SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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☐ Jobs Housing Linkage Program (Sec. 313)
☐ Downtown Park Fee (Sec. 139)
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☐ Other

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Planning Commission Motion No. 17562

Hearing Date: February 28, 2008
Case No.: **2008.1366C**
Project Address: **3269 MISSION STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
40-X Height and Bulk District
Block/Lot: 5616/039
Project Sponsor: Christi Azevedo
1477 15th Street
San Francisco, CA 94103
Staff Contact: Diego R Sánchez – (415) 575-9082
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 145.2(b) AND 303 OF THE PLANNING CODE TO ALLOW A WALK UP FACILITY NOT RECESSED 3 FEET WITHIN THE NC-3 (MODERATE SCALE, NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 29, 2007 Christi Azevedo (Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter "Department") for Conditional Use authorization under Planning Code Sections 145.2 and 303 of the Planning Code to allow a walk up facility not recessed 3 feet within the NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.

On February 28, 2008, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1366C.

The Project was determined by the Department to be categorically exempt from environmental review. The Commission has reviewed and concurs with said determination.

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 Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2007.1366C, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description.** The project is located on the east side of Mission Street, between Fair and Virginia Avenues. The approximately 4,000 square foot lot is currently improved with a two-story building that contains a retail space (to be utilized by Mission SF Federal Credit Union) at the first floor and two dwelling units at the second floor. The subject property is an interior lot, with approximately 30 feet of frontage on Mission Street. The sidewalk width at the subject property is approximately 12 feet.

3. **Surrounding Neighborhood.** A mix of land uses is present in the immediate vicinity of the project that are typical of the NC-3 District. These include professional and business services, retail sales and services, eating and drinking establishments and residential uses. A personal service use (beauty salon) and a trade shop use (locksmith) are immediately north and south of the subject, respectively. The surrounding zoning is RH-1 (Residential House One Family) and RH-2 (Residential, House Two Family).

   The site is well served by transit. The 14-Mission, the 14-Mission Limited, the 26- Valencia, the 49 Van Ness-Mission and the 67-Bernal Heights Muni Bus Lines operate on Mission Street immediately in front of the site. Within a fair walking distance one can access the Muni J line and, some distance further, BART at 24th Street.

4. **Project Description.** The project proposes to install an Automated Bank Teller Machine (ATM), classified as a Walk-Up Facility under Planning Code Section 790.140, at the property line abutting the sidewalk. The existing ground floor retail space, formerly a real estate agent’s office, is approximately 2,500 square feet and is intended to be the site of a credit union, dba “Mission SF Federal Credit Union.” The ATM is to be owned and operated by the credit union. The project does not propose to enlarge the existing building envelope.

   Planning Department approval of Building Permit Application No. 2007.10.09.4860 was given on October 18, 2007 for interior tenant improvement for the credit union. No other changes were proposed under this Building Permit Application and work under this Permit Application is currently underway.

5. **Public Comment**. The Department is not aware of any opposition to this 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. **Walk-Up Facilities in NC Districts.** Planning Code Section 712.26 states that Conditional Use Authorization is required for a Walk-Up Facility, as defined by Planning Code Section 790.140, when it is not recessed 3 feet from the property line.

   The Project Sponsor intends to install an Automated Bank Teller Machine (ATM) in the storefront of a credit union, dba "Mission SF Federal Credit Union" (formerly Mission Area Federal Credit Union). The credit union will own and operate the ATM. Although the project does not propose to recess the ATM from the property line, it will not enlarge the building envelope.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

   A. The proposed uses or feature, 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 use will complement the storefront of the retail use, a credit union, and is in line with the overall pattern of uses in this neighborhood commercial district. An ATM of a non-profit financial services use along Mission Street will prove to be a desirable service in light of the existing for-profit and subprime financial services in the vicinity.

   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 ATM will be recessed within the storefront of the credit union so that the display and keypad lie flush with the storefront glass at the sidewalk. The height and bulk of the existing building in which the ATM will be installed will remain the same and the ATM will not enlarge the envelope to any significant degree.

      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 membership for the credit union, presumed to be frequent users of the ATM, is drawn from the Mission, Bernal Heights and Excelsior neighborhoods. Members can access the ATM by walking and from public transportation. The general public patronizing the businesses in the *vicinity can also access the ATM by walking. The sidewalk at the project is approximately 12 feet wide, providing space for pedestrian flow around a small queue at the ATM.*

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

The proposed project does not emit offensive noise, glare, dust and odors.

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

The proposed project is not expected to create demand for on-street loading. No landscaping is proposed, as the building has no front yard. Signs shall meet all provisions set forth in Article 6 of 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 proposed 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-3 Districts in that the intended use is located at the ground floor and provides mainstream financial services that will complement the existing surrounding commercial uses.

8. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKINIG ENVIRONMENT.

Policy 1.1:
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

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

Policy 1.3:
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed project will provide a desirable service – mainstream, federally regulated and insured financial services – to neighborhood residents and businesses. Being located with a Neighborhood Commercial District, the proposed project is 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.

Policy 2.3:
Maintain a favorable social and cultural climate in the City in order to enhance its attractiveness as a firm location.

