



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: 1/10/19

Record No.: **2016-007467CUA**
Project Address: **360A West Portal Avenue**
Zoning: NCD (West Portal Avenue Neighborhood Commercial District)
26-X Height and Bulk District
Block/Lot: 2483/009
Applicant: Samuel Kwong
61 Walter U Lum Pl, San Francisco, Ca 94108
Staff Contact: Bridget Hicks – (415) 575-9054
bridget.hicks@sfgov.org
Recommendation: **Approval with Conditions**

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

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project includes the legalization of an existing use as a Retail Professional Service (dba West Portal Financial Group, LLC), in a 1,103 square foot suite in an existing two-story building, in the West Portal Avenue Neighborhood Commercial Zoning District.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization to legalize the existing use as a Business and Professional Service in the West Portal Neighborhood Commercial Zoning District, pursuant to Planning Code Sections 303, 790.108, and 729.53. The business, West Portal Financial Group, LLC, was determined to be a Business or Professional Service and not a Formula Retail Use on July 11, 2016 in a Letter of Determination from the Zoning Administrator (2016-007551ZAD).

ISSUES AND OTHER CONSIDERATIONS

- **Project Background** On July 24, 2015, a Notice of Enforcement was issued and on October 1, 2015, a Notice of Violation (NOV) was issued for violation of Planning Code Section 174 and 729.53 for Unauthorized Use as a Business or Professional Service operating on the first floor in the West Portal Avenue Neighborhood Commercial Zoning District. A Zoning Administrator's (ZA) Hearing was conducted on November 10, 2015 and the ZA determined the subject property to be located on the first floor pursuant to Planning Code Section 102, as the floor plane is less than six feet high at the center line of the property. An appeal on the Zoning Administrator's decision was filed and heard on May 11, 2016 and the appeal was denied.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the West Portal Avenue Neighborhood Commercial Zoning District controls and the Objectives and Policies of the General Plan. On balance, the Project is consistent with the West Portal Avenue Neighborhood Commercial Zoning District controls for a Conditional Use Authorization. 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 – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F - Public Correspondence
Exhibit G - Project Application



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: JANUARY 10, 2019

Record No.: **2016-007467CUA**
Project Address: **360 West Portal Avenue Suite A**
Zoning: West Portal NCD (Neighborhood Commercial) Zoning District
26-X Height and Bulk District
North Beach Special Use District
Block/Lot: 2483/009
Project Sponsor: Samuel Kwong
61 Walter U Lum Pl
San Francisco, CA 94108
Property Owner: West Portal Financial Group, LLC
360 West Portal Ave Suite A
San Francisco, CA 94103
Staff Contact: Bridget Hicks- (415) 575-9054
bridget.hicks@sfgov.org

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ADOPTING FINDINGS RELATED TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 and 729 TO LEGALIZE AN EXISTING USE AS A RETAIL PROFESSIONAL SERVICE (DBA WEST PORTAL FINANCIAL GROUP, LLC) IN A 1,103 SQUARE FOOT SUITE IN AN EXISTING TWO STORY BUILDING, WITHIN THE WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT AND A 26-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 7 2016, Samuel Kwong representing the West Portal Financial Group, LLC (hereinafter "Project Sponsor") filed Application No. 2016-007467CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to legalize an existing use as a Retail Professional Service (dba West Portal Financial Group, LLC) (hereinafter "Project") at 360 West Portal Avenue Suite A, Block 2483 Lot 009 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2016-007467CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On November 15, 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. 2016-007467CUA.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption as described in the determination included in the Planning Department files for this project.

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 Authorization as requested in Application No. 2016-007467CUA, 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 Project includes a change of use from Retail Sales and Service to a Retail Professional Service in the West Portal Avenue Neighborhood Commercial Zoning District. The occupant, West Portal Financial Group, LLC, has provided wealth management services to neighboring community members in this location since 2015. The storefront is approximately 1,103 square feet and operates from 9 am to 5 pm Monday through Friday. The business employs four employees.
3. **Site Description and Present Use.** The Project is located in a split level building with 3 suites on each level. The upper level, where this project is located, is considered the first story as the floor plane is less than 6 feet above grade at the center line of the property. The suite is approximately 1,103 square feet in area and located 5 feet 10 inches above grade. The current and proposed tenant, West Portal Financial Group, LLC has occupied the project site and served the neighborhood for four years. The space was previously occupied by a chiropractor's office (dba West Portal Chiropractic) which operated as a Retail Sales and Service Use.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the West Portal Avenue Neighborhood Commercial Zoning District. The West Portal Neighborhood Commercial District consists of a variety of family-oriented businesses providing goods and services to customers coming mainly from the surrounds west of Twin Peaks and Sunset single-family residential neighborhoods. Special controls on commercial uses are designed to protect the existing mix of ground-story retail uses and prevent further intensification and congestion in the district. Medical, business or professional services are permitted at the first two stories, but additional ground-story locations are to be closely monitored to ensure that the current balance between retail and office uses is maintained.
5. **Public Outreach and Comments.** The Department has received 16 letters of support to date.

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. **West Portal NCD– Change of Use.** Planning Code Section 729 states that in the West Portal NCD, a Conditional Use authorization is required for the establishment of a Retail Professional Service Use.

The project proposes a change of use from a health service to a business and professional service.

- B. **Hours of Operation.**

The proposed hours of operation for West Portal Financial Group, LLC are from 9 a.m. to 5 p.m. Monday to Friday.

- C. **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 subject commercial space has approximately 6 feet 9 inches of frontage facing West Portal Avenue devoted to either the business entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- D. **Signage.**

This project has filed three sign permit applications that will be approved pending approval of this change of use.

- E. **Formula Retail**

The proposed tenant is not considered formula retail pursuant to a Letter of Determination from the Zoning Administrator (2016-007551ZAD). The formula retail affidavit has been completed by the application and is included in Exhibit G.

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 size of the proposed use is in keeping with other storefronts on the block face. The proposed business service will not impact traffic or parking in the District because it is not a destination service. This use will continue to complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by providing a independent wealth management service. Aside from this project, there are currently no independent wealth management services in the West Portal NCD, most wealth management services are located within the Financial District. The subject practice currently supports approximately 60 families, 80 percent of which are residents of the West Portal 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 height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity.

- (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 proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. Pursuant to Planning Code Section 729, no off-street car parking is required if the occupied floor area is less than 5,000 square feet. There is angled metered parking on both sides of West Portal Avenue and a SFMTA public parking lot is located off of 14th Avenue which provides 19 spaces.

- (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. The 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 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 Districts in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

8. **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 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 maintain a commercial activity.

NEIGHBORHOOD COMMERCE

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 6.10:

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

The project would maintain a retail storefront and enhance the diversity of neighborhood-serving goods and services in the existing West Portal Neighborhood Commercial District. Retailers, restaurants, and other consumer oriented businesses require professional and business services to operate their businesses. A neighborhood professional and business services, such as the West Portal Financial Group LLC, can provide more effective service to their clients by locating in neighborhood commercial districts. The proposed use is not too large or intensive as to detract from the primary retail and service functions which the district provides to the general public, and instead serves the neighboring community and businesses.

