



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use Authorization

HEARING DATE: 10/04/2018

*Date:* September 27, 2018  
*Record No.:* **2018-009337CUA**  
*Project Address:* **3939 24TH STEET**  
*Zoning:* NCD 24th Street- Noe Valley (Neighborhood Commercial District)  
40-X Height and Bulk District  
*Block/Lot:* 6508/034  
*Applicant:* Colum Regan  
482 Bryant Street  
San Francisco, CA 94107  
*Staff Contact:* Gabriela Pantoja – (415) 575-8741  
[Gabriela.Pantoja@sfgov.org](mailto:Gabriela.Pantoja@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is for the removal of an existing general grocery store use (formerly d.b.a. "Real Foods Company") greater than 5,000 square feet in-size within an existing one-story with mezzanine level, commercial building. The approximately 5,490 square foot building consists of a ground floor and mezzanine level that will be altered to accommodate the proposed retail use. Minor interior and exterior alterations of the subject building are proposed. Among the proposed exterior alterations of the subject building is the revitalization of the existing storefront in accordance with the 24<sup>th</sup> Street Commercial Corridor Historic District. The subject building will not be altered beyond its existing building envelope.

### REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 202.3, 303, and 729 for the removal of an existing general grocery store use greater than 5,000 square feet in size within an existing one-story with mezzanine level, commercial building.

### ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Project Sponsor completed a Pre-Application Meeting on June 27, 2018 prior to the submittal of the listed Conditional Use Authorization application. Eleven members of the public attended the Pre-Application Meeting. To date, the Department has received 13 correspondences with regards to the Project, one letter in opposition of the Project and 10 letters in support of the Project have been received.

- **Tenant/Ownership History.** The subject tenant space is currently vacant and has remained vacant since the departure of the former tenant and owners, d.b.a. “Real Foods Company”, in 2003. Prior to their departure, “Real Foods Company” occupied the subject tenant space for more than 30 years. Since the departure of “Real Foods Company”, the subject property has been sold on three different occasions. The current owner purchased the subject property in 2018.
- **Removal of General Grocery Store Use.** Since the departure of the previous occupants (d.b.a. “Real Foods Company”) in 2003, the subject property has remained vacant and has been sold on three different occasions. During its period of vacancy, according to the Project Sponsor, all former owners have made attempts at leasing the subject tenant space to a new general grocery store business without success. The inability of former property owners to lease the subject tenant space to a new general grocery store business is due in large part to the economic viability of a grocery store at the subject location and its proximity to a competing big-box general grocery store; directly across from the subject property, at 3950 24<sup>th</sup> Street, resides a “Whole Foods Market.” The adjacent “Whole Foods Market” is an approximately 25, 200 square foot general grocery store use with the capability of satisfying a majority of the neighborhood’s needs including convenience and accessibility to off-street parking. Any new General Grocery store use at the subject property or the immediate neighborhood will be in direct competition with the adjacent “Whole Foods Market” and its capability to satisfy the neighborhood’s needs.

## 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 Project will remove a general grocery store use that is no longer economically viable and provide a service that both enhances and reinforces the neighborhood’s existing commercial corridor. Additionally, the Project will not displace an existing neighborhood serving retail use, but rather provide new business and job opportunities to the neighborhood. 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 Motion – Conditional Use Authorization  
Exhibit A – Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination  
Exhibit D – Maps and Context Photos  
Exhibit E - Public Correspondence  
Exhibit F – Complete Application



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: OCTOBER 4, 2018

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*Record No.:* **2018-009337CUA**  
*Project Address:* **3939 24<sup>th</sup> STREET**  
*Zoning:* **NCD- 24<sup>th</sup> St.-Noe Valley (Neighborhood Commercial) Zoning District**  
**40-X Height and Bulk District**  
*Block/Lot:* **6508/034**  
*Project Sponsor:* **Colum Regan**  
**482 Bryant Street**  
**San Francisco, CA 94107**  
*Property Owner:* **MWA LLC**  
**482 Bryant Street**  
**San Francisco, CA 94107**  
*Staff Contact:* **Gabriela Pantoja – (415) 575-8741**  
**[Gabriela.pantoja@sfgov.org](mailto:Gabriela.pantoja@sfgov.org)**

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 202.3, 303, AND 728 FOR THE REMOVAL OF AN EXISTING GENERAL GROCERY STORE USE GREATER THAN 5,000 SQUARE FEET IN-SIZE WITHIN THE 24<sup>TH</sup> STREET- NOE VALLEY NEIGHBORHOOD COMMERCIAL (NCD) ZONING DISTRICT AND 40-X BULK AND HEIGHT DISTRICT.**

### PREAMBLE

On July 05, 2018, Colum Regan (hereinafter "Project Sponsor") filed Application No. 2018-009337CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to remove an existing general grocery store use (formerly d.b.a. "Real Foods Company") greater than 5,000 square feet in-size within an existing one-story with mezzanine level, commercial building (hereinafter "Project") at 3939 24<sup>th</sup> Street, Block 6508 Lot 034 (hereinafter "Project Site").

On October 4, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-009337CUA.

The Project is exempt from 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 Conditional Use Authorization as requested in Application No. 2018-009337CUA, 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. **Project Description.** The proposal is for the removal of an existing general grocery store use (formerly d.b.a. “Real Foods Company”) greater than 5,000 square feet in-size within an existing one-story with mezzanine level, commercial building. The approximately 5,490 square foot building consists of a ground floor and mezzanine level that will be minimally altered interiorly and exteriorly to accommodate the proposed retail use. Among the proposed exterior alterations of the subject building is the revitalization of the existing storefront. The subject building will not be altered beyond its existing building envelope.
3. **Site Description and Present Use.** The 5,805 square-foot property is located on the south side of 24<sup>th</sup> Street, between Noe and Sanchez Streets; Lot 034 of Assessor’s Block 6508. The property is developed with a one-story, commercial building which measures 84 feet in length and 50 feet 10 inches in width. The approximately 5,490 square foot building consists of a ground floor and a mezzanine level. The ground floor is approximately 4,270 square feet in-size and the mezzanine floor is approximately 1,220 square feet. The subject building, constructed in 1921, is located within the 24<sup>th</sup> Street Commercial Corridor Historic District and is considered a Historical Resource “Class A” per the California Environmental Quality Act (CEQA). The subject building was most recently occupied by “Real Foods Company” in 2003 and currently sits vacant. “Real Foods Company”, a general grocery store, occupied the subject property for more than 30 years prior to their departure in 2003.
4. **Surrounding Properties and Neighborhood.** The subject property is located within the 24<sup>th</sup> Street-Noe Valley Neighborhood Commercial (NCD) Zoning District, the 40-X Height and Bulk District, and Noe Valley neighborhood, adjacent to the Mission and Castro/Upper Market neighborhoods. The 24<sup>th</sup> Street-Noe Valley Neighborhood Commercial (NCD) Zoning District is located to the north, west, and east of the subject property, and the Residential-House, Two Family (RH-2) Zoning District is located to the south of the property.

The immediate neighborhood includes single-to-three story commercial and mixed-use developments, with mixed-use developments consisting of commercial tenant spaces located at the ground-floor and residential units located at the remainder floors. The neighborhood includes a mix of land-uses including residential, general grocery store, retail, personal service, and restaurants. Directly to the north of the subject property is a general grocery store (d.b.a. Whole Foods).

5. **Public Outreach and Comments.** The Project Sponsor completed a Pre-Application Meeting on June 27, 2018 at subject property, prior to their submittal of the listed Conditional Use Authorization application. Eleven members of the public attended the Pre-Application Meeting. Several members of the public expressed concerns and posed questions regarding the proposed Project. To date, the Department has received six correspondences with regards to the Project, one letter in opposition of the Project and four letters in support of the Project.
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. **Change in Use of General Grocery.** Planning Code Section 202.3 requires the issuance of a Conditional Use Authorization for change in use or demolition of a General Grocery which use exceeds 5,000 gross square feet.

*As the Project requires the issuance of a Conditional Use Authorization pursuant to Planning Code Section 202.3, the additional criteria specified in Section 303 (l) for the change in use or demolition of a General Grocery which use exceeds 5,000 gross square feet have been incorporated as findings as part of this Motion. See Item 8, "Change in Use or Demolition of General Grocery Use Findings," listed below.*

- B. **Floor Area Ratio.** Planning Code Section 124 permits a non-residential Floor Area Ratio (FAR) of 1.8 to 1 within the 24<sup>th</sup> Street-Noe Valley NCD Zoning District.

*The Project would result in a non- residential Floor Area Ratio (FAR) of approximately 0.95. The subject property is 5,805 square feet in area and the existing building is approximately 5,490 square feet in area, resulting in a non-residential FAR of 0.95. Therefore, the Project complies with Planning Code Section 134.*

- C. **Street Frontages in Neighborhood Commercial Districts (NCD).** Planning Code Section 145.1 requires in NC Districts containing specific uses, including retail stores, that building lobbies do not exceed 40 feet of building frontage, that parking entrances are no more than 20 feet wide, that ground floors have a minimum 14-foot floor-to-floor height, active uses are provided within the first 25 feet of building depth on the ground floor, and that the ground floor non-residential street frontage be at least 60% transparent in order 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 decorated grille work, other than wire mesh, which is placed in front or behind ground floor windows, shall be at least 75 percent open to perpendicular view.

*The Project will activate a vacant storefront within an existing one-story commercial building and provide visibility to the interior of the subject building for approximately 66% of the property's street frontage. Additionally, the Project will retain the existing building's 15-foot ceiling height. Therefore, the Project will comply with Planning Code Section 145.1.*

D. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department pursuant to Article 6 of the Planning Code.

7. **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 proposed removal and conversion of an existing general grocery store use into a retail use will provide a compatible development that is necessary and desirable for the neighborhood. While not altering the character of the existing building or neighborhood, the Project will reactivate an existing tenant space after more than 13 years of inactivity and provide business and job opportunities for the residents of the neighborhood.*

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:

(1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project will not alter the height and bulk of the existing building. Minor interior and exterior alterations of the subject building are proposed, but such alterations will not alter the existing character of the subject building or the immediate neighborhood. The proposed exterior alterations of the subject building will be in character with the 24th Street Commercial Corridor Historic District.*

(2) 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 Project is not expected to impede public transportation or overburden the immediate neighborhood's existing on-street parking availability. The subject property is located along 24<sup>th</sup> Street and is well served by public transportation; the 48-bus line runs along 24<sup>th</sup> Street and the J-Muni line is located three-blocks east of the Project site. Furthermore, no on-street parking spaces will be removed as part of the Project.*

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project will not generate noxious or offensive emissions such as noise, glare, dust, or odor.*

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

*The Project does not require any additional landscaping or screening, and no new off-street parking spaces, loading spaces, open spaces, or service areas are proposed at the subject property. Any proposed signage will be subject to the review and approval of the Planning Department in compliance with the Planning 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 the 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 Project is consistent with the stated purpose of the 24<sup>th</sup> Street- Noe Valley Neighborhood Commercial District (NCD) in that the intended use will be a compatible retail use and will be located at the ground floor of an existing commercial building.*

8. **Change in Use or Demolition of General Grocery Use Findings.** Planning Code Section 303(l) establishes the following criteria for the Planning Commission to consider when reviewing applications that propose the change in use or demolition of General Grocery which use exceeds 5,000 gross square feet:

- A. Preservation of a General Grocery store use is no longer economically viable and cannot effect reasonable economic return to the property owner.

*Since the departure of the previous occupants (d.b.a. "Real Foods Company") in 2003, the subject property has remained vacant and has been sold on three different occasions. During its period of vacancy, according to the Project Sponsor, all former owners have made attempts at leasing the subject tenant space to a new general grocery store business without success. The inability of former property owners to lease the subject tenant space to a new general grocery store use is due in large part to the economic viability of a grocery store at the subject location and its proximity to a competing big-box general grocery store; directly across from the subject property, at 3950 24<sup>th</sup> Street, resides a Whole Foods Market. The adjacent Whole Foods Market is an approximately 25, 200 square foot general grocery store use with the capability of satisfying a majority of the neighborhood's needs including*

*convenience and accessibility to off-street parking. Any new General Grocery store use at the subject property or the immediate neighborhood will be in direct competition with the adjacent Whole Foods Market and its capability to satisfy the neighborhood's needs.*

*Additionally, a proforma, was prepared Cushman & Wakefield, which indicates the subject property's cap rate to be 2.75%.*

- B. The change in use or demolition of the General Grocery store use will not undermine the economic diversity and vitality of the surrounding neighborhood.

*The removal of the existing general grocery store use at the subject property will not undermine the economic diversity and vitality of the surrounding neighborhood. The Project site is located directly across from an existing general grocery store use (d.b.a. "Whole Foods Market") and within Noe Valley's commercial corridor, which spans more than three blocks and contains more than 40 different retailers.*

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 which has substantial undesirable consequences that cannot be mitigated.

##### **Policy 1.2**

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

#### **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.

**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.

**Policy 6.2**

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

**Policy 6.3**

Preserve and promote the mixed commercial-residential character in the neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

*The Project will remove an existing general grocery store use that was last exercised by "Real Foods Company" in 2003. Since 2003, the subject tenant space has remained vacant and inactive. The Project proposes to remove the existing general grocery store use and activate the existing tenant space with a proposed retail use while retaining the existing building's and neighborhood's character. By activating a long inactive tenant space, the Project will enhance and reinforce the neighborhood's existing commercial corridor and provide the neighborhood with new business and job opportunities.*

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 complies with said policies in that:

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

*The proposal will not remove an existing neighborhood serving retail use; the subject tenant space has remained vacant since 2003. Rather, the Project will enhance and provide a neighborhood serving retail use, job opportunities, and business opportunities to the residents of the neighborhood. Furthermore, the Project will introduce new patrons to the area, and therefore, strengthen the customer base of existing retail uses and contribute to the demand for new retail uses serving the area.*

- 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 will conserve and protect the existing housing and neighborhood character, including the cultural and economic diversity of the neighborhood. The proposal will minimally alter the existing building and provide a retail use that is neighborhood serving and desired. All proposed exterior alterations will be in character with the neighborhood and the 24<sup>th</sup> Street Commercial Corridor Historic District.*

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

*The Project will not affect the City's supply of affordable housing; no affordable housing will be removed. The Project site is currently a vacant general grocery store.*

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

*The Project is not expected to impede public transportation or overburden the immediate neighborhood's existing on-street availability; the Project site is well served by public transit. The subject property is located along 24<sup>th</sup> Street which is served by the 48-bus line and is located three blocks east of Church Street which is served by the J-Muni line. On-street metered parking is available for those patrons that do choose to drive to the area.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry sectors due to commercial office development; the subject property is currently vacant. Instead, the Project will create new business and job opportunities for the residents of the neighborhood.*

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

*The Project is designed and altered to conform to the structural and seismic safety requirements of the Building Code. The Project will not impact the subject property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The subject building is located within the 24<sup>th</sup> Street Commercial Corridor Historic District. While the subject building is not identified as an individual historic resource, all proposed exterior alterations of the subject building will be in character with the features identified as part of the 24<sup>th</sup> Street Commercial Corridor Historic District.*

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

*The Project will not have impacts on existing parks and open spaces and their access to sunlight and vistas.*

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 Authorization Application No. 2018-009337CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 22, 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. 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 October 4, 2018.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 4, 2018

