensity consistent with the Planning Code and are appropriate, desirable and compatible with the existing neighborhood commercial district's character.

The Project Sponsor currently operates Noriega Produce Market, located approximately one block west of the proposed project site. The proposed new retail space will allow the Project Sponsor to expand its grocery offerings and improve its already successful neighborhood grocery store. The scale of the proposed retail will allow the Project Sponsor to operate more efficiently, while maintaining a neighborhood-serving scale. Nearby residents will be able to satisfy more of their grocery needs locally, without having to leave the neighborhood, and without having to drive to a supermarket.

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

- i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.

The project site is a larger corner lot, which is common in the neighborhood, consistent with the block face, and compatible with the dense mixed residential neighborhood character. The proposed building is designed to take advantage of this prominent corner location. The height and bulk of the Project proposes a building scale that is compatible with the scale and width of Noriega Street and other existing developments along 44th Avenue. The proposed retail entrance will be located at the corner of Noriega Street and 44th Avenue, conveying a strong sense of place. Similarly, the

proposed grocery store will include high ceilings (approximately 15 feet floor-to-floor), consistent with a retail environment. The residential units above are of a scale that is consistent with applicable land use controls, and compatible with the surrounding neighborhood. The articulated facades proposed for the building will provide visual relief to break up the building's mass. The Project will provide an incremental addition of needed housing units in an established mixed-use neighborhood. The proposed grocery use will provide a valuable neighborhood amenity.

- 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

The proposed project is not anticipated to generate traffic at levels that would be detrimental to the health, safety, convenience or general welfare of the community. The proposed project will include 18 parking spaces for the residential units and parking for 24 retail customers. In addition, the Project will provide 22 bicycle parking spaces. Many of the customers of the proposed neighborhood-serving grocery are expected to arrive by foot, bicycle and public transit as the Project Site is located within an urban context, where convenience goods and services are available within walking distance.

The Project will not affect public transit or overburden the existing supply of parking in the neighborhood. The subject property is within .25 miles of stops for the following MUNI transit lines: the #7-Haight-Noriega bus line (stop at 44th and Noriega Street) and the #18-46th Avenue bus line (stop at Noriega Street and 46th Avenue). The site is also within .5 miles of the #29-Sunset bus line (stop at Noriega Street and Sunset Boulevard).

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

The proposed uses are dwelling units, which do not typically emit noxious or offensive emissions such as noise, glare, dust or odor. Since this will be a predominantly residential project with a medium scale retail local grocery, the Project will not generate unusual noise, odor, dust and glare as a result of its operations. The buildings will comply with Title 24 standards for noise insulation. The Project Sponsor will fully comply with San Francisco's Noise Ordinance, which prohibits excessive noise levels from construction activity and limits permitted working hours. The materials for the façades of the buildings will not result in glare. The Project would generate additional night lighting, but not in amounts unusual for an urbanized area. Design of exterior lighting will ensure that off-site glare and lighting spillover are minimized.

- 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 provide private usable open space on balconies for two of the units which are 115 square feet each, for a total of 230 square feet of private usable open space. In addition, the Project proposes to provide common usable open space at the first residential level (2,087 square feet), as

well as on a common roof terrace (4,939 square feet). Together, these amenities total 7,026 square feet of open space, far in excess of Planning Code requirements. The Project will provide street trees, as required by the Planning Code. The project proposes to provide below-grade parking to improve the urban design and minimize the above grade space devoted to automobile storage. The Project Sponsor will incorporate lighting and signage in compliance with City requirements and respect the surrounding mixed-use residential neighborhood. Tree planting will be coordinated with the Department of Public Works.

- C. That such use or feature 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, other than Section 134, and is consistent with the Objectives and Policies of the General Plan as detailed below. The Project Sponsor is seeking a modification from the rear yard (Section 134) requirements of the Planning Code, which will be heard separately by the Zoning Administrator.

- 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 purpose of this NC-1 District.

8. **Development of Large Lots.** Planning Code Section 121.1 requires a Conditional Use Authorization for new developments on lots larger than 5,000 square feet in a NC-1 (Neighborhood Commercial, Cluster) Zoning District. Planning Code Section 121.1 sets forth additional criteria which the Commission shall consider in addition to those of Section 303 when reviewing an application for development of a large lot.

- A. The mass and façade of the proposed structure are compatible with the existing scale of the district.

The proposed project's mass and façade are in keeping with the existing and intended scale and character of the neighborhood. The proposed project is located on Noriega Street, the primary commercial corridor in the immediate neighborhood. Noriega Street currently hosts a range of buildings sizes, from one- to four-story buildings. The height and bulk of the building comply with the Planning Code requirements for the applicable zoning district, and are appropriate for the site's neighborhood commercial character.

- B. The façade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The proposed project's architectural treatments, façade design and building materials include visual components that complement the neighborhood. The façade of the proposed project is broken into discrete vertical bays that respect the scale of the smaller lots adjacent to the Project site. The ground floor retail storefronts and awnings are similar to many other buildings along

Noriega Street. The upper floors incorporate bay windows, some with balconies. Materials include anodized metal windows, metal paneling, cementitious or cement plaster panels and a street level stone base at windows or entries with landscaping. The Project's two street frontages offer a unified façade treatment, yet also correspond directly to their respective block faces. The corner location of the site allows the Project and its proposed grocery store to "anchor" the corner and create a strong sense of place along the neighborhood's primary commercial corridor.

The Urban Design Team (UDAT) reviewed the Project and supported the site design, open space, and massing, including the open space location at the first level of residential use. UDAT also supported the design of the commercial street frontage with the suggestion that the interior programming be organized to support positive sidewalk activity.

9. **Non-Residential Use Size Greater than 3,000 square feet.** Planning Code Section 121.2 requires Conditional Use Authorization for a non-residential uses greater than 3,000 square feet in a NC-1 (Neighborhood Commercial, Cluster) Zoning District. Planning Code Section 121.2 sets forth additional criteria which the Commission shall consider in addition to those of Section 303 when reviewing an application for development of a non-residential use greater than 3,000 square feet.

- A. 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 size of the proposed grocery will not prohibit or deter the location of other needed neighborhood-serving uses along Noriega Street. The new grocery will not adversely affect the numerous existing businesses that line Noriega Street. In fact, the addition of the proposed grocery store is anticipated to increase foot traffic in the vicinity of the Project site, thereby increasing the viability of other nearby neighborhood commercial uses.

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The proposed grocery store will be a valuable amenity for the neighborhood, providing close access to fresh fruits and vegetables, meats, dairy and sundries. The Project Sponsor currently operates Noriega Produce Market, located approximately one block north of the proposed project site. The proposed new retail space will allow the Project Sponsor to expand its grocery offerings and improve its already successful neighborhood-serving grocery store. The scale of the proposed retail will allow the Project Sponsor to operate more efficiently, while maintaining a neighborhood-serving scale. Nearby residents will be able to satisfy more of their grocery needs locally and support a locally-owned business without having to leave the neighborhood.

- C. 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 façade of the proposed project is broken into discrete vertical bays that respect the scale of the smaller lots adjacent to the project site. The corner location of the site allows the Project and its

proposed grocery store to "anchor" the corner and create a strong sense of place along the neighborhood's primary commercial corridor.

10. **Conversion of Automotive Service Stations.** Planning Code Section 202.5 establishes the criteria the Commission shall consider when authorizing the conversion of an automotive service station to another use. The Commission shall approve the conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the service station conversion would not be unduly detrimental to the public. On balance, the Project complies with said criteria:

B. The benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services availability because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

i. If the proposed use is a Residential use, the total number of units to be provided and the number of those units that are affordable units.

The Project will contribute to the City's housing supply by providing 12 dwelling units, which will have either two or three bedrooms. The Project will also contribute to the City's affordable housing supply by complying with the City's Inclusionary Affordable Housing Program through the payment of an in-lieu fee.

ii. If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The Project includes 7,570 square feet of occupied ground floor commercial/retail space. The new, neighborhood-serving grocery store will offer produce, dry goods and sundries, prepared foods, meats, coffee, and dairy products. The Project Sponsor owns and operates Noriega Produce Market, located approximately one block from the project site. The larger footprint proposed by the Project will give the owners the opportunity to expand their product offerings to the neighboring residents they have been serving for 30 years. The nearest full service market other than Noriega Produce is the Safeway located at 2350 Noriega Street.

iii. The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.

Noriega Street is the primary commercial corridor for the surrounding neighborhood. As such, it is a high priority pedestrian and transit street. The existing auto service station at this location is detrimental to the pedestrian environment — there are currently two

wide curb cuts on Noriega Street, and another wide curb cut on 44th Avenue. These curb-cuts, which comprise much of the street frontages on the project site, conflict with pedestrian access and create hazards for cyclists due to the volume and speed of vehicles entering and exiting the existing automobile service station. The proposed project will improve the pedestrian environment on Noriega Street. In addition, the proposed grocery use is ideally located in an area served by public transit as noted above.

- iv. The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the cleanup of existing contamination at the property.

The Project will consist of high quality residential units, and ground floor retail/commercial space. These uses will not generate any noxious or offensive emissions, noise, glare, dust or odors. The proposed use will replace the prior automotive service station use that generated significantly higher levels of offensive emissions, noise, and/or odors. The existing service station use involves storage of numerous hazardous materials on the project site, including gasoline and other auto fluids, industrial solvents and used motor oil. These hazardous materials are inherently dangerous and present an explosion risk. Based on soil evaluations, the Project Sponsor does not believe there are significant levels of soil contamination on the site. Nevertheless, discontinuing the automobile service use will eliminate the ongoing risk of contamination. The proposed mixed use development will not involve the use of any hazardous materials.

- v. The relative employment opportunities offered by the service station and the proposed new use.

The existing automobile service station employs 3-5 full time employees (including the owner of the station). The proposed grocery store will employ 40-50 full time & 20-25 part time employees. The proposed project includes 12 dwellings units that will house patrons for the grocery store and other local commercial activities and help sustain and build existing businesses. Additionally, the Project will provide short-term employment for construction workers and other allied trades and professions opportunities during the construction of the project. The proposed project will be an employment benefit for the neighborhood.

- vi. The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

The proposed residential units in the Project will create new property tax revenue for the City, as well as additional transfer tax revenue. In addition, the proposed grocery store is anticipated to generate additional gross receipts taxes, as well as payroll taxes for the significant number of employees.

- vii. The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code.

The street frontages at the project site currently contain three unusually wide curb cuts. These curb cuts present hazards to cyclists and pedestrians, and create an unwelcoming pedestrian environment and poor urban design along the Noriega commercial corridor. The proposed project will encourage pedestrian access, will reduce the amount of street frontage dedicated to curb cuts, and will provide an active use (grocery store) at the street level, consistent with the street frontage standards of Planning Code Section 145.1. and the General Plan.

- viii. Whether the service station use and the proposed use are permitted principal uses, conditional uses or nonconforming uses.

The proposed residential and grocery uses are principally permitted. However, the Project requires conditional use authorization because: (i) the lot size exceeds 5,000 square feet, (ii) the proposed grocery store exceeds 3,000 square feet, and (iii) because the Project proposes to convert an existing automobile service station. Neither auto repair stations nor gas station are currently permitted under the project site's NC-1 zoning. The existing auto service station, therefore, is a non-conforming use.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

The Project will provide a unit mix of 66.7% two-bedroom, and 33.3% three-bedroom. Additionally, the Project Sponsor has indicated that they will pay the Affordable Housing Fee which will be calculated based on the cost of providing 20 percent of the units (2.4) off-site. Projects of this scale are appropriately sized to contribute through payment of the Affordable Housing Fee which is then used to fund a broad range of affordable housing projects within the City.

Policy 1.8:

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

The Project site is in a neighborhood with a dense, mixed, neighborhood character within a NC-1 District where housing over a commercial ground floor is encouraged. The project will provide 12 dwelling units to the City's housing stock, and the proposed grocery use will provide a valuable neighborhood amenity.

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 two-bedroom units and three-bedroom family-sized units with miscellaneous amenities on site, such as an exercise room, multi-media lounge and common terraces.

Policy 4.6:

Encourage an equitable distribution of growth according to infrastructure and site capacity.

The Project is located in a mixed-use corridor well-served by transit and small-scale neighborhood-serving retail.

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.

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

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

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential character.

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 NC-1 District. The proposed height of the building is 45 feet tall. Up to a 5-foot bonus is permitted on NC-1 parcels along Noriega Street west of 19th Avenue when the ground floor commercial space exceeds 10 feet.

Policy 11.6:

Foster a sense of community through architectural design, using features that promote community interaction.

The Project's residential entry is defined with a transition between the public and private realms. The majority of the street frontage is dedicated to commercial use, with requirements for active use, and designed with transparent storefront system.

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1:

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

The proposed project is in an area well served by public transportation, including MUNI's #7-Haight-Noriega bus line (stop at 44th and Noriega Street), #18-46th Avenue bus line (stop at Noriega Street and 46th Avenue). The site is also within .5 miles of the #29- Sunset bus line (stop at Noriega Street and Sunset Boulevard).

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project will install new street trees along Noriega Street and 44th Avenue. In addition, frontages are designed with active spaces oriented at the pedestrian level.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

The Project includes 16 Class 1 residential bicycle parking spaces, two Class 1 retail bicycle parking spaces within the retail area on the ground floor of the building, and four Class 2 retail bicycle parking outside of the building at street level along Noriega Street.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 6:

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

Policy 6.1:

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

The subject property is located on a corner lot within the NC-1 Zoning District, directly across from a Noriega Child Development Center. The General Plan states that auto-oriented facilities at such locations are inappropriate, especially when located within 500 feet of areas where large numbers of children are present. Therefore, although the proposal results in the loss of an automobile-service use, the Project brings the site into greater conformity with the intent of the Neighborhood Commerce element.

URBAN DESIGN ELEMENT

Objectives and Policies

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 1.7:

Recognize the natural boundaries of districts, and promote connections between districts.

The Project is adjacent to residential buildings -- mostly two-story, single-family dwellings, the Noriega Child Development Center and mixed-use buildings with ground floor businesses with varied design

aesthetics. The Project transitions from one area to another, and serves as a bridge between the buildings and highlighting similar characteristics.

OBJECTIVE 3:

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

Policy 3.3:

Promote effort to achieve high quality design for building to be constructed at prominent locations.

As an “anchor” corner property, the Project provides articulated street façades, which respond to the form, scale and material palette of surrounding buildings, while also providing a new contemporary architectural vocabulary.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Project will create private and common open space areas in a new residential development through private terraces, and common decks at the first floor and roof. The Project will also not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.

12. **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 enhance the neighborhood serving retail character of the neighborhood creating a new neighborhood serving grocery. The new grocery store would be locally-owned and operated and would create new employment opportunities in the neighborhood.

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

No housing exists on the project site. The Project will provide up to 12 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project is simple in design,

and relates to the scale and form of the surrounding neighborhood by providing relationships to the other buildings. For these reasons, the proposed project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program by paying the in-lieu fee, therefore increasing the available funding dedicated to construction of affordable housing units in the City.

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

The subject property is well-served by transit, including MUNI's #7-Haight-Noriega bus line (stop at 44th and Noriega Street), #18-46th Avenue bus line (stop at Noriega Street and 46th Avenue). The site is also within .5 miles of the #29- Sunset bus line (stop at Noriega Street and Sunset Boulevard). The proposal includes new off-street parking within the two-level garage that satisfies parking requirements for private residential automobiles and transitory retail customers who may drive to the site.

- 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 replace an automotive service station; however, the automotive service use is less compatible with the zoning district than the proposed mixed use commercial and residential use. City resident employment not be negatively impacted.

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

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

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the project site.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas.

13. 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.
14. 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 Authorization No. 2014-002414CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 12, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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 May 12, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 12, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use Authorization pursuant to sections 121.1, 121.2, 202.5, and 303 of the Planning Code to allow the demolition of an automotive service station and the construction of a four-story, 45-foot tall, 46164 gross square foot mixed use building with 12 dwelling units, 2 levels of below grade off-street parking, a 9,694 square foot retail space including ground floor retail and basement storage, 7,026 square feet of common open space, 42 parking and 22 bicycle parking spaces within an NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated April 12, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2014-002414CUA and subject to conditions of approval reviewed and approved by the Commission on May 12, 2016 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 May 12, 2016 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 Office Development 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 authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent Pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. **Additional Project Authorization.** The Project Sponsor must obtain a Rear Yard Modification from the Zoning Administrator from Planning Code Section Section 134 (required rear yard) and satisfy all the condition thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Materials.** The Project Sponsor shall continue to work with the Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and details 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 415-575-8728, www.sf-planning.org

8. **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 415-575-8728, www.sf-planning.org

9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

10. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

11. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
12. **Signage.** The Project Sponsor shall submit a sign permit in compliance with Article 6 of the Planning Code for the Project which shall be subject to review and approval by Planning Department staff. All exterior signage shall be designed to complement, not compete with, the architectural character and architectural features of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-415-558-6378, www.sf-planning.org
13. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.
For information about compliance, contact the Case Planner, Planning Department at 415-415-558-6378, www.sf-planning.org
14. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
For information about compliance, contact the Case Planner, Planning Department at 415-415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

15. **Bicycle Parking, Commercial.** Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than **one** Class 1 and **one** Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
16. **Bicycle Parking, Residential.** The Project shall provide no fewer than **12** Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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

17. **Car Share.** One car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

18. **Unbundled Parking.** Pursuant to Planning Code Section 167, off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units. The Project is providing off-street parking that is accessory to 12 dwelling units. These spaces will be unbundled and sold and/or leased separately from the dwelling units.

19. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

20. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org.

21. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

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

22. **Childcare Requirements for Office and Hotel Development Projects.** Pursuant to Section 414, the Project Sponsor shall pay the in-lieu fee as required for residential development projects of 10 units or more. The net addition of gross floor area subject to the fee shall be determined based on drawings submitted with the Building Permit Application.

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

AFFORDABLE UNITS

23. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

24. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

MONITORING AFTER ENTITLEMENT

25. **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
26. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

27. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
28. **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>
29. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
30. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project

Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

EXHIBITS



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2014-002414ENV
Project Title: 3701 Noriega Street
Zoning: NC-1 Neighborhood Commercial Cluster Use District
40-X Height and Bulk District
Block/Lot: 2081/001
Lot Size: 9,356 square feet
Project Sponsor: Steven Vettel, Farella Braun & Martel
(415) 954-4902
Staff Contact: Heather Jones – (415) 575-6813
heather.jones@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The project site—3701 Noriega Street—is a 9,356-square-foot rectangular corner lot located in the Outer Sunset neighborhood at the intersection of Noriega Street and 44th Avenue. The project site is located on the block bounded by Noriega Street to the north, 44th Avenue to the east, Ortega Street to the south, and 45th Avenue to the west.

