



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 3, 2015

Date: November 25, 2015
Case No.: **2012.1188C**
Project Address: **4201-4211 JUDAH STREET**
Zoning: RM-1 (Residential-Mixed, Low Density)
40-X Height and Bulk District
Block/Lot: 1806/037
Project Sponsor: Andrew M. Zacks, Esq.
Zacks & Freedman, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Staff Contact: Andrew Perry – (415) 575-9017
Andrew.Perry@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
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415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes the continuation of an existing, legal non-conforming tourist motel (d.b.a. Beach Motel) containing 20 guest rooms, 1 manager's unit, and 14 off-street parking spaces. The Beach Motel has been used as a tourist motel continuously since 1957, however under the 1978 residential rezoning, the motel was given nonconforming status. Pursuant to Planning Code Section 185, the nonconforming use had a termination date of November 4, 2007, and the property owner would have to request an extension of this termination date from the Planning Commission prior to that date. However, the exact use of the property was the subject of an appeal case before the Board of Appeals when the original termination date was reached, and on August 22, 2012 the Board of Appeals confirmed that the subject use was as a tourist motel, and that the owner must request an extension or elimination of the termination date from the Planning Commission in a timely manner through the Conditional Use Authorization process. The project sponsor submitted the current application on September 17, 2012. No other changes are proposed to the building.

SITE DESCRIPTION AND PRESENT USE

The subject property is located on the southwest corner of the intersection of Judah Street and 47th Avenue in the Outer Sunset neighborhood, on Assessor's Lot 037 in Block 1806. The subject property is located within the RM-1 (Residential-Mixed, Low Density) District and the 40-X Height and Bulk District. The project site is an irregularly-shaped corner lot with approximately 107.5 feet of frontage along Judah St. and 50 feet of frontage along 47th Ave., and with a total lot area of approximately 9,425 square feet. The parcel is developed with a three-story building constructed in 1957 and contains the subject Beach Motel and a legal, non-conforming Bar (d.b.a. Pittsburgh's Pub), authorized to continue through Motion No. 17971. Fourteen (14) off-street parking spaces are provided behind the building, accessed via a driveway fronting Judah St.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located within an RM-1 Zoning District, however is predominantly surrounded by RH districts. As such, the area surrounding the project site is primarily residential, although the dwelling types range from single-family residential homes, to multi-family apartment buildings, with the latter predominantly concentrated along Judah St. Buildings in these districts are predominantly 1- to 2-stories over a garage or basement, with some 3-story buildings. In addition to the nearby residential uses, the subject property is located approximately one-half block from an NC-1 District along Judah Street, and the RM-1 District also allows for some non-residential uses to provide for the needs of local residents; the Muni N-Judah rail line runs directly in front of the building along Judah St. Lastly, the Great Highway and Ocean Beach are located 2 blocks to the west of the subject property.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 13, 2015	November 11, 2015	22 days
Posted Notice	20 days	November 13, 2015	November 13, 2015	20 days
Mailed Notice	10 days	November 23, 2015	November 20, 2015	13 days

PUBLIC COMMENT

- To date, the Department has received 63 letters in support of the continuation of the motel use.

ISSUES AND OTHER CONSIDERATIONS

- The subject use is considered legal, non-conforming, and pursuant to Planning Code Section 185 originally had a termination date of November 4, 2007. Planning Code Section 185 also conditionally permits the extension of such non-conforming use by the Planning Commission.
- The property and use was the subject of an appeal before the Board of Appeals at the time of the original termination date. The appeal was closed in August 2012, and an application for Conditional Use Authorization was filed in a timely manner within 1 month of the appeal decision, in order to extend the termination date. Since application submittal, the project has been under review with the Department, was reassigned to a different planner, and additional materials were requested from the project sponsor.
- The Beach Motel is an independently owned and operated family business that has been under its current operator for more than 30 years. The motel provides a source of tourist revenue for nearby businesses, and is located in a convenient tourist destination near Ocean Beach and Golden Gate Park.

- The project is not proposing any physical changes to the building, and no changes to parking and traffic are expected to occur. The project is located on the Muni N-Judah rail line which encourages visitors to take public transportation instead of a private automobile.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the continuation of the existing, legal non-conforming tourist motel use within the RM-1 District, pursuant to Planning Code Section 185.

BASIS FOR RECOMMENDATION

- The project promotes the continued operation of an established, locally-owned business and helps meet growing market demand for tourist accommodations in an area close to tourist destinations.
- The project would not displace any existing tenants and no residential housing will be converted to tourist use; this project is for the continuation of the existing use only.
- The project will not adversely impact any potential historic resource.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and will contribute to other neighborhood businesses through tourist revenue.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft Conditional Use Authorization Motion
Environmental Determination
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photographs
Reduced Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input 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 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 type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input 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 type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

____AWP____

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTION 185 OF THE PLANNING CODE TO ALLOW THE CONTINUATION OF AN EXISTING, LEGAL NON-CONFORMING TOURIST MOTEL (D.B.A. BEACH MOTEL), WITHIN A RM-1 (RESIDENTIAL-MIXED, LOW DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 17, 2012, Andrew Zacks (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section 185 to allow the continuation of an existing, legal non-conforming tourist motel (d.b.a. Beach Motel), within a RM-1 (Residential-Mixed, Low Density) District and a 40-X Height and Bulk District.

On December 3, 2015, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1188C.