SAN FRANCISCO  
PLANNING DEPARTMENT

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to remove an existing general grocery store use (formerly d.b.a. "Real Foods Company") greater than 5,000 square feet in-size within an existing one-story with mezzanine level, commercial building located at 3939 24<sup>th</sup> Street, Block 6508, Lot 034, pursuant to Planning Code Sections 202.3, 303, and 728 within the 24<sup>th</sup> Street-Noe Valley Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District; in general conformance with plans, dated August 22, 2018, and stamped "EXHIBIT B" included in the docket for Record No. 2018-009337CUA and subject to conditions of approval reviewed and approved by the Commission on October 4, 2018 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 October 4, 2018 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](http://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](http://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](http://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](http://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](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

6. **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 building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

8. **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](http://www.sf-planning.org)*

9. **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](http://www.sf-planning.org)*

## OPERATION

1. **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>*
2. **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>*
3. **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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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](http://www.sf-planning.org)*
4. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROJECT DIRECTORY

OWNER

MWA LLC

ADDRESS: 482 BRYANT STREET, SAN FRANCISCO, CA 94107  
CONTACT: COLUM REGAN 415-964-6169

## ARCHITECT

**STERNBERG BENJAMIN ARCHITECTS INC.**

ADDRESS: 1331 HARRISON STREET, SAN FRANCISCO  
CA 94103

CONTACT: MITCHELL BENJAMIN 415-882-9783

## PLANNING APPLICATIONS

1. CONDITIONAL USE APPLICATION
2. COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM APPLICATION
3. PROJECT APPLICATION

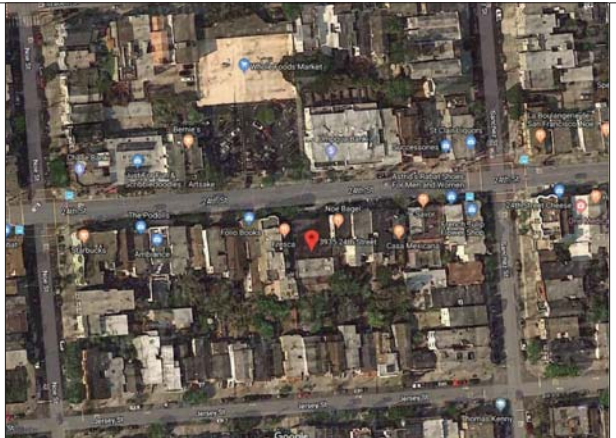
## SCOPE OF WORK

1. REVISE EXISTING STREET FACADE, ADD NEW GLAZING & DOORS  
REPAIR EXISTING STUCCO & PAINT, ADD NEW AWNINGS
2. SEISMICALLY UPGRADE BUILDING
3. ADD NEW ADA BATHROOMS
4. ADD NEW REAR WINDOWS AND DOORS

## DRAWING INDEX

- FS 0.0 TITLE SHEET
- TS 0.1 PROJECT NOTES
- TS 0.2 EXISTING CONDITIONS
- A1.1 EXISTING SITE PLAN
- A2.1 EXISTING & PROPOSED GROUND FLOOR PLANS
- A2.2 EXISTING & PROPOSED MEZZANINE PLANS
- A2.3 EXISTING & PROPOSED ROOF PLANS
- A3.1 EXISTING & PROPOSED ELEVATIONS
- A3.2 EXISTING & PROPOSED ELEVATIONS
- A3.3 EXISTING ELEVATIONS
- A4.1 EXISTING & PROPOSED LONGITUDINAL SECTIONS
- A4.2 EXISTING & PROPOSED LATERAL SECTIONS
- A5.1 AWNING SECTION

## MAP LOCATION



**TITLE SHEET**

3939 24TH STREET  
COMMERCIAL RENOVATION  
SAN FRANCISCO, CA  
BLOCK 6508, LOT 034

Rev./Issue.	Date
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Date: 08.22.18

Scale

Drawn: J.L.

Sheet

FSO.0

## PLANNING DEPARTMENT NOTES

PROJECT LOCATION: 3939 24th Street , Block 6508, Lot 034, San Francisco, CA.

**LOT SIZE:** 5,795 Square Feet; 50'-10" along 24th Street.

NEIGHBORHOOD: Noe Valley

ZONING DISTRICT: NCD- 24th Street - Noe Valley Neighborhood Commercial

HEIGHT AND BULK DISTRICT: 40-X

SPECIAL USE DISTRICT: None

EXISTING USE: GENERAL GROCERY STORE (The building has been vacant for 13 years)

**PROPOSED USE: RETAIL SALES AND SERVICE USES**

EXISTING BUILDING HEIGHT: 18'-7'

PROPOSED BUILDING HEIGHT: 18'-7" (No change)

TENANT NUMBER: 1

TOTAL GROSS AREA OF THE TENANT SPACE: 5,490 SQ.FT. (Ground Floor 4,270 sq.ft., SECOND FLOOR 1,220 SQ.FT.)

CONDITIONAL USE AUTHORIZATION APPLICATION IS REQUIRED

Per San Francisco Planning Code SEC. 202.3, LIMITATION ON CHANGE IN USE OR DEMOLITION OF GENERAL GROCERY USE. Notwithstanding any other provision of this Article, a change in use or demolition of a General Grocery, as defined in Section 102, which use exceeds 5,000 gross square feet shall require Conditional Use authorization pursuant to Section 303 of this Code, which shall include the findings required by Section 303(l). This Section shall not authorize a change in use if the new Use or Uses are otherwise prohibited.

The vacant building at 3939 24th street has a total gross floor area of 5,490 sq.ft.. Ground floor area is 4,270 sq.ft. and mezzanine area is 1,220 sq.ft. The total gross floor area exceeds the 5,000 sq.ft. limitation. Thus, the building requires a Conditional Use Authorization.

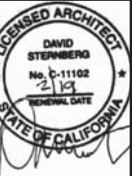
## COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

The Community Business Priority Processing Program (CB3P) streamlines the Conditional Use review process for certain small and mid-sized business applications and provides a simplified and efficient system to get help applicants out the door faster and open the business sooner.

**BUILDING GROSS FLOOR AREA CALCULATIONS:**

Existing Gross Ground Floor Area: 4270 sq.ft.  
Existing Gross Mezzanine Area: 1220 sq.ft.  
Existing Outdoor Deck Area: 474 sq.ft.  
TOTAL EXISTING GROSS FLOOR AREA: 5490sq.ft.

Proposed Gross Ground Floor Area: 4270 sq.ft. (No change)  
Proposed Gross Mezzanine Area: 1220 sq.ft. (No change)  
Proposed Outdoor Deck Area: 474 sq.ft. (No change)  
TOTAL PROPOSED GROSS FLOOR AREA: 5490sq.ft. (No change)



## PROJECT NOTES

3939 24TH STREET  
COMMERCIAL RENOVATION  
SAN FRANCISCO, CA  
BLOCK 6508, LOT 034

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## EXISTING CONDITIONS

3939 24TH STREET  
COMMERCIAL RENOVATION  
SAN FRANCISCO, CA  
BLOCK 6508, LOT 034

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STERNBERG  
BENJAMIN  
NEW YORK

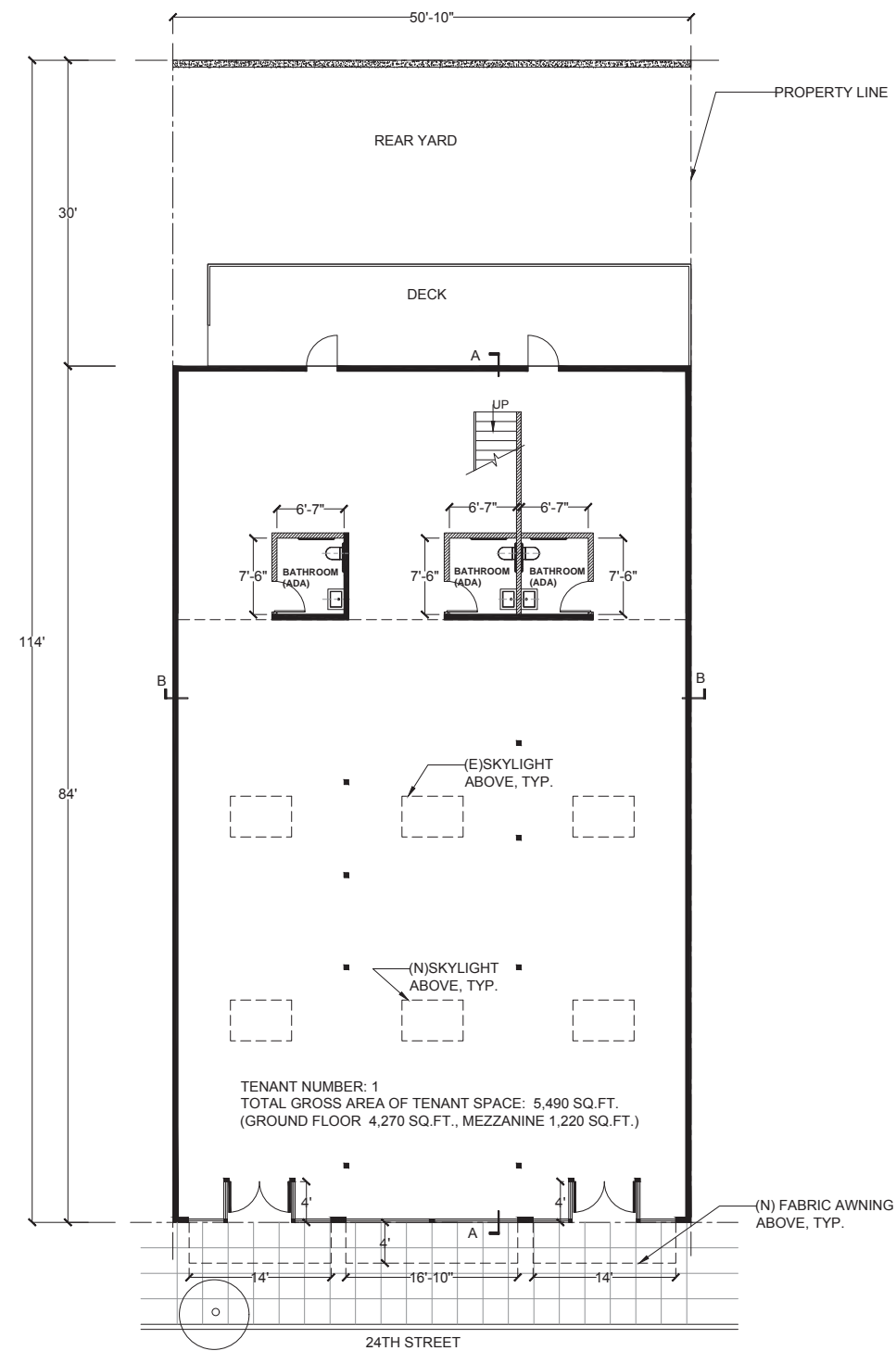
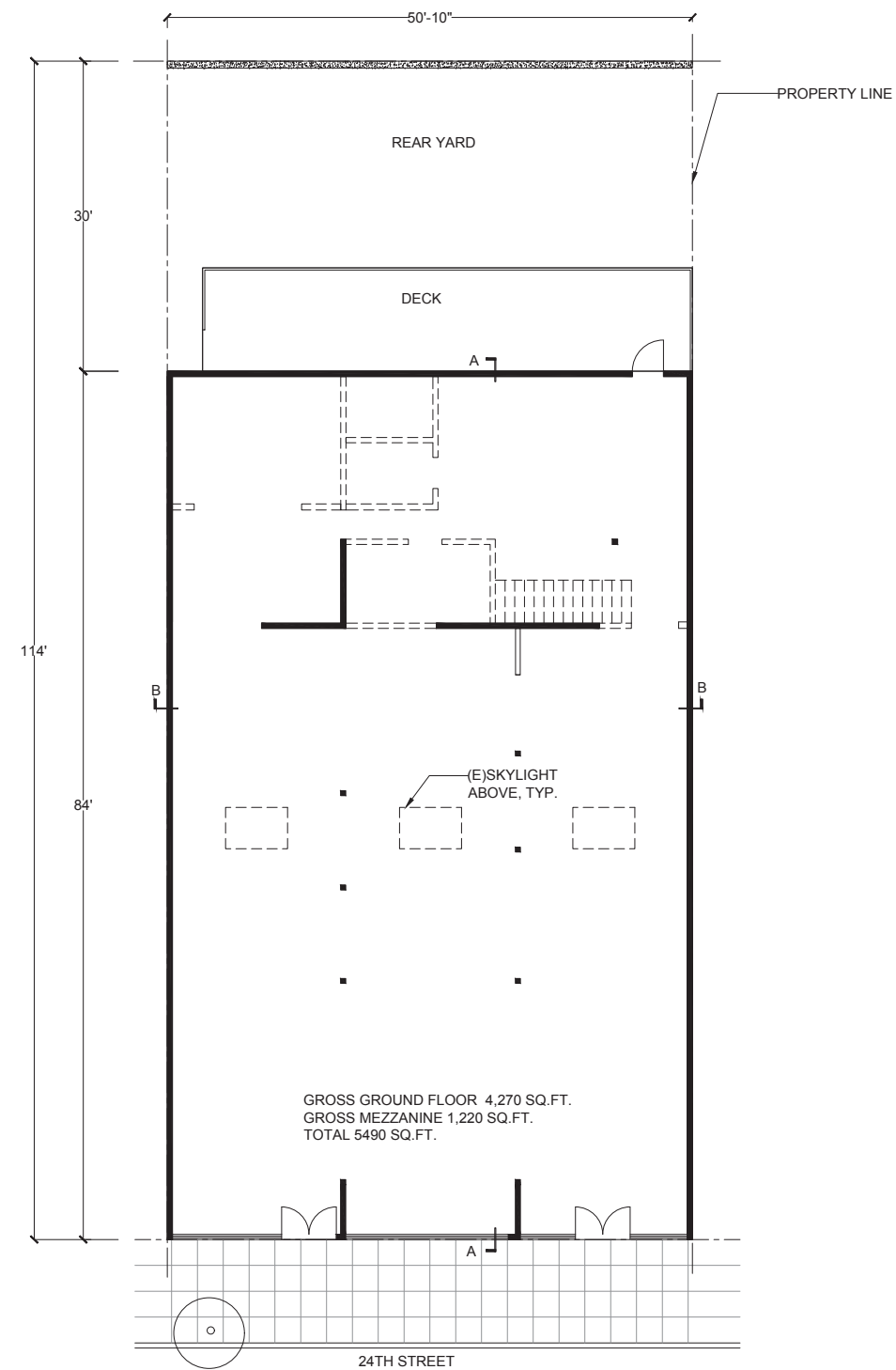
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STERNBERG BENJAMIN  
SAN FRANCISCO, CA 94103  
TEL: 415.882.7992 FAX: 415.882.9706