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 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 proposed project will preserve the existing neighborhood-serving professional service use. The project will continue to bring residents into the Neighborhood Commercial District to utilize this service and businesses 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 will preserve the neighborhood character of services provided and protect the cultural and economic diversity of the neighborhood.

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

The Project does not possess nor propose any housing.

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

The Project Site is served by nearby public transportation options. The Project is located along a Muni bus lines (57-Lakeshore and 91-West Portal Station) Muni Light Rail (K, T, and M lines) and within walking distance of Muni bus lines (23-Bayview District and 48-Third + 20th Streets) the West Portal Station which services Muni Light Rail (K, T, M, L, and S lines). West Portal Avenue is identified as a Key Walking Street. The West Portal NCD provides off-street parking at the principally permitted amounts and sufficient bicycle parking for business patrons.

- 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 does not include commercial office development.

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

This proposal will not impact the property's ability to withstand an earthquake and all tenant improvements will conform to the structural and seismic safety requirements of the Building Code.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

The project proposes no changes to the building envelope and therefore will not create any additional impact on parks and open space and their access to sunlight and vistas.

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 Authorization Application No. 2016-007467CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 6, 2016 , 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 January 10, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 10, 2019

SAN FRANCISCO
PLANNING DEPARTMENT

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Retail Professional Service Use (d.b.a. **West Portal Financial Group, LLC**) located at 360 West Portal Avenue Suite A, Block 2483, and Lot 009 pursuant to Planning Code Section(s) **303 and 729** within the **West Portal Neighborhood Commercial Zoning** District and a **26-X** Height and Bulk District; in general conformance with plans, dated **June 6, 2016**, and stamped "EXHIBIT B" included in the docket for Record No. **2016-007467CUA** and subject to conditions of approval reviewed and approved by the Commission on **November 15, 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 **January 10, 2019** 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
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 – 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

MONITORING - AFTER ENTITLEMENT

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

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

8. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

9. **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>

10. **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.

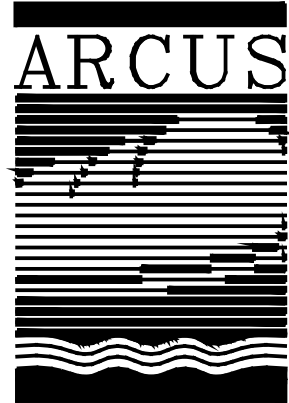
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **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

12. **Hours of Operation.** The subject establishment is limited to the following hours of operation: from 6:00a.m. to 2:00a.m. everyday.

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



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Project Title:
360 WEST PORTAL AVE.
SUITE A
CONDITIONAL USE

Consultants:

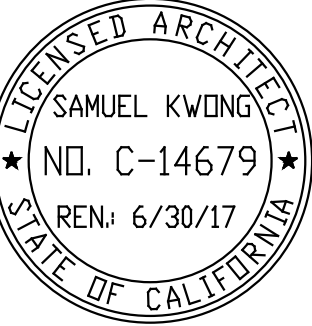
JOB NO. 2015-21

Date: 06/06/16
Checked By: SK
Drawn By: YK, SK

ISSUANCES & REVISIONS:

No.	Date	Description

Stamp:

