



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion 19119

HEARING DATE: APRIL 24, 2014

Date: April 17, 2014
Case No.: **2013.1654C**
Project Address: **3201 California Street (at Presidio Avenue)**
Zoning: NC-2 (Small-Scale Neighborhood Commercial District)
 40-X Height and Bulk District
Block/Lot: 1032/002
Project Sponsor: Daniel Robinson
 MacCracken Architects
 479 – 9th Street
 San Francisco, CA 94103
Staff Contact: Sara Vellve – (415) 558-6263
sara.vellve@sfgov.org
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 711.11, 711.21, and 711.49 OF THE PLANNING CODE TO ALLOW THE INFILL OF AN INTERIOR ATRIUM AT THE SECOND FLOOR OF THE EXISTING FINANCIAL SERVICE (SF FIRE CREDIT UNION) BY APPROXIMATELY 2,300 SQUARE FEET AND TO ALLOW A USE SIZE IN EXCESS OF 4,000 SQUARE FEET ON A LOT IN EXCESS OF 10,000 SQUARE FEET WITHIN THE NC-2 (SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT) AND 40-X HEIGHT AND BULK DISTRICT. A PHYSICAL EXPANSION OF THE BUILDING IS NOT PROPOSED.

PREAMBLE

On November 13, 2013 Daniel Robinson (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303, 711.11, 711.21, and 711.49 to infill an interior atrium at the second floor of the existing financial service (SF Fire Credit Union) by approximately 2,300 square feet and to allow a use size in excess of 4,000 square feet on a lot in excess of 10,000 square feet within the NC-2 (Small-Scale Neighborhood Commercial District) and 40-X Height and Bulk District. A physical expansion of the existing building is not proposed.

On April 24, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1654C.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1654C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The triangular-shaped lot is located on the southwest corner of the intersection of California Street and Presidio Avenue, Block 1032, Lot 002. The subject property is located within the NC-2 (Small-Scale) Neighborhood Commercial District ("NCD") and the 40-X Height and Bulk District. The site, consisting of approximately 16,100 square feet, is developed with an approximately 35-foot tall, two-story financial services office and a below-grade, 40-car parking garage. The existing building and use were approved pursuant to Case No. 1995.472C/E approved on October 10, 1996.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character. A variety of commercial and institutional establishments are located in the immediate area, including restaurants, a hotel, the Jewish Community Center, and UCSF's Laurel Heights Campus. Buildings containing residential dwellings are generally located east of the site across Presidio Avenue. Buildings in the vicinity are typically three to four stories.
4. **Project Description.** The project sponsor proposes to increase the interior floor area of the existing financial services office (San Francisco Fire Credit Union, Main Branch) by infilling a second-floor atrium. The floor area would be increased by approximately 2,300 square feet for an overall use size of approximately 24,700 square feet. The proposal would not result in changes to the building footprint or envelope. The proposal would create workspace for approximately 35 new employees.
5. As constructed in approximately 1997, the building façade consists of a curtain wall fronting the southwest corner of the intersection of California Street and Presidio Avenue. The proposed

interior modification has been designed, and will be conditioned, to decrease visibility of the new floorplate and railing from the street through the curtain wall.

6. **Public Comment.** As of April 11, 2014 the Department has not received public comment on the proposal.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 711.49 states that Conditional Use Authorization is required for a financial use on the second floor of buildings, as defined by Planning Code Section 790.110.

The subject financial services use currently occupies the second floor of the subject building. The proposal is to expand the second floor by approximately 2,300 square feet through the infill of an existing two-story atrium. The proposal would accommodate additional employees.

- B. **Lot Size.** Planning Code Section 711.11 states that a Conditional Use Authorization is required for a lot size of over 10,000 square feet. The subject lot size is approximately 15,900 square feet.

The site is currently developed with an approximately 35-foot tall, 22,400 square-foot building containing the financial services office proposed to be expanded. The overall building volume and footprint will not be increased. The building was granted Conditional Use authorization in October of 1996.

- C. **Use Size.** Planning Code Section 711.21 states that a Conditional Use Authorization is required for a non-residential use size over 4,000 square feet, as defined by Planning Code Section 790.130.

The proposal would not increase the overall building volume or footprint as it proposes to construct a floorplate in an existing two-story atrium to accommodate additional work space for approximately 35 employees. The overall use size would increase from approximately 22,400 square feet to approximately 24,700 square feet.

- D. **Parking.** Planning Section 151 of the Planning Code requires one off street parking for every 500 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The building would contain approximately 22,400 square-feet of occupied floor area after the proposed construction is completed. As expansion of the occupied space is approximately 2,000 square feet, four additional off-street parking spaces are required. Currently, the site contains 40 off-street parking spaces in a below-grade garage that is accessed from Presidio Avenue. The proposal does not include expansion of the garage. The sponsor has requested a parking reduction of nine off-street parking

spaces pursuant to Planning Code Section 161(j), which was granted by the Acting Zoning Administrator on April 9, 2014.