www.sternbergbenjamin.com





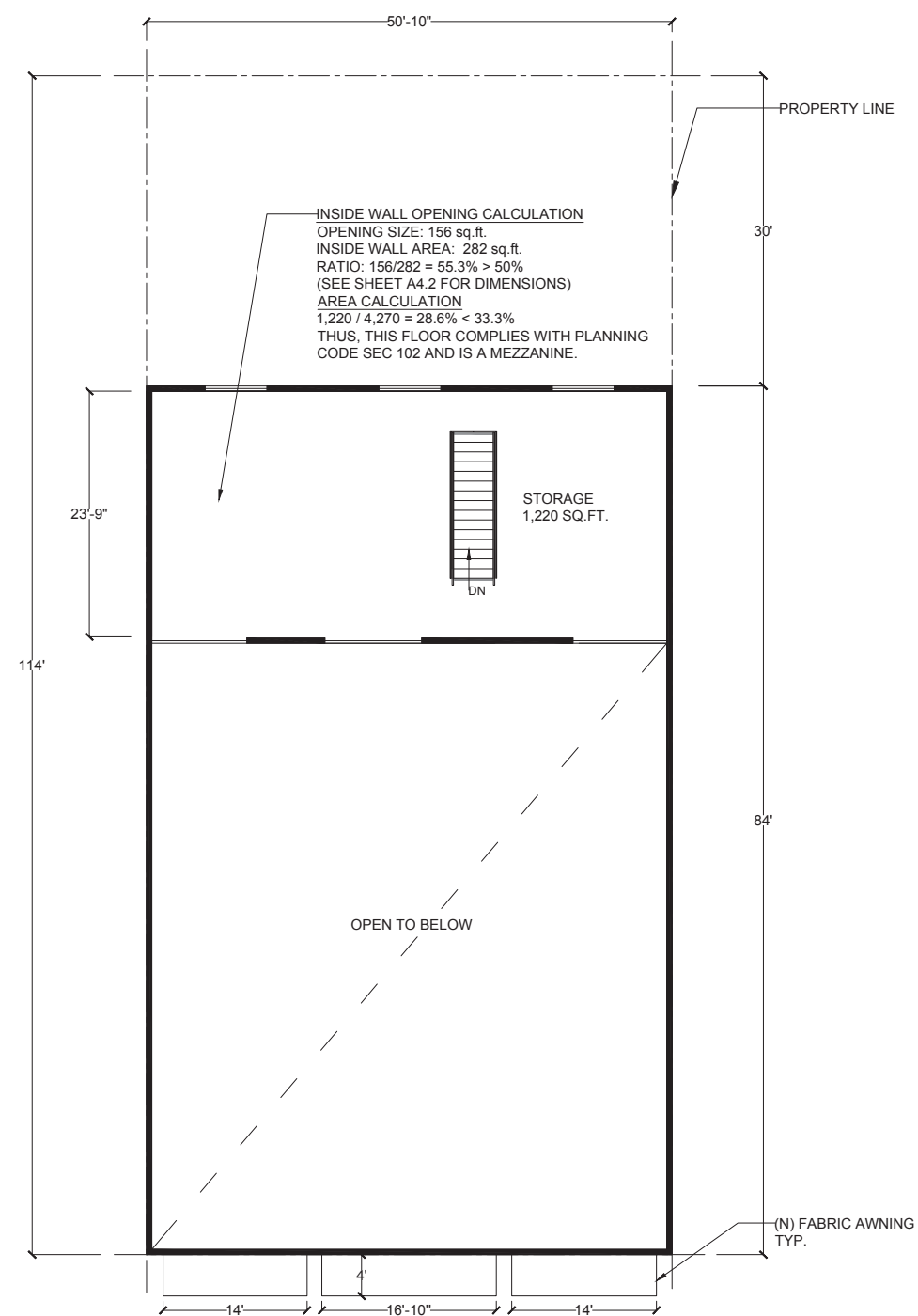
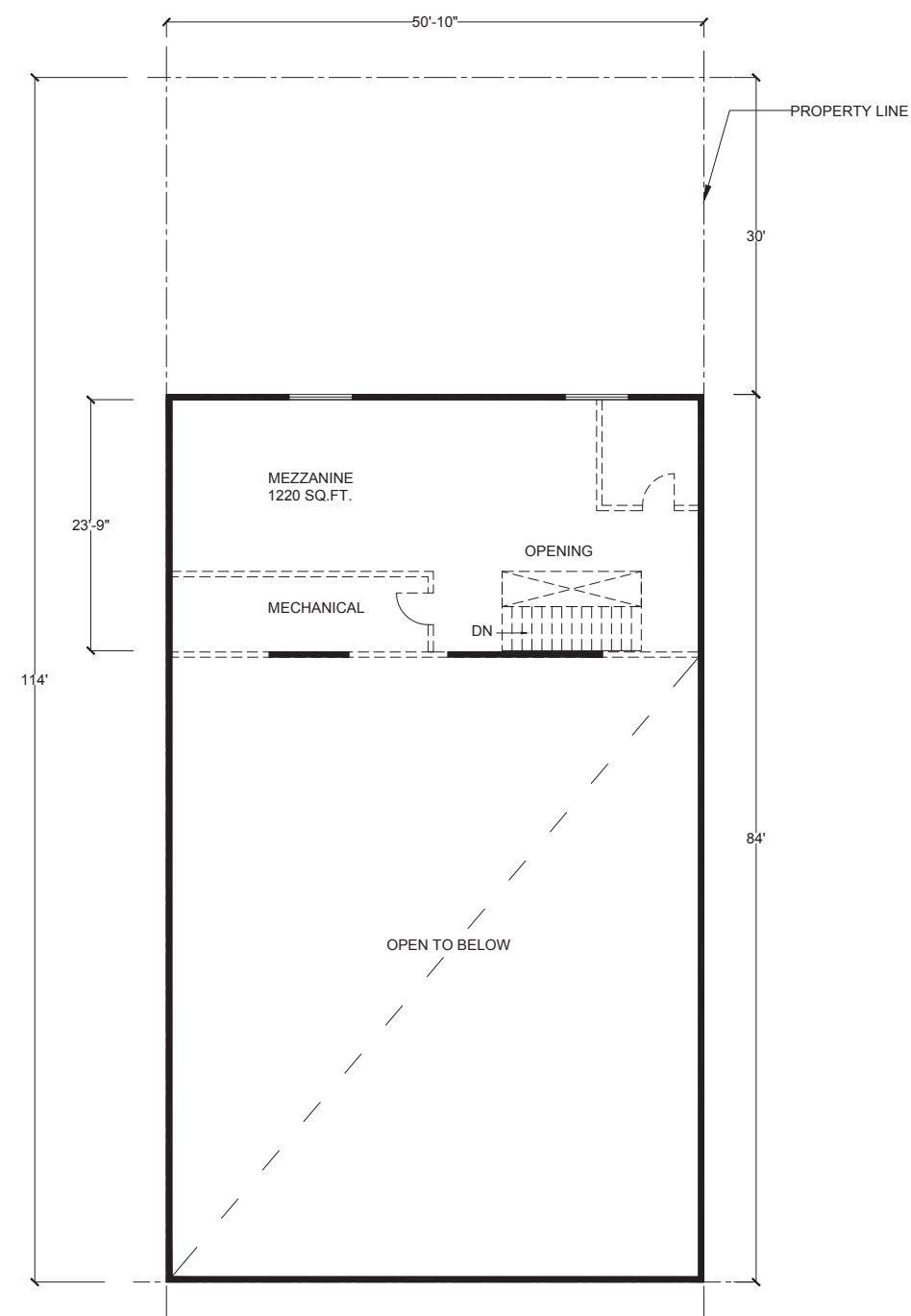


## LEGEND

□ □ □ □ □ □ □ DEMOLISHED WALL

 EXISTING WALL

 NEW WALL




INSIDE WALL OPENING CALCULATION  
 OPENING SIZE: 156 sq.ft.  
 INSIDE WALL AREA: 282 sq.ft.  
 RATIO:  $156/282 = 55.3\% > 50\%$   
 (SEE SHEET A4.2 FOR DIMENSIONS)  
AREA CALCULATION  
 $1,220 / 4,270 = 28.6\% < 33.3\%$   
 THUS, THIS FLOOR COMPLIES WITH PLANNING  
 CODE SEC 102 AND IS A MEZZANINE.

(N) FABRIC AWNING  
TYP.

## LEGEND

□ = = = = = □ DEMOLISHED WALL

 EXISTING WALL

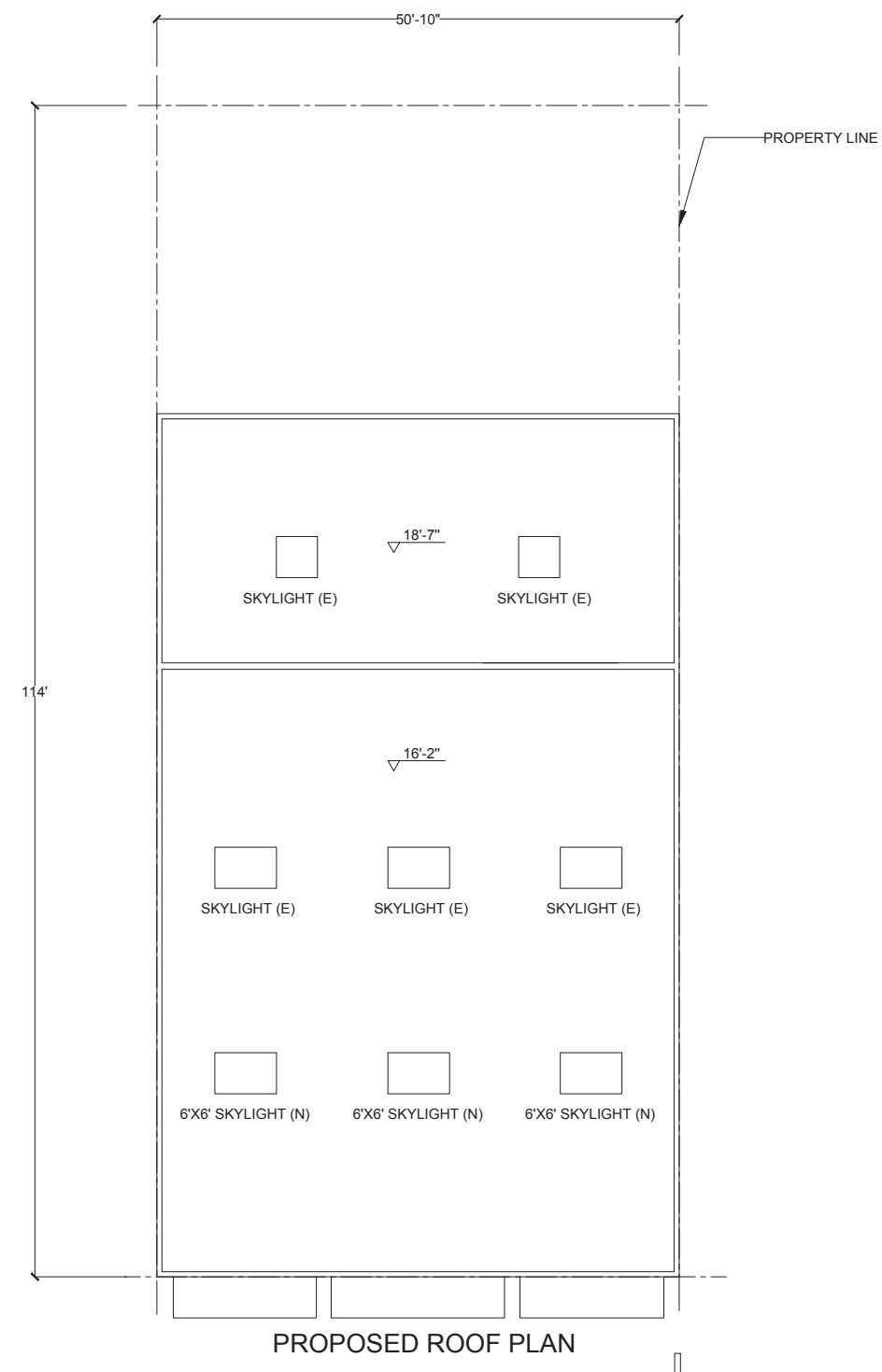
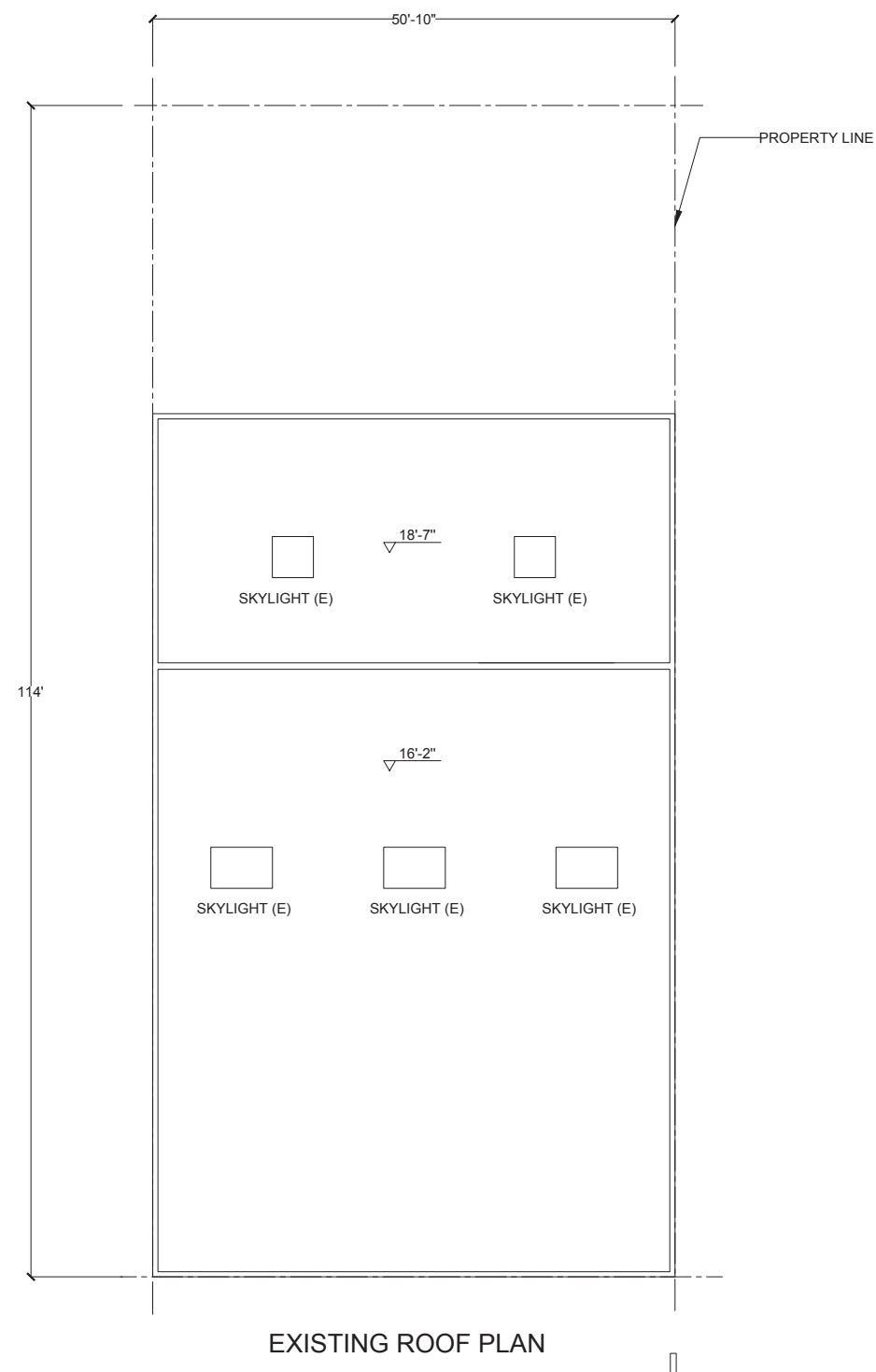
 NEW WALL