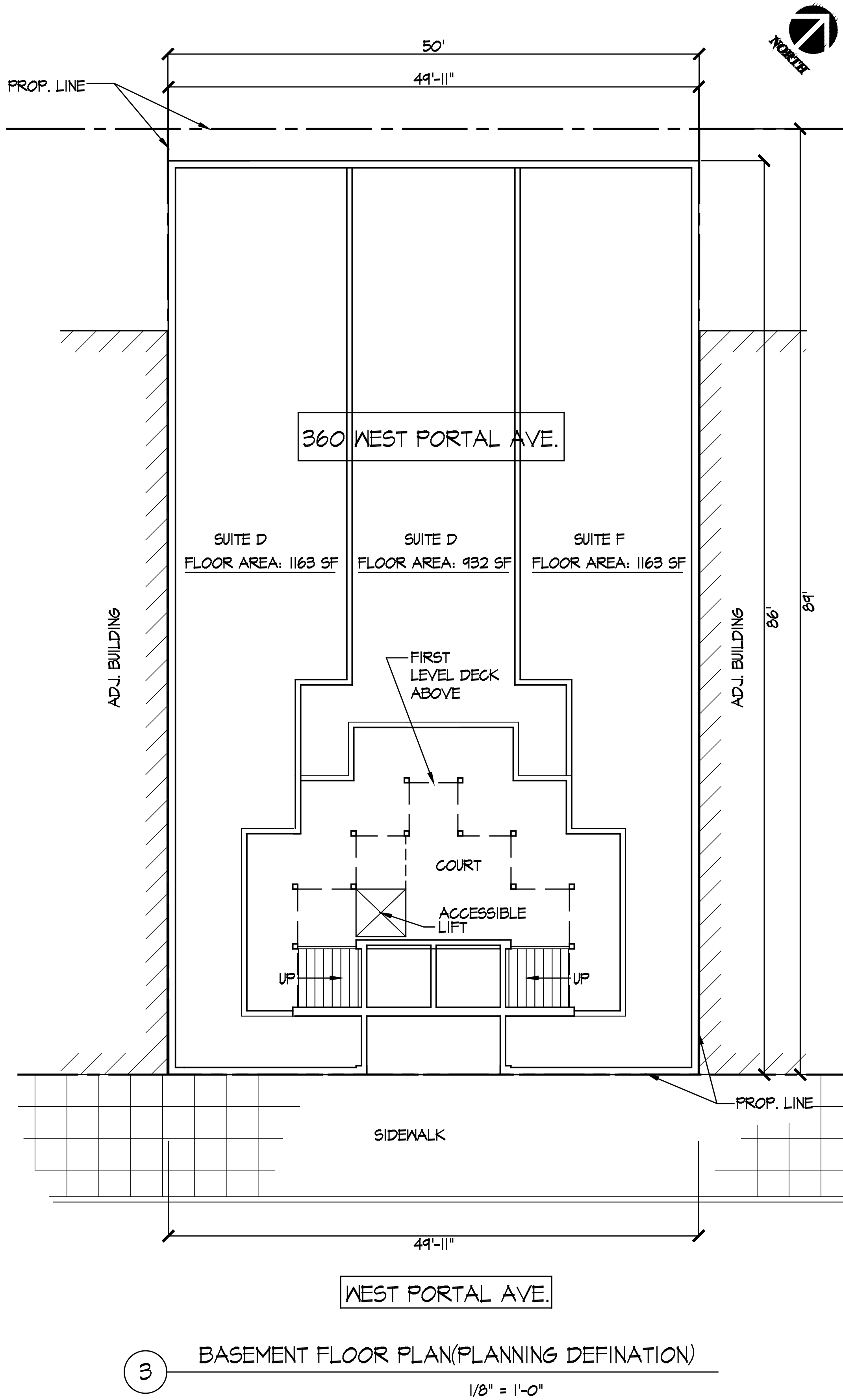
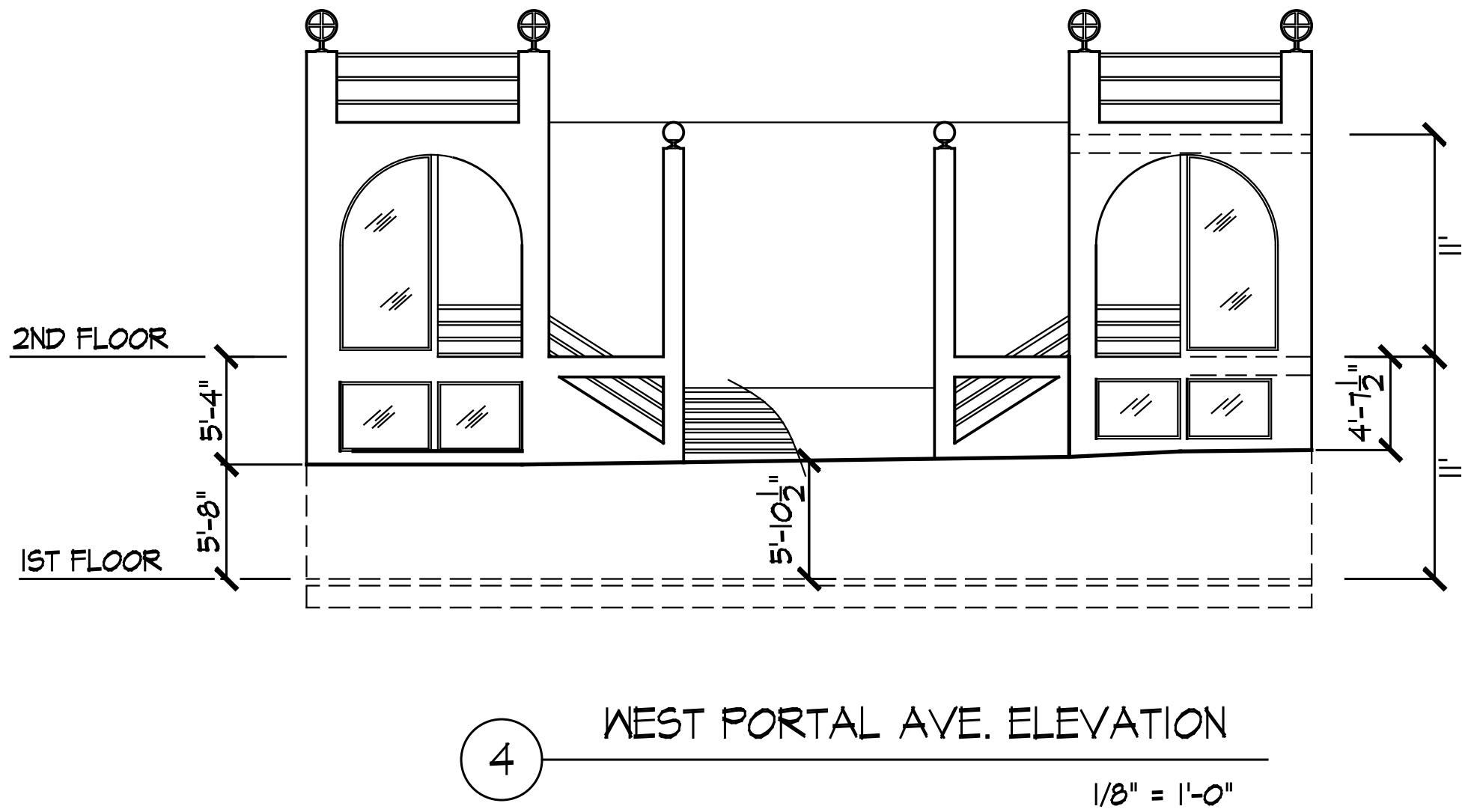
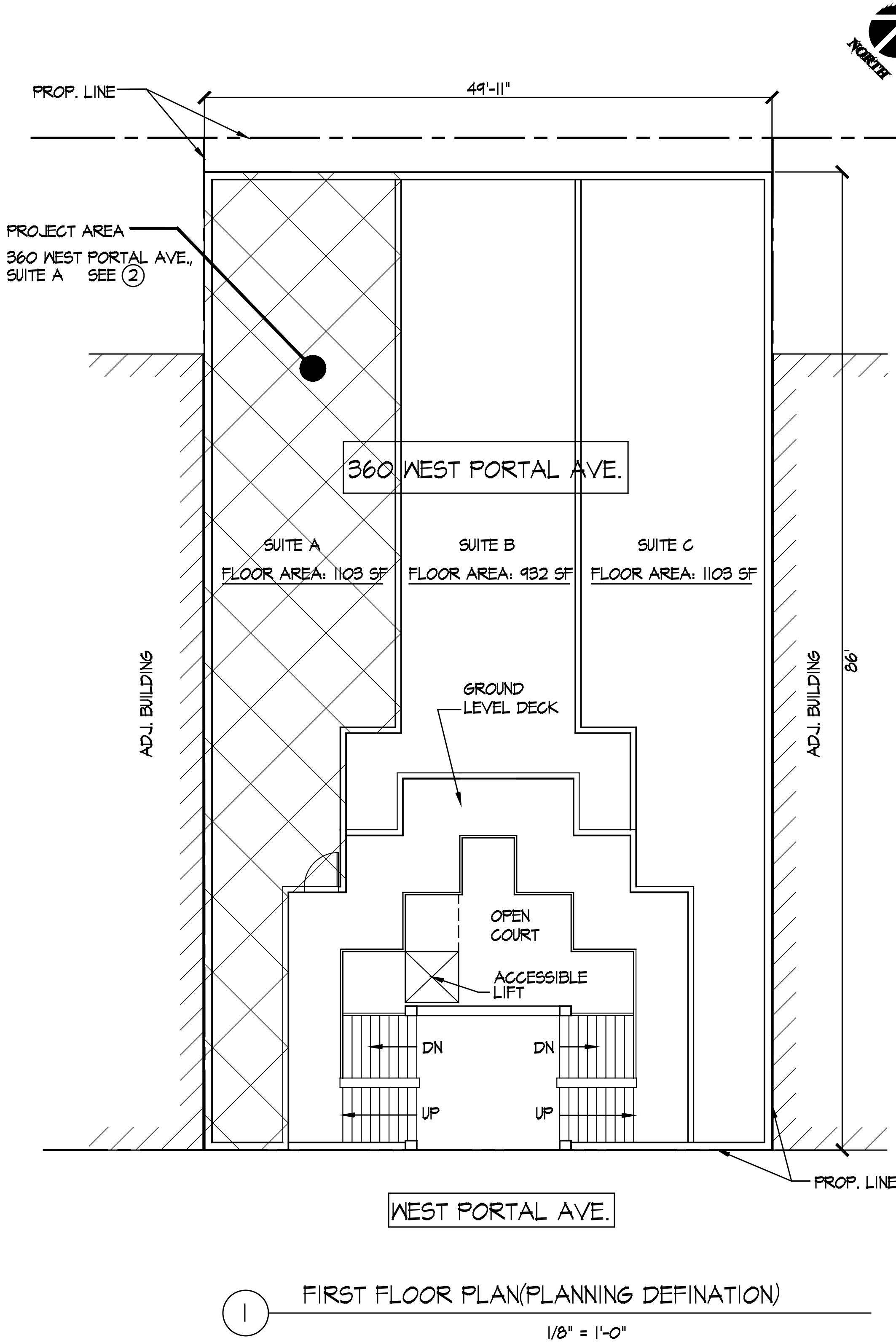
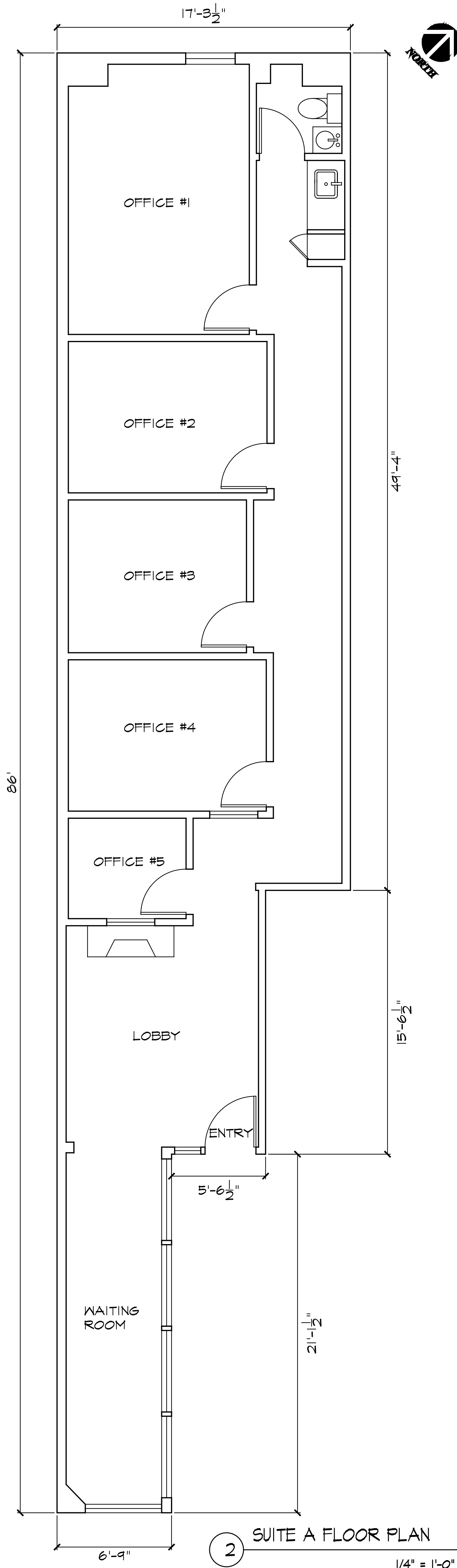


