



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: DECEMBER 13, 2012
Continued from the November 29, 2012 Hearing

Date: December 6, 2012
Case No.: **2012.0609C**
Project Address: **115 WEST PORTAL AVENUE**
Zoning: West Portal Avenue Neighborhood Commercial District
26-X Height and Bulk District
Block/Lot: 2989B/031
Project Sponsor: Brian Conley
Sterling Bank & Trust
400 Montgomery Street, Suite 100
San Francisco, CA 94104
Staff Contact: Rick Crawford – (415) 558-6358
rick.crawford@sfgov.org
Recommendation: **Approve with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

The Planning Commission held a public hearing on the case and adopted a motion of intent to approve the project. The Commission directed staff to prepare a motion of approval and to include a condition requiring clear glazing on the storefront.

CURRENT PROPOSAL

The project has not substantially changed, and remains a request to divide the existing 744 square foot commercial space into two spaces. One space, for the Sterling Bank office, would have a floor area of 199 square feet. The remaining space with a floor area of 545 square feet would be used as a meeting space for a local merchant's association and for community meetings in general. The proposed bank would occupy the entire 11.5 feet of street frontage of the commercial space. Access to the community meeting space would be from a back door and a walkway to Vicente Street or through the bank office. The plans for their façade of the subject tenant space have been revised to indicate clear, transparent glass on the front façade of the storefront. A proposed condition of approval also addresses this issue.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a Limited Financial Service within the West Portal Avenue Neighborhood Commercial District, pursuant to Planning Code Section 729.50.

PUBLIC COMMENT

The Department has received letters of support for the project from the Greater West Portal Merchants Association and the Greater West Portal Neighborhood Association. The Department has also received three letters of support for the project from an area merchant concerned about the vacancy of the commercial space.

BASIS FOR RECOMMENDATION

- The project financial institution is a community bank that will provide an alternative to the existing larger national franchise banks in the neighborhood.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood. .

RECOMMENDATION: Approval with Conditions
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Attachments:
Draft motion
Reduced Plans



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, AND 729.50 OF THE PLANNING CODE TO ALLOW A LIMITED FINANCIAL SERVICE (D.B.A. STERLING BANK & TRUST) WITHIN THE WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT AND A 26-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 10, 2012 Gabriel Ng (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303, and 729.50 to allow a Limited Financial Service (d.b.a. Sterling Bank & Trust) within the West Portal Avenue Neighborhood Commercial District and a 26-X Height and Bulk District.

On October 27, 2005, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting and, in Motion 17130, disapproved a request for Conditional Use authorization for a Limited Financial Service for Sterling Bank & Trust in Case No. 2005.0632C

On October 25, 2012, the Commission, at a regularly scheduled meeting, continued the hearing for Conditional Use Application No. 2012.0609C to November 29, 2012

On November 29, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0609C and adopted a motion of intent to approve the project and continued the hearing to December 13, 2012..

On December 13, 2012, the Commission reconvened the public hearing on Conditional Use Application No. 2012.0609C.

The project is categorically exempt as a Class 1 exemption under CEQA Guidelines.

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

MOVED, that the Commission hereby approves the Conditional Use requested in Application No. 2012.0609C based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of West Portal Avenue between Vicente Street and 14th Avenue. The project site is 5,972 square feet in area and is occupied by a one-story commercial building with three commercial spaces and no off-street parking. The subject commercial space is approximately 744 square feet in area, and was previously occupied by Ritz Camera but is currently vacant and has been so for approximately nine years.
3. **Surrounding Properties and Neighborhood.** The project site is located west of the intersection West Portal Avenue and Vicente Streets in the West Portal commercial district. The district stretches for three blocks along West Portal Avenue from Ulloa Street to 15th Avenue and primarily serves the surrounding West of Twin Peaks and Sunset neighborhoods. The commercial district includes several large-scale financial institutions, including Bank of America, Chase Bank, Citibank, Wells Fargo Bank, First Republic Bank and Charles Schwab, which occupy a large amount of the commercial ground-story frontage. More than half of the number of medical, professional, and business offices in the district are located on the ground floor. The properties surrounding the commercial district are located within the RH-1 (Residential House, One-Family) and RH-1(D) (Residential House, One-Family, Detached) Districts.