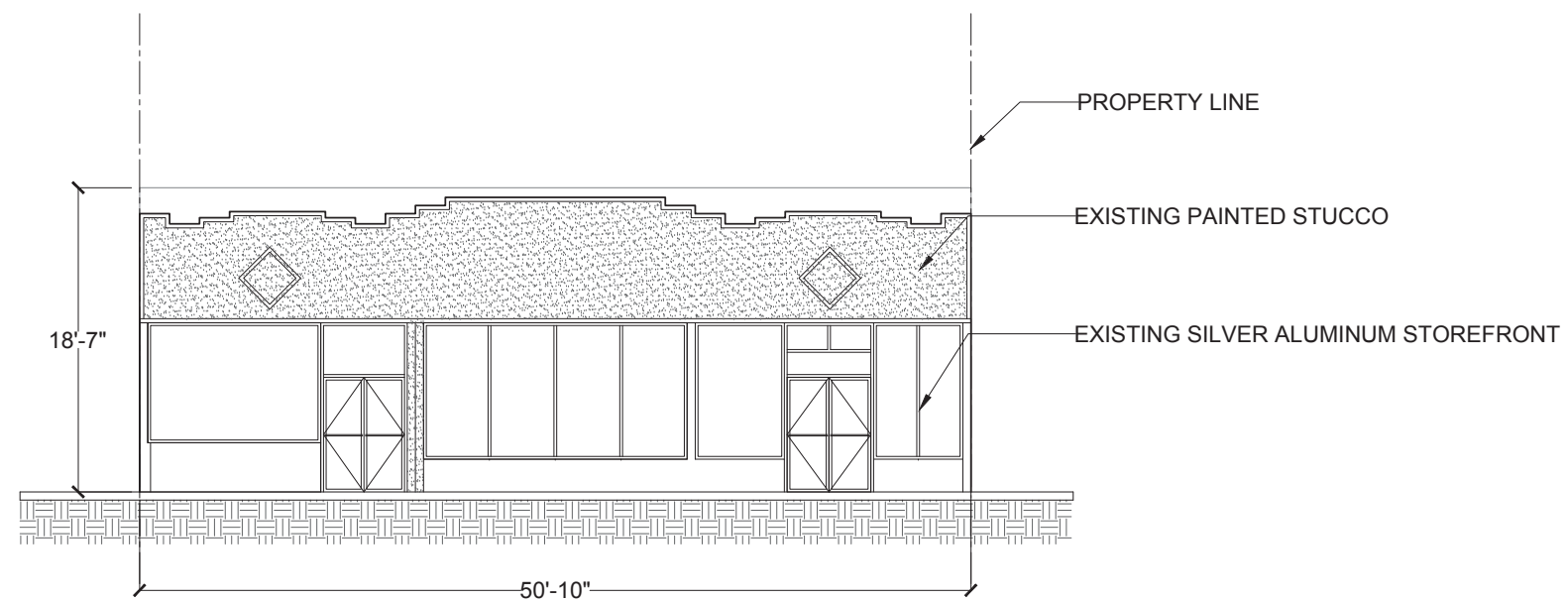
## EXISTING & PROPOSED MEZZANINE PLANS

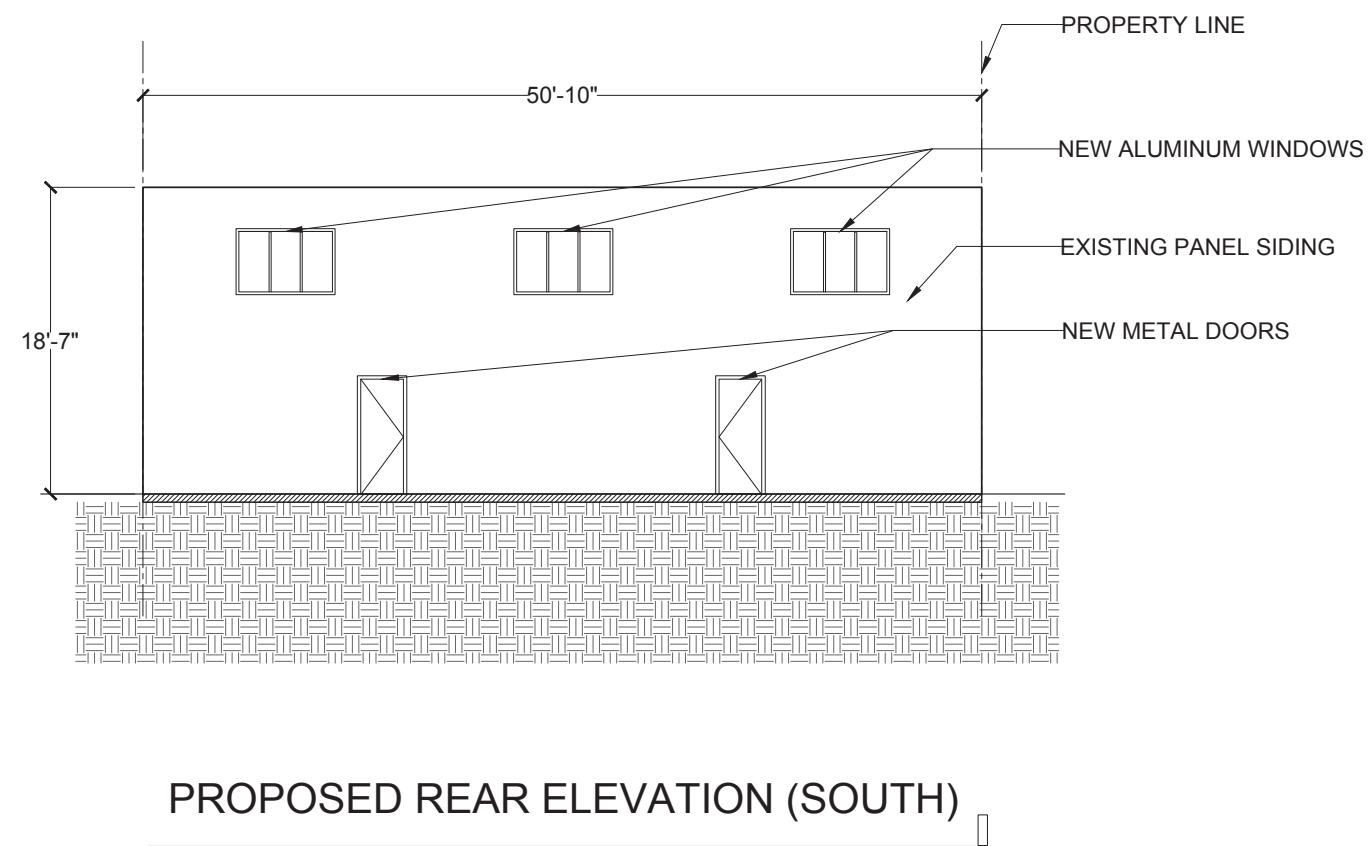
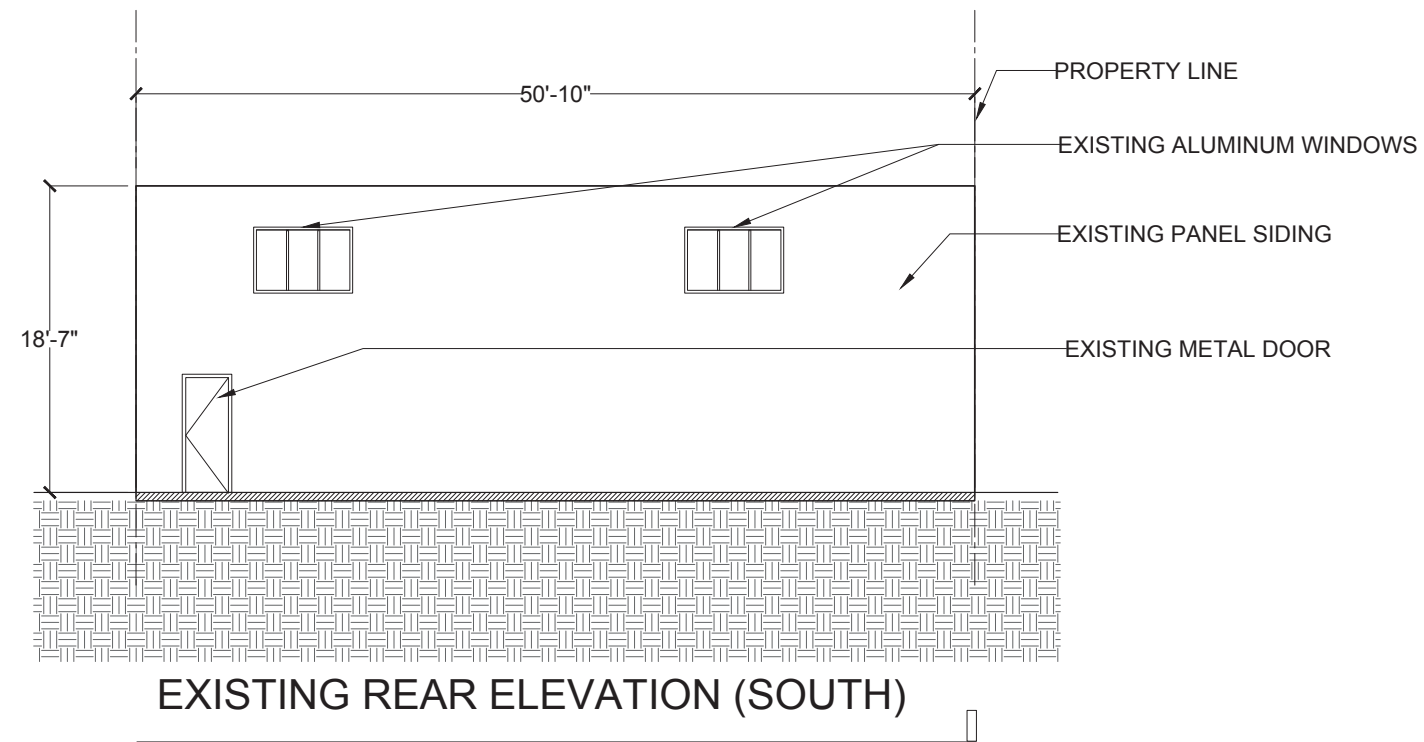
3939 24TH STREET  
COMMERCIAL RENOVATION  
SAN FRANCISCO, CA  
BLOCK 6508, LOT 034

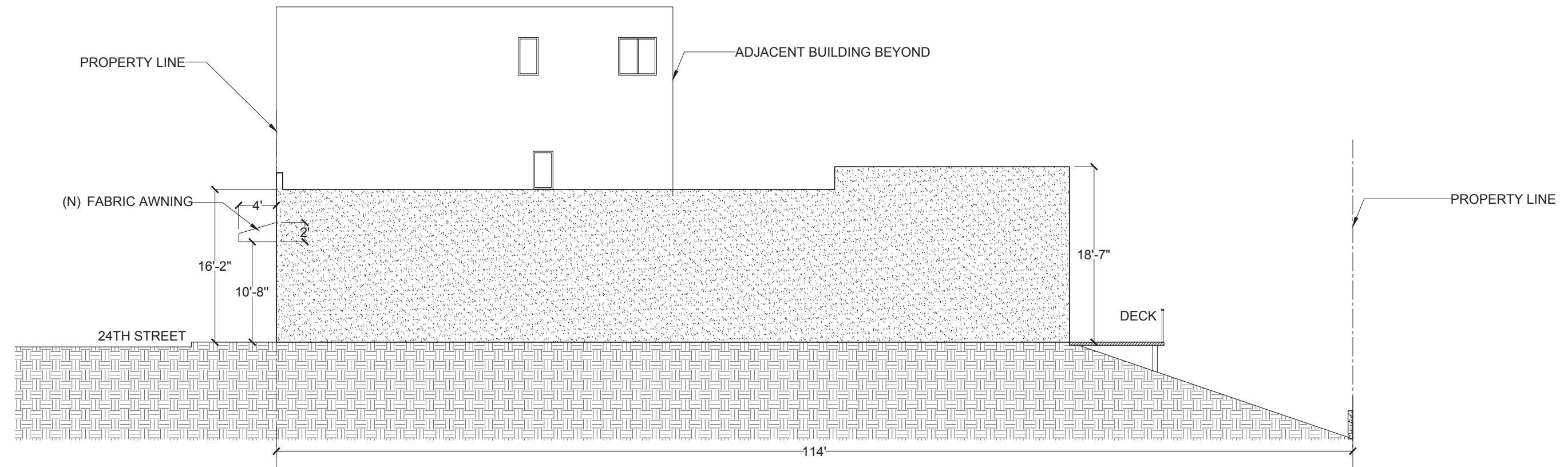
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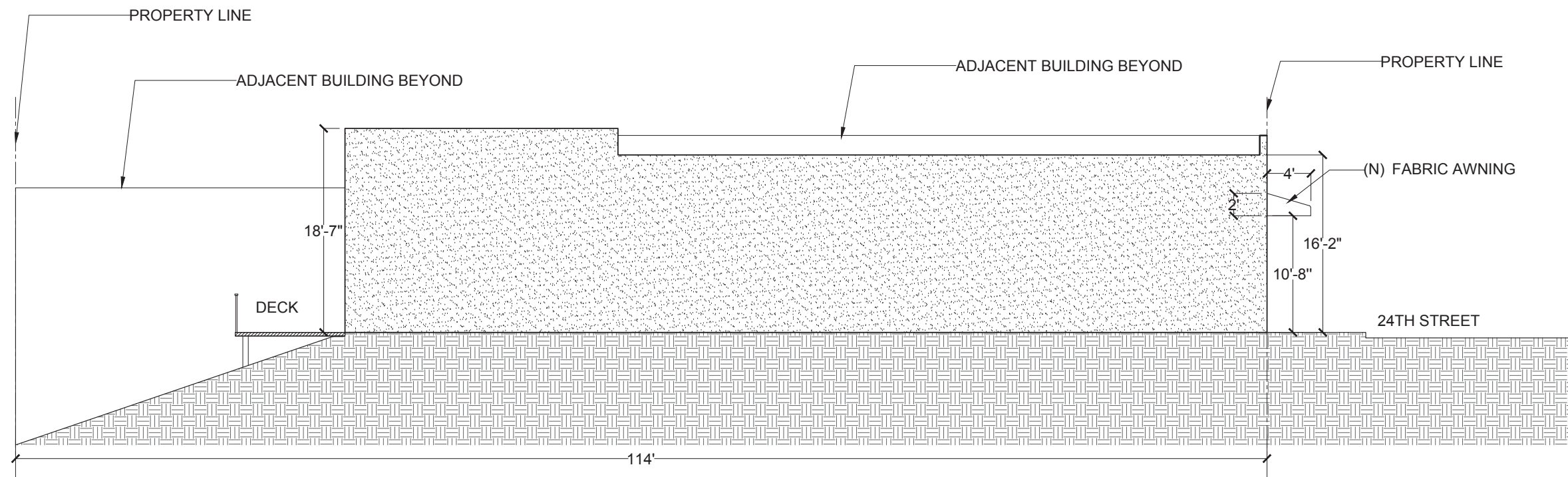