(Continued on next page)

EXEMPT STATUS:

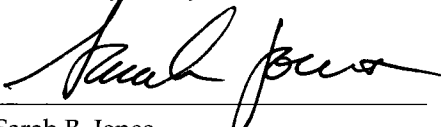
Categorical Exemption, Class 32 (California Environmental Quality Act [CEQA] Guidelines Section 15332).

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3)).

(Continued on next page)

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.


Sarah B. Jones
Environmental Review Officer

May 2, 2016
Date

cc: Steven Vettel, Project Sponsor
Elizabeth Gordon-Jonckheer, Current Planner
Stephanie Cisneros, Preservation Planner
Virna Byrd, M.D.F.

Distribution List:
Paul Shih
Laura Mak
Supervisor Tang, District 4, (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

A gasoline station, which was constructed in 1950, currently operates on the project site. The project sponsor proposes to demolish the existing 15-foot high, 1,624 square-foot gasoline station and construct a four-story, 45-foot high mixed use building with a stairway penthouse extending to 55 feet and an elevator penthouse extending to approximately 61 feet measured from 44th Avenue. The proposed project would include a grocery store on the ground floor and 12 dwelling units on the upper floors. The proposed development would include approximately 25,500 square feet of residential uses (eight two-bedroom units and four three-bedroom units) and approximately 9,700 square feet of retail space. The proposed project would include two common rooftop terraces, an exercise room, and a multi-media entertainment room for residents.

The proposed project would provide 18 Class 1 bicycle parking spaces, four Class 2 bicycle parking spaces, and about 42 vehicle parking spaces in a two-level below-grade garage. Construction of the below-grade garage would require approximately 9,000 cubic yards of excavation to a depth of approximately 26 feet. Residents and visitors would access the residential lobby from Noriega Street. Parking for residents, employees, and customers of the grocery store would be provided in the two-level basement garage, which would be accessed from Noriega Street. The street entrance to the grocery store would be located at the corner of Noriega Street and 44th Avenue. The site currently has three curb cuts that provide access to the existing gasoline station. The proposed project would remove these curb cuts, restore approximately 102 feet of sidewalk, and install one approximately 10-foot curb cut that would provide access to the residential and retail garage.

Project Approvals

The proposed project is subject to notification under Section 312 of the City and County of San Francisco (the City) *Planning Code* and would require the following approvals:

- **Conditional Use Authorizations.** The proposed project would require a Conditional Use Authorization from the Planning Commission pursuant to Sections 303 and Section 710.11 of the Planning Code because the proposed project site is greater than 5,000 square feet.

The proposed project would also require a Conditional Use Authorization from the Planning Commission pursuant to Section 710.21 of the Planning Code because the project sponsor proposes to develop more than 3,000 square feet of non-residential uses.

Finally, the proposed project would require a Conditional Use Authorization from the Planning Commission pursuant to Planning Code Section 202.5 to convert an automotive service station to residential and commercial non-automotive service uses.

- **Variance.** The proposed project would require a variance from Planning Code Sections 134 (a)(1)(A) and 710.12, which require 25 percent rear-yard setbacks at grade and at each succeeding level.

- **Demolition and Building Permits.** The proposed project would require approval of Demolition and Building Permits from the Department of Building Inspection (DBI).

Approval Action: Approval of the Conditional Use Authorization by the Planning Commission under Sections 303, 710.11, 710.21, or 202.5 of the Planning Code would constitute the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

a) The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.

The San Francisco General Plan articulates the objectives and policies that guide the City's decision making as it pertains to, among other issues, environmental protection, air quality, urban design, transportation, housing, and land use. Permits to construct, alter, or demolish buildings may not be issued unless the project conforms to the *Planning Code*, or an exemption is granted pursuant to provisions of the *Planning Code*.

The proposed project is located within a Neighborhood Commercial Use District and a 40-X Height and Bulk District. NC-1 Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. The proposed residential and ground floor commercial uses (a locally-owned grocery store) would be consistent with allowable uses in NC-1 districts. NC-1 Use Districts also allow projects with ground-floor commercial uses to extend an additional five feet in height. Thus, the proposed 45-foot height conforms to the site's height and bulk designation. Additionally, in 40-X height and bulk districts, height exceptions allow for additional features, such as a circulation penthouse, up to 10 feet above the allowed height and an elevator penthouse up to 16 feet above the allowed height. The NC-1 zoning designation allows for 12 dwelling units on the project site (1 unit per 800 square feet of lot area). Therefore, the proposed project would also comply with Planning Code density requirements.

For the reasons discussed above, the proposed project would be consistent with the San Francisco General Plan and applicable zoning designations.

b) The development occurs within city limits on a site of less than five acres surrounded by urban uses.

The area of the project site is approximately 0.2 acres (9,356 square feet). The 0.2 acre-lot is currently occupied by a gasoline station. The project site is located within a fully developed area of San Francisco. The lots adjacent to the project site are primarily one to two-story residential and commercial uses. The neighborhood in the vicinity of the project site is developed with one to two story residential, commercial, and institutional (elementary school) uses. Therefore, the proposed project would be

While there would be construction-related traffic traveling to and from the project site throughout the 16-month construction period, construction-related impacts, generally, would not be considered significant due to their temporary and limited duration. Construction workers who drive to the project site would temporarily increase traffic volumes and demand for street parking, but the additional trips would not substantially affect traffic conditions. In addition, the project sponsor and construction contractor(s) would meet with the Municipal Transportation Agency's (MTA) Department of Parking and Traffic (DPT), the Fire Department, Muni, and other applicable City agencies to determine feasible traffic modifications to reduce traffic congestion and other potential traffic disruption and pedestrian circulation effects during construction of the project. Therefore, construction of the proposed project would not result in a significant impact on transportation.

Noise

Operations-related noise comes primarily from two sources: (1) increased vehicular traffic generated by project residents, employees, patrons, and service or delivery trucks requiring access to the project site; and (2) mechanical building noise. The existing ambient noise levels in the vicinity of the project site are below 75 decibels (DNL/Ldn dB).^{5, 6} The ambient noise levels are dominated by vehicular and transit traffic and land use activities, such as commercial businesses, school playgrounds, and street maintenance.

An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (a 3 decibel increase).⁷ It is estimated that the proposed project would add up to 673 daily vehicle trips to the project area, 66 of which would occur during the PM peak hour. As previously discussed, the proposed project's trip generation does not account for existing vehicular traffic that the gasoline station generates (i.e., the net new daily vehicle trips on the street network would likely be lower than 673 daily trips.) During a site visit, Planning Department staff observed a combined 101 vehicles passing the site on 44th Avenue and Noriega Street in a 15-minute interval.⁸ Potential residents and visitors would increase the number of trips taken within the project area; however, the proposed project would not double traffic volumes on the street network and the added trips would be dispersed throughout the street network and throughout the day. Therefore, the proposed project would not result in a substantial increase in traffic-related operational noise in the vicinity of the project site.

The proposed project would include mechanical systems which would produce operational noise, such as elevators, mechanical parking stackers, and heating and ventilation equipment. Operation of this equipment is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code). According to Article 29 of the Police Code, mechanical equipment operating on residential property must not produce a noise level more than five dBA⁹ above the ambient noise level at the property boundary. The

⁵ Charles M. Salter, *3701 Noriega Street Mixed-Use, San Francisco, CA Environmental Noise Study*, CSA: 15-0126, April 9, 2015.

⁶ Day-Night Average Sound Level (DNL or Ldn) is a descriptor established by the U.S. Environmental Protection Agency to describe the average day-night level with a penalty applied to noise occurring during the nighttime hours (10 PM to 7 AM) to account for increased sensitivity to people during sleep hours.

⁷ A decibel is a unit of measurement describing the amplitude of sound.

⁸ San Francisco Planning Department, *3701 Noriega Street Site Visit Notes*, March 30, 2016.

⁹ A-weighted sound levels (dBA) is the method for measuring environmental noise to reflect that human hearing is less sensitive to low sound frequencies.

proposed project would be subject to and required to comply with the Noise Ordinance. Therefore, the proposed project would not result in a substantial increase in mechanical operational noise in the vicinity of the project site.

Construction activities, another potential source of noise, are also regulated by the San Francisco Noise Ordinance. The ordinance stipulates when it is permissible to engage in construction activities (7:00 AM - 8:00 PM), the type of equipment that can be used, and the conditions under which that equipment may be used. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source of the noise. Impact tools (e.g., jackhammers) must have both the intake and exhaust muffled to the satisfaction of the San Francisco Department of Public Works (Public Works) or the Department of Building Inspection. Construction-related noise would be temporary and intermittent, and the proposed project would be required to comply with the City's Noise Ordinance. Based on mandatory compliance with applicable state and municipal codes and the limited duration of construction activities, the proposed project would not result in a significant impact with respect to operational noise.

For the reasons discussed above, the proposed project would not result in a significant impact related to noise.

Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) has established thresholds of significance to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. To assist lead agencies, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria. If a proposed project is below the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project with 12 dwelling units and 9,700 square feet of retail/commercial space would not exceed criteria air pollutant screening levels for operation or construction of mid-rise apartment developments and supermarket or strip mall developments.¹⁰

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on two health-protective criteria: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per one million

¹⁰ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

population, and/or (2) cumulative PM_{2.5}¹¹ concentrations greater than 10 micrograms per cubic meter. Land use projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations. The project site is not within an Air Pollutant Exposure Zone and therefore would not result in a significant impact related to TACs.

The proposed project would require construction activities for an approximate 16-month construction period. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial amounts of air pollutants. Furthermore, the proposed project would be subject to, and required to comply with, California regulations limiting idling to no more than five minutes,¹² which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. TAC emissions during construction would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Demolition of the existing gasoline station, excavation of approximately 9,000 cubic yards of soil to a depth of 26 feet below grade for the garage, and site grading may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The proposed project will be required to adhere to dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code Article 22B and San Francisco Building Code Section 106.A.3.2.6, and therefore, construction of the project would not result in a significant impact related to air quality.

For the reasons described above, the project would not result in a significant impact related to air quality.

Water Quality

The proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. The project site is a developed lot covered by impervious surfaces. The proposed project is a mixed-use residential development with a similar percentage of impervious surfaces. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not result in significant water quality impacts.

e) The site can be adequately served by all required utilities and public services.

The project site is located in an urban area where public services and facilities are available. The proposed project would not result in a substantial increase in intensity of use or demand for utilities or public services that would necessitate any expansion of public utilities or public service facilities.

General Rule Exclusion

CEQA State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the

¹¹ PM_{2.5} is fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less.

¹² California Code of Regulations, Title 13, Division 3, § 2485.

environment, the activity is not subject to CEQA. As discussed below, the proposed project would not result in a significant impact on the environment.

DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. As further discussed below, none of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed above, the proposed project would not have a significant effect on traffic, noise, air quality and water quality. In addition, the proposed project would not have a significant effect on the environment due to unusual circumstances for other environmental topics, including "Hazardous Materials," "Shadow," or "Archeological Resources," as discussed below.

CEQA Guidelines Section 15300.2, subdivision (e), provides that a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Although the project site is one of the sites included on such a list, for the reasons discussed below under "Hazardous Materials," there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

CEQA Guidelines Section 15300.2, subdivision (f), provides that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. For the reasons discussed below under "Historic Architectural Resources," there is no possibility that the proposed project would have a significant effect on a historic resource.

Environmental Topics

Hazardous Materials

Pursuant to Section 65962.5 of the Government Code, the Secretary for Environmental Protection maintains a list of sites with potentially hazardous wastes, commonly referred to as the Cortese List. The Cortese list includes hazardous waste sites from the Department of Toxic Substances Control's (DTSC) EnviroStor database, a list of hazardous facilities identified by DTSC that are subject to corrective action pursuant to Health and Safety Code Section 25187.5, a list of leaking underground storage tank sites maintained by the State Water Resources Control Board in their Geotracker database, a list of solid waste disposal sites maintained by the state board, and a list of sites with active cease and desist orders and clean up and abatement orders.

The project site is on the Cortese List because it is identified on the state board's Geotracker database as a site with a previous leaking underground storage tank (LUST). However, the site was issued a case closure letter by San Francisco Department of Public Health (SFDPH) on February 21, 2014 and the reason for its placement on this list has since been abated.¹³ Once a site is placed on the Cortese List, it is never removed from the list, even after the site has been remediated and no longer presents a hazard to the

¹³ San Francisco Department of Public Health, Environmental Health Section, *Remedial Action Completion Certificate Underground Storage Tank (UST) Case, 3701 Noriega Street, LOP Site Number 10038*, Acting Director: Richard Lee, February 21, 2014.

public. One of the possible reasons why sites remain on the Cortese List is because remediation techniques may include capping the site (or containment of the hazardous material) so that the hazardous material no longer presents a risk to humans or the environment. A subsequent project that includes excavation or would otherwise disturb that containment could expose the public and the environment to hazardous materials within the soil/groundwater that were previously contained.

To determine whether the project could present a risk to humans or the environment as a result of hazardous materials within the soil or groundwater, it is important to understand both the history of site as well as the regulations in place to protect the health of the public and workers. Both are discussed below.

Underground Storage Tank History

Following the removal of two 10,000 gallon USTs and a 280-gallon waste oil UST on the project site in 1990, soil and groundwater contamination by petroleum hydrocarbon constituents was identified.¹⁴ The LUSTs were removed in 1990, which completed source removal.¹⁵ Soil and groundwater sampling began in May of 1991 from seven groundwater monitoring wells. The Local Oversight Program (LOP) of SFDPH has authority from the State Water Resources Control Board to review reports, respond to reports, place USTs in the LOP program and issue case closure letters with concurrence from the Regional Water Quality Control Board. According to case closure documents, on July 12, 2011, the LOP of SFDPH submitted case closure documents to the regional board for review. According to the case closure documents, the localized contamination has been steadily attenuating, no water wells, deep drinking aquifers, surface water, or other sensitive receptors are likely to be affected, and the minimal soil impact is confined to the immediate vicinity of the former UST and is unlikely to present any vapor intrusion risk.¹⁶ The case closure summary concluded that the site presented no risk to human health or the environment. In November of 2011, the regional board gave case closure concurrence. In February of 2014, following the removal of all groundwater monitoring wells, SFDPH issued a case closure for the LUST case at 3701 Noriega Street.¹⁷ The case closure letter issued to Chevron on February 21, 2014 confirmed that the site investigation and corrective action carried out at the LUST case site was satisfactorily completed and that no further remediation was required.

Applicable Regulations Addressing Underground Storage Tanks, Hazardous Soil/Groundwater, Construction Dust Control and Hazardous Building Materials

Construction of the proposed project would entail the demolition of the existing structures, removal of two 12,000-gallon USTs and one 520-gallon waste oil UST that replaced the LUSTs, and the excavation and off-haul of approximately 9,000 cubic yards of soil on a site with previous LUSTs. As described above, state and local authorities determined that contamination from the removed leaking USTs does not present a threat to public health or the environment. Compliance with existing state and local regulations as described below would ensure that the proposed project would not result in a significant hazard to the public or environment.

¹⁴ PIERS Environmental Services, *Phase 1 Environmental Site Assessment for 3701 Noriega Street*, March 2014.

¹⁵ San Francisco Department of Public Health, Environmental Health Section, *Remedial Action Completion Certification, Case Closure Form*, Richard Lee, February 21, 2014.

¹⁶ Ibid.

¹⁷ Ibid.

Removal of the existing USTs would require permits from SFDPH—the Hazardous Materials Unified Program Agency (HMUPA)—which is responsible for providing regulatory oversight for the construction, operation, repair and removal of USTs in the City and County of San Francisco, in accordance with the California Health and Safety Code, Chapter 6.7; Title 23 of the California Code of Regulations, and the San Francisco Health Code, Article 21. The purpose of the regulation is to prevent releases of petroleum and other hazardous substances stored in USTs. The program conducts all routine, construction, modification, repair and closure inspections of UST systems in San Francisco. As the HMUPA, SFDPH has issued guidelines for the installation and closure of USTs to ensure the prevention of releases of hazardous materials, including the collection of soil samples following UST installation or removal. During tank removal a HMUPA inspector is on site to witness soil and/or groundwater sampling. A UST removal report is required by the HMUPA and includes soil and ground water sampling analyses and a description of the UST removal. The report also includes observations, such as odors, discoloration in the soil, and holes in the UST. Based on these observations and analytical results, a UST removal may be referred to the Local Oversight Program (LOP) of SFDPH. Owners and operators are required to obtain permits for the closure or modification of existing USTs and adhere to the SFDPH's Guidelines. In addition to compliance with SFDPH's HMUPA requirements, the SFFD and/or DPW may require permits to remove USTs and various conditions of those permits would apply.

The proposed project would require the excavation and off-haul of approximately 9,000 cubic yards of soil on a site with previous leaking USTs. The project is, therefore, subject to Article 22A of the San Francisco Health Code. Article 22A, also known as the Maher Ordinance, is administered and overseen by SFDPH and requires remediation of soil and groundwater for sites with suspected contamination due to past or current uses. To comply with the Maher Ordinance, the project sponsor submitted a Maher Application¹⁸ to SFDPH and retained the services of a consultant—PIERS Environmental Services—to conduct a Phase I Environmental Assessment (ESA).¹⁹ Phase I ESAs identify recognized environmental conditions (RECs), which indicate the presence or likely presence of any hazardous substances or petroleum products due to an existing release, a past release, or a material threat of release. Phase 1 ESAs also determine the level of exposure risk associated with the project.

In March 2014, PIERS Environmental Services completed the Phase I ESA for the subject property, which consisted of an examination of current conditions at the project site, review of historical and present environmental activity on the site, review of pertinent government records and data, and interviews with property contacts, regulatory officials, and personnel associated with the subject and adjoining properties. According to the 2014 Phase 1 ESA, there are currently two 12,000-gallon USTs and one 520-gallon waste oil UST in concrete vaults with double-walled construction and leak detection monitoring systems on the site. PIERS Environmental Services did not observe any unusual staining or odors at the location of the USTs. The 2014 Phase 1 ESA also documented the following items on site: (1) small quantities of automotive products (i.e. engine and transmission oil, antifreeze, coolant, brake fluid, and other automotive fluids and sealants), (2) tires and automotive batteries, (3) waste materials including waste oil, antifreeze, and used oil filters, and (4) commercial maintenance products (e.g., cleaning supplies). All materials were properly stored and used at the time of the 2014 Phase 1 ESA site reconnaissance.

¹⁸ San Francisco Department of Public Health, *Email Confirming Maher Application Receipt and Payment*. March 18, 2016.

¹⁹ PIERS Environmental Services, *Phase 1 Environmental Site Assessment for 3701 Noriega Street*, March 2014.