The project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption under CEQA.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.1188C, 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 subject property is located on the southwest corner of the intersection of Judah Street and 47th Avenue in the Outer Sunset neighborhood, on Assessor's Lot 037 in Block 1806. The subject property is located within the RM-1 (Residential-Mixed, Low Density) District and the 40-X Height and Bulk District. The project site is an irregularly-shaped corner lot with approximately 107.5 feet of frontage along Judah St. and 50 feet of frontage along 47th Ave., and with a total lot area of approximately 9,425 square feet. The parcel is developed with a three-story building constructed in 1957 and contains the subject Beach Motel and a legal, non-conforming Bar (d.b.a. Pittsburgh's Pub), authorized to continue through Motion No. 17971. Fourteen (14) off-street parking spaces are provided behind the building, accessed via a driveway fronting Judah St.
3. **Surrounding Properties and Neighborhood.** The subject property is located within an RM-1 Zoning District, however is predominantly surrounded by RH districts. As such, the area surrounding the project site is primarily residential, although the dwelling types range from single-family residential homes, to multi-family apartment buildings, with the latter predominantly concentrated along Judah St. Buildings in these districts are predominantly 1- to 2-stories over a garage or basement, with some 3-story buildings. In addition to the nearby residential uses, the subject property is located approximately one-half block from an NC-1 District along Judah Street, and the RM-1 District also allows for some non-residential uses to provide for the needs of local residents; the Muni N-Judah rail line runs directly in front of the building along Judah St. Lastly, the Great Highway and Ocean Beach are located 2 blocks to the west of the subject property.
4. **Project Description.** The project sponsor proposes the continuation of an existing, legal non-conforming tourist motel (d.b.a. Beach Motel) containing 20 guest rooms, 1 manager's unit, and 14 off-street parking spaces. The Beach Motel has been used as a tourist motel continuously since 1957, however under the 1978 residential rezoning, the motel was given nonconforming status. Pursuant to Planning Code Section 185, the nonconforming use had a termination date of November 4, 2007, and the property owner would have to request an extension of this

termination date from the Planning Commission prior to that date. However, the exact use of the property was the subject of an appeal case before the Board of Appeals when the original termination date was reached, and on August 22, 2012 the Board of Appeals confirmed that the subject use was as a tourist motel, and that the owner must request an extension or elimination of the termination date from the Planning Commission in a timely manner through the Conditional Use Authorization process. The project sponsor submitted the current application on September 17, 2012. No other changes are proposed to the building.

5. **Public Comment.** The Department has received 63 letters in support of the continuation of the motel use.
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. **Use.** New Motels are not permitted in the RM-1 District, pursuant to the Zoning Control Table of Planning Code Section 209.2. Planning Code Section 185(e) states that any nonconforming use affected by this Section shall be qualified for consideration by the Planning Commission as a Conditional Use as regulated in Section 303, upon application filed at any time during the period of permitted continuance specified above. In the event that a Conditional Use is authorized by the Planning Commission for any such use, the provisions of Sections 180 through 183 shall continue to apply to such use except as specifically provided in the action of the Commission, and no enlargement, intensification, or extension of the non-conforming use shall be permitted by the Commission.

The subject use first began operations in 1957, but under the 1978 residential rezoning was given non-conforming status. Under Section 185(b) of the Planning Code, this non-conforming use was subject to a termination date of November 4, 2007. The subject property and use was the subject of an appeal before the Board of Appeals when the termination date was reached. The outcome of the appeal, which was issued on August 22, 2012, confirmed the subject tourist motel use was a legal, non-conforming use, and that the owner must request an extension or elimination of the termination date from the Planning Commission in a timely manner through the Conditional Use Authorization process. The project sponsor is seeking Conditional Use Authorization under Section 185(e) of the Code to allow for the extension of the non-conforming use beyond the termination date of November 4, 2007. This application was filed in a timely manner – within 1 month of the Board of Appeals decision – and no other changes are proposed for the non-conforming use that has been in operation since 1957.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
 - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is necessary and desirable for the community because it will allow the Beach Motel to continue its operation as it has been doing since 1957. The motel has been an integral feature of the neighborhood, providing a source of stable, working-class jobs, as well as a source of tourist revenue for nearby businesses. The Beach Motel is located close to both Ocean Beach and Golden Gate Park, two of the city's premier tourist destinations, and helps to meet the growing demand for tourist accommodations in the city.

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

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

The Project does not involve any alterations, and thus will not affect the size, shape or arrangement of structures on the lot. The existing structure is three stories tall, which is compatible with the structures in the vicinity.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for an existing motel that is not being enlarged or intensified. The Beach Motel currently provides fourteen (14) off-street parking spaces, and additionally, is well-served by transit, located directly off the Muni N-Judah rail line.

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

The Project will not produce noxious or offensive emissions related to noise, glare, and dust.

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

There are no proposed changes to existing conditions as they relate to landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

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

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

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

The proposed project is consistent with the stated purpose of the RM-1 District. The building structure is compatible to the height and size of development expected in this District, and non-residential uses can be accommodated. Hotel uses are conditionally permitted in RM-1 Districts, when limited to 5 or fewer guest rooms.

8. **Planning Code Section 303(g)** establishes criteria for the Planning Commission to consider when reviewing applications for development of tourist hotels and motels. On balance, the project does comply with said criteria in that:

- A. The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel.

The Project is a small, family-owned and operated business. The motel's employees therefore have negligible impacts on social services.

- B. The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation.

The Project is family-owned and operated. The business has previously employed one (1) other employee who was a local, San Francisco resident. If further employment is needed in the future, the project sponsor would seek to hire a local resident of the City.

- C. The market demand for a hotel or motel of the type proposed.

The market has supported the Beach Motel for more than 50 years and continues to do so, as this is a desirable location for tourists, located near Ocean Beach and Golden Gate Park. Business in recent years has been especially strong and is expected to continue.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

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

Policy 1.3:

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

The Project would not displace any commercial tenant or prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will retain an existing commercial activity and will retain local employment opportunities to those in the community.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Approving the Project will preserve the current staffing level maintained by the establishment. The Project is owned and operated by the Patel family..

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER

PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

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

The Project is located in an area well-served by public transit, minimizing the need for private automobiles.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project will not displace any existing neighborhood-serving use. Further, the approval of the Project will allow the existing motel use to maintain current staffing levels.

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

The Project is the continuation of an existing use, and will not adversely affect existing housing or neighborhood character.

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

No housing will be removed for this Project.

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

The Project is within close access to public transit as it is served by the Muni N-Judah rail line. Additionally, the Project currently provides fourteen (14) off-street parking spaces. Approval of the Project should not significantly alter the existing automobile traffic and parking availability that currently exists in the immediate neighborhood.