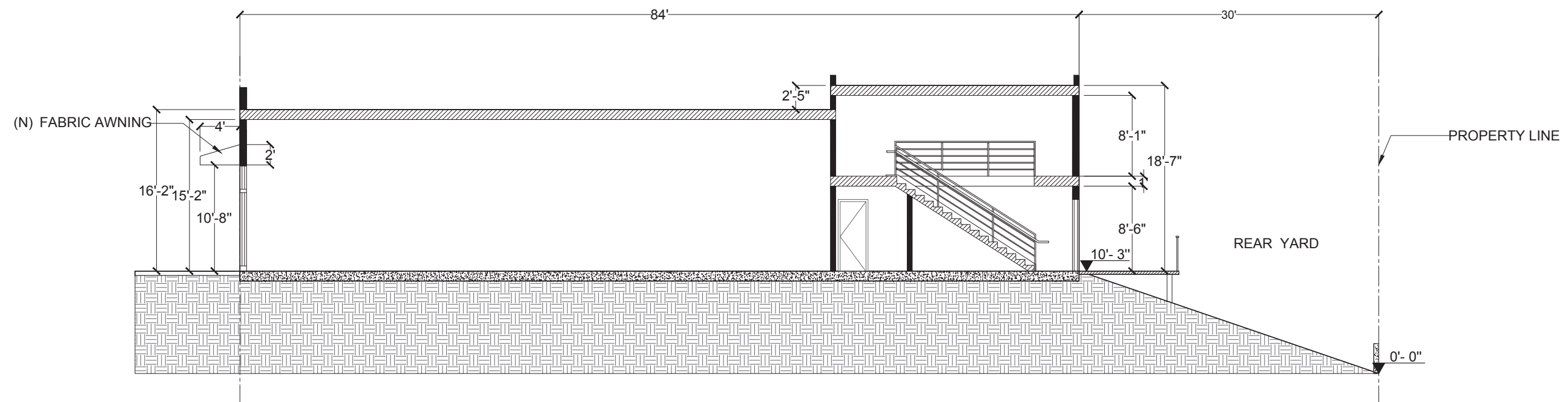
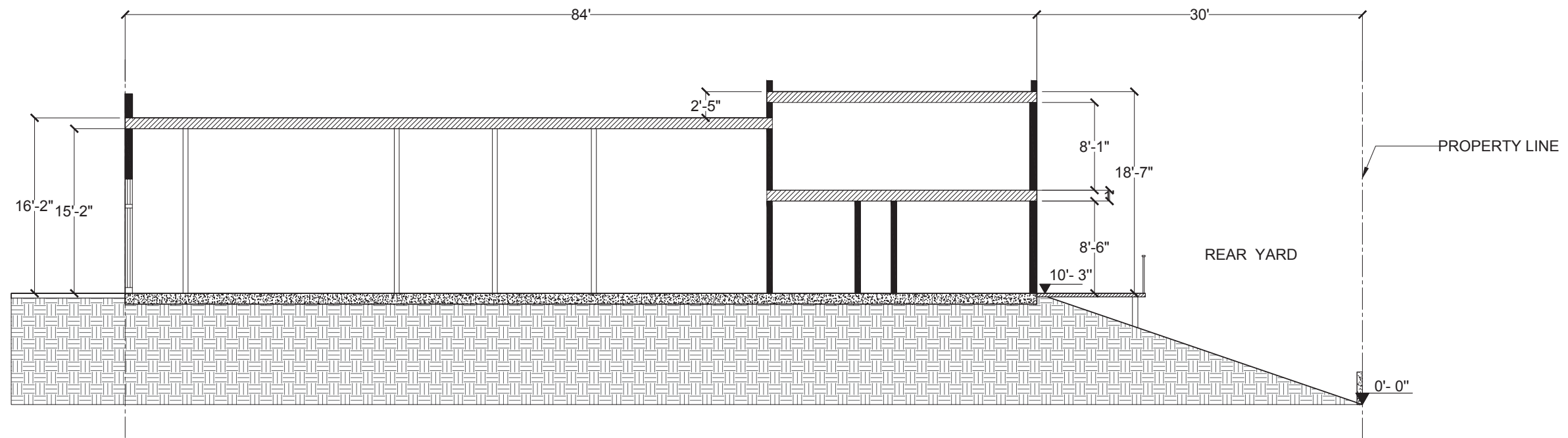


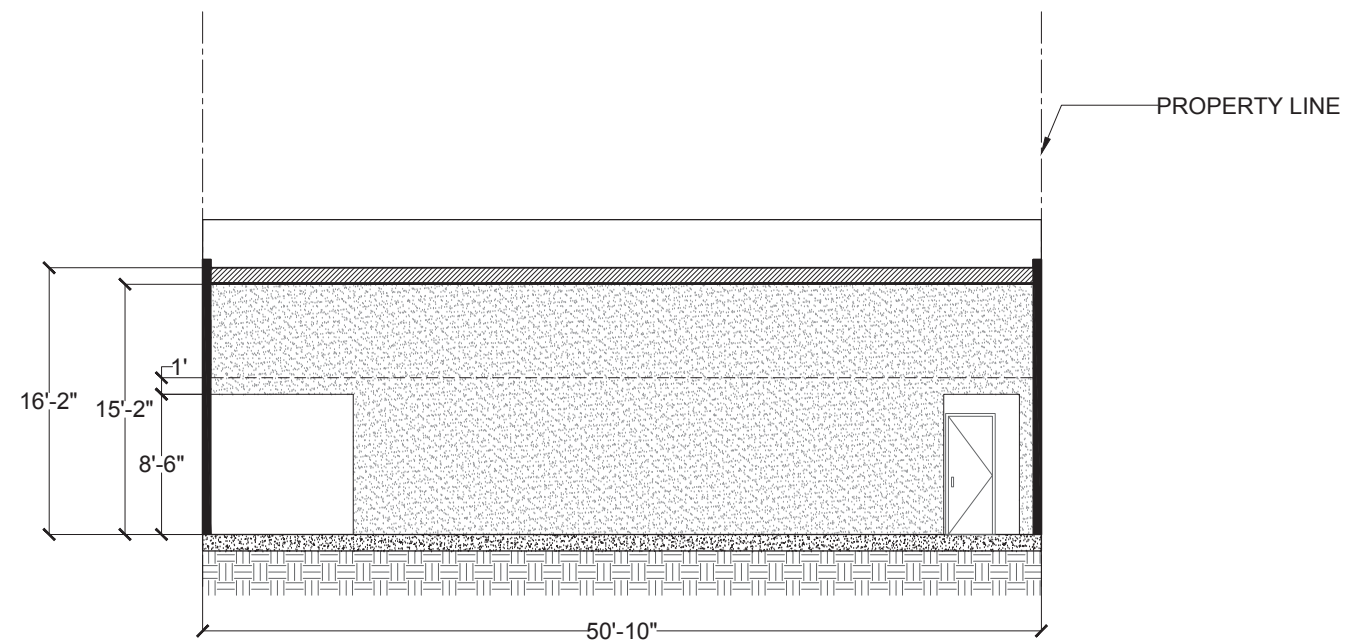


EXISTING WEST PROPERTY LINE ELEVATION  
(FOR REFERENCE ONLY)

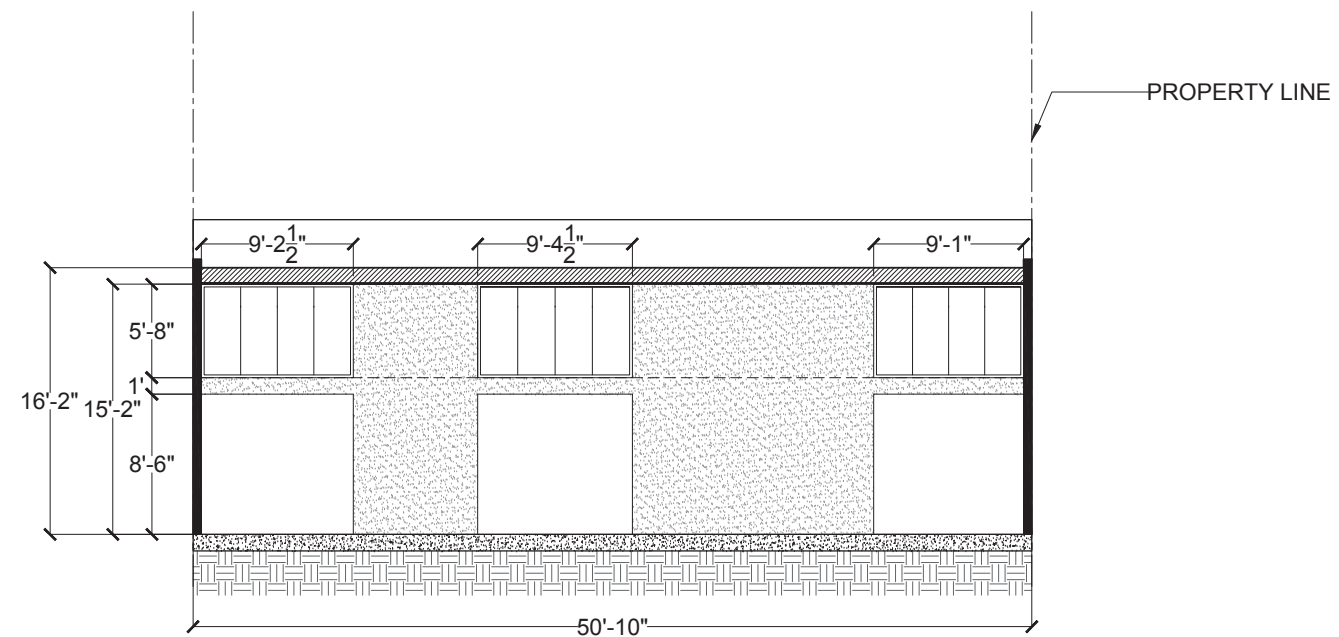


EXISTING EAST PROPERTY LINE ELEVATION  
(FOR REFERENCE ONLY)





EXISTING LATERAL SECTION B-B



### PROPOSED LATERAL SECTION B-B



**Exhibit C**

# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
3939 24TH ST		6508034
<b>Case No.</b>		<b>Permit No.</b>
2018-009337PRJ		
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> Conditional Use Authorization to permit the removal of an existing grocery store and construction of a new retail service.		

### STEP 1: EXEMPTION CLASS

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> Up to three new single-family residences or six 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"/>	<b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.  <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>
<input type="checkbox"/>	<b>Class ____</b>

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	<b>Air Quality:</b> 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, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	<b>Hazardous Materials:</b> 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 &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> 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"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b>

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.

Comments and Planner Signature (optional): Gabriela Pantoja

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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> 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. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> 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.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input checked="" type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. <b>Addition(s)</b> , 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. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input checked="" type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  Proposed project is restorative in nature - new aluminum storefront system with recessed entries and tile bulkhead compatible with historic district.  <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> <i>(Requires approval by Senior Preservation Planner/Preservation)</i>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A                a. Per HRER dated                b. Other (specify):         </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C                <i>(attach HRER)</i> </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Stephanie Cisneros	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> 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 <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit <hr/> If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	<b>Signature:</b> Gabriela Pantoja <hr/> 09/24/2018
	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. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

## 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)
3939 24TH ST		6508/034
Case No.	Previous Building Permit No.	New Building Permit No.
2018-009337PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

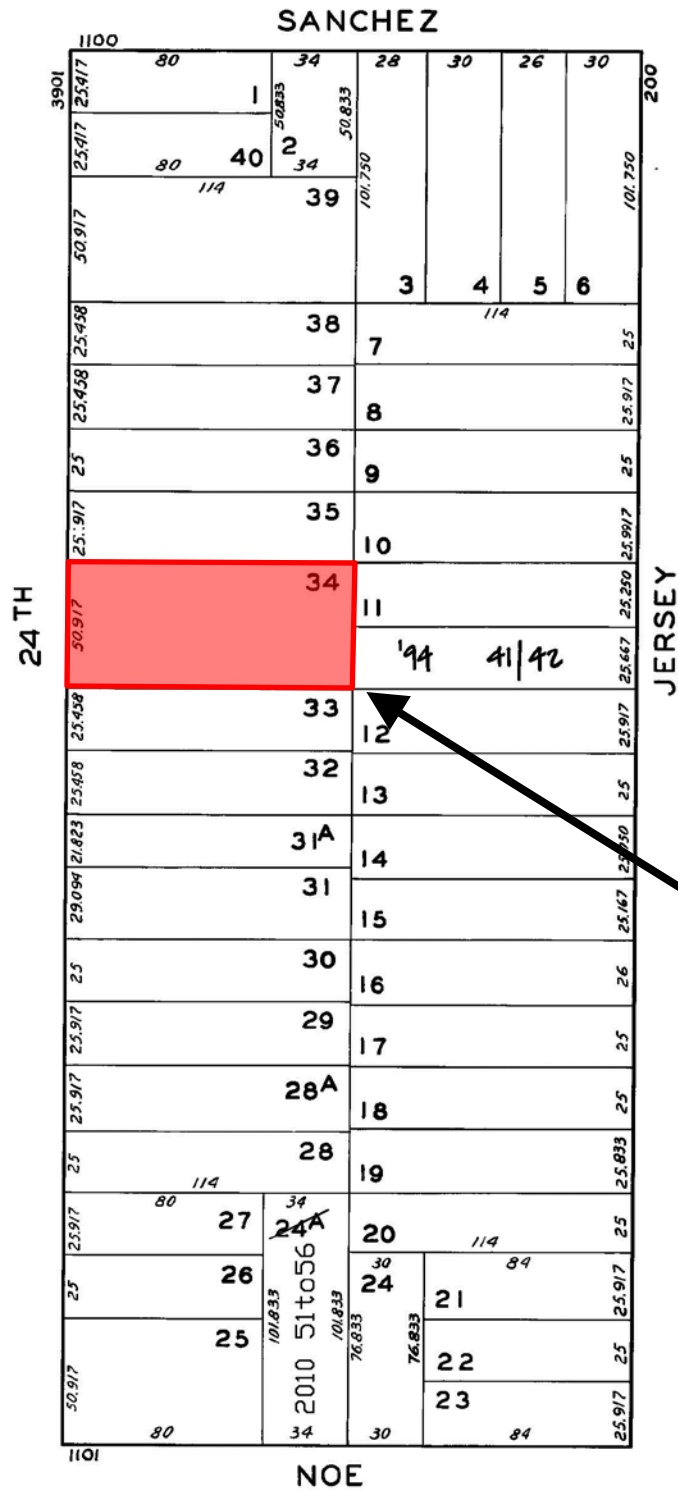
### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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.	