PIERS Environmental Services noted two hydraulic hoists in use at the property and recommended that the hydraulic oil in the hoists be replaced with biodegradable oil to minimize the effects of any potential leakage. The 2014 Phase 1 ESA also noted that one drain at the northwest corner of the property had accumulated grease around and within it and recommended that the drain be protected from oil and grease runoff. The 2014 report noted that a trench that reportedly drains to the storm water main under Noriega Street had a faint petroleum odor and was filled with a mixture of oil, grease, water, and trash. The 2014 Phase 1 ESA recommended steam cleaning the trench and maintaining it in a clean condition to prevent discharge of pollutants to the municipal storm water sewer.

PIERS Environmental Services concluded in the 2014 Phase 1 ESA that there is no further evidence of recognized environmental conditions associated with the subject property and no further investigation is recommended. Although the 2014 Phase 1 ESA concluded the no further investigation was needed, the project sponsor, in consultation with SFDPH, hired a consultant, Endpoint, to test for the wider list of constituents required under the Maher Ordinance.²⁰ Endpoint collected soil samples from three borings on the project site at depths of five and fifteen feet at each boring. Endpoint attempted to collect groundwater samples at the boring sites at a depth of 35 feet; however no groundwater was encountered. The soil samples were tested for the following:

- Inorganic persistent and bioaccumulative toxic substances
- Volatile organic toxic pollutants (VOCs)
- Polychlorinated biphenyls (PCBs)
- pH levels
- Cyanides
- Total petroleum hydrocarbons (TPHs)
- Semi-volatile organic compounds (SVOCs)
- Other hazardous substances designated by the Director of SFDPH pursuant to Section 22A.14 of the SF Health Code

Based on the results of the soil sampling, Endpoint concluded that the presence of petroleum chemical contamination in the soils at the site is limited in magnitude and extent and does not pose a significant potential risk to human health or the environment. Pursuant to the Maher Ordinance, SFDPH will review the proposed project's Maher Application, the 2014 Phase I ESA, and Endpoint's soil sample report to determine whether SFDPH will require the project sponsor to submit a Site Mitigation Plan and further remediate any residual soil contamination in accordance with Article 22A of the Health Code. The project sponsor will be required to comply with SFDPH's recommendation, thus, the proposed project would not result in a significant hazard to the public or environment from contaminated soil and/or groundwater.

The existing structure was constructed prior to 1980 and therefore may contain hazardous construction materials such as asbestos and lead. Pursuant to Section 19827.5 of the California Health and Safety Code, the project sponsor must demonstrate compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants like asbestos prior to issuance of a demolition or alteration permit. In addition, Building Code Section 3427 (Asbestos Information and Notice) requires the

²⁰ Endpoint, *Environmental Investigation – Compliance with Maher Ordinance for 3701 Noriega Street*, July 7, 2015.

project sponsor to place a notice on the project site at least three days prior to commencement and for the duration of any asbestos-related work. The Department of Building Inspection (DBI) will not issue the required permit until the applicant has complied with applicable noticing requirements.

Section 3426 of the Building Code (Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures) regulates any work that could disturb or remove lead paint on a building constructed on or prior to December 31, 1978 and steel structures. Section 3426 requires specific notification and performance standards, and identifies prohibited work methods and penalties. Section 3426 contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance. These regulations and procedures, already established as a part of the permit review process, would ensure that the proposed project would not result in significant impacts with respect to asbestos and lead.

As discussed under Air Quality, the proposed project would be required to comply with Article 22B of the San Francisco Health Code, Construction Dust Control, which requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures. The project sponsor and the contractor responsible for construction activities at the project site are required to ensure that there would be no visible dust during construction activities. The contractor is required to use the following practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director of the Department of Building Inspection. Dust suppression activities may include watering all active construction areas sufficiently to prevent dust from becoming airborne; increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Contractors are required to provide as much water as necessary to control dust (without creating run-off in any area of land clearing, and/or earth movement). During excavation and dirt-moving activities, contractors are required to wet sweep or vacuum the streets, sidewalks, paths and intersections where work is in progress at the end of the workday. Inactive stockpiles (where no disturbance occurs for more than seven days) greater than 10 cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil shall be covered with a 10 millimeter (0.01 inch) polyethylene plastic (or equivalent) tarp, braced down, or use other equivalent soil stabilization techniques.

For the reasons discussed above, the proposed project would not result in a significant hazard to the public or the environment through the release of hazardous materials.

Shadow

The proposed project would include construction of a new four-story, 45-foot-tall building with a stairway penthouse extending to approximately 55 feet and an elevator penthouse extending to approximately 61 feet measured from grade at 44th Avenue. The nearest public open spaces are the West Sunset Playground—approximately 0.4 miles southeast of the project site—and the Great Highway and Ocean Beach—approximately 0.7 miles from the project site. A shadow fan prepared by the Planning Department²¹ found that the new building would not cast shadow on any public open spaces; however, it

²¹ San Francisco Planning Department, *Shadow Fan for 3701 Noriega Street*, April 1, 2016.

would cast shadow on the southern portion of a neighboring San Francisco Unified School District preschool, Noriega Child Development Center (1775 44th Avenue). In total the preschool has approximately 34,000 square feet of outdoor open space along 44th Avenue, which is divided by fencing into smaller playgrounds. Based on the shadow fan, the project would shade approximately 3,030 square feet of the southernmost approximately 7,750 square foot playground. The shadow fan indicates that the proposed project would shade a fraction of the preschool's total open space and would not shade the play equipment or central play space. Furthermore, there is a small shed at the southern border of the southernmost playground and a school building to the southwest that shade portions of the playground. Based on the shadow fan, the existing shed and school building cast intervening shadow on the playground. As a result, the proposed project would cast a negligible amount of new net shadow on the playground. For the reasons discussed above, the proposed project would not substantially affect the use or enjoyment of the open space and would not result in a significant impact related to shadow.

Archeological Resources

The proposed project would include a two-level basement parking garage. Construction of the basement garage would require excavation of approximately 9,000 cubic yards of soil to a depth of approximately 26 feet below the existing grade. The Planning Department Staff Archeologist reviewed the proposed project and site history to evaluate the potential for encountering archeological resources and determined that no archeological resources are expected within the affected soils.²² Therefore, the project would not result in a significant impact related to archeological resources.

Historic Architectural Resources

Under CEQA Section 21084.1, a property may be considered a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources" (CRHR). The CRHR stipulates that a property may be considered a historic resource if a historically significant (1) event, (2) person, or (3) architectural style is associated with the property, or (4) if there is potential to gather historically significant information from the site.

As stated above, the project site is occupied by an operating gasoline station. The gasoline station includes a one-story automotive garage and store, a gasoline dispensing island with a canopy, and a tall sign at the northeastern corner of the lot. In 1950, architect F. Barry, engineering firm Michel & Pfeffer Iron Works, and contractor C.P.W. Jensen designed and constructed the original gasoline station for M.H and H.D Herbst. In 1965 Union Oil Company of California (UNOCAL) purchased the property and reconstructed the building. The project sponsor retained William Kostura, a qualified historic resources consultant, to prepare a Historic Resources Evaluation (HRE) of the subject property.²³ The Planning Department reviewed the HRE and provided a determination in a Historic Resource Evaluation Response (HRER).²⁴

The HRE found that the project site is not eligible to be listed in the CRHR under any of the four criteria and the HRER concurred. The subject property is not associated with any known historic events. It is one of many gas stations operated by UNOCAL in San Francisco and is not of individual significance to the

²² San Francisco Planning Department, *Preliminary Archeological Review for 3701 Noriega Street*, Randall Dean, April 11, 2016.

²³ William Kostura, *Historic Resource Evaluation, 3701 Noriega Street, San Francisco, CA*, April 2015.

²⁴ San Francisco Planning Department, *Historic Resource Evaluation Response, 3701 Noriega Street, San Francisco*, Stephanie Cisneros, August 7, 2015.

company. Therefore, the property is not eligible for listing due to historically significant events (Criterion 1). Proprietorship of the gas station changed frequently and no single proprietor appears to have been more prominent in the automotive industry. As such, the HRE found that property is not eligible to be listed due to its association with historically significant persons (Criterion 2). The partially prefabricated building has little embellishment and has undergone several known alterations, including, raising the existing canopy to 14 feet (1998), replacing the metal shingle roof with plywood and composite shingles (1999), and installing new signs (1980, 2006-2007). The building lacks architectural distinction and is therefore not eligible for listing due to architectural style (Criterion 3). The HRER concluded that the property was not eligible for listing due to any potential to gather historically significant information from the site. The property is not located in an identified historic district and the surrounding neighborhood does not represent a collection of historically or aesthetically related building types. For the reasons listed above, the HRER concludes that subject property is not a historic resource and the proposed project would not result in a significant impact to any historic resources.

Public Notice and Comment. On November 11, 2015, the Planning Department mailed a "Notification of Project Receiving Environmental Review" to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. The Planning Department received comments from two people in response to the notice. In their comments they articulated concerns regarding the following:

- (1) Localized environmental health problems, such as indoor air pollution from the parking garage, and citywide or regional environmental problems related to ambient air pollution from increased automobile traffic.
- (2) Increased greenhouse gas (GHG) emissions,
- (3) Shadow obstructing light to solar panels on adjacent properties,
- (4) Parking spill-over associated with increased development density that will further constrain the neighborhood's on-street parking supply,
- (5) The possibility that a grocery market will attract rodents or other vermin.

(1) Localized environmental health problems and ambient air pollution

As discussed in the Transportation and Air Quality sections above, the proposed project would not result in a significant impact related to vehicle miles traveled (VMT) or air quality. Regarding the safety of indoor garages, the project sponsor would be required to follow all San Francisco Department of Building Inspection standards regarding garage ventilation and sealing.

(2) Increased GHG emissions

San Francisco has adopted the California Green Building Code (CalGreen) standards as mandatory. The San Francisco Green Building Code requires building practices to further the goal of reducing greenhouse gas emissions in the City and County of San Francisco to 25 percent below 1990 levels by the year 2017. To comply, the proposed project at 3701 Noriega would be required to demonstrate a 15 percent energy use reduction compared to the 2008 California Energy Code, Title 24 and additional green building practices to achieve a LEED Silver rating or a minimum of 75 points under the GreenPoint rating system.

(3) Solar Panels

The proposed project would shade solar panels on the roof a property on 45th Avenue to the southwest of the project site. The proposed project is within the height allowed by zoning and would add 12 units of needed housing and a neighborhood-serving grocery store to the area. Furthermore, given the potentially affected property's location to the southwest of 3701 Noriega Street, the proposed project would only shade the panels for a portion of the day (i.e., the proposed project would likely only block morning sun.) Such shading is common in urban areas and partial shading of private solar panels does not constitute a significant environmental impact under CEQA.

(4) Parking

In accordance with CEQA Section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets all of the following three criteria:

- a) The project is in a transit priority area;
- b) The project is on an infill site; and
- c) The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria, any effects that the project may have on parking would not constitute an environmental impact under CEQA.

The proposed project would provide approximately 42 vehicle parking spaces for residents, employees, and customers of the building. This is greater than the amount required by the Planning Code. Additionally, people would be able to access the project site by other means of transportation, such as transit, walking and bicycling. The project site is served by several SF Muni lines, including the 7, 7R, 7X, 29, and the 48 Muni buses, and the project will encourage people to walk and bicycle by improving pedestrian facilities and providing Class 1 and 2 bicycle parking spaces.

(5) Rodents

The proposed ground floor retail use is consistent with the zoning allowed in NCT Districts and the character of the neighborhood, which includes a restaurant on the corner of 45th Avenue and Noriega Street, a liquor/convenience store, a bar, and numerous other commercial uses. Any place of business selling food would be required to follow applicable municipal and state statutes regarding the appropriate storage, handling, and disposal of foodstuffs.

Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. Moreover, CEQA State Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant effect on the environment. As noted above, there is no possibility that the proposed project would have significant environmental impacts. For this reason, the proposed project is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines 15061(b)(3)). For the above reasons, the proposed project is appropriately exempt from environmental review.

Parcel Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

2081

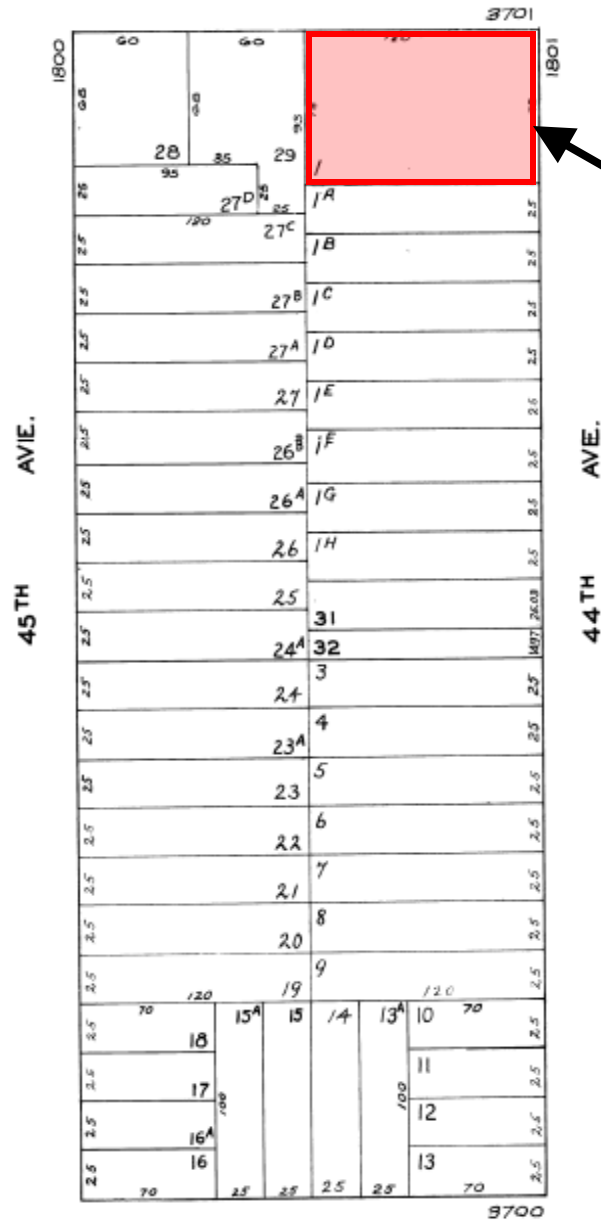
SUNSET BLK. 913

REVISED 1984

Lot 30 merged into lot 1-31
" 3A " " 2-1953
" 2 " " 3/1/23 1984



NORIEGA



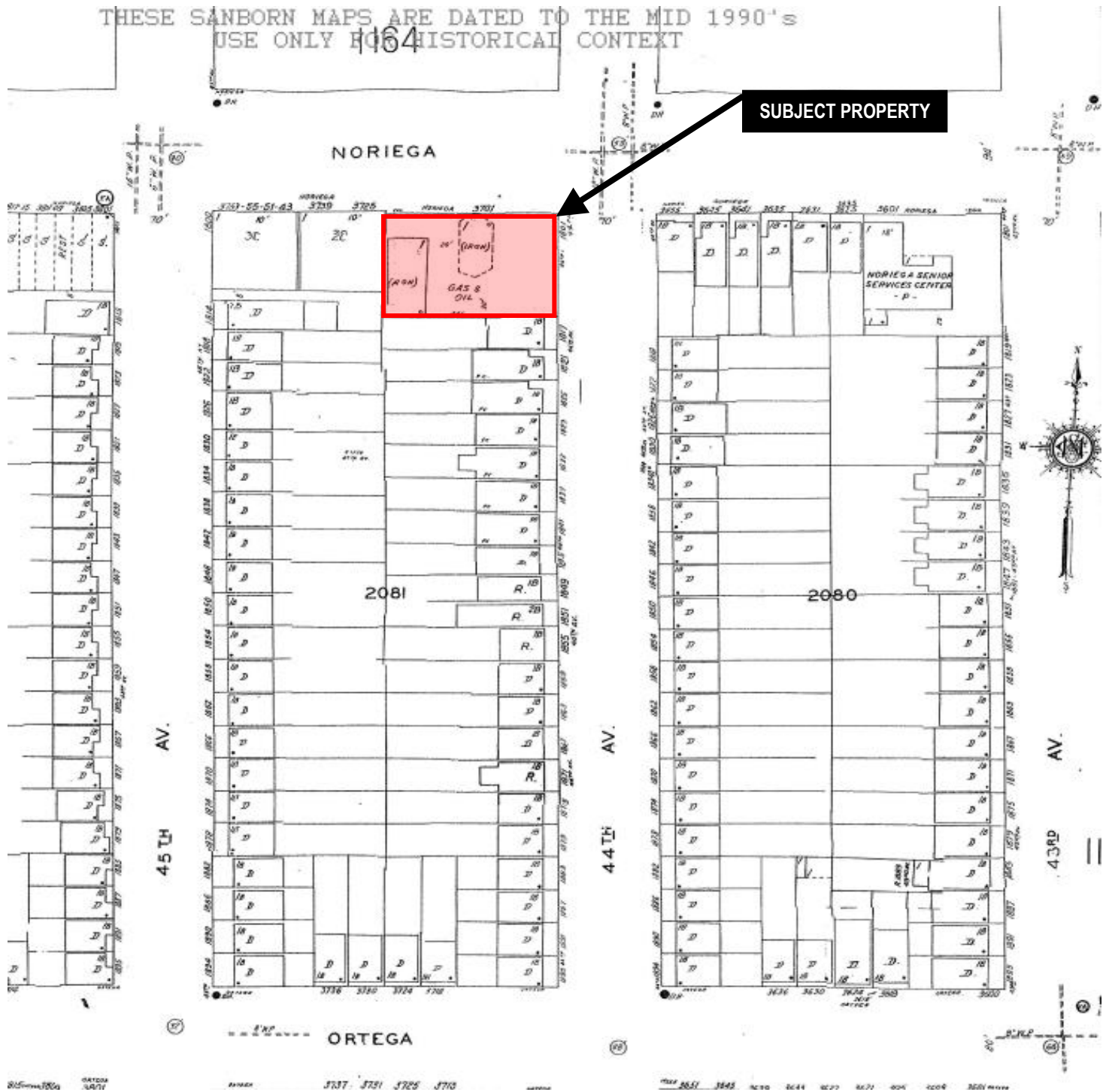
SUBJECT PROPERTY

ORTEGA



Conditional Use Authorization Hearing
Case Number 2014-002414CUAVAR
3701 Noriega Street
Block 2081 Lot 001

