



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JULY 19, 2018

Date: July 12, 2018
Case No.: **2016-001190CUA**
Project Address: 4143-4145 24th Street
Zoning: 24th Street-Noe Valley Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 6506/038
Project Sponsor: Joyce Cheng
A&J Design Associates
2354 Taraval Street
San Francisco, CA, 941116
Staff Contact: Jeff Horn – (415) 575-6925
jeffrey.horn@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 proposal is to construct and establish a dentistry office (d.b.a. Aesthetic Dentistry of Noe Valley), in a ground floor space currently occupied as the garage and lower residential unit within a two-story two-family residential building. The project also proposes a horizontal rear addition, one-story vertical addition, and to relocate the existing ground floor dwelling unit to the new third story.

REQUIRED COMMISSION ACTION In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 728 to authorize a Health Service (Dentistry).

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Project Sponsor has engaged with both adjacent neighbors throughout the review and redesigns of this project. An adjacent neighbor to the east, Robert Hildreth, has submitted a letter stating no opposition to the project.
- The project was submitted as a full demolition of a single family home and proposed new construction of a four-story-over-basement structure with a ground floor dental office and three residential units. In review of the application, Planning determined that the existing structure is a two-unit residential building, and therefore a demolition would not be supported. The project complies with removal threshold allowed by Section 317.

- The Project Sponsor will occupy the ground floor dental office; her practice (d.b.a. Aesthetic Dentistry of Noe Valley) is currently leasing space across the street at 4162 24th Street.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and meets all applicable requirements of the Planning Code. The proposed conversion of a garage will add a more active use storefront to the subject block, which will be complimentary to the mix of existing neighborhood-serving uses within the neighborhood. The proposed project would not demolish any existing rent-controlled units and would result in to larger, family-sized residential units. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Approval Motion – Conditional Use Authorization
Exhibit A – Conditions of Approval
Exhibit B – Plans
Exhibit C – Environmental Determination
Exhibit D – Maps and Context Photos
Exhibit E – Written Correspondences



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. XXXXX HEARING DATE: JULY 19, 2018

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 728 OF THE PLANNING CODE TO ESTABLISH A DENTISTRY OFFICE (D.B.A. AESTHETIC DENTISTRY OF NOE VALLEY), IN A GROUND FLOOR SPACE CURRENTLY OCCUPIED AS THE GARAGE AND LOWER RESIDENTIAL UNIT WITHIN A TWO-STORY TWO-FAMILY RESIDENTIAL BUILDING LOCATED AT 4143 24TH STREET, BLOCK 6506, LOT 038 WITHIN THE 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT

PREAMBLE

On May 5, 2016, Joyce Cheng (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303 and 728 to a dentistry office (d.b.a. Aesthetic Dentistry of Noe Valley), in a ground floor space currently occupied as the garage and lower residential unit within a two-story two-family residential building located at 4143 24th Street, Block 6506, Lot 038 within the 24th Street-Noe Valley Neighborhood Commercial District (24th-NV NCD) and a 40-X Height and Bulk District.

On July 19, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-001190CUA.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2016-001190CUA, 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.** The project site is located on the south side of 24th Street between Castro and Diamond Streets, Lot 038 in Assessor's Block 6506, in Noe Valley. The project site is within the 24th Street – Noe Valley NCD (Neighborhood Commercial) District and a 40-X Height and Bulk district. The project site currently contains, two-story duplex with a vacant ground floor garage. The lot is an atypical 20 feet in width and 114 feet in depth, containing approximately 2,274 square feet in lot area.
3. **Surrounding Neighborhood.** The project site is located approximately in the middle of the block-face flanked by buildings on the east and west. The adjacent building to the east is three-story residential building. The two buildings to the west are single-family homes that share a similar architecture massing and setback from the street as the subject property. The block-face on the north and the south are characterized by two- to four-story buildings, and of mixed architectural style. At the street level, some buildings exhibit commercial use and some exhibit residential use (defined by entryways and garages); the majority of uses at the ground floor are commercial. The buildings also vary in density from single-family residences to small multi-unit apartment buildings. Approximately 1/2-mile to the east is the Muni J-Church line on Church Street, three Muni bus lines run within 1/4-mile of the site (nos. 24, 35, 48), and the regional serving BART stop at 24th Street-Mission is less than a one mile from the subject property.
4. **Project Description.** The proposal is to construct and a establish a dentistry office (d.b.a. Aesthetic Dentistry of Noe Valley), in a ground floor space currently occupied as the garage and lower residential unit within a two-story two-family residential building. The project also

proposes a horizontal rear addition, one-story vertical addition, and to relocate the existing ground floor dwelling unit to the new third story.