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 allows the existing motel use to maintain current staffing levels for service sector employees, while not displacing any service or industry establishment.

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

The Project does not involve any tenant improvement work to the building. However, any future tenant improvement work that requires a permit must comply with the City Codes to achieve proper preparedness in the event of an earthquake. The motel can readily serve as a location to house emergency response personnel in the event of an earthquake or other natural disaster.

- G. That landmarks and historic buildings be preserved.

The Project will not adversely affect any landmarks or historic buildings.

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

The Project will not affect any parks or open space because there would be no physical change to the existing building.

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.1188C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 12, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 3, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 3, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the continuation of an existing, legal non-conforming tourist motel (d.b.a. Beach Motel) located at 4201-4211 Judah Street, Block 1806, Lot 037 pursuant to Planning Code Section 185 within an RM-1 (Residential-Mixed, Low Density) District and a 40-X Height and Bulk District; in general conformance with plans, dated November 12, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2012.1188C and subject to conditions of approval reviewed and approved by the Commission on December 3, 2015 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 December 3, 2015 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** 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

MONITORING

6. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
7. **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

8. **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>*
9. **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>*
10. **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*



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
4201-4211 Judah Street		1806/037	
Case No.	Permit No.	Plans Dated	
2012.1188C			
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Continuation of existing, legal non-conforming tourist motel use (d.b.a. Beach Motel) past its termination date per Planning Code Section 185.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class__

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I

	Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)</i>
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)</i>
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i>
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, new construction, or square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint? <i>(refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required.
<u>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Parcel Information Map)</i>	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

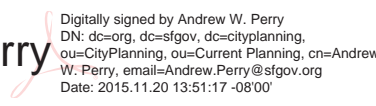
Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input checked="" type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior’s Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator) _____
<input type="checkbox"/>	10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Andrew Perry	Signature: 
	Project Approval Action: Planning Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required	

CATEX FORM

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:

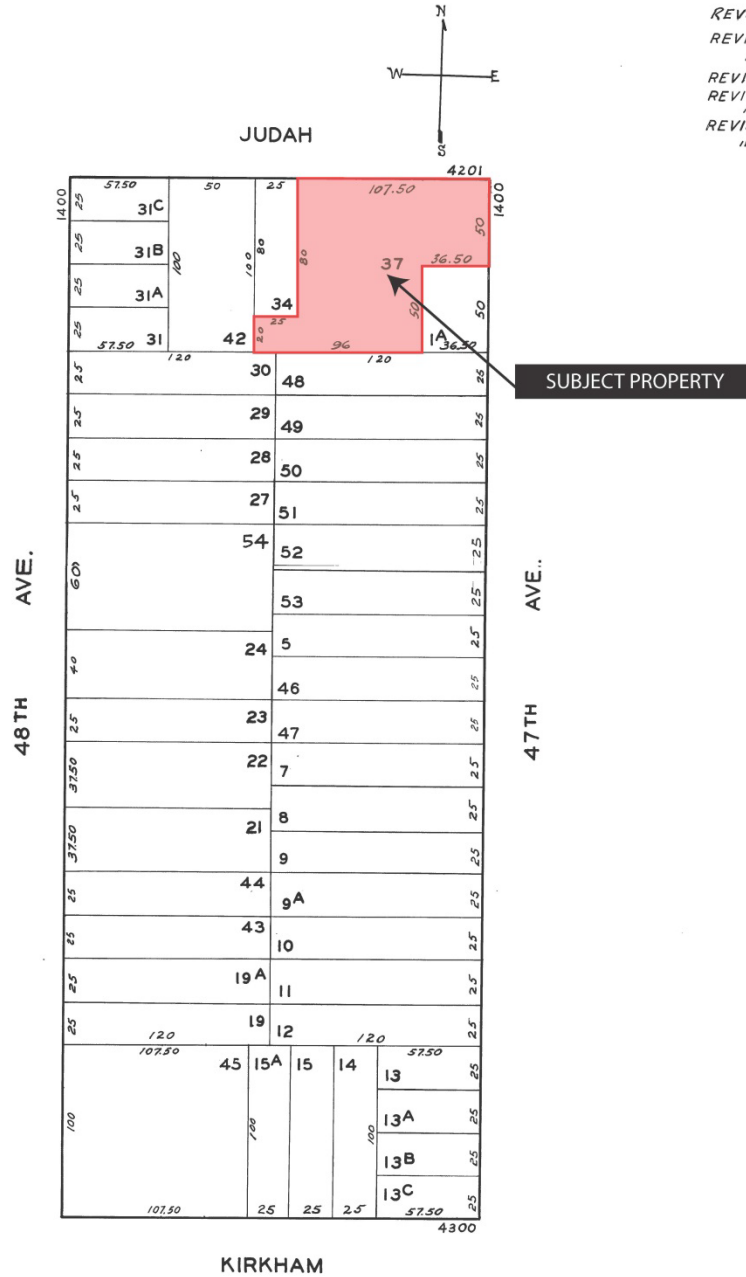
Exhibits

Block Book Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

1806 /
SUNSET BLK. 722

REVISED '58
REVISED '60
" '61
REVISED '64
REVISED '65
" '74
REVISED '75
" '77