Sanborn Map*

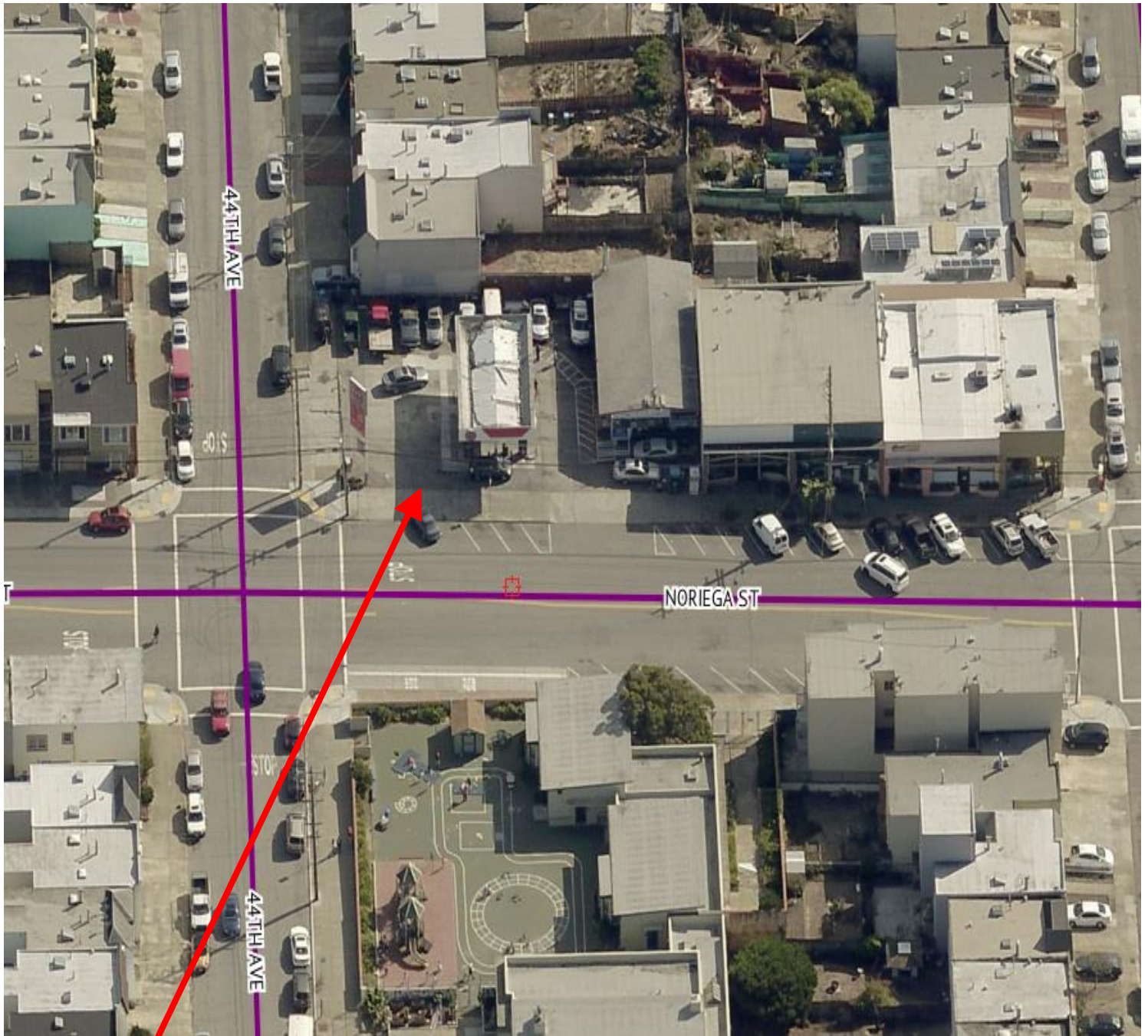


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization Hearing
Case Number 2014-002414CUAVAR
3701 Noriega Street
Block 2081 Lot 001

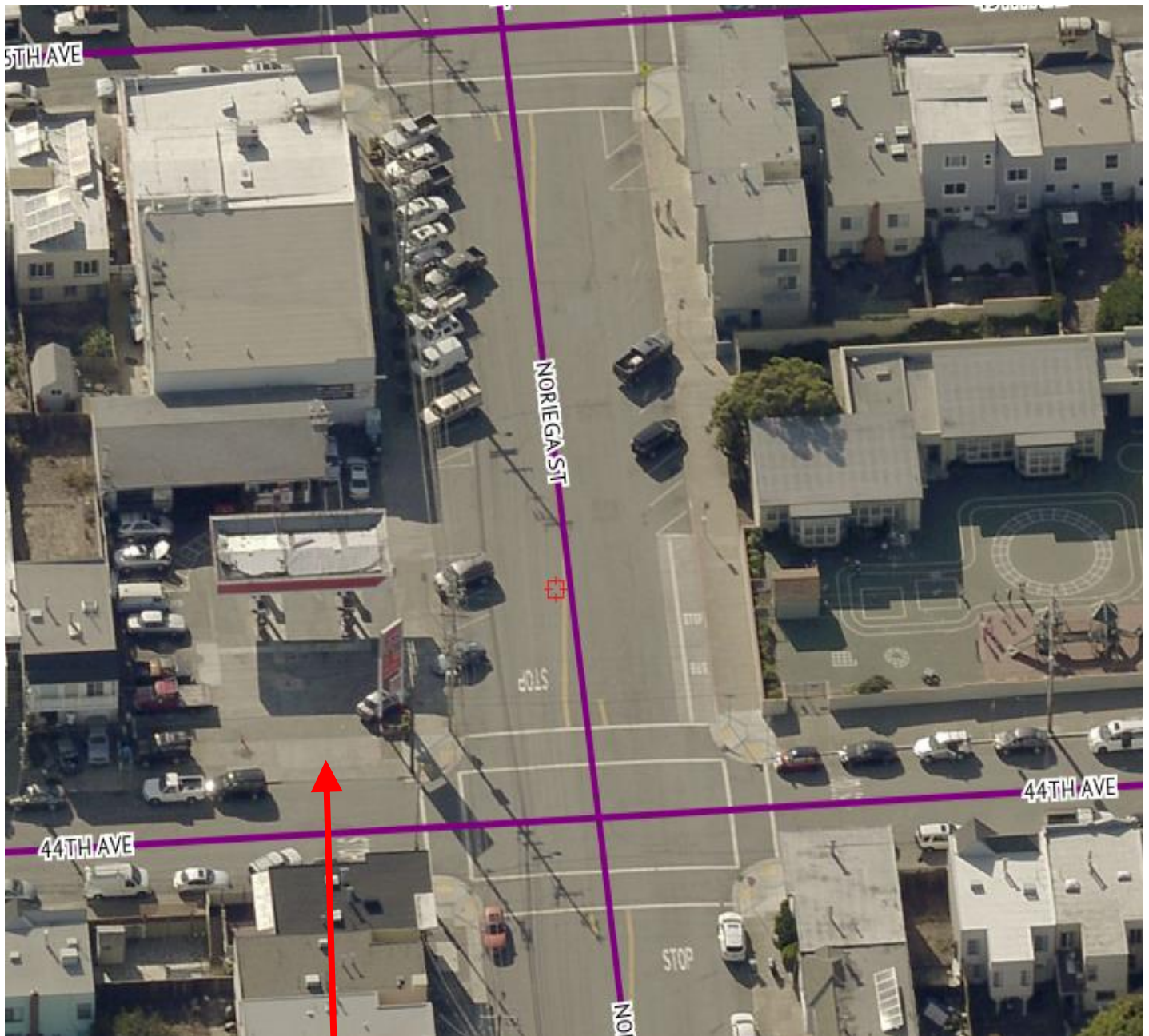
Aerial Photo



SUBJECT PROPERTY



Aerial Photo (view from east)



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014-002414 CUAVAR
3701 Noriega Street
Block 2081 Lot 001

Aerial Photo (view from west)

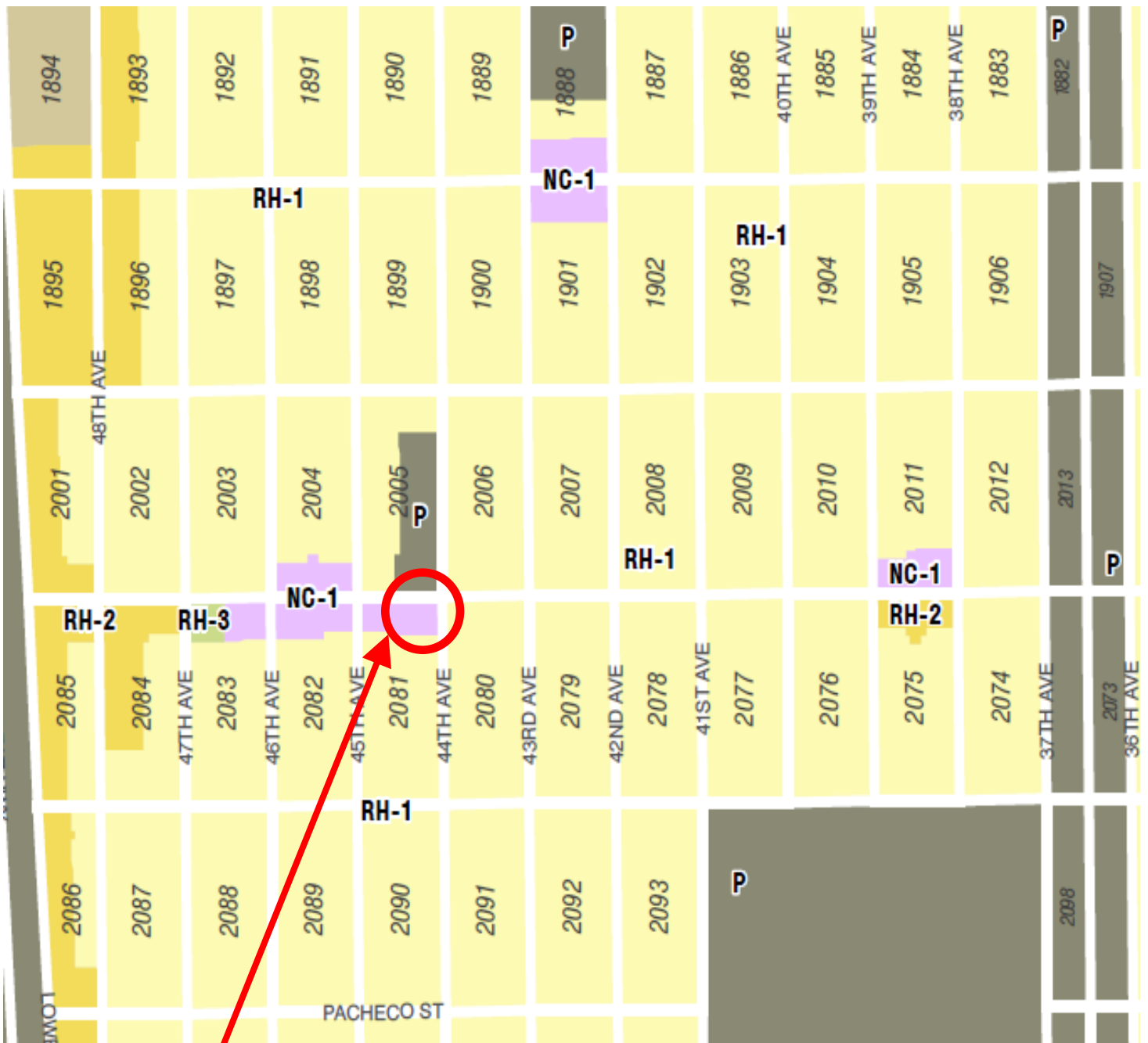


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014-002414 CUAVAR
3701 Noriega Street
Block 2081 Lot 001

Zoning Map



Height & Bulk District Map



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2014-002414CUAVAR
3701 Noriega Street
Block 2081 Lot 001

Site Photo



Conditional Use Authorization Hearing
Case Number 2014-002414CUAVAR
3701 Noriega Street
Block 2081 Lot 001

Site Photo



Conditional Use Authorization Hearing
Case Number 2014-002414 CUAVAR
3701 Noriega Street
Block 2081 Lot 001

Site Photo



Conditional Use Authorization Hearing
Case Number 2014-002414CUAVAR
3701 Noriega Street
Block 2081 Lot 001

AFFIDAVITS



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS	BLOCK/LOT(S)		
3701 Noriega Street	2081/001		
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
-	2014-002414PRJ	-	
PROJECT SPONSOR	MAIN CONTACT	PHONE	
3701 Noriega Street, LLC	Bobby Vardakastanis	415.255.0643	
ADDRESS			
495 Ulloa Street, San Francisco, 94127			
CITY, STATE, ZIP	EMAIL		
	3701noriega@gmail.com		
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
12	9,694	45'	\$5.5 M
ANTICIPATED START DATE			
TBD			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT

☐ Project is wholly Residential

☐ Project is wholly Commercial

☒ Project is Mixed Use

☒ A: The project consists of ten (10) or more residential units;

☐ B: The project consists of 25,000 square feet or more gross commercial floor area.

☐ C: Neither 1A nor 1B apply.

NOTES:

- If you checked C, this project is NOT subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.
- If you checked A or B, your project IS subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.
- For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentsf.org
- If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement	TBD			Laborer	TBD		
Laborer				Laborer			
Boilermaker				Operating Engineer			
Bricklayer				Painter			
Carpenter				Pile Driver			
Cement Mason				Plasterer			
Drywall/Latherer				Plumber and Pipefitter			
Electrician				Roofer/Water proofer			
Elevator Constructor				Sheet Metal Worker			
Floor Coverer				Sprinkler Fitter			
Glazier				Taper			
Heat & Frost Insulator				Tile Layer/Finisher			
Ironworker				Other:			
TOTAL:				TOTAL:			

- | | | |
|--|--------------------------|--------------------------|
| | YES | NO |
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Will hiring and retention goals for apprentices be established? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. What is the estimated number of local residents to be hired? | <hr/> | |

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE: Charles J. Higley EMAIL: chigley@fbm.com PHONE NUMBER: 415. 954. 4400

I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.

(SIGNATURE OF AUTHORIZED REPRESENTATIVE) [Signature] (DATE) 4-15-2016

FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG

Cc: Office of Economic and Workforce Development, CityBuild
Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848
Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

4/15/2016
Date

I, Charles J Higley, do hereby declare as follows:

- a. The subject property is located at (address and block/lot):

3701 Noriega Street 2081/001
Address Block / Lot

- b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2014-002414 PRJ _____
Planning Case Number Building Permit Number

This project requires the following approval:

- ☒ Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
☐ This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Elizabeth Gordon-Jamckheer
Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- ☐ Yes (if yes, please indicate Tier) _____
☒ No

This project is exempt from the Inclusionary Affordable Housing Program because:

- ☐ This project is 100% affordable.

- c. This project will comply with the Inclusionary Affordable Housing Program by:

- ☒ Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
☐ On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

Affidavit for **Compliance with the Inclusionary Affordable Housing Program**

d. If the project will comply with the Inclusionary Affordable Housing Program through an On-site or Off-site Affordable Housing Alternative, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- ☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- ☐ **Rental.** Exemption from Costa Hawkins Rental Housing Act.² The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
- ☐ Direct financial contribution from a public entity.
- ☐ Development or density bonus or other public form of assistance.
- ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

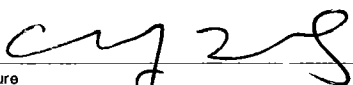
g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

San Francisco, CA
Location

4/15/2016
Date


Signature

Charles J. Higley
Name (Print), Title

415. 954. 4400
Contact Phone Number

cc: Mayor's Office of Housing
Planning Department Case Docket
Historic File, if applicable
Assessor's Office, if applicable

Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
12	-	-	-	8	

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- ☐ On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

- ☐ Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address	
Area of Dwellings in Off-Site Project (in sq. feet)		
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project

- ☐ Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:
Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee _____ % of affordable housing requirement.

2. On-Site _____ % of affordable housing requirement.

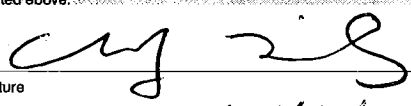
NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address	
Area of Dwellings in Off-Site Project (in sq. feet)		
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project

Affidavit for Compliance with the Inclusionary Affordable Housing Program

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name <i>3701 Noriega Street, LLC</i>	Company Name
Print Name of Contact Person <i>Charles J. Higley</i>	Print Name of Contact Person
Address <i>235 Montgomery Street</i>	Address
City, State, Zip <i>San Francisco, CA 94104</i>	City, State, Zip
Phone, Fax <i>415. 954. 4400 / 415. 954. 4480</i>	Phone, Fax
Email <i>cjhigley@fbm.com</i>	Email
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.
Signature  <i>Charles J. Higley</i>	Signature
Name (Print), Title	Name (Print), Title

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
3701 Noriega Street, LLC	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
495 Villa Street, San Francisco 94127	(415) 255-0643
	EMAIL:
	3701noriega@gmail.com
APPLICANT'S NAME:	
Farella Braun + Martel (attn: CJ Higley)	
Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS:	TELEPHONE:
235 Montgomery St., 17th Floor San Francisco, CA 94104	(415) 954-4400
	EMAIL:
	cjhigley@fbm.com
CONTACT FOR PROJECT INFORMATION:	
CJ Higley	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:
COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
CJ Higley	
Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:

2. Location and Project Description

STREET ADDRESS OF PROJECT:		ZIP CODE:
3701 Noriega St.		94122
CROSS STREETS:		
44th Ave and 45th Ave		
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
2081 1001	NC-1	40-X (45' per 263.20)
PROJECT TYPE: (Please check all that apply)		
EXISTING DWELLING UNITS: PROPOSED DWELLING UNITS: NET INCREASE:		
<input checked="" type="checkbox"/> New Construction		
<input checked="" type="checkbox"/> Demolition		
<input type="checkbox"/> Alteration		
<input type="checkbox"/> Other: _____		

Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California?

☐ YES ☒ NO

1a. If yes, in which States? _____

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest?

☐ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?

☐ YES ☐ NO

If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.

Human Rights Commission contact information
Mullane Ahern at (415)252-2514 or mullane.ahern@sfgov.org

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: _____

Date: 4-15-2016

Print name, and indicate whether owner, or authorized agent:

Charles J. Higley
Owner / Authorized Agent (circle one)

**PUBLIC
CORRESPONDENCE**

To whom it may concern,

I am writing to express my and my family's full-fledged support for the proposed expansion of Noriega Produce Market (called Dimitri's in my home and by many of my neighbors). I have lived in the Outer Sunset for approximately ten years. First as a single student renting a basement studio, and now as a homeowner with my wife and seven-month old daughter. During that time I have watched this area undergo significant and rapid positive change. As a committed member of this vibrant and diverse community I believe that institutions such as Noriega Produce are vital driving forces at the heart of this type of revitalization and that they serve to strengthen the bonds of our community while providing essential access to fresh, healthy fruits, vegetables, and other foods.