The proposed project is an expansion of an existing San Francisco non-profit community development financial institution that offers mainstream, federally regulated and insured financial services to individuals and small businesses. The availability of such services helps maintain a favorable social climate, increasing the City's attractiveness as a firm location, especially for smaller, independently owned firms.

OBJECTIVE 3: PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:
Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.4:
Assist newly emerging economic activities.

The proposed project will provide access to mainstream capital for firms that employ lesser skilled workers as well as for smaller, emerging firms.

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.

The proposed project's chief clientele are its members who reside in the surrounding community. No commercial tenant would be displaced as the proposed project complements the financial services use occupying the storefront in which the project proposes to be installed. The addition of financial services provided by a non-profit community development financial institution helps diversify the range and character of services in the area.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Financial Services

- Financial offices should not be located near other financial services or add to an over-concentration of financial services in a single district. In most districts, it is preferable that financial services be at least 500 feet apart. In certain locations, clustering may be appropriate, depending on potential traffic circulation and parking impacts, but in no case should the number exceed the maximum number that would be allowed if all financial services in the district were at least 500 feet from each other. In addition to over-concentration within a single district, proximity to financial services in other nearby districts should be considered in evaluating the need and impacts of a new financial service use or a new location for an existing financial service establishment.
- New, expanding or relocating financial service establishments should provide a detailed analysis of the potential impacts on existing transportation systems which serve the location. If significant adverse impacts on traffic and transit volumes and circulation and parking congestion are anticipated, especially on transit-preferential streets, the proposed use should be redesigned to mitigate such impacts (e.g. reducing project size) or providing off-street parking, or the use should be prohibited. The location of limited financial services should be carefully evaluated, as to the potential for double-parking or illegal parking by users of the facilities and the interference with traffic circulation by such vehicles. If the proposed use includes automated teller machines, this evaluation is especially critical in determining the appropriateness of the use and its location.
- Financial services should provide retail banking services to serve the business community as well as the residential community.
- The location of new, expanding, or relocating financial services should avoid, if feasible, the demolition of sound buildings which are compatible in scale and character with other buildings in the district.

- If new construction is necessary, inclusion of other commercial uses and/or residential units may be desirable. New structures should have continuous retail frontage along the shopping street or mall except where access to upper-level uses accessory parking, loading or public open space is necessary. New development should be compatible in scale, design and use with the rest of the district.
- In neighborhood commercial districts where drive-up facilities are not permitted, financial offices should be pedestrian oriented. In cases where drive-up facilities are permitted or parking is required, interruptions of the continuous retail frontage should be kept to a minimum.
- Automated teller machines should be recessed from the sidewalk, when possible, or should be incorporated into limited financial service facilities inside the facility with adequate waiting space for patrons.

Planning Staff has performed a survey detailing the number of financial services, including limited financial services, within a 500 foot radius of the proposed project. The survey indicates 1 financial services use (dba Bank of America) with 2 walk-up facilities installed on an exterior wall of said use. The survey also indicates the presence of three other Automated Bank Teller Machines, none being affiliated with a mainstream financial institution. Despite the number of financial services within the 500 foot radius, the proposed project should be an encouraged use because it acts as an accessory use to the credit union, providing members convenient and cost free access to their accounts during and after normal business hours. This is in contrast to the fees charged by the other Automated Bank Teller Machines found in the 500 foot radius.

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.

Policy 6.10:
Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed project serves as an access point for mainstream capital for members of the credit union owning the project. Those projected to utilize the proposed project would include small business owners whose firms are located roughly in the Mission District area, extending south to Alemany Boulevard. In addition, the proposed project will provide a location to access cash money for patrons of the small businesses in the neighborhood.

The proposed use is not identified as a Formula Retail use.

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

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

   The owner of the proposed project is a member-owned non-profit community development financial institution. The membership is geographically based roughly in the Mission District area, and extends south to Alemany Boulevard.

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 units in the building and in the surrounding neighborhood would not be adversely affected. The proposal would add to the range and character of services in the neighborhood commercial district.

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 project site is on Mission Street and is well served by public transit. It is likely that employees and clients would commute by public transit, thereby mitigating possible impacts upon on-street parking. The site is immediately served by five MUNI bus lines (14, 14L, 26, 49 and 67).

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 will not displace any service or industry establishment. The owner of the proposed project is a member-owned non-profit community development financial institution.

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

   The existing building in which the proposed project would be installed is reported to have been seismically retrofitted and the proposed project should not impact the building'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.

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

The project will 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. 2007.0386C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 17562. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 28, 2008.

Linda Avery
Commission Secretary

AYES:	Commissioners Antonini, S. Lee, W. Lee, Moore, Olague and Sugaya
NAYS:	None
ABSENT:	None
ADOPTED:	February 28, 2008

Exhibit A
Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Section 145(b) of the Planning Code to allow a non-recessed Walk-Up Facility at 3269 Mission Street within the NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on November 29, 2007 and stamped "EXHIBIT B" included in the docket for **Case No. 2007.1366C**, reviewed and approved by the Commission on February 28, 2008.

2. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to $500 a day in accordance with Planning Code Section 176.

3. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).

4. The property owner shall maintain the area in front of the walk-up facility and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.

5. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.

6. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.

7. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.