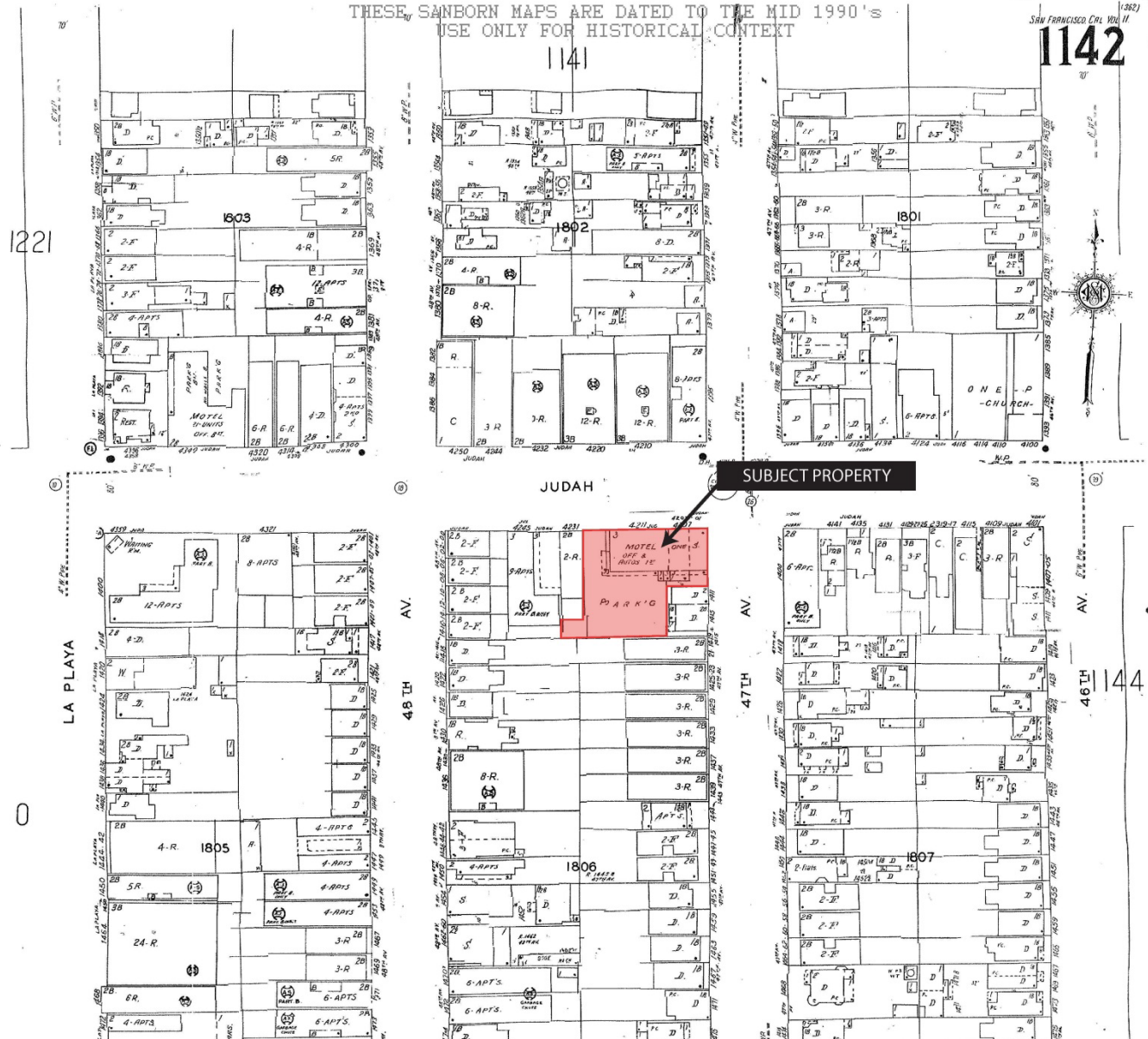


Sanborn Map*

THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY FOR HISTORICAL CONTEXT

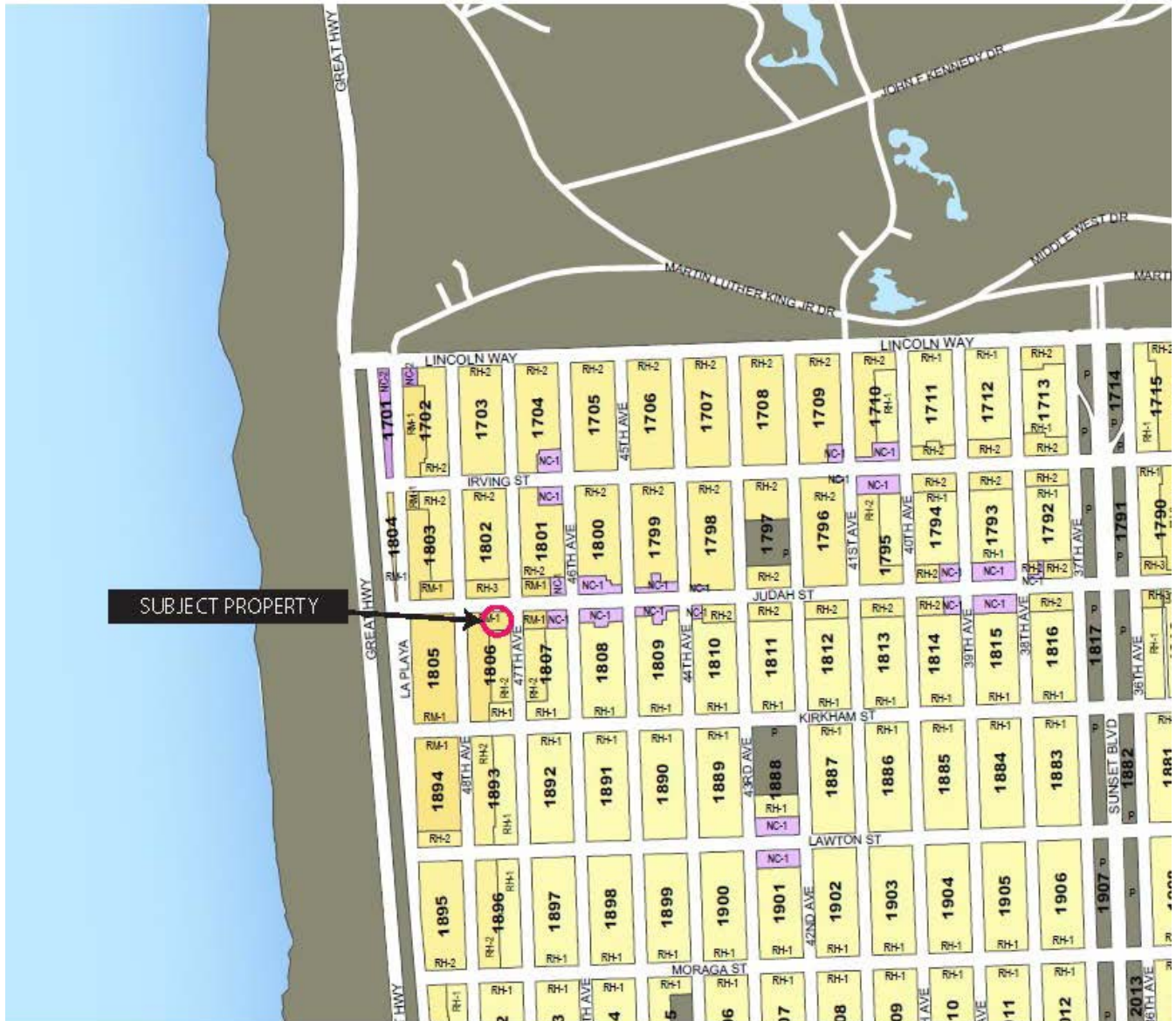
SAN FRANCISCO CALIF. 1991 (1382)