Noriega Produce draws friends and neighbors from all over the Outer Sunset not just because of its high-quality food, but because of the commitment to the community shown by the Vardakastanis family, particularly Dimitri, and by the entire staff. I go to the market at least once a day, and I always see people I know. In this way, Noriega Produce is much more than a market, it is a community meeting place. As such, I believe that Noriega produce has played a significant role in the revitalization of the Outer Sunset. In addition, the market provides many jobs for community members. The one complaint that people consistently express about the market is that it is very small, with cramped aisles and food literally overflowing from every available shelf and bin. For this reason, I believe that the proposed expansion project would significantly benefit those of us who shop at the market by allowing Noriega Produce to provide an even greater variety of foods and to improve shopper's access and ability to move about while in the store. I believe that an expansion of Noriega Produce would be good for the Outer Sunset community as a whole.

Dimitri has already demonstrated his deep personal commitment to this neighborhood and community for many years. This commitment has helped the area to flourish, increasing home values and foot traffic in the area, and improving safety and access to fresh fruits and vegetables for residents. I have no doubt that an expansion of Noriega Produce will enable Dimitri and his family to provide even better service to this community. More importantly, the community will continue to experience the myriad other social and structural benefits that Noriega Produce has traditionally provided, but to a greater degree. It is rare in this day and age to have a direct relationship with your food and with the people who bring it to you. It gives me great joy to know the names of each and every person at the market where I shop for my family and to be greeted by name in return each time that I shop there. I am excited that my daughter will grow up having that connection to her community and that is why I support the expansion of Noriega Produce.

Thank you,

Austin Balk
4020 Lawton St.
San Francisco, CA 94122

To whom it may concern:

I wanted to write a letter expressing my unwavering support for the new building project taken on by Gus's Family Market on 44th and Noriega in the outer Sunset District.

I have lived in this neighborhood my entire life and as a small business owner with two of my four locations in the Sunset, one on Noriega across the street from the existing Noriega Produce, I have come to realize that the very word that defines our neighborhood is exactly the word that Noriega Produce and Gus's Family Market use as their business model. That word is community. Their stores are pillars of the neighborhoods in which they are located and a shining example of why San Francisco is such a community driven city. These small businesses have a chance to thrive based on the mutual support shown between customers and business owners. In my neighborhood there are also two Safeway's within two miles of each other, and a Trader Joes just over on 19th by Stonestown and another in Westlake. The people who live in our neighborhood choose to shop at Noriega Produce and gladly wait a little longer in line, do a little wiggle dance to get through the narrower aisles, and at times help out by reaching things on higher shelves, or carry out grocery bags for a mother pushing a stroller. We shop there because we want to support a small store that supports the community it resides in.

What the people who reside in the Sunset District want is a grocery store with bigger aisles, a wider range of foods and household needs, and more to offer and that's EXACTLY what the new and improved project that Gus's family market is hoping to bring into the community.

I have known the Vardakastanis family for about half my life and have come to know and trust them and understand their intentions in life are to supply people with a wide range of diverse foods at an affordable price while supporting as many smaller, locally based food producers.

Without a doubt in my mind, I can stand behind this project and know that with the growing population of San Francisco, this will be a store that will be greatly appreciated by the neighborhood and will continue to improve the area, all the while helping to build a stronger, safer and healthier COMMUNITY.

Thanks for your time.

Sincerely,
Andy Olive

To whom it may concern.

This note is in support of the project on 44th and Noriega proposed by Gus's Community Market/Noriega Produce.

My little family lives just outside the neighborhood near Lake Merced. Six years ago right after the birth of my son, a sunset denizen and good friend came to our home bearing amazing fruit, delicious bread and spicy pickles. I was dubious that he truly found these items in the outer sunset.

My job at the time afforded me bonding time with my son and I decided to see if I could find this wondrous market on my own. I remember pulling up to the tiny store knee high in disbelief that such a small space could do so much for the community. Yet that is exactly what I found. My routine became a Sunday early morning "norpro" stop where I began to run into Dimitri and his team. Every Sunday we talked about family, berries, the neighborhood, and the city. I came to know Dimitri and his family well and soon couldn't imagine my Sundays without "norpro".

When Dimitri began telling me about the plans for the new mission market, I remember begrudging the mission yet another success story. We started to discuss the plans for Noriega Produce and I was hooked. We could have that out here in the sunset too? Great! I liked the idea so much, I began working with Gus, Dimitri, and Bobby Vardakastanis helping them grow their local business with both eyes focused on community and employee development. I've never looked back.

As my little family has grown in the community, so has Noriega Produce. What a truly remarkable thing to be a part of, a local business that gives back to the community because it believes in the people of San Francisco, that family matters, and the value of amazing, healthy and reasonably priced food.

My family strongly supports Gus's Community Market in their efforts to develop the corner of 44th and Noriega.

Please do not hesitate to reach out with question, I would love to help.

Sincerely,

Andrea Leonard
415-595-1018
Andrealeonard12@gmail.com
76 Riverton Drive
San Francisco, CA
94132

To whom it may concern:

My name is Ami Barzelay and have lived with my family in the Outer Sunset for 6 years. We have come to love and appreciate the neighborhood we call home. When we first moved out here the number of businesses was sparse and we usually had to travel to other parts of the city when we wanted to shop or go out to eat. The Outer Sunset has grown in ways I could never have imagined in just a few short years. As our kids grow, we have met many wonderful families and forged strong friendships and community ties. I can't imagine living anywhere else in the city and raising my family. One of the strong beliefs we have is that supporting our local community means shopping in it. Gus's Market in many ways represents everything we love about our neighborhood. We almost exclusively buy all of our produce and groceries there. We know Dimitri and his staff by name and are always welcomed. That pleasantness and connection simply doesn't exist with large chain stores. As more businesses launch and succeed in our patch of the city I was thrilled to hear that Gus's was moving up the block into a bigger location, with the opportunity to offer a greater selection of goods and a deli counter. I recently visited their store on Haight Street and brimmed with excitement over the prospect of having a similar facility in our neighborhood. The community has also grown in number and having a larger store would help keep up with that growth. Just like the recently renovated Ortega playground has been a major success for everyone around here, I believe an expanded Gus's market will allow us to keep our local economy flourishing and not have to have us drive to farther parts of the city for our needs.

Thank you,

Ami Barzelay

To whom it may concern.

I am writing in support of the project on 44th and Noriega proposed by Gus's Market/Noriega Produce. The Vardakastanis family has been an integral core of the outer Sunset community for decades.

Their store on Noriega is more than just a place to stock up on fresh fruit, vegetables, cheese, and other fresh groceries. It's a place we run into neighbors; a source of neighborhood news; a supporter of public schools (5% of all my purchases get donated to Sunset Elementary); and literally a light in the fog.

A chance for this family to secure a long-term home through property ownership is good for their family-owned small business--a sector challenged by skyrocketing rent and Amazon's assault on retail--it's also good for the neighborhood. When San Franciscans shop at locally owned independent businesses, like Gus's, more money recirculates in the local economy, making our city and neighborhoods stronger.

Should you have any questions, please reach out to me. Again, I strongly support their efforts to develop the corner of 44th and Noriega as a long-term investment in the neighborhood.

Sincerely,

Pete Mulvihill, co-owner
Green Apple Books

(and neighbor to Noriega Produce at 1682 44th Avenue)

March 2016

To Whom It May Concern:

My name is Noah Borrero and I am writing this letter to express my experiences with and appreciation for Noriega Produce and Gus's Community Market. I can say, without doubt, that Dimitri, his family, and his staff have created a business that truly makes me care more about my community. Gus's Community Market is a tremendous asset in our community.

My wife and I bought our house in the Outer Sunset in 2006. We did not know anyone living in the neighborhood at the time and neither of us have family in California. It was an adventure for us and one of the very first establishments we visited was Noriega Produce (3 blocks from our house). From those very first visits to today, Noriega Produce has become a part of our lives—we do virtually all of our food shopping there, and often find ourselves there multiple times daily. The reason for this is simple—it is enjoyable to be in Dimitri's store. Everyone that I have encountered working there over the last ten years has been friendly and focused on customer service. It is clear that Dimitri and his entire staff like being at work. This makes a huge difference for me as a customer and the entire atmosphere within the store.

This positivity is not solely my experience. All of our neighbors shop at Noriega Produce and our collective appreciation for Dimitri and his market is a common conversation at any social gathering. I remember being at a party a few years ago, meeting a new neighbor and him describing Noriega Market at the "linchpin" of our community in the Outer Sunset. I laughed in total agreement and carry that image with me today.

Beyond just being a great market with amazing people and character that helps bring the neighborhood together, Dimitri is an active participant in all types of community service—from local fundraisers to larger neighborhood gatherings, he is there supporting and giving back to the community. It is clear that creating a positive community business is something he cares deeply about and wants to continue to develop.

Given my continual positive experiences at Noriega Produce, I have become a more and more loyal customer. I want to support Dimitri, Noriega Produce, and Gus's Community Markets because I believe in their product and see what an important difference it makes in this community and has made in my life. I have never lived in a neighborhood where so many of us care deeply about our community—each other, the beach, our local businesses, etc.—and I credit Noriega Produce for bringing much of this collective consciousness to our area. I am in full support of Noriega Produce expanding and continuing to make a positive impact in the community.

Please feel free to contact me at neborrero@usfca.edu if I can be of further assistance.

Sincerely,

Noah Borrero

March 2016

To Whom It May Concern:

My name is Kristyn Klei and I am writing this letter to support the expansion of Noriega Produce/Gus's Community Market. The market has become a cornerstone of our community, where friends can gather, buy healthy foods, and discuss our community in the Outer Sunset.

I visit the market at least 3-4 times per week, sometimes daily. The folks that work here are always helpful and Demetri is always a wealth of information about what to buy and how to support local farmers and businesses.

I believe Noriega Produce to be the template for many other successful businesses on Noriega. Demetri and his family have supported the community and the burgeoning establishments on this stretch of Noriega.

I am happy to share additional experiences. Please feel free to reach out to me at kkleiborrero@gmail.com.

In community partnership,

Kristyn Klei
46th Ave and Quintara

To whom it may concern,

My family lives just a few blocks from Gus's Market on Noriega St and we've been shopping for fresh produce and a portion of our groceries there for the past eight years. We would love to see a larger Gus's Market in the neighborhood with a broader offering of products, fresh produce and prepared foods. The current market is exceptional for its size, but there are still many items that require a car drive. It would be so great to be able to walk to a larger version of Gus's Market and take care of all of our grocery needs! It would be a huge benefit to the neighborhood. Our home is just around the corner from the proposed site of their new market -- we can see the 76 sign from our backyard -- and we are very excited that this is where the store would be located.

Please feel free to call or email if you would like more feedback. We support the proposed project to bring a larger store and more housing to our neighborhood 100%.

Thank you,
John Garrett
[415-652-8431](tel:415-652-8431)

johnwgarrett@gmail.com

To Whom it May Concern,

As a merchant in the Outer Sunset, I have had the pleasure of getting to know and work with the Vardakastanis family over the years. I fully support their proposed building located at 44th and Noriega as well as the move of Noriega Produce to that location.

It is rare that a local business family puts community first, and that is the case with them. The benefits to the Outer Sunset with a new and improved grocery store will have wonderful trickle down effects on the neighborhood and its residents. I couldn't be more excited by the potential that it brings the Outer Sunset.

Please don't hesitate to reach me with any questions.

Sincerely,

Greg Medow
Owner
Flanahan's Pub
3805 Noriega
SF, CA 94122

To whom it may concern,

I am writing in regards to the expansion of Noriega/ Gus's community market. This market is one of the few markets serving the western area of the City. It is a locally run business that offers quality products and great customer service. It is an important part of the community. Many people shop here. This makes it a great place to see friends and neighbors and to keep in touch with the community. This market also helps other local business by bringing in more foot traffic. By allowing Noriega/ Gus's community market to expand, you would be helping this community to grow and prosper.

Sincerely,

Eric Tanimura
666 30th Ave.
SF, CA 94121

Gordon-Jonckheer, Elizabeth (CPC)

From: Adam Hall <ahall6779@gmail.com>
Sent: Monday, April 18, 2016 5:23 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Noriega Produce

Hello

I am an outer sunset resident and frequent Noriega Produce shopper. They are a pillar of our community and I whole heartedly look forward to their new location.

I work in Potrero Hill and the new Gus's market is wonderful. We'll be lucky to have the same.

Thanks

Adam

Sent from my iPhone

Gordon-Jonckheer, Elizabeth (CPC)

From: Christina Vaquera <c_vaquera@yahoo.com>
Sent: Monday, April 18, 2016 9:51 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Redevelopment Plan for 3701 Noriega Street

April 18, 2016

Dear Ms. Gordon-Jonckheer,

Am writing to you to express my unequivocal support for the proposed redevelopment plan for the lot at 3701 Noriega Street.

Gus and Dimitri Vardakastanis have deep roots in our community. Noriega Produce is an immensely popular business, and to call this family beloved by their neighbors down here would be an understatement. An expanded Noriega Produce, with sorely needed housing above and generous off-street parking below, would be a tremendous asset to our community. I very earnestly and enthusiastically encourage the Planning Department to approve this project.

Sincerely,

Christina Vaquera
1206 34th Avenue
San Francisco, CA

Christina Vaquera | m 415.497.8243

Gordon-Jonckheer, Elizabeth (CPC)

From: murtagh665@comcast.net
Sent: Monday, April 18, 2016 8:52 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: 3701 Noriega Street San Francisco 94122

Good Morning Ms. Gordon-Jonckheer,

Our family is writing to you this morning to give our support for the development of Noriega Produce and Condos at 3701 Noriega Street. As lifelong 3rd generation Sunset District residents we see the need for the for the Vardakastanis Family to expand their grocery store. They serve the community in so many ways- fresh produce, local meats, and many employees that have worked there for years. They also support local schools. The addition of housing above the new store and the plans for underground parking would be an incredible bonus to the community.

In moving forward to help the housing issue in San Francisco, this mindful and well thought out development at 3701 Noriega Street is more of what we would like to see take place in the Sunset District.

Sincerely,
Margaret and Timothy Murtagh
1626 44th Ave.

Gordon-Jonckheer, Elizabeth (CPC)

From: johnzwo <johnzwo@yahoo.com>
Sent: Monday, April 18, 2016 3:09 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: A word in favor of oropised development at 44th and Noriega

Dear Ms. Gordon-Jonckheer,

Am writing to you to express my unequivocal support for the proposed redevelopment plan for the lot at 3701 Noriega Street.

Gus and Dimitri Vardakastanis have deep roots in our community. Noriega Produce is an immensely popular business, and to call this family beloved by their neighbors down here would be an understatement. An expanded Noruega Produce, with sorely needed housing above and generous off-street parking below, would be a tremendous asset to our community. I very earnestly and enthusiastically encourage the Planning Department to approve this project.

Sincerely,

John Zwolinski
1296 La Playa Street

Happy Connecting. Sent from my Sprint Samsung Galaxy S® 5

Gordon-Jonckheer, Elizabeth (CPC)

From: Marlin Lum <marlinlum@gmail.com>
Sent: Monday, April 18, 2016 2:21 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Cc: dimitri@gussmarket.com
Subject: Support Letter > Guss Market> Please Read

To Whom is may concern,

I am writing in support of Mr Dimitri Vardakatanis.

Mr Vardakatanis is the business owner of Noriega Produce in the Outer Sunset District in San Francisco, CA.

My family and I have been residents of the Outer Sunset for about 12 years. During this time, Noriega Produce has established itself as a premiere grocery store in our neighborhood.

Over the years, I have had the pleasure of meeting and getting to know not only Dimitri, but his brother and his father. I have even met his wife and young family. Knowing a family run local neighborhood grocery store is an honor and a privilege.

Noriega produce carries high quality produce and food products. We are extremely grateful that Dimitri and is his family have worked really hard to make the outer sunset a better place to live and shop locally.

Recently Dimitri mentioned that his family had ambitions to create an expanded store in the outer sunset. I have to say that I am in complete support of this event. With this, I offer my support to his business and his family.

thank you,

Marlin Lum

2042 47th Ave
SF, CA
94116

Gordon-Jonckheer, Elizabeth (CPC)

From: Eva Reffell <eva.reffell@gmail.com>
Sent: Tuesday, April 19, 2016 10:25 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Cc: Dimitri Vardakastanis
Subject: Support for the proposed building project at 3701 Noriega Street

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Gordon-Jonckheer:

I'm writing to express my support for the project the city is considering at 3701 Noriega Street.

As a community member who lives on 47th at Noriega, the prospect of a expanded Noriega Produce is exciting. A larger grocery store run by a family who is already deeply committed to our neighborhood can only be a good thing here.

In addition, we desperately need more housing in San Francisco. These 12 new apartments in the Outer Sunset are welcome, and can be easily absorbed into the existing community, particularly since the proposed plans include parking.

Sincerely,

Eva Reffell
1826 47th Avenue

--

Eva Crider Reffell

Gordon-Jonckheer, Elizabeth (CPC)

From: Erica Maver <erica@establishsf.com>
Sent: Friday, April 22, 2016 3:35 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Gus's Market

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

My name is Erica Maver and I am the shop owner of Establish which is three doors up from the current Gus's Market location. I have lived in the neighborhood for about 10 years and have been open at my shop for going on 4 years. Even before I opened shop, Gus's was a regular stop for my weekly groceries. It was one of the main reasons I chose Noriega Street to open a business - the family feeling is strong at Gus's and always make you feel welcome. Not only that, but Gus's has an incredible selection of food and produce. It is wonderful to walk in there and know that you are supporting great people. I think this is very important in our world today, that there is a sense of community.

Once I heard about Gus's expanding, I was very excited. As I work at my shop, I am now in Gus's every day (for almost every meal!). The thought of them being able to take what they already have to a bigger scale is amazing. I am very excited to see this and looking forward to continuing to support such a great local business that is amazing to our community.

Best,
Erica Maver

--

Erica Maver
ESTABLISH
3811 Noriega Street
San Francisco. CA 94122
www.establishsf.com

Gordon-Jonckheer, Elizabeth (CPC)

From: Tegan Firth Kopilenko <tfirth@gmail.com>
Sent: Friday, April 22, 2016 4:26 PM
To: planning@rodneyfong.com; Richards, Dennis (CPC); Johnson, Christine (CPC);
cwu.planning@gmail.com; mooreurban@aol.com; wordweaver21@aol.com;
richhillissf@yahoo.com; Gordon-Jonckheer, Elizabeth (CPC)
Subject: Support for 3701 Noriega St.