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

The proposal would not alter the existing building, but represents an interior modification to create additional floor space where there is currently a two-story atrium. The new floorplate will be designed, and conditioned, to reduce its visibility from the street through an existing curtain wall of colored glass. The existing building was approved by the Planning Commission in October, 1996 through Case No. 95.472C. Building Permit Application No. 9706323S was reviewed and approved by Planning Department staff in June of 1997.

- F. **Signage.** The proposal does not include alteration of, or change to, any existing signage on the property.
8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The creation of approximately 2,400 square feet of new occupied space through an internal modification to an existing use approved through Conditional Use Authorization will not alter the overall size of the existing building and there will be no discernable change to how the financial service operates. Therefore, the use will continue to be desirable and compatible with the neighborhood and community.

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

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

The proposal is to modify the internal space of the existing building. The size or external appearance of the building would not be altered.

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

Alterations that would change the existing parking and parking garage access are not proposed. The existing building contains 40 off-street, below-grade parking spaces. The site is located at the corner of California Street and Presidio Avenue with access MUNI lines 1, 2, 3, 28, 38 and 43. A parking reduction was granted on April 9, 2014 to reduce the off-street parking requirement by nine spaces.

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

The proposal constitutes interior modifications that would not create the above-referenced nuisances.

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

The proposal constitutes interior modifications that would not trigger the above-referenced considerations. The above-referenced considerations were addressed through Case No. 95.472C approved in October, 1996.

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

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

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

The proposed project is consistent with the stated purposes of NC-2 Districts in that the internal modification will represent a modest increase of occupied floor space at the second floor of an existing

financial service that was approved by the Planning Commission in October, 1996. Exterior alterations or a change in the building's volume and footprint are not proposed.

9. **Planning Code Section 121.2** establishes additional criteria for nonresidential projects that exceed the use size limitation in the NC-2 (Small-Scale) Neighborhood Commercial District where the threshold is 4,000 square feet. The proposal would increase the gross square footage to approximately 39,500 square feet, and the occupied floor area to approximately 22,000 square feet.

- (1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The proposed internal modification of the existing financial service will not result in the displacement of another needed neighborhood-serving use in the area.

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

The existing financial service use meets the needs of active and retired San Francisco firefighters and their families. The proposal will improve services for the bank's clientele.

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

The proposed interior modification does not represent an exterior alteration or addition to a building that was approved by the Planning Commission in October, 1996.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed increase in occupied floor area will augment an existing financial service that provides services to San Francisco employees. The expanded floor area of the existing financial service through internal modifications will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will retain an existing financial service and will enhance the diverse economic base of the City.

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

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

The proposal would enhance an existing financial services use that was approved through Conditional Use Authorization in October, 1996. The use provides services to employees of the City and County of San Francisco. A retail tenant will not be displaced as a result of the proposal.

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

The existing dwelling units in the surrounding neighborhood would not be adversely affected. The proposal includes an internal modification to an existing financial services use.

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

No housing would be removed as a result of this Project.

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

The site is located at the southwest corner of California Street and Presidio Avenue and is well served by MUNI lines 1, 2, 3, 28, 38 and 43. It is presumable that the employees would commute by transit thereby mitigating possible effects on street parking.

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

The Project will enhance the service sector by creating approximately 2,400 square feet of occupied floor space in the San Francisco Fire Credit Union.

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site. The existing building was constructed in 1997.

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

The proposal does not involve a vertical addition to the existing building that is subject to Planning Code Section 295.

12. 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.

13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1654C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 21, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19119. 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 April 24, 2014.

Jonas P. Ionin
Acting Commission Secretary

AYES: Moore, Hillis, Antonini, Borden, Wu, Fong

NAYS: N/A

ABSENT: Sugaya

ADOPTED: April 24, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Financial Service use (d.b.a. San Francisco Fire Credit Union) located at 3201 California Street; Block 1032, Lot 002 pursuant to Planning Code Section(s) 303, 711.11, 711.21, and 711.49 within the NC-2 (Small-Scale Neighborhood Commercial District) District and a 40-X Height and Bulk District; in general conformance with plans, dated February 21, 2014 and stamped "EXHIBIT B" included in the docket for Case No. 2013.1654C and subject to conditions of approval, reviewed and approved by the Commission on April 24, 2014 under Motion No 19119. 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 April 24, 2014 under Motion No 19119.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19119 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

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

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

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

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

DESIGN

6. **Visibility of Floorplate.** The sponsor will continue to work with Department staff to ensure that the proposed interior floorplate and railing is not visible from the street through the curtain wall fronting the intersection of California Street and Presidio Avenue.

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

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

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

MONITORING

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

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

OPERATION

10. **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/>*

11. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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