Sheet Title

SITE PLAN
EXISTING
FLOOR PLANS,
ELEVATION

Sheet No.

A-1



③ BASEMENT FLOOR PLAN(PLANNING DEFINATION)
1/8" = 1'-0"

SCOPE OF WORK				
CONDITIONAL USE PERMIT FOR BUSINESS OR PROFESSIONAL SERVICE ON 1ST FLOOR OF WEST PORTAL AVENUE, NEIGHBORHOOD COMMERCIAL DISTRICT				
FLOOR AREA TABULATION				
	SUITE #	BUSINESS	FLOOR AREA	USE
1ST FLOOR	A	RAYMOND JAMES FINANCIAL SERVICES	1,103 SF	OFFICE
	B	ARTSWORKS	932 SF	RETAIL
	C	SUSHI SUKI	1,103 SF	RETAIL RESTAURANT
BASEMENT	D	ARTSWORKS	1,163 SF	RETAIL
	E	ARTSWORKS	1,103 SF	RETAIL
	F	ARTSWORKS	1,163 SF	RETAIL
TOTAL			5,293 SF	



SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT B - Environmental Determination

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
360A West Portal Avenue		2483009
Case No.		Permit No.
2016-007467PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Legalize existing use as a Business and Professional Service business.		

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. 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"/>	Class 32 - In-Fill Development. 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. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

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"/>	Air Quality: 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"/>	Hazardous Materials: 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 > Maher layer).</i>
<input type="checkbox"/>	Transportation: 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"/>	Archeological Resources: 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"/>	Subdivision/Lot Line Adjustment: 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"/>	Slope = or > 20%: 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) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: 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) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: 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) If box is checked, a geotechnical report will likely be required.

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*):

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

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

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

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

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

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

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

STEP 6: CATEGORICAL EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. 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 STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	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.	
	Project Approval Action: Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Bridget Hicks 12/13/2018
	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)
360A West Portal Avenue		2483/009
Case No.	Previous Building Permit No.	New Building Permit No.
2016-007467PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
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:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT C - LAND USE DATA

Land Use Information

PROJECT ADDRESS: 360A WEST PORTAL AVE
RECORD NO.: 2016-007467CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	N/A	N/A	N/A
Residential GSF	N/A	N/A	N/A
Retail/Commercial GSF	1,103	No Change	0
Office GSF	N/A	N/A	N/A
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	N/A	N/A	N/A
Medical GSF	N/A	N/A	N/A
Visitor GSF	N/A	N/A	N/A
CIE GSF	N/A	N/A	N/A
Usable Open Space	N/A	N/A	N/A
Public Open Space	N/A	N/A	N/A
Other ()	N/A	N/A	N/A
TOTAL GSF	1,103	N/A	N/A
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	N/A	N/A	N/A
Dwelling Units - Market Rate	N/A	N/A	N/A
Dwelling Units - Total	N/A	N/A	N/A
Hotel Rooms	N/A	N/A	N/A
Number of Buildings	1	0	1
Number of Stories	2	0	2
Parking Spaces	N/A	N/A	N/A
Loading Spaces	N/A	N/A	N/A
Bicycle Spaces	N/A	N/A	N/A
Car Share Spaces	N/A	N/A	N/A
Other ()	N/A	N/A	N/A

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	N/A	N/A	N/A
One Bedroom Units	N/A	N/A	N/A
Two Bedroom Units	N/A	N/A	N/A
Three Bedroom (or +) Units	N/A	N/A	N/A
Group Housing - Rooms	N/A	N/A	N/A
Group Housing - Beds	N/A	N/A	N/A
SRO Units	N/A	N/A	N/A
Micro Units	N/A	N/A	N/A
Accessory Dwelling Units	N/A	N/A	N/A

Parcel Map

2483 MAPS

SUNSET BLK.1255A

LOTS MERGED

Lot	into	Lot	into
26 & 27		25	24
25	"	25	29
16	"	1	46
3	"	2	46
8A	"	8	52
14	"	13	52
22	"	21	55

40-X

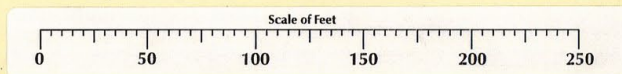
40-X
26-X

SUBJECT PROPERTY



NCRS
NEIGHBORHOOD COMMERCIAL
REZONING STUDY
 Interim Controls: 1984.585ETZ, Dates 1/14/85-3/28/87
 Permanent: 1986.616ETZM, Ord. 69-87, Date 4/12/87
 Final: 1986.616ETZM, Ord. 444-87, Date 12/12/87