1142



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

Zoning Map



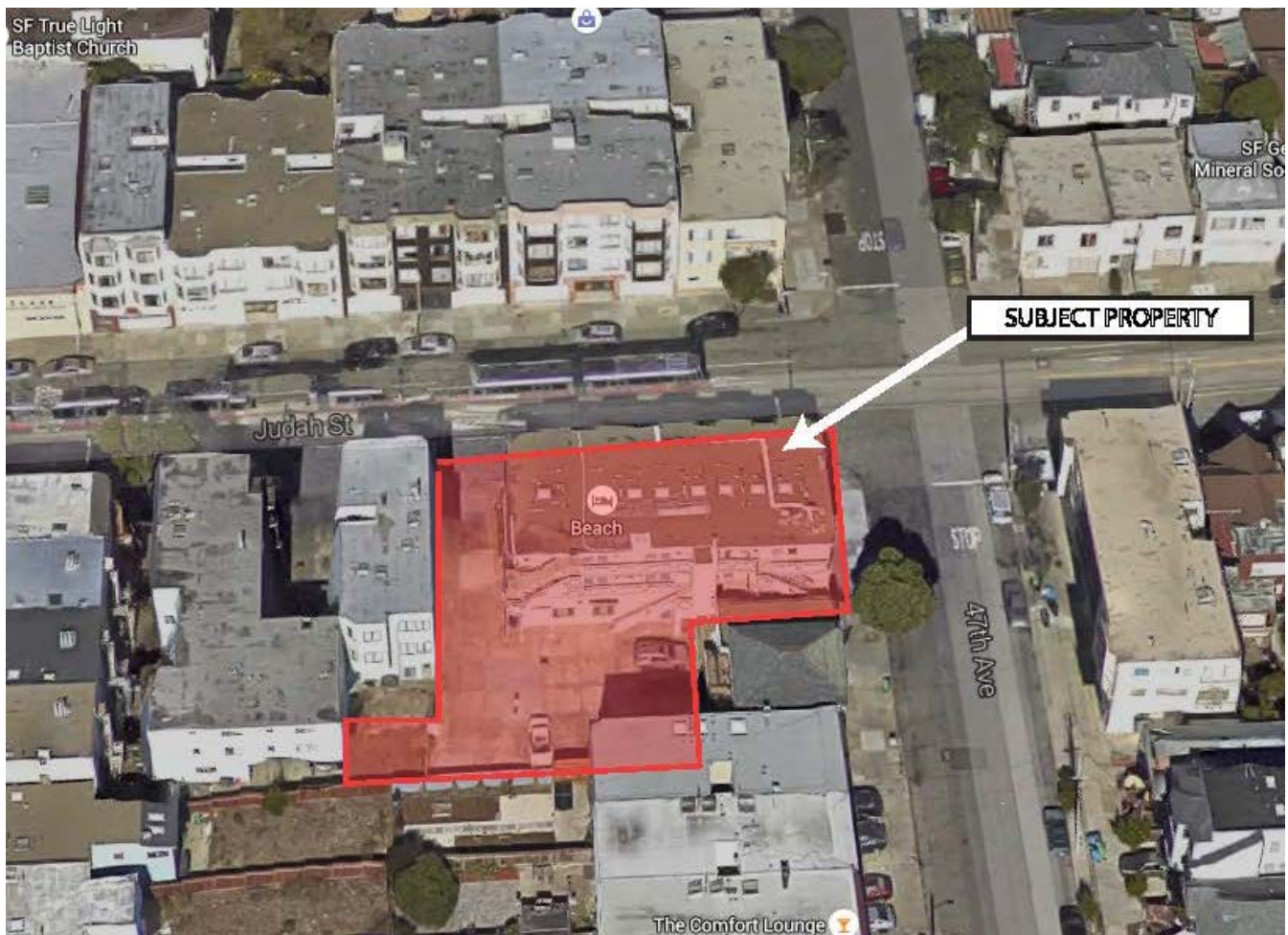
Aerial Photo (looking south)



Aerial Photo (looking west)



Aerial Photo (looking north)



Aerial Photo (looking east)



Site Photo

(on Judah Street, looking southwest)



(on Judah Street, looking south)



(on Judah Street, looking southeast)



(on 47th Avenue, looking west)