4. **Project Description.** The applicant proposes to divide the existing 744 square foot commercial space into two spaces. One space, for the Sterling Bank office, would have a floor area of 199 square feet. The remaining space with a floor area of 545 square feet would be used as a meeting space for a local merchant's association and for community meetings in general. The proposed bank would occupy the entire 11.5 feet of street frontage of the commercial space. Access to the community meeting space would be from a back door and a walkway to Vicente Street.
5. **Public Comment.** The Department has received letters of support for the project from the Greater West Portal Merchants Association and the Greater West Portal Neighborhood Association. The Department has also received three letters of support for the project from an area merchant concerned about the vacancy of the commercial space.
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. **Limited Financial Service.** Planning Code Section 729.50 states that a Conditional Use Authorization is required for a Limited Financial Service, as defined by Planning Code Section 790.112 as a retail use that provides banking services, when not occupying more than 15 feet of linear frontage or 200 square feet of gross floor area.

The project would occupy 199 square feet in an existing building. The width of the commercial space is 11.5 feet.

- B. **Formula Retail.** Planning Code Section 303(i)(2) defines Formula Retail to include Financial Services, defined in Planning Code Section 709.110 as a retail use that provides banking services and products to the public, such as banks, savings and loans, and credit unions, when occupying more than 15 feet of linear frontage or 200 square feet of gross floor area.

The proposed use is a Limited Financial Service as it would occupy only 11.5 feet of linear frontage and would be 199 square feet in area. The proposed use is not Formula Retail under the Planning Code.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does not 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.

A new financial service establishment will provide banking services and products to the public and more specifically, West Portal residents. Although other financial service establishments exist within the West Portal Avenue NCD, allowing a new financial service establishment at the project site would not be considered as an over-concentration of financial service establishments in the immediate area, since the proposed Sterling Bank is a

community bank that will provide an alternative to the existing larger national franchise banks in 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:

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

No substantial exterior modifications are proposed to the project site or the arrangement of the structure on the property. The division of the existing 744 square foot retail space would create a separate area at the rear of the commercial unit. This space is proposed be used for a community meeting space.

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

The Planning Code does not require off-street parking or loading for a use of this size. The property is well served by public transit including the K, L, and M streetcar lines.

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

The project is not expected to generate noxious or offensive emissions.

- iv. 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 propose any landscaping improvements to the streetscape or the project site.

- 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 proposed project does not comply with the applicable provisions of the Planning Code and is inconsistent 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 West Portal Avenue Neighborhood Commercial District in that Sterling Bank is a community bank that will provide an alternative to the existing larger national franchise banks in the neighborhood.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

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

Policy 6.1:

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

A new financial service establishment will provide banking services and products to the public and more specifically, West Portal residents. Although other financial service establishments exist within the West Portal Avenue NCD, allowing a new financial service establishment at the project site would not be considered as an over-concentration of financial service establishments in the immediate area, since the proposed Sterling Bank is a community bank that will provide an alternative to the existing larger national franchise banks in the neighborhood.

Policy 6.2:

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

The project is a locally owned community bank and will offer services more closely tailored to the needs of area residents and businesses than the national franchise bank currently operated in the district.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does not comply with said policies in that:

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

The project is a locally owned community bank and will offer services more closely tailored to the needs of area residents and businesses than the national franchise bank currently operated in the district.

- 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 proposes a retail financial service use to occupy a vacant retail space in an existing commercial building. The project would have no effect on housing.

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

No housing is removed for this project.

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

The Planning Code does not require off-street parking or loading for a use of this size. The property is well served by public transit including the K, L, and M streetcar lines.

- 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 proposed Project does not include any new commercial office space and no industrial or service sector uses were displaced for the use.

- 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 would be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project would have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

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

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. 1012.0609C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 4, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 13, 2012.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 13, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Limited Financial Service (d.b.a. Sterling Bank & Trust), Assessor's Block 2989B, and Lot 031 pursuant to Planning Code Sections 303 and 729.50 within the West Portal Avenue Neighborhood Commercial District and a 26-X Height and Bulk District; in general conformance with plans, dated December 4, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0609C and subject to conditions of approval reviewed and approved by the Commission on December 13, 2012 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on December 13, 2012 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. The glazing on the storefront shall be transparent and clear.