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Commissioners,

I writing to show support for the commission's recommendation to Approve the Conditional Use Authorization for 3701 Noriega St.

As a resident of the Outer Sunset and neighbor and frequent patron of Noriega Produce, I strongly support their plans to build an enlarged store with residences above at 3701 Noriega Street.

Noriega Produce and the Vardakastanis family are a vital piece of the fabric of the Outer Sunset Community. They provide:

- employment for at least a dozen people (likely more at the new store)
- support for a multitude of community events
- donations of a percentage of a families expenditures at the store back to the families' schools

Dimitri himself is one of the hardest working business owners I know, frequently there at dawn when produce trucks arrive to deliver and again at dusk when closing for the day. The business culture he's developed is friendly, customer-focused and community-oriented.

The new store they are proposing will be wonderful as it will allow them to expand from their current offering. The new homes they have proposed are greatly in need, not only in the Outer Sunset, but in San Francisco. Allowing new families to join the Outer Sunset neighborhood will only serve to strengthen our community. Additionally, this modern housing will provide elevators to below ground parking, which is something that disabled and mobility challenged residents can't currently find in the Outer Sunset.

I cannot attend the hearing in person, but hope this letter can be included as support for this project.

Sincerely,
Tegan Kopilenko

Gordon-Jonckheer, Elizabeth (CPC)

From: Shane Curnyn <shanecurnyn@gmail.com>
Sent: Tuesday, April 26, 2016 9:05 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Cc: Dimitri Vardakastanis
Subject: 3701 Noriega - Letter of Support

Follow Up Flag: Follow up
Due By: Friday, April 29, 2016 10:00 AM
Flag Status: Flagged

Dear SF Planning Commision,

I live at 4219 Lawton Street, just a few blocks away from the proposed new building at 3701 Noriega, and I am in full support:

A few quick points as to why:

1) The addition of housing to the neighborhood can only help. While we can't fight the tide of rising housings costs, more units means less pressure and more stability. The outer sunset has long enjoyed its position as SF's nearest suburb. That's changing now, and digging in heels won't make the inevitable development any better, it will just postpone it temporarily and relinquish any agency that we, as residents, have in the process.

2) The owners (the Vardakastansis family) have shown an enormous amount of care and involvement in the outer sunset community surrounding their current Noriega Produce location. We could not ask for better people to invest in our neighborhood.

3) The neighborhood will be safer. A gas station is about the least safe use for the site... housing will bring eyes to the street and will eliminate a vacant, unlit nighttime attraction for unsafe activities.

4) Noriega Produce / Gus's will be bigger and better! We are short on good grocery options in the neighborhood. The current Noriega produce location is wonderful, but it's so popular and packed that it's hard for a big clumsy lug like myself to navigate. More space will mean more food options and less waiting. The neighborhood is excited!

5) Noriega Produce's current location can now become something else for the neighborhood (I vote for a sushi place, FYI).

6) An expanded Noriega Produce will mean more jobs for folks in the neighborhood.

We could not have a better family investing in our neighborhood. These folks care, and will certainly treat the new building and site as their own home.

Thank you,

-Shane & Elena Curnyn
4219 Lawton Street
San Francisco, CA 94122
(415) 341-2866

Gordon-Jonckheer, Elizabeth (CPC)

From: Jonathan Maguire <j.maguire.sf@gmail.com>
Sent: Sunday, May 01, 2016 6:39 PM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: 3701 Noreiga redevelopment

Dear Ms. Gordon-Jonckheer,

We completely support the proposed redevelopment plan for 3701 Noriega Street. Noriega Produce is an incredible asset to the Outer Sunset & Outer Parkside neighborhoods and benefits the community immeasurably. This wonderful business has outgrown its current space due to its popularity and the neighborhood would be greatly improved if the proposed redevelopment be approved.

The plans strike a perfect balance to create more needed housing and expand a locally owned, beloved business without compromising the character of the neighborhood. The proposed building looks to be in scope with an existing mixed-used building across the street at Noriega & 46th Ave. The plan's inclusion of onsite parking for both residential and retail would greatly mitigate concerns for increased congestion to the commercial corridor. The current gas station onsite is frankly an unkempt, dilapidated eyesore and completely out of character for the surrounding residential neighborhood.

Noriega Produce has proven to be not only an outstanding business that serves and cares for the community, but also has become both the physical and figurative heart of the Outer Sunset neighborhood. We could not recommend more strongly that the Planning Commission approve the redevelopment plan for 3701 Noriega Street.

Sincerely,
Jonathan & Jaimie Maguire
2646 45th Ave

Gordon-Jonckheer, Elizabeth (CPC)

From: robert joseph <rjoseph@gmail.com>
Sent: Saturday, April 30, 2016 10:20 PM
To: Gordon-Jonckheer, Elizabeth (CPC); Dimitri Vardakastanis; piper
Subject: in support of proposed development at 44th and noriega

To whom it may concern,

My name is Robert Joseph. i'm writing in support of the proposed development by Guss's market at 47th and Noriega.

My wife, Allison Chapas, and i have lived on the 1900 block of 47th ave since 2008. In that time, no business has been as essential to the character of the neighborhood and to our quality of life as Noriega produce. Dimitri and The Vardakastanis' run a market where it is possible to get high quality healthy food at reasonable prices without leaving the neighborhood. Unfortunately, it is still necessary for us to get into our car and head east past 19th ave in order to buy meat and fish.

The prospect of an expanded Noriega produce is one that we (and most of the neighbors we've talked to) look forward to with great enthusiasm. The expanded protein selection will mean that we can satisfy all of our daily needs within walking distance of our home. This is especially important to us at this time, because we recently welcomed our first child (born jan 1, 2016!), and having a full range of healthy food in the neighborhood will eliminate the most common of our out-of-the-neighborhood errands. every minute we don't have to spend in a car traveling across town for food is another minute we can spend with our daughter. An expanded Noriega produce makes the outer sunset a more congenial place for all new families.

Further, Noriega produce has been a good neighbor in every way, for many years. Dimitri is a beloved fixture in the neighborhood, and has done much to foster a culture of conviviality and neighborliness amongst all our residents. The extremely successful and well-loved Noriega street fair is largely the product of his work, and the everyday pleasantness of shopping at Noriega produce is a cornerstone of the vibe and character of the community. I can think of no better neighbor, and it is precisely this type of business we should welcome and encourage.

i'd also like to briefly address concerns i've heard regarding the removal of the 76 gas station at 44th and Noriega in order to make way for this development. Presumably, if you need a gas station, you have a car. and if you need to use your car, you are likely heading out of the neighborhood. There are several gas stations on 19th ave, and one at Lawton and 42nd, and one at La Playa and Lincoln, and one heading south on Junipero Serra, and Several on John Daly Blvd. None of these gas stations are ever over crowded. This seems to me a more-than-sufficient supply of places to fuel up, all of which are on your way to where ever you might be going. So there is very little neighborhood convenience being lost by removing this single station.

If i get to have a choice between being able to walk to buy all the healthy, affordable food that i need to feed my family, and having a fuel stop 5 blocks closer (when i'm already in a car), i choose the food every time.

thank you for your attention to this matter,
-r (contact info below)

--

(robert joseph...415.516.0548)
(1935 47th ave, sf, CA 94116)

Gordon-Jonckheer, Elizabeth (CPC)

From: Tim Murphy <murphy999@gmail.com>
Sent: Friday, April 22, 2016 9:53 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Re: 3701 Noriega Street Variance - Neighbors & Community Can't See Notice

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you. Neighbors have informed me that signs are now visible.

Again, I would like to express my support for the Noreiga Produce expansion. A super market is needed in the neighborhood, especially one that is offering healthy and fresh vegetables and fruits.

Dimitri has been a fixture in our neighborhood for many years and his store is very popular with the local community. I shop there and the shelves are overflowing and stack high. It is very understandable to create a bigger store to satisfy the customers' needs. It is my hope that the Planning Department grants Dimitri his variance so he can continue to offer fresh vegetables and fruit to the neighborhood. Dimitri is very well respected in the community and I strongly feel his store will be a great benefit to the community.

I know that the service station is beloved by many but I would argue that a produce market better serves the community and the residents. We do have another gas station on Lawton (a few blocks away) and another one on Great Highway and Lincoln.

I cannot speak for other members for our organization but I feel there is strong support for the produce market and condos to be built.

Thank you,

Tim Murphy

PS: Please include this email of support in the Commissioners' report.

On Tue, Apr 19, 2016 at 2:53 PM, Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org> wrote:

Please be advised that the Planning Commission meeting on this project will be continued to May 12, 2016.

Elizabeth Gordon Jonckheer
Preservation Planner/Current Planner, Southwest Quadrant

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

Direct: 415-575-8728 Fax: [415-558-6409](tel:415-558-6409)

Email: Elizabeth.Gordon-Jonckheer@sfgov.org

Web: www.sfplanning.org



From: Tim Murphy [mailto:murphy999@gmail.com]

Sent: Monday, April 18, 2016 7:00 AM

To: Gordon-Jonckheer, Elizabeth (CPC)

Subject: RE: 3701 Noriega Street Variance - Neighbors & Community Can't See Notice

Dear Planning Commissioners,

I am writing about the proposed variance hearing at 3701 Noreiga Street.

Mainly, I am writing about the posting's location of the notice. Neighbors and others that use the gas station have not seen the sign due to the posting location.

I drove over the the site and it is indeed difficult to see. The enlarged sign is posted on the side of the cashier facing Noreiga Street but the wall of the cashier is set back from the street. Additionally, there can be some other obstructions rending the sign difficult to view.

If a customer pulls into the gas station from west side of 44 th Avenue and leaves at Noreiga they will not see the variance notice.

If a customer pulls into the gas station from the east side of 44 th Avenue and leaves at Noreiga or 44th Avenue; they will also not see the variance notice.

If a customer pulls into the gas station from the north side of Noreiga Street and leaves at Noreiga or 44th; again, they will not see the variance notice.

Unfortunately, I believe the sign should have been temporarily posted right on the corner in full view so all three sides of the street could see the sign.

Many neighbors have informed me that they have not seen the notice.

I would therefore ask that the Planning Commission postpone the hearing and to ask that the sign be moved to the corner of 44th Avenue and Noreiga for all interested parties to see.

Also, I would appreciate any and all future variances in District 4 for all projects to send a notice to our neighborhood community group- Sunset Neighborhoods Association.

Sunset Neighborhoods Association

c/o Tim Murphy

1526 48th Avenue,

San Francisco, CA 94122

[\(415\) 317-5351](tel:(415)317-5351)

Noreiga Produce is a valuable business in our community but neighbors need time to study the variance plan. The first step is neighborhood notification.

Many of us (myself included) support the expansion of Noreiga Produce but we believe in due process and want to be fully informed of the building's plans as it directly impacts our neighborhood.

Thank you.

Best Regards,

Tim Murphy, chair

Sunset Neighborhoods Association

Gordon-Jonckheer, Elizabeth (CPC)

From: Joseph Bleckman <josephbleckman@gmail.com>
Sent: Sunday, April 17, 2016 10:19 PM
To: Secretary, Commissions (CPC); Gordon-Jonckheer, Elizabeth (CPC)
Subject: Feedback on the 3701 Noriega Street project (2014-002414CUA);(2014-002414VAR)

Good evening,

I am writing in regards to the 3701 Noriega Street project a few blocks away from my home.

In regards to 2014-002414CUA, I ask that the Conditional Use Authorization be denied.

1. The neighborhood is a one to two-story neighborhood. A four story tower would harshly clash with its surroundings. Three stories would be acceptable, since then there would be a smoother flow to the urban form.
2. 42 parking spaces is far too many. Noriega Produce has never needed an underground parking lot before, so there is no need for them to have one now. This car parking would only serve to bring additional cars and traffic to the neighborhood. Such traffic is not a good fit for Noriega Street, which is designed primarily for MUNI as a transit first block.

In regards to 2014-002414VAR, I ask that the Rear Yard Modification be denied.

1. Backyards are a core part of the Sunset neighborhood's character. Units without backyards are a poor fit for this area. If the project is built without a full yard, it will burden the public realm as the residents of the units without backyards will wind up shifting their private oriented recreations to the public sidewalks.
2. Most businesses in this area seem to have backyards, and there is a growing trend of them using the yards as core parts of their commercial experiences.

Thank you,

Joseph C. Bleckman
josephbleckman@gmail.com
415-489-0878



*San Francisco Watershed Protection Alliance
1511 44th Ave
San Francisco, CA 94122
Association Reg. No. #13759*

San Francisco Planning Commission

Esteemed Commissioners:

The San Francisco Watershed Protection Alliance respectfully submits the following recommendations on Case No. 2014-002414CUAVAR for the public record:

Recommendation in re 2014-002414CUA: ***Give thoughtful consideration to significant neighborhood impacts that the project would create.***

Recommendation in re 2014-002414VAR: ***Deny.***

The Outer Sunset/Parkside neighborhoods have become sensitized to the threat of overdevelopment especially in areas in or near the Coastal Zone. Neighbors have publicly and vocally stated their opposition to the Affordable Housing (Density) Bonus Program. This project was associated with the Program as a soft-site. Planning is well-aware of this fact having conducted two separate well-attended public forums in the Sunset.

<http://youtu.be/oylzNBQScX0>

There is confusion about this proposed project on the part of concerned neighbors. My family and I live a few blocks away on 44th Ave and are some of those concerned.

The Preliminary Project Assessment states

"Permitted Obstructions. Planning Code Section 136 outlines the requirements for permitted obstructions over streets, setbacks, rear yards and useable open space. Currently, the project proposes bays and balconies along ***Mission Street*** (emphasis added) that do not fall within the buildable envelope."

<http://www.sf-planning.org/ftp/files/notice/2014-002414PPA.pdf>

Additionally, the PPA addresses plans for 15 housing units while currently available plans show 12.

Aside from confusion about the project plans, I would like to state several other matters that require your attention as decision-makers.

The project is inconsistent with the architecture of the area. Plans clearly indicate this.

The project is across the street from Noriega CDC, an Early Education Center operated by San Francisco Unified School District. Our concerns are that, initially, construction and construction debris will have an unmitigated, negative affect on the school's PreK/TK students, the school's operation and, possibly, its certification. If the proposed project is constructed, the school grounds will be shadowed by the 4+ story building. We are unaware of any outreach that has been done by the applicant, a firm which handled the Whole Foods, formula retail, and Avalon projects on Ocean Ave, to address these concerns.□

The current tenant of the location is an automotive service station. The mechanic is a well-known and reputable businessman with a long history of doing business in the Outer Sunset. He and his employees will be displaced with over 8 years (with options) left on their lease. The neighborhood will lose a good mechanic who runs a clean shop. The applicant and unknown property owner, 3701 Noriega St., LLC, will not honor the terms of that lease.

The project as proposed requires approval for Rear Yard Modification. As planned, there will be no rear yard at grade on this parcel. The Planning Commission has a duty to deny this request.

At present, the city has an agreement with the EPA which allows the City to pollute the Bay and Ocean with discharges of both secondarily and only primarily treated sewerage. The City has not honored its commitment to add permeable surfaces to reduce runoff into the combined sewer system in violation of the terms of the NPEDS permit. There are concerns, especially with turning numerous athletic fields into acres of impermeable surfaces (including, in the Sunset, South Sunset and the Beach Chalet Fields), that the EPA will exercise its right to reopen the permit and penalize the City for failure to abide by its terms.

The Commission should exercise its power to compel the applicant to remediate the impacts of this project by scaling back ground floor construction or by planning for stormwater drainage to, hopefully, uncontaminated soil in the vicinity of the structure rather than into the combined sewer system.

In this rainfall year alone there have been 12 combined sewer overflow discharges at Ocean Beach at Lincoln and Vicente. This is inexcusable.

Thank you for taking the time to review these concerns.

Sincerely,

Mike Murphy
Director, San Francisco Watershed Protection Alliance

Gordon-Jonckheer, Elizabeth (CPC)

From: Paul Shih <shihpaul@gmail.com>
Sent: Tuesday, April 26, 2016 11:33 AM
To: Gordon-Jonckheer, Elizabeth (CPC)
Subject: Regarding 2014-002414CUAVAR 3701 NORIEGA STREET

Follow Up Flag: Follow up
Due By: Friday, April 29, 2016 9:30 AM
Flag Status: Flagged

Dear Ms Jonckheer,

As a resident that lives within 300 feet of the proposed development project, I am writing to express my opposing views.

While a bigger grocery store may add minor convenience to residents who do not live in the immediate area of the development, this development will negatively affect nearby residents' the quality of life. Parking will become a even more serious issue as it will attract more shoppers. On the environmental front, as automobile traffic increases, so will the carbon footprint of the neighborhood. The proposed two level underground parking will not provide enough parking for the traffic expected to come; instead, it will exacerbate parking issue as it creates an illusion of parking availability.

Living on 43rd Avenue. my family and I enjoys a sliver of the ocean view from the top floor (2nd floor) of our home. The monstrous 45 feet building on 2701 Noriega would not only completely block-out our view of the ocean, but it would also look completely out of character of the neighborhood.

Please reconsider the proposals of this project and take careful considerations of the existing neighbors close to this development. The outer-sunset is the last suburb of San Francisco for families, please don't turn our neighborhood into the next Richmond/Sunset/Mission/Hayes....the list goes on.

Sincerely,

--

Paul Shih

Comments on the 3701 Noriega Development Proposal by Inge Horton

1. My husband and I object to the closure of the gas station and automotive repair shop which we frequently use. This is one of the few, still operating gas stations and repair shops in the Outer Sunset and should be retained.
2. The architectural design of the building is fine but does not relate to the neighborhood character nor does it take advantage of the views on the Pacific Ocean. The floor plans do not utilize the open space created by the courtyard (with one exception of Unit 201) and its visual connection to the open inner block space.
3. The high wall created on the south property line on 44th Avenue is out of scale with the surrounding neighborhood and will be an eyesore if left as proposed. The height difference from the existing residential building at 1817 44th Avenue to the proposed mixed use building is about 25 feet. A step-back of the building mass in the upper stories may be combined with the creation of protected balconies on the south wall. This might help to break the monotony of the blank wall and create a transition to the adjacent one-story over garage residential district. It would also offer views on the Ocean which would be a visual amenity.
4. The transition to the one-story high neighborhood commercial district on Noriega Street is different as one can expect that the two adjacent lots along Noriega will eventually be redeveloped to the allowable 45 foot height. Maybe a mural could create visual interest in the interim.
5. The ramp along the western property line providing access to the two story underground garage is problematic as it interrupts the pedestrian flow of shoppers along Noriega Street. Could the driveway be moved to 44th Avenue where the commercial frontage is not so active and important? Currently, the gas station/repair shop has two driveways on 44th Avenue.
6. Is there a requirement for a loading zone for such a relatively large retail store? Where would the trucks park?
7. Two of the residential units per floor (Units 204 and 205) are oriented only to the North which is not pleasant in the foggy Outer Sunset. Could the bay windows facing Noriega Street be slanted to the west so that they catch a little sunshine in the late afternoons and allow a view on the Ocean?
8. In addition, if the western access core with elevator and stairs could be moved to the east and to the north facade, at least one of the units per floor could open to the court yard in the south. It would also create an opportunity for a vertical accent in the 120 foot long façade along Noriega Street (which is rather long for the Sunset and for a NC-1 zoning). For the retail store on the ground floor it would create a smaller space which, for example, could be used for the coffee

bar or potentially for a smaller store if not all the space would be used by the produce store.