JUDAH

JUDAH ST

SS



APN: 1806-037

1 EXISTING SITE PLAN (NO WORK) 1/8"=1'-0"

REV.	DATE	DESCRIPTION

47TH AVE

© COPYRIGHT 2015

4211 JUDAH STREET
SAN FRANCISCO, CA.

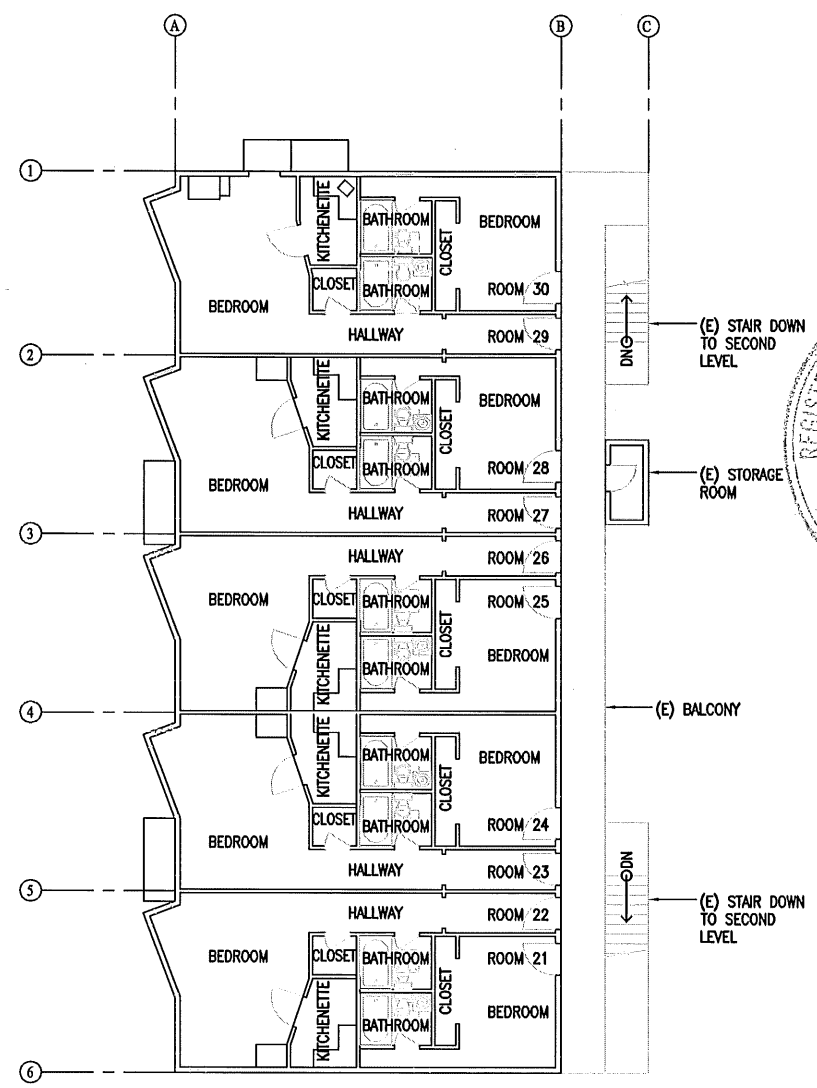
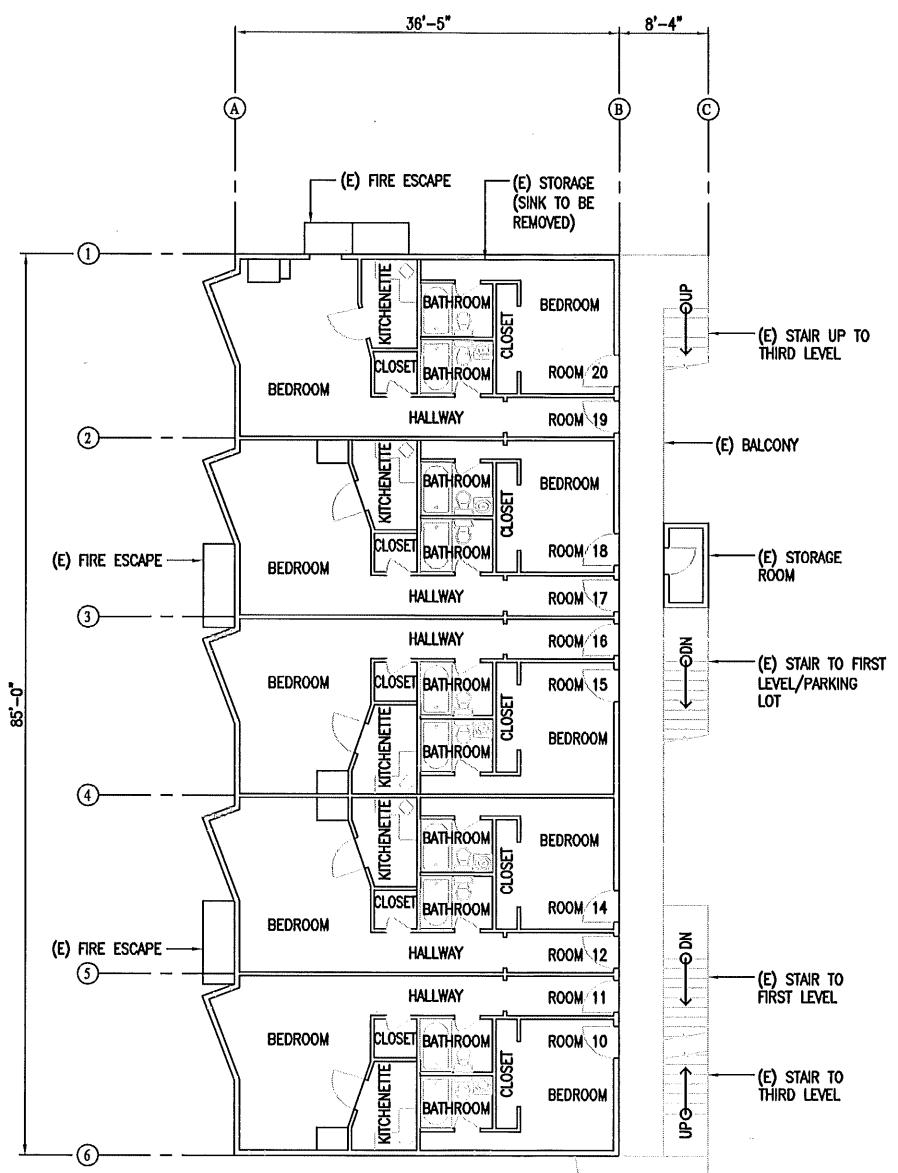
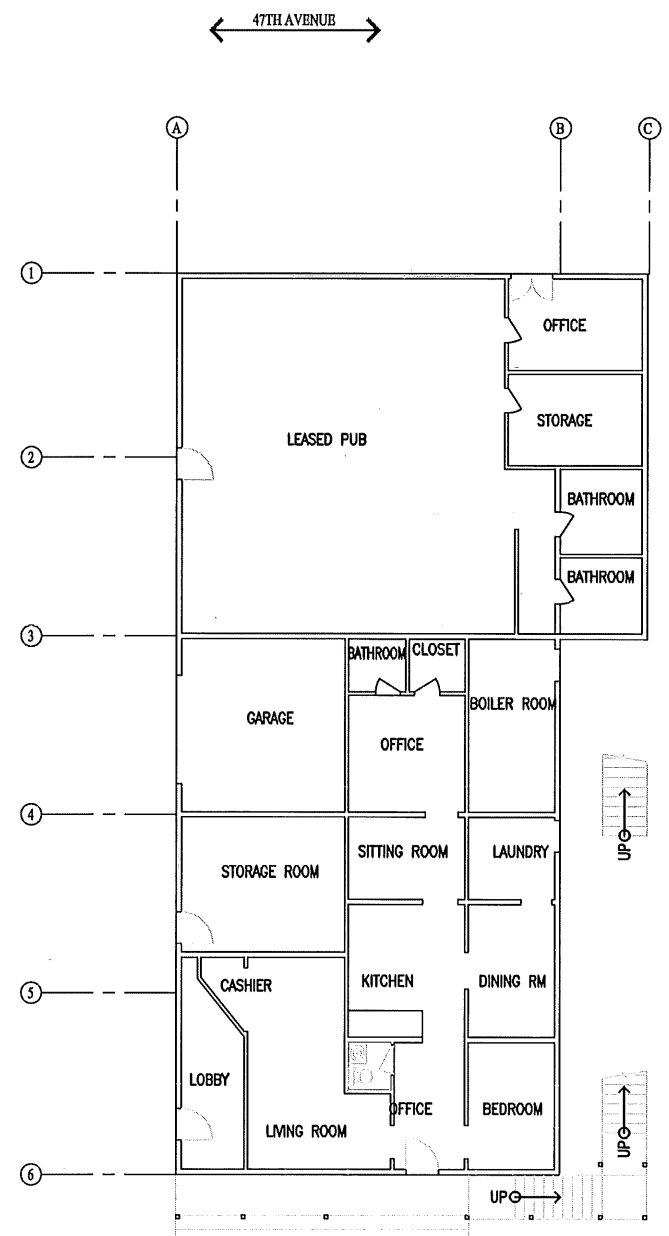
BEACH MOTEL