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

4. **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

5. **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

6. **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

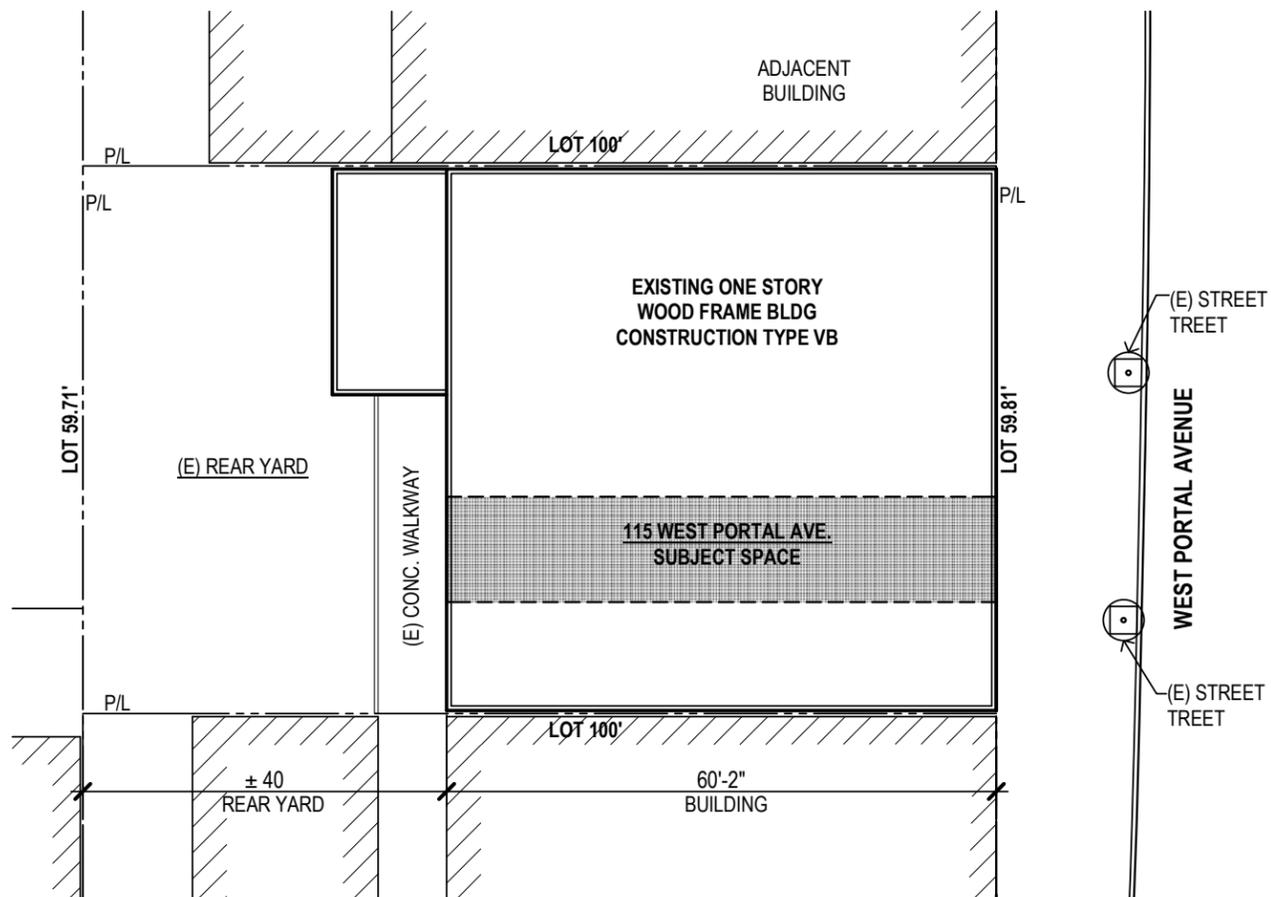
7. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

8. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

9. **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

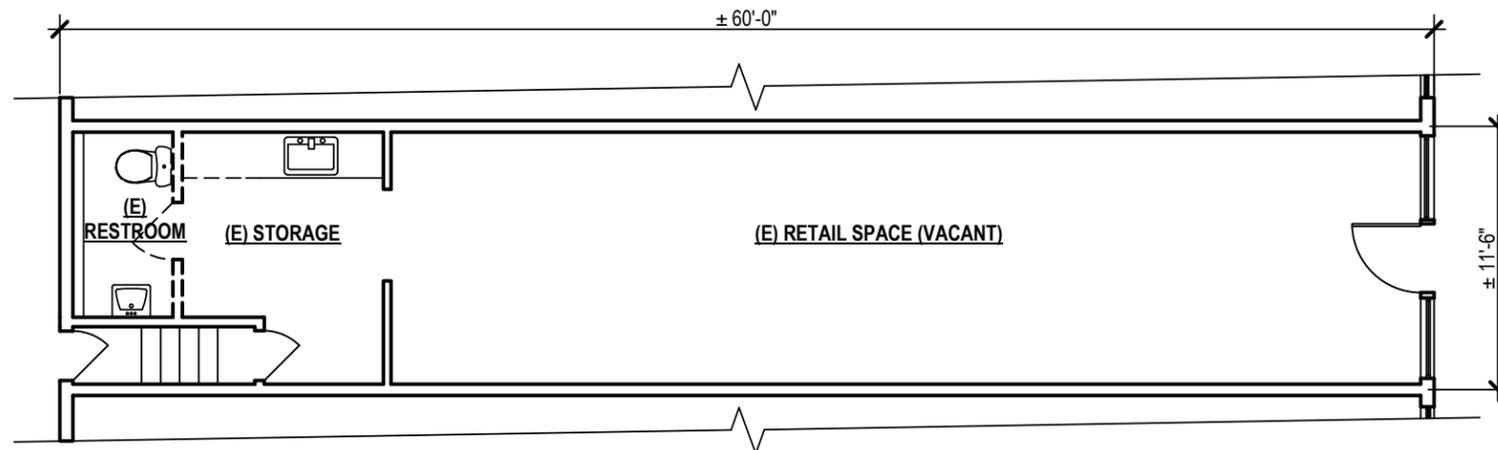


SITE/ROOF PLAN

SCALE: 1" = 20'