### 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:

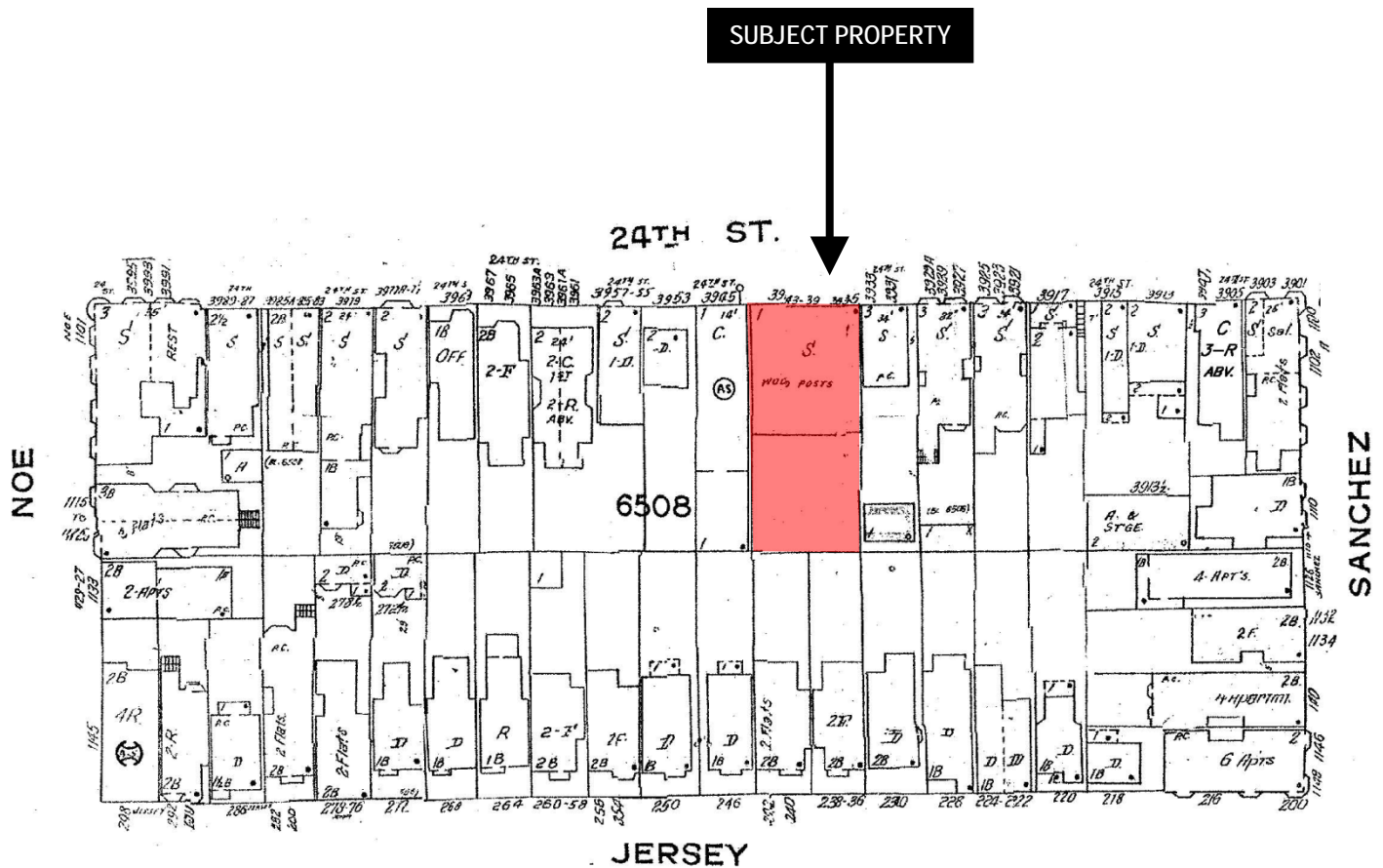
# Parcel Map



SUBJECT PROPERTY



# Sanborn Map\*

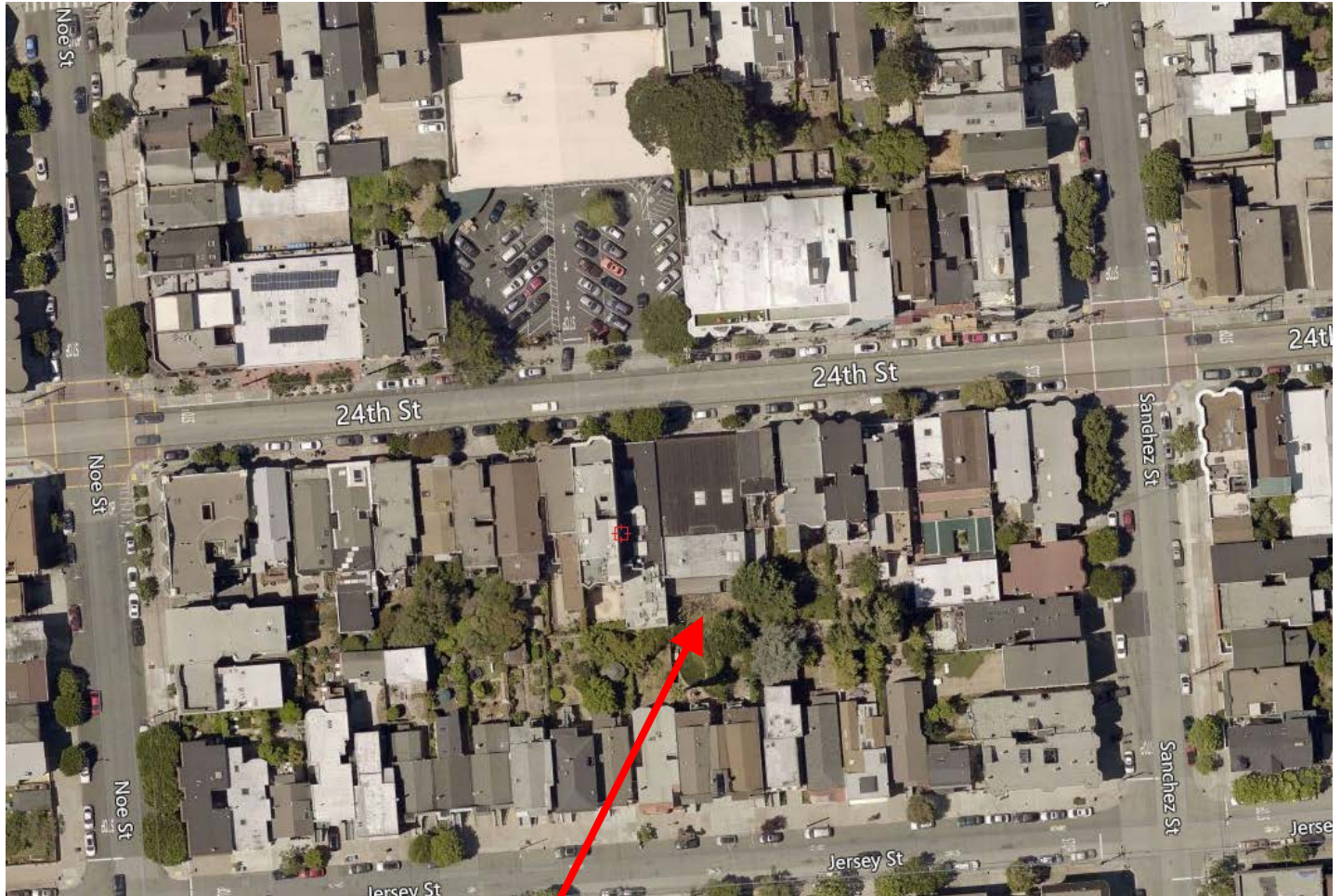


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization  
Case No. 2018-009337CUA  
3939 24<sup>th</sup> Street

# Aerial Photo

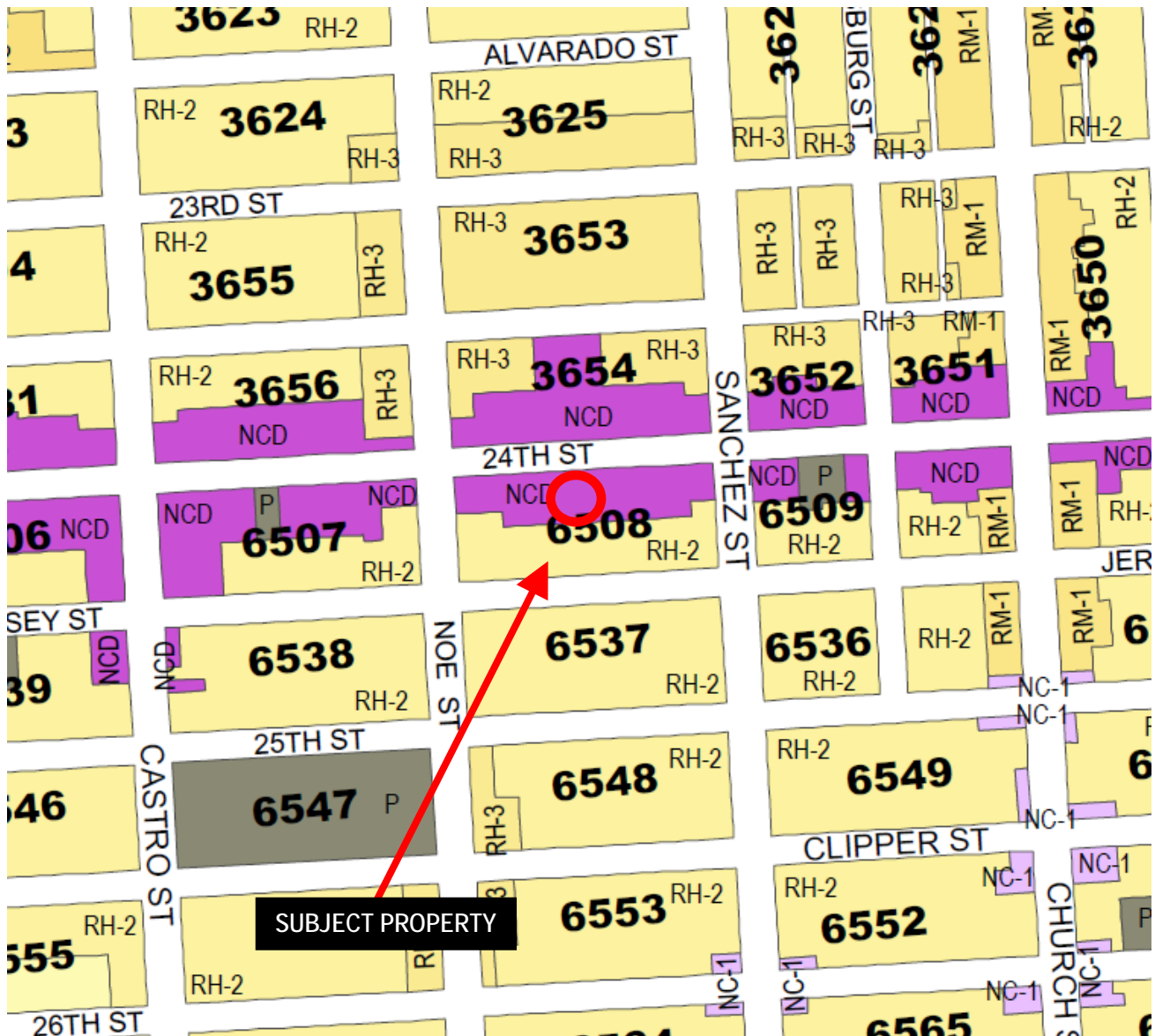


SUBJECT PROPERTY



Conditional Use Authorization  
Case No. 2018-009337CUA  
3939 24<sup>th</sup> Street

# Zoning Map



Conditional Use Authorization  
Case No. 2018-009337CUA  
3939 24<sup>th</sup> Street

# Site Photo



Conditional Use Authorization  
Case No. 2018-009337CUA  
3939 24<sup>th</sup> Street

# REUBEN, JUNIUS & ROSE, LLP

## Exhibit E

Daniel Frattin  
[dfattin@reubenlaw.com](mailto:dfattin@reubenlaw.com)

September 24, 2018

### By Messenger

President Rich Hillis and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, 4th Floor  
San Francisco, CA 94107

**Re: 3939 24th Street (Block 6508; Lot 034)**  
**Planning Case Number: 2018-009337CUA**  
**Hearing Date: October 4, 2018**  
**Our File No.: 11066.07**

Dear President Hillis and Commissioners:

Our office represents MWA LLC (“Owner”) owner of 3939 24<sup>th</sup> Street (Block 6508; Lot 034; the “Property”). The Property was a Real Foods grocery store before it shuttered its doors in 2003. Under three prior owners, the Property sat vacant for the past thirteen (13) years. The current owner, an entity affiliated with Tom Murphy of Aralon Properties, purchased the Property in May of this year. It seeks a conditional use authorization, which is required to change a grocery store to another use, and plans to seismically upgrade the 5,490 square foot building for retail tenancy (the “Project”).

The proposed Project will occupy a longstanding vacant building. It is no longer economically feasible for a Grocery Store to reoccupy the Property given the change in retail landscape, including the Amazon effect<sup>1</sup> of the grocery industry, and the Whole Foods directly across the street at 3950 24<sup>th</sup> Street (“Whole Foods”).

By this letter, we respectfully request that the Planning Commission approve the conditional use authorization for the Project. We look forward to presenting the Project to you on October 4, 2018.

---

<sup>1</sup> Derek Thompson, The Amazon-ification of Whole Foods, The Atlantic, February 8, 2018, available at: <https://www.theatlantic.com/business/archive/2018/02/whole-foods-two-hour-delivery-amazon/552821/>, last visited September 17, 2018.

**A. Executive Summary and Project Benefits**

The Project will provide significant benefits to the City, including the following:

- **Future General Grocery Store use at property not reasonably foreseeable.** Due to the existence of a large grocery store directly across the street and the change in the grocery landscape, e.g., Amazon effect, it is not realistic to expect another grocery store to operate out of the Property. **(Discussion at pp. 2-3)**
- **Re-activation of 50-foot storefront.** The Property has sat vacant since 2003 when Real Foods shuttered. It is not reasonably feasible to expect that another grocery store will operate at the Property. The Project will benefit the neighborhood by boosting local foot traffic and bringing more foot traffic to the new local businesses on 24<sup>th</sup> Street. No existing retailers would be displaced. **(Discussion at pp. 3-4)**
- **Improves Neighborhood Safety.** The creation of three ground-floor neighborhood-serving retail units at the Property will activate the sidewalk, provide eyes on the streets, and generally increase the safety of the neighborhood. **(Discussion at pp. 4)**
- **Support.** The Project has received local support. Project Sponsor has received nine letters of support from local merchants and local residents.

**B. Property and Project Description**

The Property is located off 24<sup>th</sup> Street between Noe and Sanchez Streets in the heart of the Noe Valley Neighborhood Commercial District. The Property is a 5,802 square foot parcel with an existing building having a total gross floor area of 5,490 square feet. Despite the best efforts of several different owners of the Property, a tenant for the space could not be secured due to the Property's use limitation of as a General Grocery Store use.

Seismic and storefront upgrades will be made to the building. There will be no changes to the building envelope. No other changes are proposed

**C. Compliance with Conditional Use Criteria for Removal of Grocery Store Use**

The Project meets and exceeds the requirements for a conditional use authorization for removal of a General Grocery Store use. Since the closure of Real Foods, the Property has had three owners, including the owner when Real Foods closed, before the current one purchased it in spring 2018. In the intervening years, several different owners of the Property have attempted to secure another grocery store tenant for the Property to no avail. The future prospect of another grocery store occupying the space is slim and it is not reasonably economically viable given: (a) the proximity of another General Grocery Store in the neighborhood and (b) the current retail environment.

Market conditions for grocery stores are unlikely to change in the foreseeable future. Whole Foods is directly across the street from the Property, less than a hundred feet away. Whole Foods with 25,200 gross square-feet of floor area, 140-feet of retail frontage, 38 parking spaces, and one freight loading zone, satisfies the local area's grocery needs. Because the Whole Foods has a parking lot, it is an attractive option for neighborhood residents when making large/bulk purchases.

Any grocery store at the Property would be in competition with Whole Foods. Whole Foods' purchase by Amazon with its delivery services – along with others like Instacart – are a further deterrent to new a local or natural grocery market.

Further, the feasibility of a General Grocery Store operating at the Property is lessened due to the current grocery landscape and Amazon effect of the retail industry across the board. People in today's busy world do not go to grocery or brick-and-mortar stores in the numbers that they used to.<sup>2</sup> Rather, a large swath of San Francisco residents satisfy their perishable and non-perishable grocery shopping needs through the use of on-line marketplaces, such as Amazon, Target<sup>3</sup>, Blue Apron, Good Eggs, and Safeway online delivery via Instacart. In addition, Amazon even provides in-home delivery<sup>4</sup>, meaning products are dropped off inside a customer's home and in some instances inside their refrigerator.<sup>5</sup> With increased ease in use and greater options available from online marketplaces, traditional brick-and-mortar grocery stores are no longer economically viable as they once were. As such, removal of the General Grocery Store use restriction is warranted.

#### **D. Re-Activation of 50-Foot Storefront In the Heart of Noe Valley NCD**

The Property was the former site of Real Foods. Real Foods had been a longstanding tenant at the property, having opened in 1970.<sup>6</sup> Real Foods shut down its operations at the Property in 2003. The Property has sat vacant since then. It is now in a state of disrepair. The

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<sup>2</sup> Russel Redman, Amazon Keeps Up Pressure on Food Retailers, Supermarket News, April 20, 2018, available at: <https://www.supermarketnews.com/online-retail/amazon-keeps-pressure-food-retailers>, last visited September 17, 2018.