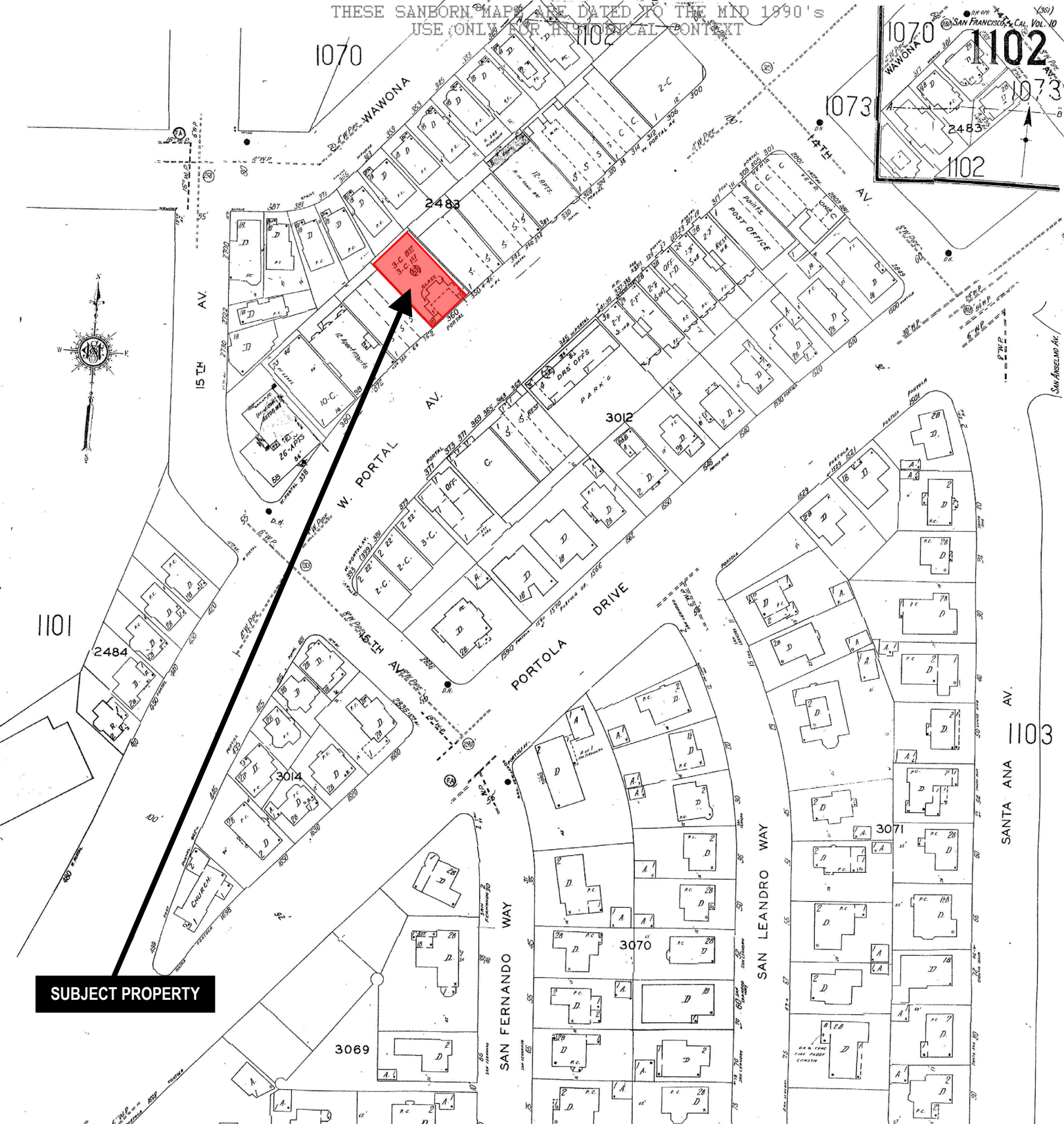
Map	Interim Controls	Permanent Controls
2483A	1/14/85 - 3/28/87	4/12/87
2483B	1/14/85 - 3/28/87	4/12/87
2483C	1/14/85 - 3/28/87	4/12/87
2483D	1/14/85 - 3/28/87	4/12/87
2483E	1/14/85 - 3/28/87	4/12/87
2483F	1/14/85 - 3/28/87	4/12/87
2483G	1/14/85 - 3/28/87	4/12/87
2483H	1/14/85 - 3/28/87	4/12/87
2483I	1/14/85 - 3/28/87	4/12/87
2483J	1/14/85 - 3/28/87	4/12/87
2483K	1/14/85 - 3/28/87	4/12/87
2483L	1/14/85 - 3/28/87	4/12/87
2483M	1/14/85 - 3/28/87	4/12/87
2483N	1/14/85 - 3/28/87	4/12/87
2483O	1/14/85 - 3/28/87	4/12/87
2483P	1/14/85 - 3/28/87	4/12/87
2483Q	1/14/85 - 3/28/87	4/12/87
2483R	1/14/85 - 3/28/87	4/12/87
2483S	1/14/85 - 3/28/87	4/12/87
2483T	1/14/85 - 3/28/87	4/12/87
2483U	1/14/85 - 3/28/87	4/12/87
2483V	1/14/85 - 3/28/87	4/12/87
2483W	1/14/85 - 3/28/87	4/12/87
2483X	1/14/85 - 3/28/87	4/12/87
2483Y	1/14/85 - 3/28/87	4/12/87
2483Z	1/14/85 - 3/28/87	4/12/87



Conditional Use Authorization Hearing
 Case Number 2016-007467CUA
 NCD, West Portal Avenue Neighborhood
 Commercial District
 360A West Portal Avenue