9. The proposed roof terrace is a great idea but not in the Outer Sunset. The winds are just too strong to let residents make use of such a large unprotected open area. Since I live on 44th Avenue and have had a roof terrace on top of a studio projecting from the basement I speak of experience of an obsolete roof terrace.
10. I am not sure why the applicant was permitted to delete the affordable units. They would be very welcome in the Sunset as we have many elderly as well as young singles who would appreciate having the opportunity of renting an affordable unit.

PLANS

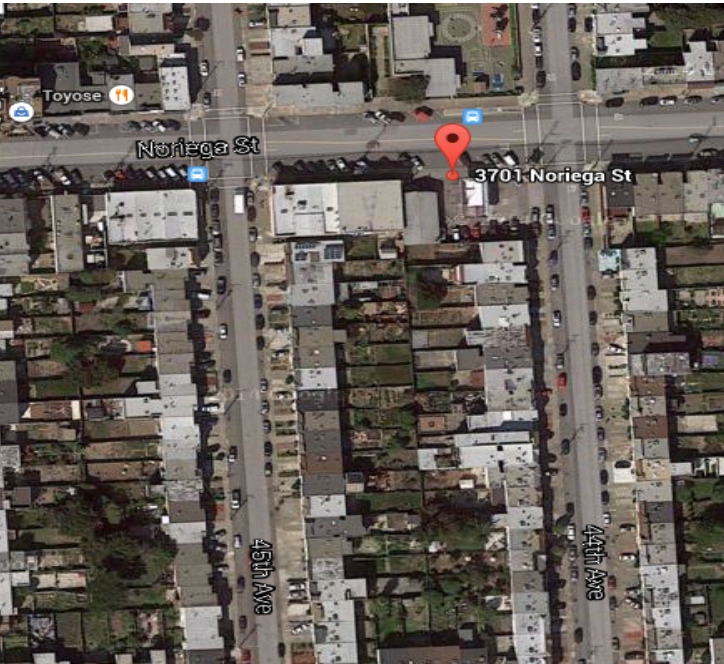
RESIDENTIAL UNIT COUNT:			
	2 BR	3 BR	Total
Lower Bsmt			
Basement			
Ground			
1st Floor	2	1	3
2nd Floor	5	0	5
3rd Floor	1	3	4
Total	8	4	12
% of Total	66.7%	33.3%	100.0%

Average Area Per Unit:	1,245
------------------------	-------

USABLE OPEN SPACE: 80 sf / Unit Required:			
	Private	Common	
Unit Count	2	10	
Area Required	Min. 100 sf	1,330	
Area Provided	115 sf	4,939 Roof Terrace	

0 sf / Unit Required:		
Private	Common	
2	10	
Min. 100 sf	1,330	
115 sf	4,939 Roof Terrace	

An aerial satellite view of an urban intersection. A white dashed rectangle is drawn around a building at the corner of Noriega St and 44th Ave. The building is labeled 'Pete's Union 76 Services'. To the left of the rectangle, a building is labeled 'Win Food'. The street names 'Noriega St' and '44th Ave' are visible. A red location pin is placed on the corner. The image is oriented with North at the top.



PROJECT LOCATION: 3701 NORIEGA ST. SAN FRANCISCO, CA BLOCK: 2081 LOT: 001

LOT AREA: 78' X 120' = 9,360 SQUARE FEET

ZONING DISTRICT: NC-1, NEIGHBORHOOD COMMERCIAL, CLUSTER.

RESIDENTIAL DENSITY: ONE UNIT PER 800 SF OF LOT AREA ALLOWED. 9,360 / 800 = 11.7 UNITS; 12 UNITS ALLOWED (UNIT COUNT CAN ROUND UP IN NC DISTRICTS). 12 UNITS PROVIDED. PER PLANNING CODE.

HEIGHT / BULK LIMIT: 40'-X REQUIRED: PROPOSED 45'-0" ADDITIONAL 5 FT HEIGHT ALLOWED IN NC-1 PARCELS WITH COMMERCIAL USE ON THE GROUND FLOOR WITH 14' CEILING.

REAR YARD SETBACK: 25% REQUIRED AT GRADE LEVEL AND EACH SUCCEEDING LEVEL OR STORY OF THE BUILDING. 25% PROPOSED ON FIRST FLOOR ABOVE GROUND FLOOR COMMERCIAL SPACE. SUBJECT TO A VARIANCE.

USABLE OPEN SPACE: 100 SF PRIVATE AND 133 SF COMMON AREA REQUIRED FOR EACH DWELLING UNIT. 2 UNITS ARE PROVIDED WITH PRIVATE TERRACES: 115 SF EACH AT UNITS 201 AND 301. 12 UNITS X 133 SF / UNITS REQUIRED = 1,596 SF COMMON USABLE OPEN SPACE REQUIRED. 2,087 SF COMMON TERRACE AT 1ST FLOOR AND 4,939 SF COMMON ROOF TERRACE PROVIDED.

FLOOR AREA RATIO (F.A.R.): 1.8 TO 1 ALLOWED: 9,360 X 1.8 = 16,848 SF OF COMMERCIAL ALLOWED. 9,635 SF RETAIL & RETAIL STORAGE PROPOSED: 9,635 SF < 16,848. PROJECT. COMPLIES.

RESIDENTIAL AUTOMOBILE PARKING: ONE SPACE PER UNIT REQUIRED: 12 UNITS; 12 SPACES REQUIRED. 1.5 TIMES THE REQUIRED AMOUNT OF PARKING ALLOWED IN ORDER TO REMAIN AS ACCESSORY USE. 12 X 1.5 = 18 SPACES PROVIDED, AND ALLOWED.

RETAIL AUTOMOBILE PARKING: ONE SPACE PER 500 SF FOR RETAIL AREAS OVER 5,000 SF REQUIRED. 7,570 SF / 500 = 15.14 SPACES REQUIRED. 1.5 TIMES THE REQUIRED AMOUNT OF PARKING ALLOWED IN ORDER TO REMAIN AS ACCESSORY USE. 15 X 1.5 = 23 SPACES ALLOWED. 12 SPACES ON LOWER BASEMENT + 11 PROVIDED ON UPPER BASEMENT = 23 PARKING PROVIDED.

CAR SHARE SPACES: ONE SPACE PROVIDED FOR RETAIL ON UPPER BASEMENT.

RESIDENTIAL BICYCLE PARKING: ONE CLASS 1 SPACE PER UNIT REQUIRED: 16 CLASS 1 SPACES PROVIDED. CLASS 2 SPACES NOT REQUIRED.

RETAIL BICYCLE PARKING: ONE CLASS 1 SPACE PER 7,500 SF AND ONE CLASS 2 SPACE PER 2,500 SF. TWO CLASS 1 SPACES PROVIDED AND FOUR CLASS 2 SPACES PROVIDED.

A map of the area around Noriega St and Ortega St in San Francisco. The map shows a grid of streets including Noriega St, Ortega St, Pacheco St, and Great Hwy. A red pin with a black circle around it is located at the intersection of Noriega St and Ortega St, labeled "701 Noriega St". Other landmarks include "Noriega Preschool", "Devil's Teeth Baking Company", "The Pizza Place on Noriega", "Chu Supply", "Gams ATM", and "Toyose". The map also shows building footprints and street names like 42nd Ave, 43rd Ave, 44th Ave, 45th Ave, 46th Ave, 47th Ave, 48th Ave, and 49th Ave.

DEMOLITION OF EXISTING GAS STATION. NEW CONSTRUCTION OF 12 RESIDENTIAL UNITS ON 3 STORIES OVER GROUND FLOOR CONTAINING RETAIL AND MISCELLANEOUS SPACES. RESIDENTIAL AND RETAIL PARKING AND MISCELLANEOUS SPACES IN UPPER AND LOWER BASEMENTS, AND A COMMON TERRACE ON FIRST FLOOR AND ROOF.

- .0 COVER SHEET
- .0.1 SITE PHOTOS
- .0.2 EXISTING SITE PLAN
- .0.3 EXISTING FLOOR PLAN
- .0.4 EXISTING ELEVATIONS
- .0.5 GREEN BUILDING: SITE PERMIT CHECKLIST
- .1 PROPOSED SITE PLAN
- .1.0a LOWER BASEMENT FLOOR PLAN
- .1.1 BASEMENT AND GROUND FLOOR PLANS
- .1.2 1ST AND 2ND FLOOR PLANS
- .1.3 3RD AND ROOF PLANS
- .2 NORTH AND EAST ELEVATIONS
- .2.2 SOUTH AND WEST ELEVATIONS
- .3 SECTION
- .C-1 SITE SURVEY

Case No. 2014.002414



LOOKING SOUTH



LOOKING SOUTHWEST



LOOKING WEST



LOOKING EAST



LOOKING NORTHWEST



WESTERN NEIGHBOR, LOOKING SOUTH

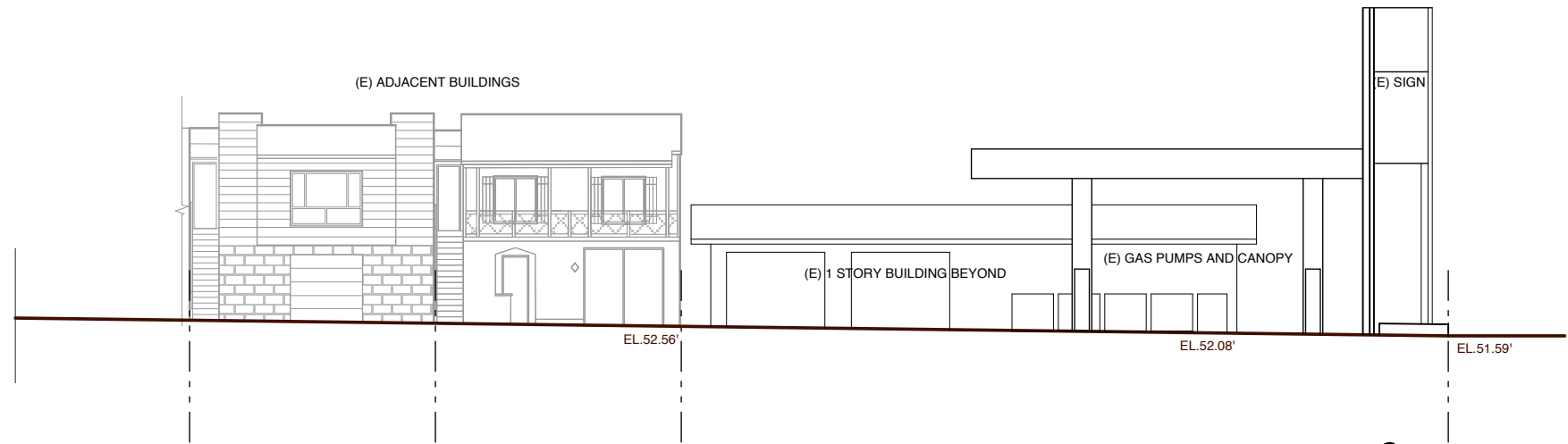


SOUTHERN NEIGHBOR, LOOKING WEST



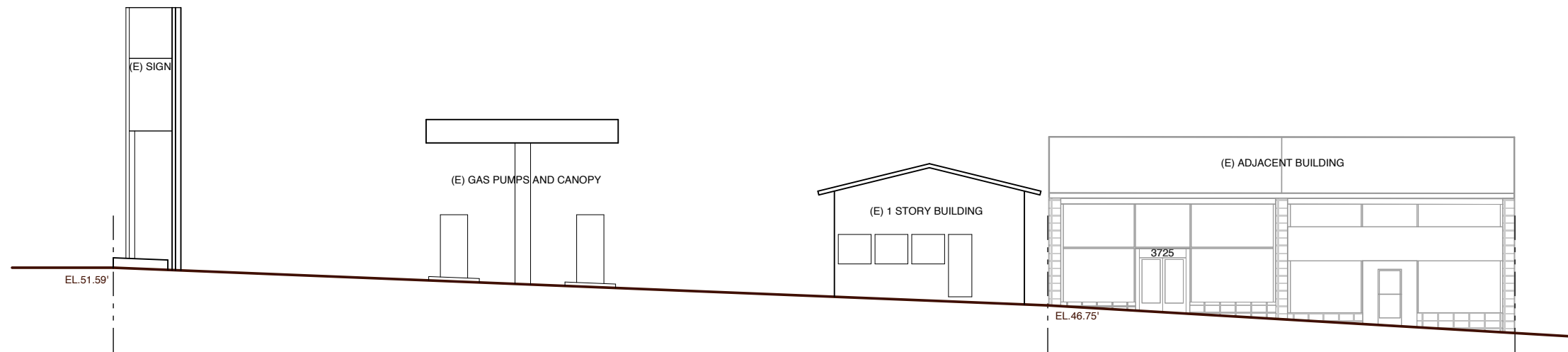
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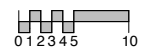
EXISTING EAST (44TH AVENUE) ELEVATION

2



EXISTING NORTH (NORIEGA STREET) ELEVATION

1



Rev./Issue.	Date
PPA	11/18/14
REVISED	01/05/16

Rev./Issue.	Date
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Green Building: Site Permit Checklist

BASIC INFORMATION:

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name 3701 NORIEGA ST.	Block/Lot BLOCK 2081, LOT 001	Address 3701 NORIEGA ST.
Gross Building Area 46,164 SF	Primary Occupancy RESIDENTIAL, R-2	Design Professional/Applicant: Sign & Date DAVID STERNBERG
# of Dwelling Units 12	Height to highest occupied floor 45'	Number of occupied floors 4 + TWO BASEMENTS

ALL PROJECTS, AS APPLICABLE

<p>Construction activity stormwater pollution prevention and site runoff controls - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.</p>	
<p>Stormwater Control Plan: Projects disturbing ≥5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines</p>	
<p>Water Efficient Irrigation - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.</p>	
<p>Construction Waste Management – Comply with the San Francisco Construction & Demolition Debris Ordinance</p>	
<p>Recycling by Occupants: Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials. See Administrative Bulletin 088 for details.</p>	

GREENPOINT RATED PROJECTS

Proposing a GreenPoint Rated Project (Indicate at right by checking the box.)	
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/- adjustment)	
GreenPoint Rated (i.e. meets all prerequisites)	<input checked="" type="checkbox"/>
Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6.	<input checked="" type="checkbox"/>
Meet all California Green Building Standards Code requirements (CalGreen measures for residential projects have been integrated into the GreenPoint Rated system.)	<input checked="" type="checkbox"/>

Notes

- 1) New residential projects of 75' or greater must use the "New Residential High-Rise" column. New residential projects with >3 occupied floors and less than 75 feet to the highest occupied floor may choose to apply the LEED for Homes Mid-Rise rating system; if so, you must use the "New Residential Mid-Rise" column.
- 2) LEED for Homes Mid-Rise projects must meet the "Silver" standard including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.
- 3) Requirements for additions or alterations apply to applications received on or after July 1, 2012.

LEED PROJECTS

	New Large Commercial	New Residential Mid-Rise¹	New Residential High-Rise¹	Commerical Interior	Commercial Alteration	Residential Alteration
Type of Project Proposed (Indicate at right)						
Overall Requirements:						
LEED certification level (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD
Base number of required points:	60	2	50	60	60	60
Adjustment for retention / demolition of historic features / building:				n/a		
Final number of required points (base number +/- adjustment)				50		
Specific Requirements: (n/r indicates a measure is not required)						
Construction Waste Management – 75% Diversion AND comply with San Francisco Construction & Demolition Debris Ordinance LEED MR 2, 2 points	●	●	●	●	Meet C&D ordinance only	●
15% Energy Reduction Compared to Title-24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points	●	●	●	●	LEED prerequisite only	
Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012: Generate renewable energy on-site ≥1% of total annual energy cost (LEED EAc2), OR Demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).	●	n/r	n/r	n/r	n/r	n/r
Enhanced Commissioning of Building Energy Systems LEED EA 3	●	Meet LEED prerequisites				
Water Use - 30% Reduction LEED WE 3, 2 points	●	n/r	●	Meet LEED prerequisites		
Enhanced Refrigerant Management LEED EA 4	●	n/r	n/r	n/r	n/r	n/r
Indoor Air Quality Management Plan LEED IEQ 3.1	●	n/r	n/r	n/r	n/r	n/r
Low-Emitting Materials LEED IEQ 4.1, 4.2, 4.3, and 4.4	●	n/r	●	●	●	●
Bicycle parking: Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SSc4.2. (13C.5.106.4)	●	n/r See San Francisco Planning Code 155		●	n/r	n/r
Designated parking: Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles. (13C.5.106.5)	●			●	n/r	n/r
Water Meters: Provide submeters for spaces projected to consume more than 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft. (13C.5.303.1)	●	n/r	n/r	n/r	n/r	n/r
Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5). (13C.5.504.5.3)	●	n/r	n/r	●	n/r	n/r
Air Filtration: Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)	n/r	●	●	n/r	n/r	n/r
Acoustical Control: wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	●	See CBC 1207		●	n/r	n/r

OTHER APPLICABLE NON-RESIDENTIAL PROJECTS

Requirements below only apply when the measure is applicable to the project. Code references below are applicable to New Non-Residential buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received July 1, 2012 or after. ³	Other New Non-Residential	Addition >2,000 sq ft OR Alteration >\$500,000 ³
Type of Project Proposed (Check box if applicable)		
Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6. (13C.5.201.1.1)	●	n/r
Bicycle parking: Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SS4.2). (13C.5.106.4)	●	●
Fuel efficient vehicle and carpool parking: Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total spaces. (13C.5.106.5)	●	●
Water Meters: Provide submeters for spaces projected to consume >1,000 gal/day, or >100 gal/day if in buildings over 50,000 sq. ft.	●	●
Indoor Water Efficiency: Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals. (13C.5.303.2)	●	●
Commissioning: For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. (13C.5.410.2) OR for buildings less than 10,000 square feet, testing and adjusting of systems is required.	●	● (Testing & Balancing)
Protect duct openings and mechanical equipment during construction (13C.5.504.3)	●	●
Adhesives, sealants, and caulks: Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives. (13C.5.504.4.1)	●	●
Paints and coatings: Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C.5.504.4.3)	●	●
Carpet: All carpet must meet one of the following: 1. Carpet and Rug Institute Green Label Plus Program 2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350) 3. NSF/ANSI 140 at the Gold level 4. Scientific Certifications Systems Sustainable Choice AND Carpet cushion must meet CRI Green Label, AND Carpet adhesive must not exceed 50 g/L VOC content. (13C.5.504.4.4)	●	●
Composite wood: Meet CARB Air Toxics Control Measure for Composite Wood (13C.5.504.4.5)	●	●
Resilient flooring systems: For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program. (13C.5.504.4.6)	●	●
Environmental Tobacco Smoke: Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C.5.504.7)	●	●
Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C.5.504.5.3)	●	Limited exceptions. See CA T24 Part 11 Section 5.714.6
Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	●	● See CA T24 Part 11 Section 5.714.7
CFCs and Halons: Do not install equipment that contains CFCs or Halons. (13C.5.508.1)	●	●
Additional Requirements for New A, B, I, OR M Occupancy Projects 5,000 - 25,000 Square Feet		
Construction Waste Management – Divert 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.	●	Meet C&D ordinance only
Renewable Energy or Enhanced Energy Efficiency Effective January 1, 2012: Generate renewable energy on-site equal to ≥1% of total annual energy cost (LEED EAc2), OR demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).	●	n/r

Instructions:

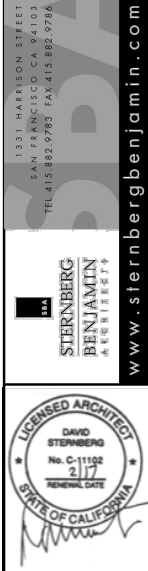
As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. **Attachment C3, C4, or C5 will be due with the applicable addendum.** To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

AND

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used .