<sup>3</sup> Yoni Blumberg, Amazon, Walmart and Tarket are Competing to Delivery Your Groceries- Here's How Their Offers Stack Up, CNBC, March 19, 2018, available at <https://www.cnbc.com/2018/03/19/how-amazon-walmart-and-target-compare-on-grocery-delivery-services.html>, last visited September 17, 2018.

<sup>4</sup> Megan Wollerton, Amazon Key In-Home Delivery Shouldn't Freak You Out. Here's Why, cnet, July 5, 2018, available at: <https://www.cnet.com/news/amazon-key-in-home-delivery-shouldnt-freak-you-out-heres-why/>.

<sup>5</sup> Tristan Greene, Not to be Outdone by Walmart, Amazon Drivers Will Delivery Packages Straight to Your Fridge, The Next Web, October 10, 2017, available at: <https://thenextweb.com/tech/2017/10/10/not-to-be-outdone-by-walmart-amazon-drivers-will-deliver-packages-straight-to-your-fridge/>, last visited September 17, 2018.

<sup>6</sup> J.K. Dineen, New Owner of Long-Closed Noe Valley Real Food to Sell it for Housing, San Francisco Chronicle, September 1, 2017, available at: <https://www.sfchronicle.com/politics/article/New-owner-of-long-closed-Noe-Valley-Real-Foods-to-12165578.php>, last visited September 17, 2018.

Property is one of fifteen vacancies on Noe Valley's commercial strip.<sup>7</sup> The Property and other vacant storefronts in the Noe Valley Neighborhood Commercial District are a blight.

Upgrades and re-occupancy of the building will help activate the 24<sup>th</sup> Street corridor. The Noe Valley Neighborhood Commercial District is a daytime-oriented, multi-purpose commercial district, providing a mixture of convenience and comparison-shopping goods and services to a predominantly local market area. Creating three smaller, retail storefronts at the Property would enhance the potential for locally-owned, neighborhood-serving retail uses to occupy those spaces for comparison shopping.

The Project will contribute to local employment opportunities and opportunities for diversity in neighborhood-serving retail options. The new retail spaces will boost local foot traffic and bring more foot traffic to the local businesses on 24<sup>th</sup> Street, reactivating the 50-feet of storefront. The re-activation of storefront would benefit the Noe Valley Neighborhood Commercial District as a whole.

**E. Increased Safety to 24<sup>th</sup> Street Corridor From Redevelopment**

Putting a new tenant in the building, will increase the number of eyes-on-the-street, from the retail proprietors and their clients. Similarly, there will increased foot traffic along 24<sup>th</sup> Street in the Noe Valley Neighborhood Commercial District. As a result, the eyes-on-the-street and foot traffic will increase safety of the neighborhood.

Additionally, upgrades and re-occupancy of the Property will remove from the corridor a large target for vandalism and graffiti. With 50 feet of building fronting 24<sup>th</sup> Street with large glass windows, the existing building is vulnerable to being defaced.<sup>8</sup>

**F. Conclusion**

The Project proposes to transform a longstanding vacant lot with 50-feet of retail street frontage in a heart of the Noe Valley Neighborhood Commercial District, improving the area's aesthetic appeal. The Project will substantially benefit the City and neighborhood by creating new employment opportunities and diversifying the retail sector. Comprehensive upgrades to the Property, including seismic retrofitting and dividing the space into three (3) smaller retail units will make it a more desirable location for local businesses to locate. We look forward to presenting the Project to you on October 4, 2018. For all the reasons stated herein and those listed in the applications, we respectfully request that you grant the conditional use authorization for the Project. Thank you for your consideration.

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<sup>7</sup> *Id.*

<sup>8</sup> Real Foods: I wish This Was . . . , Noe Valley SF, April 26, 2013, available at: <http://noevalleysf.blogspot.com/2013/04/real-foods-i-wish-this-was.html>, last visited September 17, 2018.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in black ink, reading "Daniel A. Frattin", written over a horizontal line.

Daniel Frattin

cc: Vice President Myrna Melgar  
Commissioner Rodney Fong  
Commissioner Milicent Johnson  
Commissioner Joel Koppel  
Commissioner Kathrin Moore  
Commissioner Dennis Richards  
Jonas P. Ionin, Commission Secretary  
John Rahaim, Planning Director  
Scott Sanchez, Zoning Administrator  
Gabriela Pantoja, Project Planner



Noe Valley Association  
A Community Benefit District  
noevalleyassociation.org

September 21, 2018

Dan Sider  
dan.sider@sfgov.org  
Director, SF Planning Division  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

*Re: Support for 3939 24<sup>th</sup> Street*

Dear Dan,

As Executive Director of the Noe Valley Association (NVA), a Community Benefit District (CBD), I, we are in full support for the property owners of 3939 24<sup>th</sup> street to remove the general grocery store designation from this property. There is a Whole Foods grocery store right across the street from this property and the community does not need another grocery store.

We understand there is a Planning Commission Hearing on October 4<sup>th</sup> and want our letter of support for removal of this designation to be included in the file for this item on the agenda.

Thank you,

Debra Niemann  
Executive Director  
Noe Valley Association CBD  
415-519-0093

1330 Castro Street • San Francisco • CA • 94114  
[www.noevalleyassociation.org](http://www.noevalleyassociation.org)

September 19, 2018

Gabriela Pantoja  
gabriela.pantoja@sfgov.org  
Southwest Team, Current Planning Division  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

*Re: Support for 3939 24<sup>th</sup> Street*

Dear Gabriela,

As a neighbor and Noe Valley resident since 2000 and someone who cares deeply about our local community, I express my full support for the property owners of 3939 24<sup>th</sup> street who intend to remove the general grocery store designation at the Planning Commission Hearing on October 4th.

Thank you,

A handwritten signature in dark ink, appearing to read 'Will Marks', is written over a horizontal line.

Will Marks  
Principal  
Turo Partners  
(415) 385-1163  
wmarks@turopartners.com

**From:** Stephen Fiehler  
**To:** [Pantoja, Gabriela \(CPC\)](#)  
**Cc:** [Taylor Pangman](#)  
**Subject:** Case No. 2018-009337CUA: 3939 24th Street  
**Date:** Thursday, September 13, 2018 6:35:39 PM

---

Gabriela,

I live nearby 3939 24th St. at 3930 24th St., and I'm very concerned with the plans because they do not include additional housing. The plans state that the building will remain a one-story commercial building.

Housing has become astronomically expensive in San Francisco, and supply is a primary issue. Additionally, many stores in the 24th St. Noe Valley shopping area are struggling and frequently go out of business. Noe Valley could use additional brick and mortar shoppers, and putting a few more units of housing on 24th St. should help with that.

If possible, please require that the plans for 3939 24th St. require additional housing, which is what the community has been expecting for a long time.

Sincerely,

Stephen Fiehler

--

Stephen W. Fiehler  
412-736-2522

September 25, 2018

Gabriela Pantoja  
[Gabriela.pantoja@sfgov.org](mailto:Gabriela.pantoja@sfgov.org)  
Southwest Team, Current Planning Division  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

*Re: Support for 3939 24<sup>th</sup> Street*

Dear Gabriela,

As a neighbor and local community activist, I express my full support for the property owners of 3939 24<sup>th</sup> street who intend to remove the general grocery store designation at the Planning Commission Hearing on October 4th.

The Noe Valley Business district needs more flexibility and less restrictions on what type of businesses to lease to in order to maintain the vitality of the neighborhood.

Thank you,

  
\_\_\_\_\_  
Krista Keegan  
Parks Improvement Association

4225 23<sup>rd</sup> Street  
San Francisco, CA 94114

September 19, 2018

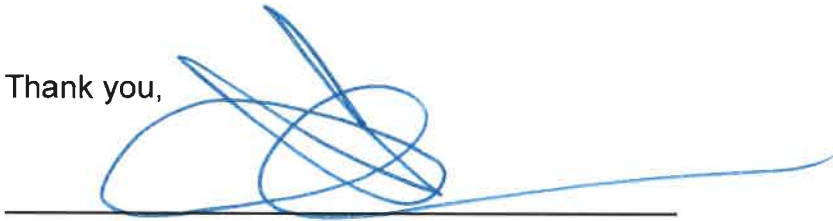
Gabriela Pantoja  
gabriela.pantoja@sfgov.org  
Southwest Team, Current Planning Division  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

*Re: Support for 3939 24<sup>th</sup> Street*

Dear Gabriela,

As a neighbor and local community activist, I express my full support for the property owners of 3939 24<sup>th</sup> street who intend to remove the general grocery store designation at the Planning Commission Hearing on October 4th.

Thank you,



**Rachel E Swann | President**

**NOE VALLEY MERCHANTS & PROFESSIONALS ASSOCIATION**

C 1.415.225.7743 | E-fax 1.844.787.0146

PO Box 460574 | San Francisco | CA | 94146

**From:** Colum Regan  
**To:** [Pantoja, Gabriela \(CPC\)](#)  
**Subject:** Fwd: 3939 24th street  
**Date:** Wednesday, September 26, 2018 3:19:01 PM

---

See below support Gabirel

Colum Regan

[415 964 6169](tel:4159646169)

[Colum@aralonproperties.com](mailto:Colum@aralonproperties.com)



482 Bryant Street  
San Francisco, CA 94107

----- Forwarded message -----

**From:** Diane Slap <[diotting@aol.com](mailto:diotting@aol.com)>  
**Date:** Wed, Sep 26, 2018 at 12:11 PM  
**Subject:** 3939 24th street  
**To:** [colum@aralonproperties.com](mailto:colum@aralonproperties.com)

As a Noe Valley resident for xx years, I express my full support for the property owners of [3939 24th Street](#) who wish to remove the general grocery store restriction at the Planning Commission Hearing on October 4th.

Diane Slap  
4050 26th street  
Noe Valley

**From:** Fabienne Blanc Quarterman  
**To:** [Sider, Dan \(CPC\)](#); [Pantoja, Gabriela \(CPC\)](#)  
**Cc:** [colum@aralonproperties.com](mailto:colum@aralonproperties.com)  
**Subject:** 3939 24th Street  
**Date:** Wednesday, September 26, 2018 10:21:35 AM

---

Hi,

I just learned of the efforts to remove the grocery store restrictions on the old Real Foods store at 3939 24th Street, and I wholeheartedly support them. I have been a Noe Valley resident since 1992 and while I have fond memories of Real Foods, I realize that no grocery store can be viable across from Whole Foods, and we will have 10 more years of a boarded storefront.

My son is 17, a Noe Valleyon by birth, and has no memory of ever seeing a store there. He, like all of us, want to see a more vibrant neighborhood center. Anything would be better than what is now, even -- gasp -- a chain store. I would prefer a gym or a hardware store, but really anything is better than another empty store.

Respectfully,

Fabienne Blanc  
1302 Noe Street

**From:** Lamisse Droubi  
**To:** [Pantoja, Gabriela \(CPC\)](#); [Sider, Dan \(CPC\)](#)  
**Cc:** [colum@aralonproperties.com](mailto:colum@aralonproperties.com)  
**Subject:** 3939 24th street (abandoned Real Foods location)  
**Date:** Wednesday, September 26, 2018 11:12:17 AM

---

As a Noe Valley resident for over 40 years, I express my full support for the property owners of 3939 24th Street who wish to remove the general grocery store restriction at the Planning Commission Hearing on October 4th. It is imperative that the residents of Noe Valley see some movement at that storefront location. It is a blight to the community and it has negatively impacted the health of other retail stores in the neighborhood.

Thanks very much,

Lamisse Droubi  
Business owner of The Droubi Team at Compass  
Home owner of 4020 26th street.

--



**From:** Lee Diamond  
**To:** [Sider, Dan \(CPC\)](#); [Pantoja, Gabriela \(CPC\)](#)  
**Cc:** [colum@aralonproperties.com](mailto:colum@aralonproperties.com)  
**Subject:** 3939 24th Street  
**Date:** Wednesday, September 26, 2018 10:55:16 AM

---

As a Noe Valley resident for 5 years, I express my full support for the property owners of 3939 24th Street who wish to remove the general grocery store restriction at the Planning Commission Hearing on October 4th.

Lee Diamond  
4046 26th Street

**From:** Sharon Gillenwater  
**To:** [Sider, Dan \(CPC\)](#); [Pantoja, Gabriela \(CPC\)](#)  
**Cc:** [colum@aralonproperties.com](mailto:colum@aralonproperties.com)  
**Subject:** 3939 24th Street  
**Date:** Wednesday, September 26, 2018 11:24:55 AM

---

Hello,

As a Noe Valley resident for for than 20 years, I express my full support for the property owners of 3939 24th Street who wish to remove the general grocery store restriction at the Planning Commission Hearing on October 4th.

Thank you,

Sharon Gillenwater  
4085 26th Street

**From:** hollis phillips  
**To:** [Sider, Dan \(CPC\)](#); [Pantoja, Gabriela \(CPC\)](#)  
**Cc:** [colum@aralonproperties.com](mailto:colum@aralonproperties.com)  
**Subject:** 3939 24th Street - Usage  
**Date:** Wednesday, September 26, 2018 1:20:07 PM

---

As a Noe Valley resident for 24 years, I express my full support for the property owners of 3939 24th Street who wish to remove the general grocery store restriction at the Planning Commission Hearing on October 4th.

Hollis Phillips  
4070 26th Street

**From:** SchuT  
**To:** [Colum Regan](#)  
**Cc:** [Pantoja, Gabriela \(CPC\)](#)  
**Subject:** Re: 3939 24th Street  
**Date:** Wednesday, September 12, 2018 3:20:41 PM

---

Dear Mr. Regan,

Thank you for your email and I understand your problem.

I must say though that the Real Food thrived at this site for years when there was Bell Market where the Whole Foods is now. And the Real Foods closed due to the sale of this local chain to a corporation that did not want to deal with the workers, not the Whole Foods.

So I am not convinced that another grocery store would be impossible any more than three individual stores would be given the current problems with brick and mortar retail.

Personally I would like an option other than Whole Foods, where I *never* shop....perhaps there are other residents who feel the same....and would like to be able to shop not only at the Saturday Farmer's Market at the Noe Town Square, but also no longer need to travel to Bi-Rite on 18th Street or Canyon Market in Glen Park or Rainbow Grocery.

As I said, I understand your problem and I wish you good luck at the hearing.

Sincerely,

Georgia Schuttish

32 year Resident of Noe Valley

Sent from my iPad

On Sep 12, 2018, at 2:25 PM, Colum Regan <[colum@aralonproperties.com](mailto:colum@aralonproperties.com)> wrote:

Dear Noe Valley Neighbor,

We are the new owners of 3939 24<sup>th</sup> Street, and after 15 years of vacancy, we intend to retrofit the building for new tenants. But before leasing the space, we must first remove the restriction that limits the use to only general grocery stores. The previous tenant, Real Foods, was a general grocery store, and the Planning Department requires a conditional use hearing to remove the general grocery designation before any other type of business can lease the space. Our hearing is scheduled for October 5<sup>th</sup>. The purpose of the hearing is to remove the general grocery use. If we receive approval at that hearing, then, we will lease the building. If we don't, then we will be forced to lease to another grocery store, which would be nearly impossible given that it is directly in front of Whole Foods.

We ask for your support to remove the general grocery designation.

Please email [colum@aralonproperties.com](mailto:colum@aralonproperties.com)

Thank you,

Colum Regan

[415 964 6169](tel:4159646169)

[Colum@aralonproperties.com](mailto:Colum@aralonproperties.com)



## PROJECT APPLICATION

Any project that is not eligible for same-day approval at the Planning Information Center counter must submit a Project Application. This includes any Building Permit Application that requires an intake for Planning Department review, including for environmental evaluation, and any application for a development entitlement. To be considered complete, a Project Application must be accompanied by all required supporting materials and supplemental applications, as indicated below. San Francisco Planning will not begin reviewing the project unless a complete Project Application has been submitted and accepted by the Department. For more information, see the Project Application Informational Packet located [here](#).