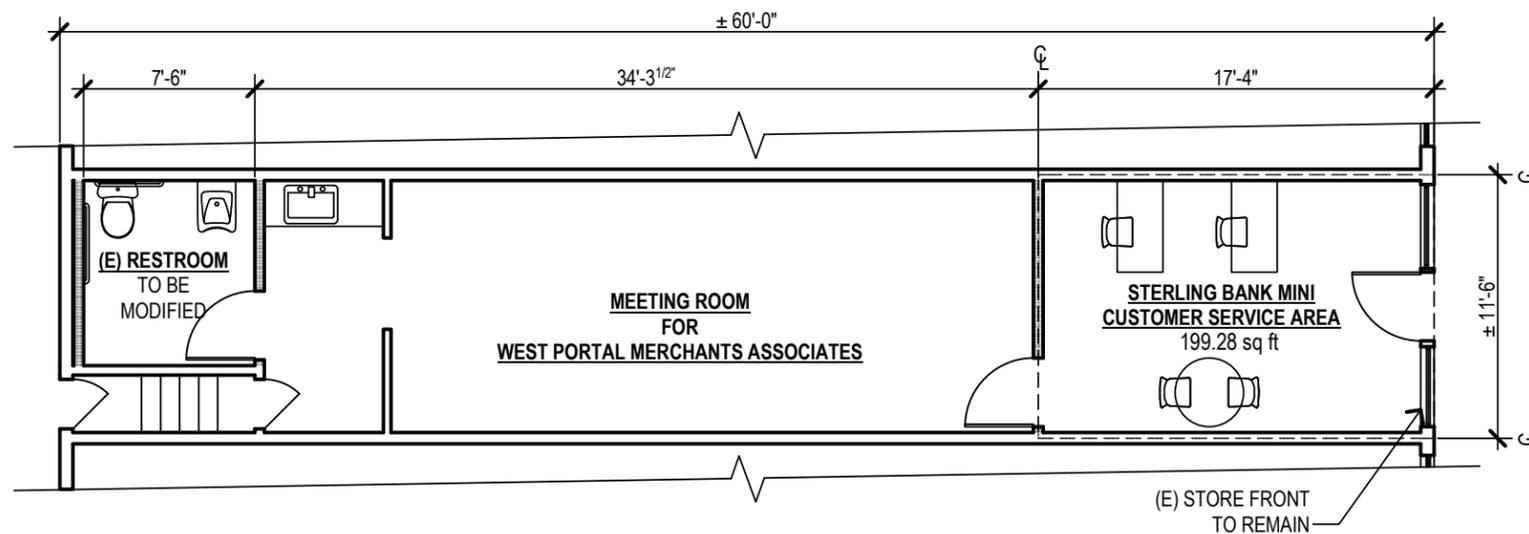


VICINITY MAP



EXISTING FLOOR PLAN

SCALE: 1/8" = 1'-0"



PROPOSED FLOOR PLAN

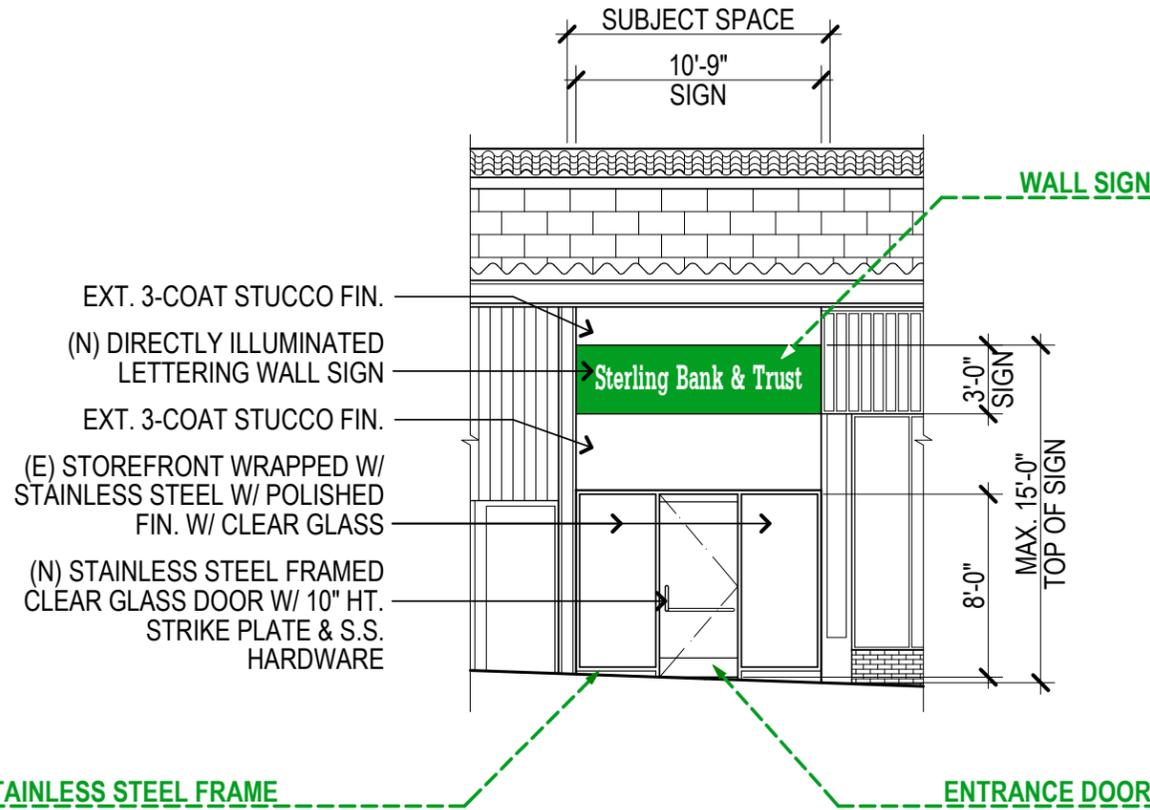
SCALE: 1/8" = 1'-0"