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.



**NEW RESIDENTIAL &
RETAIL BUILDING**
3701 NORIEGA STREET
BLOCK 2081 LOT 001
SAN FRANCISCO, CA

GREEN BUILDING: SITE PERMIT CHECKLIST

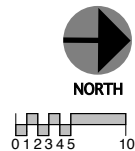
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PPA	11/18/14
REVISED	01/05/16
CU	04/06/16

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Case No. 2014.002414

Case No. 2014.002414



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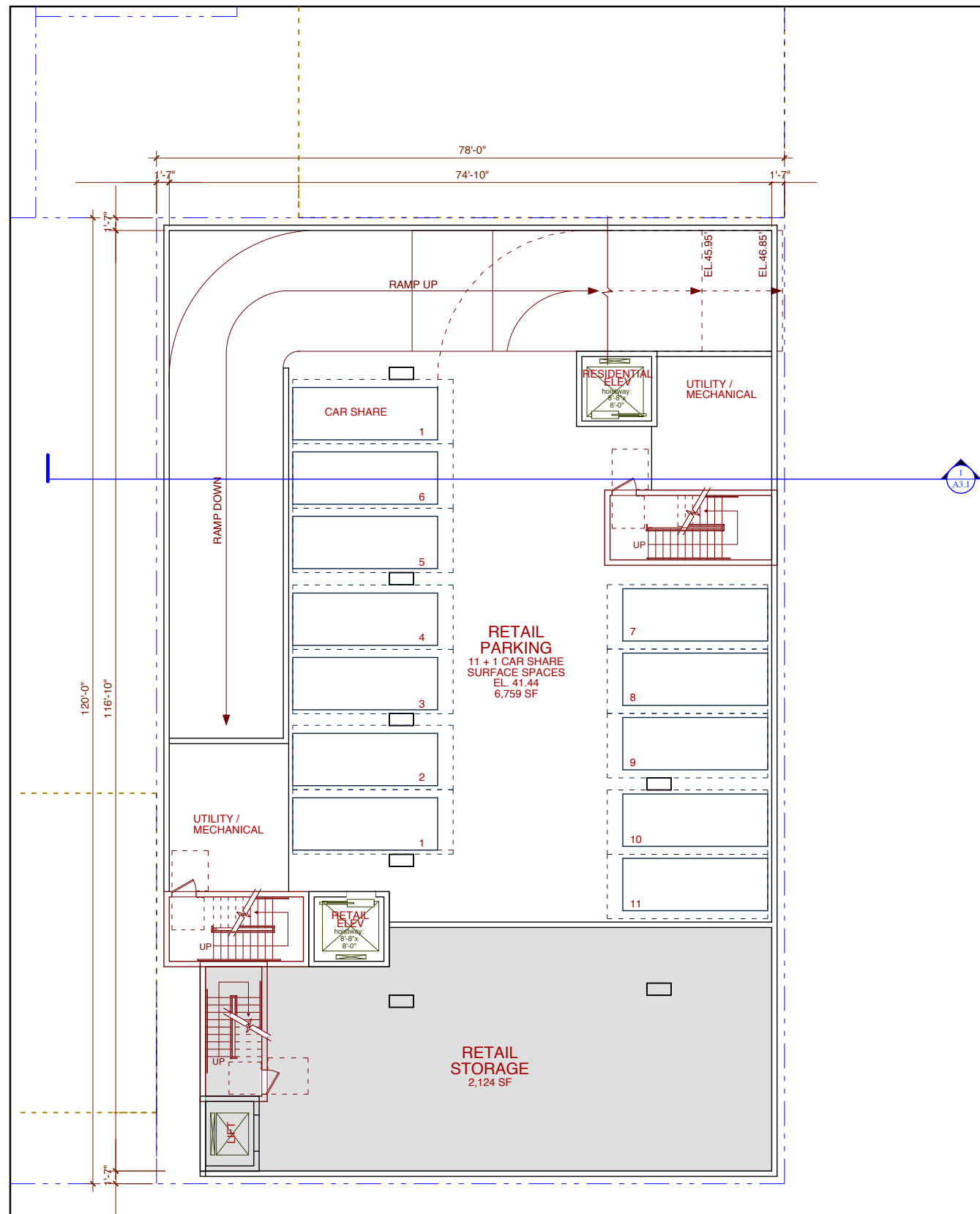
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Order No. ZV17.00274



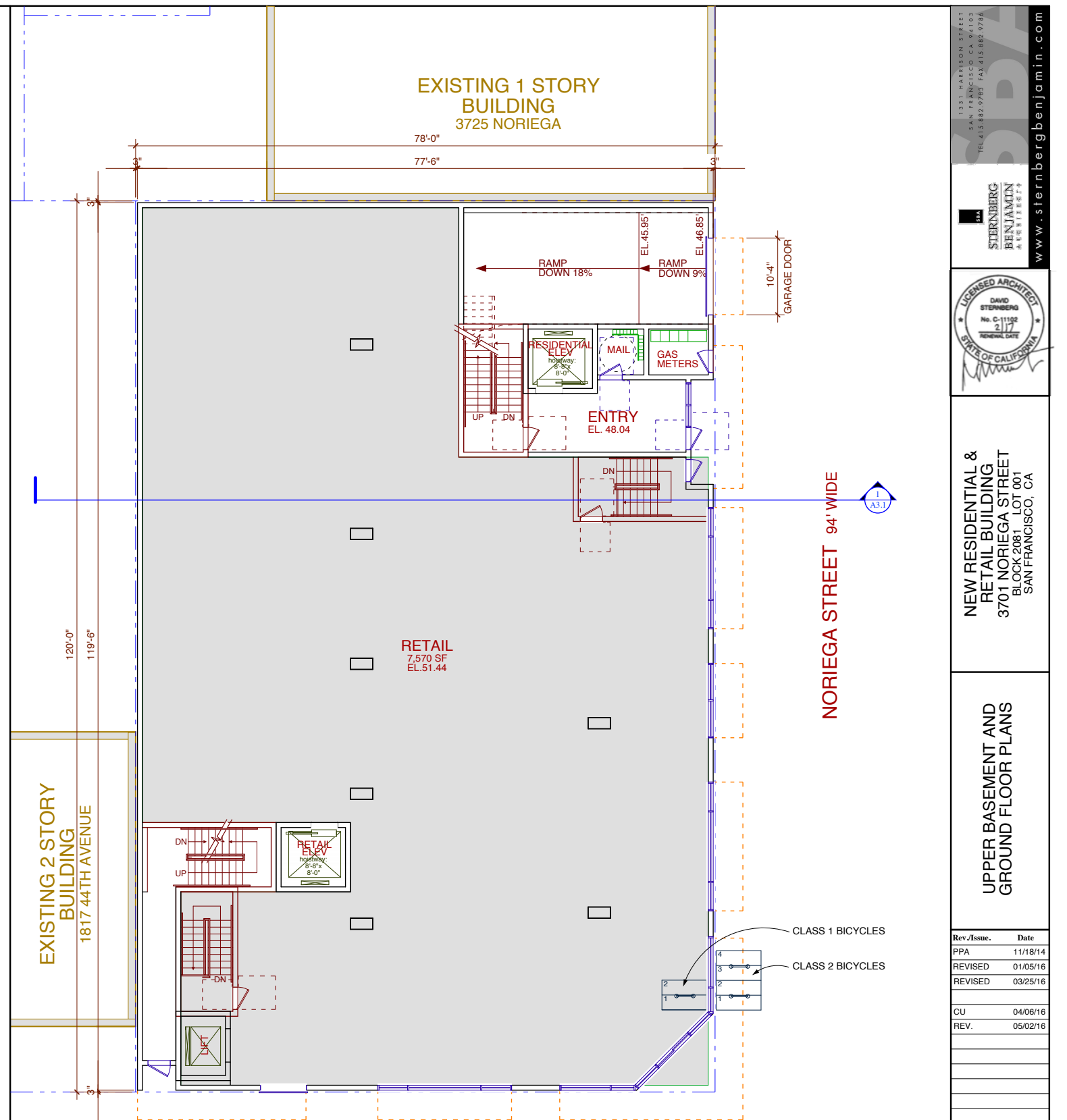
**NEW RESIDENTIAL &
RETAIL BUILDING**
3701 NORIEGA STREET
BLOCK 2081 LOT 001
SAN FRANCISCO, CA

LOWER BASEMENT FLOOR PLAN



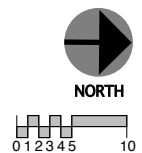
UPPER BASEMENT FLOOR PLAN

1



GROUND FLOOR PLAN

1



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REVISED	01/05/16
REVISED	03/25/16
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44TH AVENUE 70' WIDE

THIRD FLOOR PLAN

1

EXISTING 2 STORY
BUILDING
1817 44TH AVENUE

MECHANICAL

DN

UNOCCUPIED ROOF

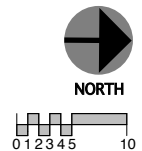
COMMON ROOF TERRACE 1,038 SF

ELEV
8'-0"
8'-0"

44TH AVENUE 70' WIDE

ROOF PLAN

2



THIRD AND ROOF FLOOR PLANS

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REVISED	01/05/16

Rev/Issue.	Date
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Case No. 2014.002414

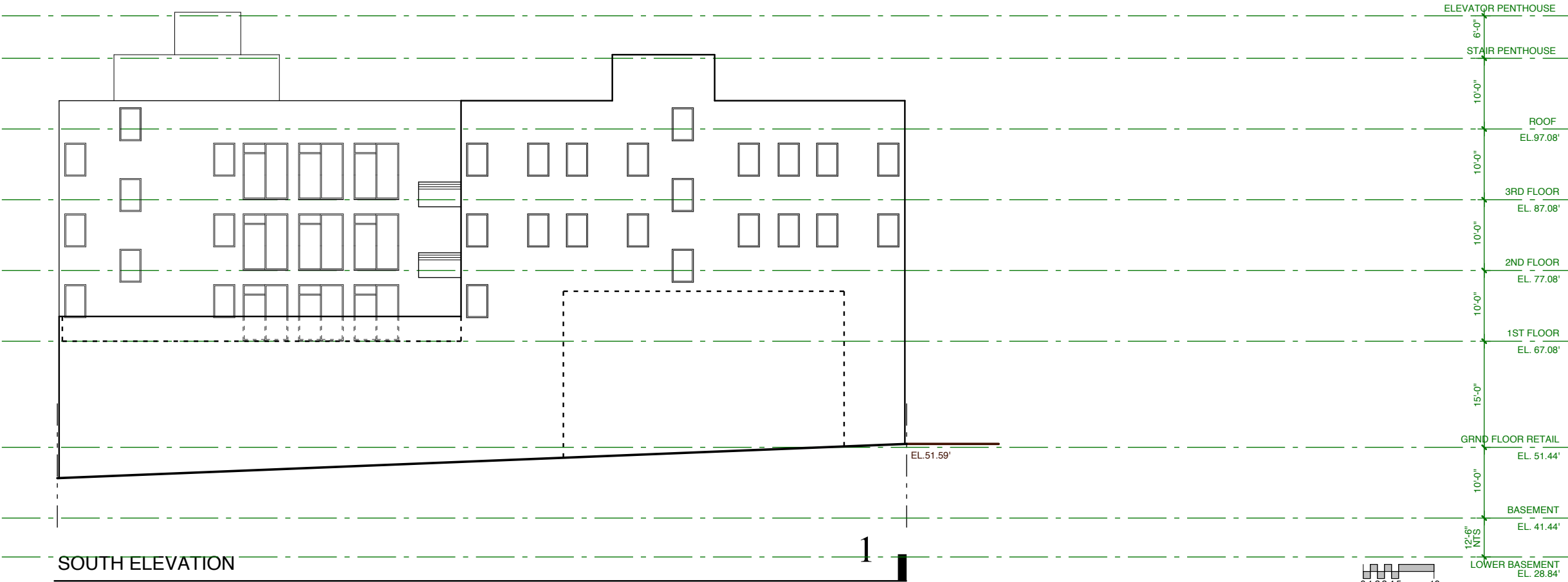
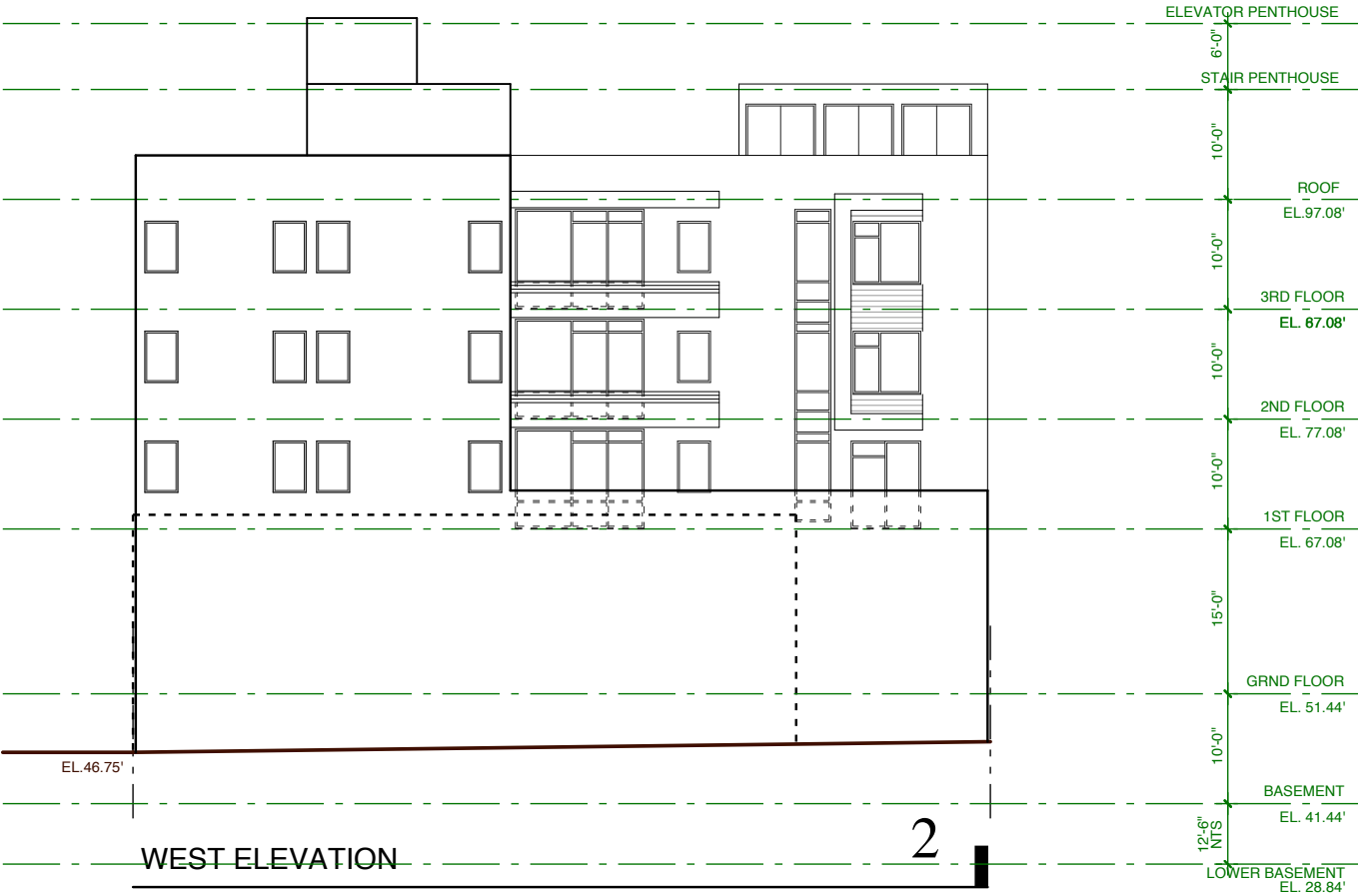


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CU	04/06/16
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Rev./Issue.	Date
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1331 HARRISON STREET
SAN FRANCISCO, CA 94103
TEL 415.882.9793 FAX 415.882.9796

**DAVID
STERNBERG
ARCHITECT**



**NEW RESIDENTIAL &
RETAIL BUILDING**
3701 NORIEGA STREET
BLOCK 2081 LOT 001
SAN FRANCISCO, CA

**SOUTH AND WEST
ELEVATIONS**

Rev./Issue.	Date
PPA	11/18/14
REVISED	01/05/16

CU	04/06/16
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Rev./Issue.	Date
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Date:	11/10/14
Scale:	1/8"=1'-0"
Drawn:	DS

Sheet:

A2.2



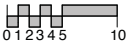
EAST (44TH AVENUE) ELEVATION

2



NORTH (NORIEGA STREET) ELEVATION

1



Rev./Issue.	Date
PPA	11/18/14
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