SITE PLAN

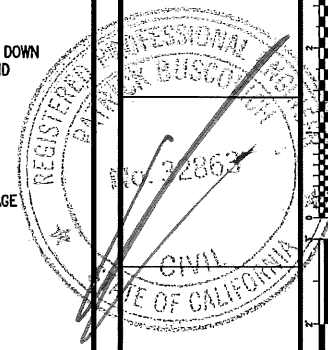
DRAWN DA
DESIGNED/CHECKED PB
DATE 11-12-15
SCALE AS NOTED
JOB NO.
SHEET
S2.0
OF SHEETS

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REV.	DATE	DESCRIPTION

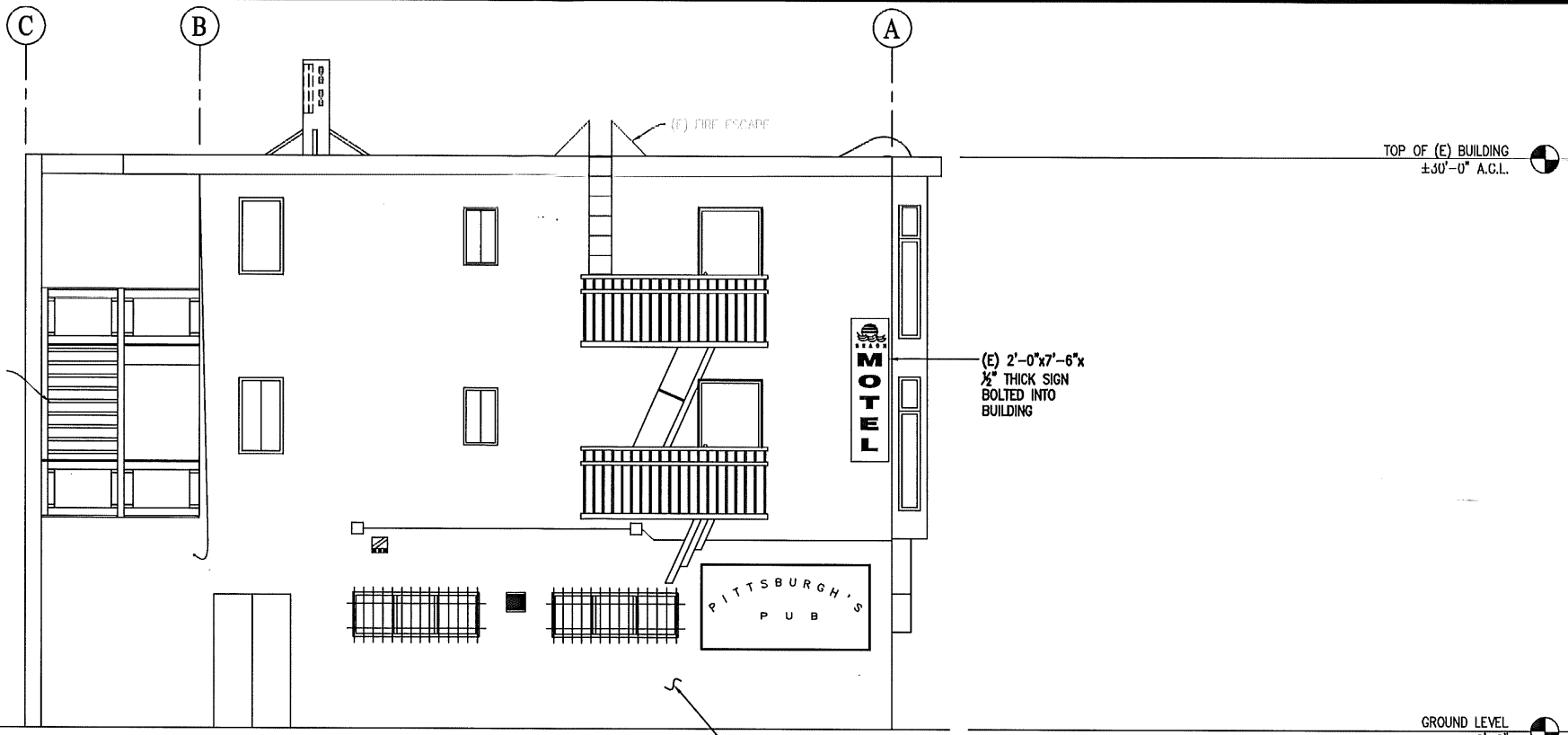


BEACH MOTEL
4211 JUDAH STREET
SAN FRANCISCO, CA.

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DESIGNED/CHECKED PB
DATE 11-12-15
SCALE AS NOTED
JOB NO.
SHEET
S2.1
OF SHEETS

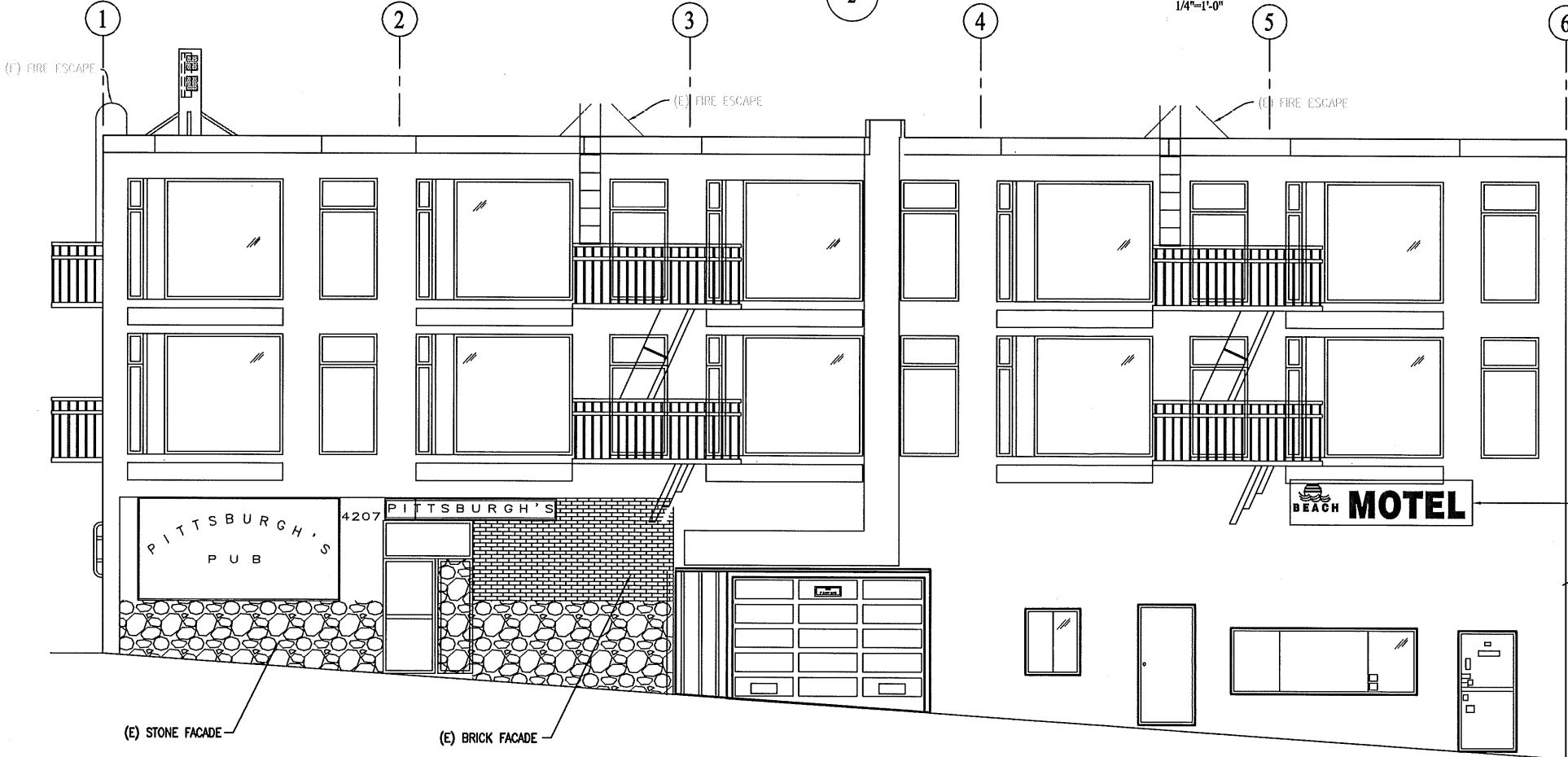
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ELEVATION AT 47TH AVE.

1/4"=1'-0"



ELEVATION AT JUDAH ST.

1/4"=1'-0"

REV.	DATE	DESCRIPTION

© COPYRIGHT 2015



4211 JUDAH STREET
SAN FRANCISCO, CA.

BEACH MOTEL
ELEVATIONS

DRAWN	S3-1
DESIGNED/CHECKED	PB
DATE	11-12-15
SCALE	AS NOTED
JOB NO.	
SHEET	

S3.1

OF SHEETS