WALL LEGEND	
	EXISTING WALL
	NEW WALL

**SAMPLE STERLING BANK STOREFRONT
AT 1900 FILLMORE ST.**



**SAMPLE STERLING BANK STOREFRONT
AT 5498 GEARY BLVD.**

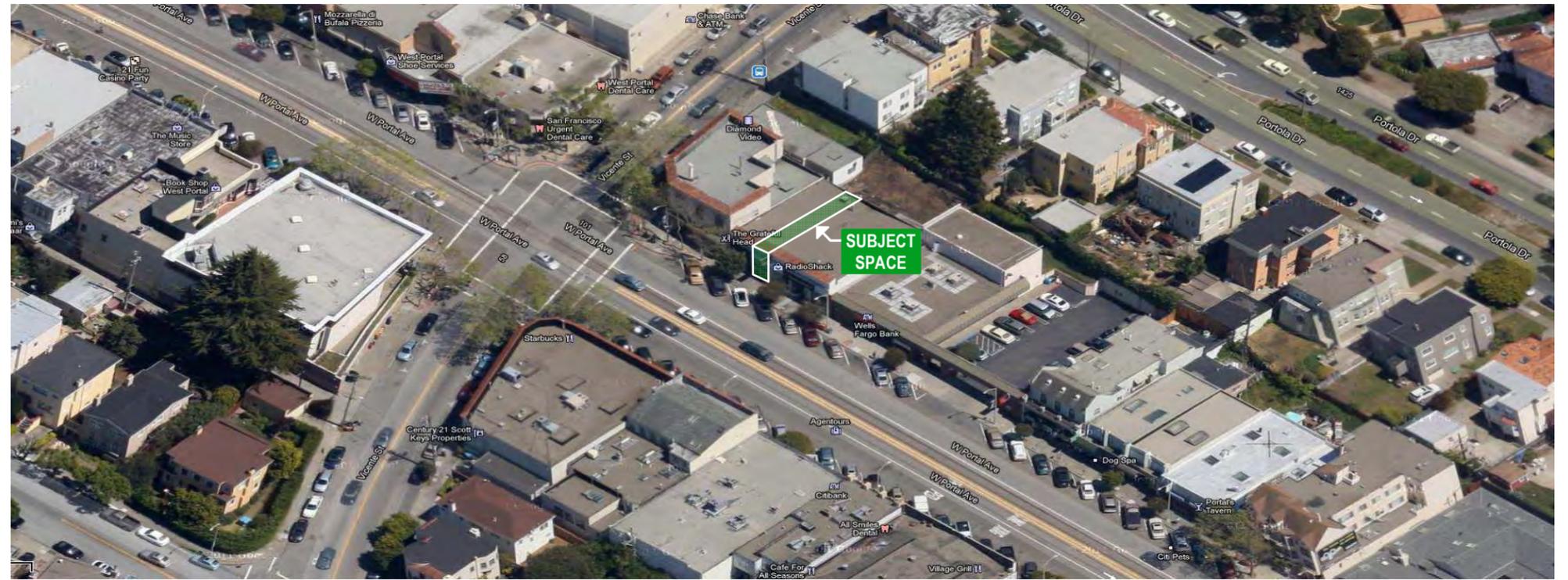


PROPOSED FRONT ELEVATION - 115 WEST PORTAL AVENUE

SCALE: 1/8" = 1'-0"



SUBJECT SPACE EXISTING STOREFRONT



SUBJECT SPACE & SURROUNDING AREA



SUBJECT SPACE & ADJACENT BUILDINGS



EAST

STREETSCAPE ALONG SUBJECT BLOCK



WEST

STREETSCAPE ALONG SUBJECT BLOCK



GABRIEL NG + ARCHITECTS INC.
 1360 9TH AVENUE, SUITE 210
 SAN FRANCISCO CA 94122
 415-682-8060 eFax 510-281-1359



PHOTOGRAPHS OF ADJACENT BUILDINGS
 115 WEST PORTAL AVENUE, BLOCK 2989B / LOT 031, SAN FRANCISCO, CA 94127



WEST

STREETSCAPE ACROSS



STREETSCAPE ACROSS

EAST