5. **Public Comment & Outreach.** The Project Sponsor has engaged with both adjacent neighbors throughout the review and redesigns of this project. An adjacent neighbor to the east, Robert Hildreth, has submitted a letter stating no opposition to the project.
6. **Conditional Use Findings.** 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 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 24th Street – Noe Valley Neighborhood Commercial District is a daytime-oriented, multi-purpose commercial district that provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. The project will relocate an existing dental office on the same block and expand two existing residential units; the project can be considered both a necessary and desirable use.

- 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 height and bulk of the existing building will increase by one story, but retain the existing façade and roofline at the front. The Project will involve interior improvements to a ground floor garage; these improvements will activate the existing ground-floor retail service space at the property by providing a desirable and appropriately scaled new neighborhood-serving amenity. The area of the dental office is within the maximum allowable size for non-residential use.

- 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;

Most customers pre-book so that customer arrival is evenly spread throughout the day with no “high traffic” times. No loading or parking spaces are provided or required.

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

A community liaison will be appointed by the project sponsor to address any related concerns if construction occurs.

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

The existing building has no front yard, loading or service area and none are proposed or required. The City will review all associated lighting and signage and The Project will comply with the Planning Code and Performance Based Design Standards, as well as the Building Code.

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

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

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

The proposed project is consistent with the stated purpose of 24th-NV NCD in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

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

The project would not alter the site's landscaping, open spaces, loading areas, service areas, and lighting. Any new signage will be required to comply with the requirements of the Planning Code.

- F. 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.

- G. 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 24th Street-NV NCD in that the intended use will provide a compatible personal health service use for the immediately surrounding neighborhoods during daytime hours and is compliant with the limitations on certain uses within the NCD.

7. **Off-Street Parking and Loading.** Section 151 requires retail stores to provide one parking space for every 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The project does not occupy more than 5,000 square feet of floor area, and therefore does not require the provision of off-street parking.

8. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Eating Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

The project is less than 10,000 square feet in gross floor area and is therefore not required to provide off-street freight loading.

9. **Use Size.** Section 728 establishes size limits on nonresidential uses in the 24th Street-NV NCD. Within the District, conditional use authorization is required for any nonresidential use that exceeds 2,500 square feet.

The proposed dental office is 1,122 square feet, less than 2,500 square feet and is therefore principally permitted.

10. **Hours of Operation.** Pursuant to Sections 746.27 of the Code, the principally permitted hours of operation are from 6 a.m. to 2 a.m.

The hours of operation will occur within the principally permitted timeframe.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND 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 proposed project will provide desirable services to the neighborhood and will provide resident employment opportunities to those in the community. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the project site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

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 establish a new commercial activity where a garage had existed, and will help maintain the diverse economic base of the City.

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.

A commercial tenant would be voluntarily relocated to the project site and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

9. **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.
 - B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

- C. That the City's supply of affordable housing be preserved and enhanced,
 - D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.
 - 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.
 - F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.
 - G. That landmarks and historic buildings be preserved.
 - H. That our parks and open space and their access to sunlight and vistas be protected from development.
10. 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.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

Summary Findings: The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and meets all applicable requirements of the Planning Code. The proposed conversion of a garage will add a more active use storefront to the subject block, which will be complimentary to the mix of existing neighborhood-serving uses within the neighborhood. The proposed project would not demolish any existing rent-controlled units and would result in to larger, family-sized residential units. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

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. 2016-001190CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 8, 2018 and June 5, 2018, 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 July 19, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 19, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Health Service (Dentistry) use located at 4143 24th Street, Block 6506, Lot 038 pursuant to Planning Code Sections 303 and 728 within the 24th Street – Noe Valley Neighborhood Commercial District, and a 40-X Height and Bulk District; in general conformance with plans, dated February 8, 2018 and June 5, 2018 and stamped “EXHIBIT B” included in the docket for Case No. 2016-001190CUA and subject to conditions of approval reviewed and approved by the Commission on July 19, 2018 under Motion No. XXXXX. 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 July 19, 2018 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of

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

Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN

2. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.
3. **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 Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

MONITORING

4. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

OPERATION

5. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the tenant space 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/>

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

6. **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

MONITORING - AFTER ENTITLEMENT

7. **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.

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8. **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