For more information call 415.558.6377, or email the Planning Information Center (PIC) at [pic@sfgov.org](mailto:pic@sfgov.org).

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

## APPLICATION SUBMITTAL REQUIREMENTS

### WHAT TO SUBMIT:

Please check that all the below materials are included with this application:

- ☐ One (1) complete application signed by owner or agent.
- ☐ One (1) hard copy set of reduced sized (11"x17") plans, including but not limited to plans showing adjacent structures, existing and proposed floor plans, elevations, and sections. Once your project is assigned, your planner may request a full-size (24"x36") set of plans. Please see the [Department's Plan Submittal Guidelines](#) for more information.
- ☐ Related supplemental applications, as indicated below in this application.
- ☐ Pre-Application Meeting materials, if required. See the Pre-Application Meeting Informational Packet at [www.sfplanning.org](http://www.sfplanning.org) for more information.
- ☐ A Letter of Authorization for Agent from the owner(s) giving you permission to communicate with the Planning Department on their behalf.
- ☐ A digital copy (CD or USB drive), containing the application(s), project drawings, letter of authorization, etc. **NOTE: this is not required for Building Permit Application intake.**
- ☐ Current or historic photograph(s) of the subject property.
- ☐ If a Preliminary Project Assessment (PPA) letter was issued for this project, all required supplemental applications and information as indicated in the PPA.
- ☐ Payment via Check, Money Order or debit/credit for the required intake fee amount. (See [Fee Schedule and/or Calculator](#)).

### HOW TO SUBMIT:

#### Building Permit Applications:

For projects that do not require an entitlement action by the Planning Department, but require Planning Department review of a Building Permit Application, please present this completed Planning Application along with the Building Permit Application for intake at the Planning Information Center (PIC), 1660 Mission Street, Ground Floor.

#### Entitlement Applications (no Building Permit):

For projects that require an entitlement action by the Planning Department, please complete this Project Application and any required supplemental applications and schedule an intake appointment to submit them. To schedule an appointment, please send an email request along with the intake appointment request form to: [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). Intake request forms are available [here](#).



# PROJECT APPLICATION

## GENERAL INFORMATION

### Property Owner's Information

Name:

Address:

Email Address:

Telephone:

### Applicant Information

Same as above

Name:

Company/Organization:

Address:

Email Address:

Telephone:

### Please Select Billing Contact:

Owner

Applicant

Other (see below for details)

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

### Please Select Primary Project Contact:

Owner

Applicant

Billing

### Property Information

Project Address:

Block/Lot(s):

## RELATED APPLICATIONS

### Related Preliminary Project Assessment (PPA) Application

N/A

PPA Application No(s):

PPA Letter Date:

### Related Building Permits Applications

N/A

Building Permit Applications No(s):

## PROJECT INFORMATION

### Project Description:

Please provide a narrative project description that summarizes the project and its purpose. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

### Project Details:

Change of Use	New Construction	Demolition	Facade Alterations	ROW Improvements
Additions	Legislative/Zoning Changes	Lot Line Adjustment-Subdivision	Other _____	

**Estimated Construction Cost:** \_\_\_\_\_

<b>Residential:</b>	Senior Housing	100% Affordable	Student Housing	Dwelling Unit Legalization
	Inclusionary Housing Required	State Density Bonus	Accessory Dwelling Unit	

Indicate whether the project proposes rental or ownership units:      Rental Units      Ownership Units      Don't Know

<b>Non-Residential:</b>	Formula Retail	Medical Cannabis Dispensary	Tobacco Paraphernalia Establishment
	Financial Service	Massage Establishment	Other: _____

PROJECT AND LAND USE TABLES

If you are not sure of the eventual size of the project, provide the maximum estimates.

Project Features		
	Existing	Proposed
Dwelling Units - Affordable		
Dwelling Units - Market Rate		
Dwelling Units - Total		
Hotel Rooms		
Number of Building(s)		
Number of Stories		
Parking Spaces		
Loading Spaces		
Bicycle Spaces		
Car Share Spaces		
Other		

General Land Use Category		
	Existing (square footage area)	Proposed (square footage area)
Parking GSF		
Residential GSF		
Retail/Commercial		
Office		
Industrial-PDR		
Medical		
Visitor		
CIE (Cultural, Institutional, Educational)		
Useable Open Space		
Public Open Space		

Land Use - Residential		
	Existing	Proposed
Studio Units		
One Bedroom Units		
Two Bedroom Units		
Three Bedroom (or +) Units		
Group Housing - Rooms		
Group Housing - Beds		
SRO Units		
Micro Units		
Accessory Dwelling Units*  *For ADUs, individually list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.		

## ENVIRONMENTAL EVALUATION SCREENING FORM

This form will determine if further environmental review is necessary. With the Project Application, include any necessary environmental supplementals, technical studies, and/or other information required, based on your project and the requirements outlined in the screening form. If your project received a PPA letter from the Planning Department, with the Project Application, also address all necessary information specified in the Environmental Planning section of the PPA letter. A separate fee may be required for further environmental review.

**Note: please respond to the best of your knowledge. If 'Yes' is marked for any of the questions below, an environmental planner will contact you with further instructions as appropriate.**

Environmental Topic	Information	Applicable to Proposed Project?		Notes/Requirements
<b>1a. General</b>	Estimated construction duration (months):	N/A		
<b>1b. General</b>	Foundation Design Type	Yes	No	
<b>2a. Historic Preservation</b>	Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district? Refer to the Preservation tab on the <a href="#">Property Information Map</a> .	Yes	No	If yes, submit a complete <a href="#">Historic Resource Determination</a> Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits.
<b>2b. Historic Preservation</b>	Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district?	Yes	No	If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with <a href="mailto:CPC-HRE@sfgov.org">CPC-HRE@sfgov.org</a> .
<b>3. Archeology</b>	<p>Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeologically sensitive area or eight (8) feet below grade in a non-archeologically sensitive area?</p> <p>To determine if your property is in an archeologically sensitive area, refer to the Zoning tab on the <a href="#">Property Information Map</a>.</p>	Yes	No	<p>If Yes, provide depth of excavation/disturbance below grade (in feet*):</p> <p>_____</p> <p><i>*Note this includes foundation work</i></p>
<b>4. Air Quality</b>	<p>Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollutant Exposure Zone?</p> <p>To determine if your property is in an air pollutant exposure zone, refer to the Zoning tab on the <a href="#">Property Information Map</a>.</p>	Yes	No	If yes, the property owner must submit copy of initial filed application with department of public health. More information is found <a href="#">here</a> .
<b>5. Transportation</b>	Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater?	Yes	No	If yes, submit an Environmental Supplemental- <a href="#">School and Child Care Drop-Off &amp; Pick-Up Management Plan</a> .

Environmental Topic	Information	Applicable to Proposed Project?		Notes/Requirements
6. Shadow	<p>Would the project result in any construction over 40 feet in height?</p>	Yes	No	<p>If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.)</p> <p>An additional fee for a shadow review may be required.</p>
7. Geology and Soils	<p>Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 20% or greater?</p> <p>To determine if your property is in an area with slopes greater than or equal to 20 percent, landslide or liquefaction zone, refer to the Zoning tab on the <a href="#">Property Information Map</a>.</p> <p>-----</p> <p>Area of excavation/disturbance (in square feet):</p> <p>_____</p> <p>Amount of excavation (in cubic yards):</p> <p>_____</p>	Yes	No	<p>A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project:</p> <ul style="list-style-type: none"> <li>● The project involves: <ul style="list-style-type: none"> <li>○ excavation of 50 or more cubic yards of soil, or</li> <li>○ building expansion greater than 1,000 square feet outside of the existing building footprint.</li> </ul> </li> <li>● The project involves a lot split located on a slope equal to or greater than 20 percent.</li> </ul> <p><u>A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.</u></p>
8. Biological Resources	<p>Does the project include the removal or addition of trees on, over, or adjacent to the project site?</p>	Yes	No	<p>If yes:</p> <p>Number of existing trees on, over, or adjacent to the project site:</p> <p>_____</p> <p>Number of existing trees on, over, or adjacent to the project site that would be removed by the project:</p> <p>_____</p> <p>Number of trees on, over, or adjacent to the project site that would be added by the project:</p> <p>_____</p>
9a. Hazardous Materials	<p>Would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?</p>	Yes	No	<p>If yes, submit a Phase I Environmental Site Assessment prepared by a qualified consultant.</p>
9b. Hazardous Materials	<p>Is the project site located within the Maher area and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use?</p> <p>To determine if your property is in the Maher Map, refer to the Zoning tab on the <a href="#">Property Information Map</a></p>	Yes	No	<p>If yes, submit a copy of the <a href="#">Maher Application Form</a> to the Department of Public Health. Also submit a receipt of Maher enrollment with the Project Application.</p> <p>For more information about the Maher program and enrollment, refer to the Department of Public Health's <a href="#">Environmental Health Division</a>.</p> <p><u>Maher enrollment may also be required for other circumstances as determined by Environmental Planning staff.</u></p>

## PRIORITY GENERAL PLAN POLICIES FINDINGS

### (APPLICABLE TO ALL PROJECTS)

Planning Code Section 101 requires that the City find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it is not applicable.

**Please respond to each policy; if it's not applicable explain why:**

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
3. That the City's supply of affordable housing be preserved and enhanced;
4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

**Please respond to each policy; if it's not applicable explain why:**

5. 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;

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

7. That landmarks and historic buildings be preserved; and

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

## SUPPLEMENTAL APPLICATIONS

Most development projects require environmental evaluation and specific entitlement actions. Applicants are responsible for submitting all necessary supplemental applications required to complete this review. For projects that received a Preliminary Project Assessment (PPA), all supplemental applications that were indicated in the PPA should be provided as part of this Project Application.

Please indicate below for all supplemental applications that are related to this Project Application:

Identified in PPA:	Provided:	Name of Supplemental Application
		Affordable Housing Streamlined Approval (SB-35)
		Certificate of Appropriateness [COA]
		Certificate of Appropriateness - Administrative [ACOA]
		Conditional Use Authorization [CUA]
		Density Bonus: HOME-SF Program - Section 206.3
		Density Bonus: 100% Affordable Housing Bonus Program - Section 206.4 [AHBP]
		Density Bonus: Individually Requested State Density Bonus Program - Section 206.6
		Density Bonus: State Analyzed Density Bonus Program - Section 206.5
		Dwelling Unit Removal: Merger, Conversion or Demolition - Section 317 [CUA]
		Gasoline Service Station Conversion [CUA]
		Historic Resource Evaluation [HRE]
		In-Kind Agreement [IKA]
		Landmark Designation Application [DES]
		Large Project Authorization in Downtown - Section 309 [DNX]
		Large Project Authorization in Eastern Neighborhoods - Section 329 [ENX]
		Large Residential Project Authorization in Downtown - Section 309.1 [DNX]
		Large Tourist Hotel Conversion
		Legislative Amendment [PCA]
		Permit to Alter, Major [PTA]
		Mills Act Historical Property Contract [MLS]
		Office Allocation - Section 321 [OFA]
		School and Child Care Drop-Off & Pick-Up Management Plan
		Transferable Development Rights - Certificate of Transfer [TDT]
		Transferable Development Rights - Notice of Use [TDU]
		Transferable Development Rights - Statement of Eligibility [TDE]
		Transportation Demand Management Program [TDM]
		Variance [VAR]
		Wireless Conditional Use Authorization [WLS]
		Other:

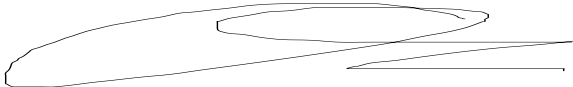
Please indicate if the below entitlements are needed for this project. No supplemental application is required, but an additional fee will apply.

Identified in PPA:	Provided:	Name of Entitlement
		Coastal Zone Permit (CTZ)
		Permit to Alter, Minor [MPTA]
		Shadow Study (SHD)

# 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

\_\_\_\_\_  
Name (Printed)


\_\_\_\_\_  
Relationship to Project  
(i.e. Owner, Architect, etc.)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

# APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Date

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



# CONDITIONAL USE AUTHORIZATION

## INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

**ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.**

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email [pic@sfgov.org](mailto:pic@sfgov.org), or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

### WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will “condition” the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

### WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD's), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

### Fees

Please refer to the [Planning Department Fee Schedule](#) available at [www.sfplanning.org](http://www.sfplanning.org) or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.



# CONDITIONAL USE AUTHORIZATION

## SUPPLEMENTAL APPLICATION

### Property Information

Project Address:

Block/Lot(s):

### Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

### Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That 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 the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).



# 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

Name (Printed)

Relationship to Project


(i.e. Owner, Architect, etc.)

Phone

Email

# APPLICANT'S SITE VISIT CONSENT FORM

I herby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.



Signature

Name (Printed)

Date

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



425 Market Street, Suite 2300  
San Francisco, CA 94105  
Tel +1 415 397 1700  
Fax +1 415 397 0933  
[cushmanwakefield.com](http://cushmanwakefield.com)

July 10, 2018

Michael Ware  
Aralon Properties  
482 Bryant Street  
San Francisco, CA 94107

Michael –

Attached is a ProForma for a general grocery use at 3939 24<sup>th</sup> Street. As you can see by the numbers, a general grocery tenant would not be feasible at that location, especially given that it is in front of Whole Foods. Please let me know if you have any questions.

Regards,

**Jennifer Hibbitts**  
Senior Director  
CA License #01418027

Direct: 415-451-2433  
Mobile: 415-272-2162  
Fax: 415-451-2433  
[jennifer.hibbitts@cushwake.com](mailto:jennifer.hibbitts@cushwake.com)

## Income Statement

Proforma 2018

Property Address: 3939 24th Street

	ANNUAL PROFORMA		\$/ft
INCOME			
RENT INCOME			
Rent	\$	122,370.00	\$ 30.00
NET RENT INCOME	\$	122,370.00	\$ 30.00
EXPENSE REIMBURSEMENT			
Passthru Property Tax	\$	35,640.00	\$ 8.74
Passthru Insurance	\$	17,000.00	\$ 4.17
Passthru Utilities	\$	40,500.00	\$ 9.93
Other Charge - Miscellaneous	\$	11,730.35	\$ 2.88
TOTAL REIMBURSEMENT	\$	104,870.35	\$ 25.71
TOTAL INCOME	\$	227,240.35	\$ 55.71
EXPENSES			
Building Supplies & Materials	\$	500.00	\$ 0.12
Janitorial	\$	4,000.00	\$ 0.98
Keys & Locks	\$	500.00	\$ 0.12
Management Fees - mgmt	\$	6,730.35	\$ 1.65
Insurance	\$	17,000.00	\$ 4.17
Property Tax	\$	35,640.00	\$ 8.74
Electricity	\$	22,000.00	\$ 5.39
Water & Sewer	\$	4,500.00	\$ 1.10
Trash/Waste Disposal	\$	14,000.00	\$ 3.43
TOTAL EXPENSES	\$	104,870.35	\$ 25.71
NET INCOME	\$	122,370.00	\$ 30.00

RSF

4,079

purchase price	\$	3,000,000.00
Remodel hard costs	\$	250,000.00
Removel soft costs	\$	100,000.00
Tenant TI allowance	\$	1,000,000.00
real estate commissions	\$	100,000.00
total investment	\$	4,450,000.00

<b>CAP rate</b>	<b>2.75%</b>
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