Sanborn Map*

THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY FOR HISTORICAL CONTEXT

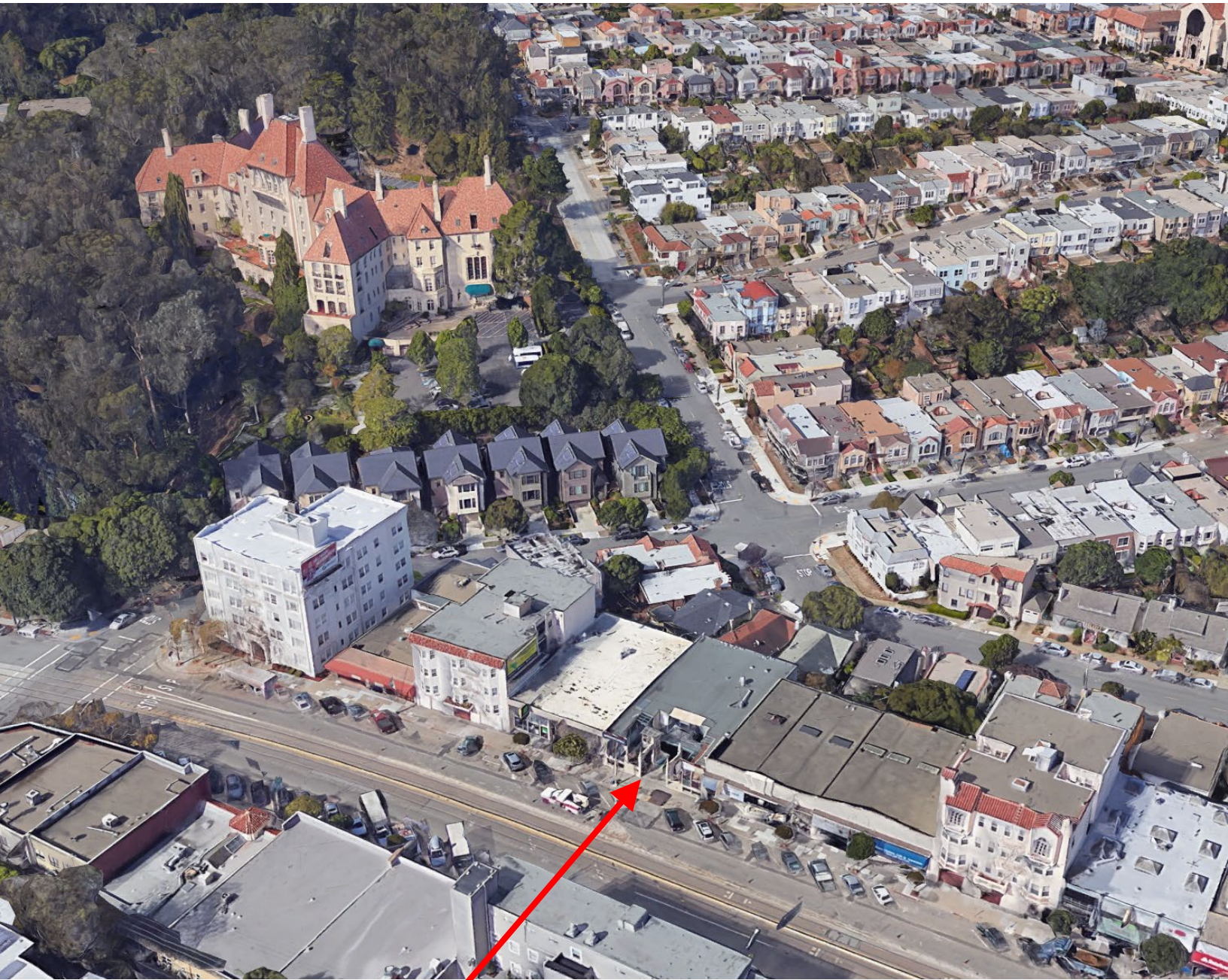


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Authorization Hearing
Case Number 2016-007467CUA
NCD, West Portal Avenue Neighborhood
Commercial District
360A West Portal Avenue



Aerial Photo

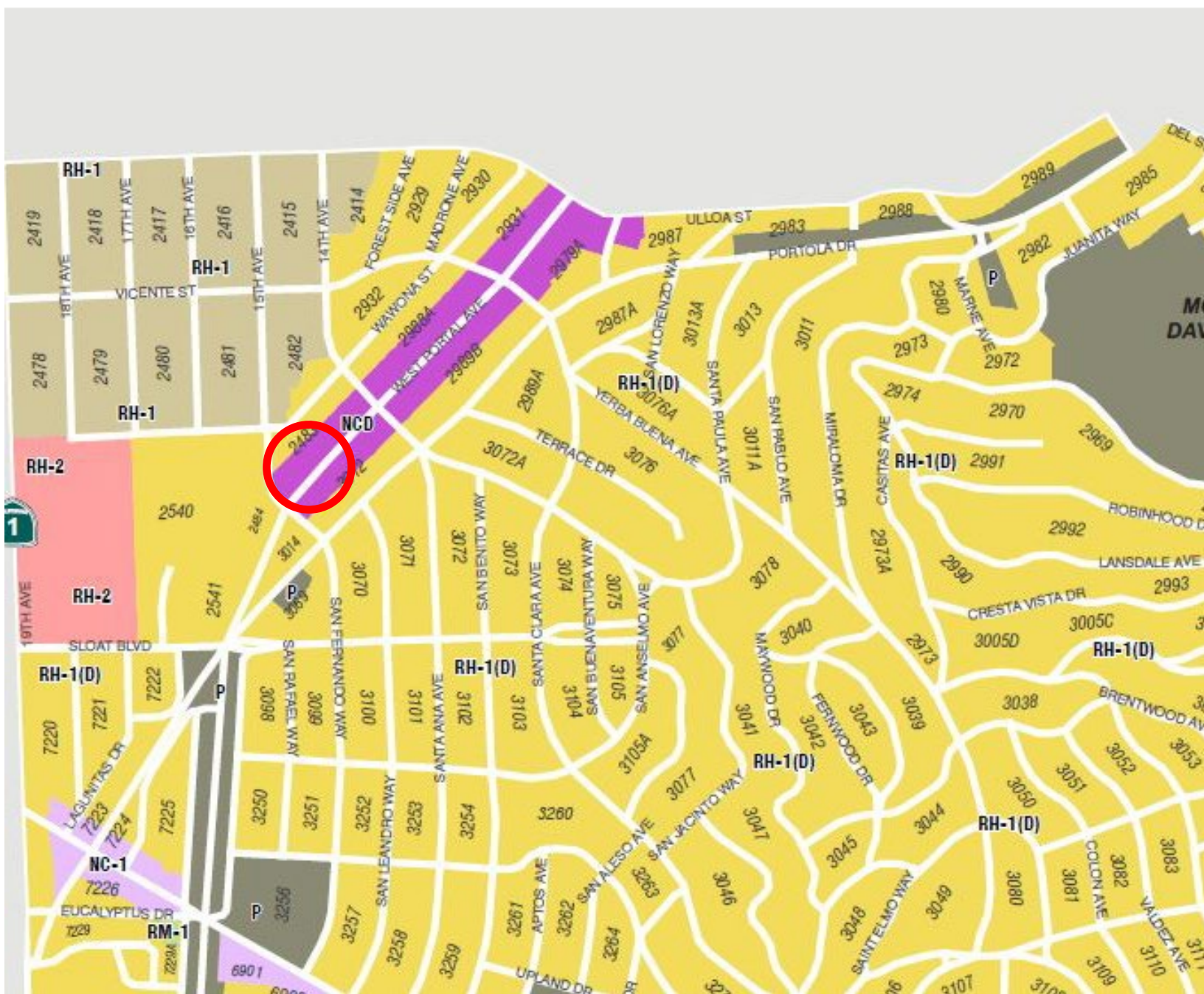


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2016-007467CUA
NCD, West Portal Avenue Neighborhood
Commercial District
360A West Portal Avenue

Zoning Map



Conditional Use Authorization Hearing
Case Number 2016-007467CUA
NCD, West Portal Avenue Neighborhood
Commercial District
360A West Portal Avenue



Site Photo



Conditional Use Authorization Hearing
Case Number 2016-007467CUA
NCD, West Portal Avenue Neighborhood
Commercial District
360A West Portal Avenue



Greater West Portal Neighborhood Association

Families working to improve their neighborhood

December 18, 2018

San Francisco Planning Department

Re: Letter of Support for West Portal Financial/360A West Portal Avenue

Dear Sir/Madam:

In November, 2016 the Greater West Portal Neighborhood Association (GWPNA) formally voiced its support for the conditional use sought by Peter and Ellen Ching for their business located at 360A West Portal Avenue. After great delay it is our understanding that this matter is finally being heard. Please be advised that GWPNA has voted to renew its support for these business owners. We hereby adopt and renew our letter of support dated November 13, 2016 (copy attached)

Sincerely,

Thomas J. Kanaley
President, 2018-19
GWPNA



Greater West Portal Neighborhood Association

Families working to improve their neighborhood

November 13, 2016

San Francisco Planning Department

RE: Letter of Support for West Portal Financial Group's (dba Raymond James) Conditional Use on West Portal Avenue

Dear Planning Department,

The Greater West Portal Neighborhood Association, without reservation, supports the granting of a conditional use to West Portal Financial Group, dba Raymond James, at its current place of business, 360A West Portal Avenue, Suite A.

The owners of West Portal Financial Group, Peter Chen and Ellen Ching, have conducted significant community outreach concerning their application, their business, and its place within our local community. Peter and Ellen have established a practice that serves the needs of the residents of the greater West Portal area. Their place of business is entirely suitable for a private wealth management firm. We believe that they are a great fit for the neighborhood and an excellent addition to the Avenue.

We would ask that the San Francisco Planning Department approve the application for conditional use as soon as possible.

Thank you for your assistance.

Sincerely,

Thomas J. Kanaley
President, 2015-2016

From: [Farrell](#)
To: [Hicks, Bridget \(CPC\)](#)
Subject: Re: Peter Chen and Ellen Ching - Support of Conditional Use Application for their Business at 360-A West Portal.
Date: Thursday, December 27, 2018 12:26:06 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Ms. Hicks,

I am fully in support of approving Peter Chen and Ellen Ching 's Conditional Use Application for their business at 360-A West Portal. The majority of West Portal merchants are in support, as well as dozens of neighbors. As past President of the Forest Hill Association, I have talked with dozens of my neighbors and friends in regard to this issue over the past two years and all are in support.

Below is an article I wrote for the West Side Observer's October 2016 issue on this matter entitled,"A Nightmare on West Portal."

Please confirm receipt.

Thanks!

John Farrell | Farrell Real Estate Investments

Broker/Realtor® BRE#00940255

C 415.218-6337 | O 415.298-9561 | F 415.233-4476 | E farrellreinvestments@yahoo.com

NIGHTMARE ON WEST PORTAL

By John Farrell

A lease was executed on November 5, 2014 for space at 360-A West Portal Ave between West Portal Financial Group LLC (WPFG), the lessee, and Francis Eng, on behalf of the Eng 1990 Trust, the lessor. WPFG consists of Peter Chen and Ellen Ching, a couple who reside in Balboa Terrace with their daughter Ashley. This couple's business, Raymond James Financial Services, was a home based business they outgrew. They moved into what they believed was a second floor space. They wanted to be in West Portal, and are committed to serving their existing client base and growing their business in the neighborhood.

That was where the nightmare began.

On June 12th 2015, Peter received a letter from the West Portal Merchants Association that a complaint had been filed with the Planning Department alleging violation of the existing moratorium on West Portal corridor for additional financial institutions. As the result of the complaint, the Planning Department issued a Notice of Enforcement on July 24, 2015, alleging violation of the Planning Code prohibiting "new financial services" in the West Portal Ave Neighborhood Commercial District.

Let's end this nightmare and allow this neighborhood couple and their daughter to live the American Dream. Stop the political interference. Let this business continue to



go through due process for its CUA. And let it be heard loud and clear that "We support our local businesses!"

Peter and Ellen hired a land use attorney, and after several months a hearing was held on November 10, 2015 before the Planning Department's Zoning Administrator. The Zoning Administrator determined that, per Planning Code Section 729.53, a Conditional Use Application (CUA) was required to operate on the first floor. He cited Planning Code Section 102 for the definition of the First Floor. In order to be considered a second floor it must be 6 ft higher than the sidewalk. The building unfortunately missed this requirement by approximately 2 inches. By the way, there is an elevator lift to get to the business. Previously this space was used for another Business and Professional Use, chiropractic care, and a CUA was never filed. No one ever complained.

Another "Notice of Violation and Penalty Decision" was issued on January 27, 2016 requiring a CUA to legalize the Business and Professional Service Use on the first floor. Peter and Ellen appealed the Zoning Administrator's decision and were given a directive to file diligently for the CUA.

On June 12, 2015, the CUA was filed, as well as a request for a Letter of Determination (LOD) from the Zoning Administrator. After a lengthy and thorough review by the Planning Department, an LOD dated July 11, 2016, confirmed that the business was eligible for a CUA as a Business or Professional Service. No hearing date for the CUA has been set.

On August 2, Supervisor Yee introduced an urgency ordinance to prohibit first floor story Business or Professional Services uses in the West Portal Avenue Neighborhood Commercial District for 45 days.

At the September 10 District 7 Supervisors Candidate Forum a question was submitted asking candidates to address the proposed urgency ordinance. Four District 7 Supervisor candidates, except Supervisor Yee, opposed the proposed ordinance.

At the Land Use and Transportation Committee meeting on September 19, 2016 the urgency ordinance was continued. Over a dozen concerned neighbors and clients of Peter and Ellen spoke out in support of their business, including an articulate 100 year old client. A few asked for a continuance, for the business to be grandfathered in, or that the business receive a friendly amendment exemption if this ordinance was adopted. It was continued. What was the urgency?

This urgency ordinance is to allow time to revise the Planning Code to categorize and define businesses to prevent any confusion in the future, and no new CUA's will be issued until this is resolved. This will adversely impact new businesses including Peter and Ellen's, since it is considered a new business until the CUA is received. If this ordinance "as is" passes, Peter and Ellen's business may have to close down. Further, currently 15% of businesses on West Portal are "Business and Professional Services." Do all these meet City requirements?

Even though the Planning Department's Zoning Administrator reported in the LOD that

Raymond James does not offer banking services or products to the public and is not considered a Financial Service under the Planning Code, the President of the West Portal Merchants Association told the merchants at a September 15th meeting that this business was bank-like and had bank-like activities. Peter and Ellen attended the meeting but were not given the opportunity to speak. To date Peter and Ellen have never been given the opportunity to present before the West Portal Merchants Association.

Planning Code Section 790.110 defines a Financial Service use as "retail use which 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."

At least 18 merchants from the West Portal Merchants Association are in support of the business, as well as dozens from the neighborhoods to date. Further, Supervisor Yee has received 30 correspondences in support of Peter and Ellen's business. On September 7th, Jen Low, Legislative Aide to Norman Yee, told Peter and Ellen and two others "You are clearly not a threat to the neighborhood."

Then why is Peter and Ellen's business being obstructed from receiving a CUA, instead of letting it go through the due process as recommended by the Planning Department and the Board of Appeals? Can someone please explain this to me?

The Greater West Portal Neighborhood Association (GWPNA) has this matter on its agenda at its next meeting on October 5th.

John Farrell Broker/Realtor® – Farrell Real Estate, MBA, Former Assistant Assessor–Budget and Special Projects, 5th Generation San Franciscan, Westside resident.



Virus-free. www.avast.com

From: [James Robinson](#)
To: [Hicks, Bridget \(CPC\)](#)
Subject: Conditional Use Authorization - 360A West Portal Avenue
Date: Thursday, December 27, 2018 1:00:55 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Hicks,

Peter Chen and Ellen Ching are outstanding neighbors in the West Portal community. I believe it's about time that the space at 360 West Portal Avenue is settled with approval. Please approve the conditional use authorization for 360A West Portal Avenue.

Regards,

James Robinson
Vin Debut

Sent from my iPhone

From: [Jon Stedman](#)
To: [Hicks, Bridget \(CPC\)](#)
Cc: [Peter Chen](#); [Rick Fain](#)
Subject: Please Approve Conditional Use Application for 360A West Portal Ave. (Hearing Jan. 10, 2019)
Date: Wednesday, January 02, 2019 11:00:33 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Hicks,

I urge you to please approve the Conditional Use Application for 360A West Portal Ave.

Peter Chen has been my financial advisor for over 25 years and it is very convenient for me to meet with him at his office on West Portal Ave. I am a retired CFO of a San Francisco consulting engineering firm and have lived near by in Forest Hills for over twenty five years. Peter's office is less than ten minutes away from my home and I much prefer to meet with him there, close by, instead of having to go down town which would be much more time consuming.

Over the years, I have seen how Peter and the West Portal Financial Group, LLC have supported and patronized the local West Portal businesses and I feel they are excellent corporate citizens.

In addition, their clients who come from affluent near by neighborhoods, including myself, patronize many of the local stores, restaurants and banks. West Portal is a nice quiet area of San Francisco where it is easy to get around, easy to park without having to fight the crowds and there is usually no waiting to get a bite to eat at a local restaurant.

I urge you to please approve the Conditional Use Application for 360A West Portal Ave.

Thank you.

Jon M. Stedman, CPA (inactive)
Retired CFO Kennedy/Jenks Consultants, Inc.

October 3, 2016

Dear Supervisor Norman Yee:

I am a Business Owner on West Portal Avenue Neighborhood Commercial District. I am writing this letter as evidence of my support of my fellow Business Owners and neighbor, Peter Chen and Ellen Ching, at 360A West Portal.

360A West Portal is at the end of the commercial corridor far away from the tunnel. This block is much quieter than the first two blocks and currently has a good mix of retailers, restaurants, and Business and Professional Services Use. The 360 West Portal building is an oddly shaped split level building, far from an ideal retail location. The business that Peter and Ellen operates, Raymond James/West Portal Financial Group, occupies the upper level with very limited street frontage. A professional service use is the most suitable use and enhances the character and economic benefit to the neighborhood.

I am requesting Supervisor Yee to grant an exemption to proposed moratorium so that the business owners can proceed with their Conditional Use Application that was submitted almost 4 months ago. It is extremely unfair and an obstruction of justice to change existing Building Codes and apply them retroactively to existing businesses. I do not wish to see another vacancy on West Portal.

Sincerely,

Signature:

Dean S. Duncan

Business:

WEST PORTAL ORAL AND FACIAL SURGERY

Address:

99 WEST PORTAL AVE.
S.F., Ca, 94127

Cc:

Supervisor Malia Cohen
Supervisor Aaron Peskin
Supervisor Scott Wiener

October 3, 2016

Dear Supervisor Norman Yee:

I am a Business Owner on West Portal Avenue Neighborhood Commercial District. I am writing this letter as evidence of my support of my fellow Business Owners and neighbor, Peter Chen and Ellen Ching, at 360A West Portal.

360A West Portal is at the end of the commercial corridor far away from the tunnel. This block is much quieter than the first two blocks and currently has a good mix of retailers, restaurants, and Business and Professional Services Use. The 360 West Portal building is an oddly shaped split level building, far from an ideal retail location. The business that Peter and Ellen operates, Raymond James/West Portal Financial Group, occupies the upper level with very limited street frontage. A professional service use is the most suitable use and enhances the character and economic benefit to the neighborhood.

I am requesting Supervisor Yee to grant an exemption to proposed moratorium so that the business owners can proceed with their Conditional Use Application that was submitted almost 4 months ago. It is extremely unfair and an obstruction of justice to change existing Building Codes and apply them retroactively to existing businesses. I do not wish to see another vacancy on West Portal.

Sincerely,

Signature:



Business:

Petals A Flower Studio

Address:

365 West Portal Ave, SF, CA 94127

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

September 21, 2016

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Sincerely,



BACK TO SPORTS

342 WEST PORTAL AVE, SF, CA 94127

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

October 3, 2016

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Sincerely,

Signature: _____

Business: _____

Address: _____

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

September 21, 2016

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Sincerely,

Name: Mark Matsuzaki

Address: 2663 20th Avenue, San Francisco CA 94116

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

September 21, 2016

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Sincerely,

Name James Lynch

Address 300C West Portal Ave. SF CA. 94127

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

September 21, 2016

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Sincerely,

Misha

501 Marina Blvd. San Francisco C.A. 94123

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

September 21, 2016

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Sincerely,

Nathaniel F. Tran

1483 39th Avenue SF CA.

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

September 21, 2016

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Sincerely,

ANNE SITU

300 W. Portal Ave. Unit C

San Francisco, CA. 94127

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

September 21, 2016

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Sincerely,



170 San Pablo Ave. SF CA. 94127

Cc:

Supervisor Malia Cohen

Supervisor Aaron Peskin

Supervisor Scott Wiener

From: [Jane Lau](#)
To: [Hicks, Bridget \(CPC\)](#)
Subject: Please Approve Conditional Use 360-A
Date: Thursday, January 03, 2019 1:14:22 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

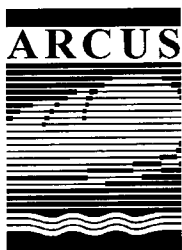
Dear Ms. Bridget Hicks,

Happy New Year to you!

Thank you for your consideration in approving the conditional use for 360A West Portal Avenue, SF. The business has been known to be friendly to the West Portal neighborhood and we certainly will need to keep the positive vibe that they have been bringing to the community. This business serve clients from their hearts and have many praises from customers that they are the most personable advisers in the area. We have truly experienced how the business owners have warm clients' hearts at the level of concerns to their personal financials and needs. It is rare to find businesses these days that would show the care for their clients and treat them like family and friends. Their existence of business to the West Portal community means greatly to us. Again your consideration is greatly appreciated. Thank you Bridget.

Sincerely,

Jane and Derick Wong



ARCHITECTURE
+ PLANNING

61 Walter U. Lum
Place, Third Floor
San Francisco, CA
94108-1801 USA
(415) 391 - 3313
(Fax) 391 - 3649

Date: June 6th 2016

Business Name: (dba)Raymond James Financial Services
Ownership name: West Portal Financial Group, LLC(WPFG)

Address: 360 West Portal Avenue Suite A

San Francisco CA 94127

Block: 2483 Lot: 009

Zoning District: NCD, West Portal Neighborhood Commercial District

New Application Conditional Use Findings

Project Background

The Planning Department issued a Notice of Complaint dated June 16, 2015 after the Planning Department received a complaint alleging that one or more violations of the Planning Code exist on the above-referenced property. On July 24, 2015, a Notice of Enforcement was issued and on October 1, 2015, a Notice of Violation (NOV) was issued, alleging violation of code Sections 174, 729.53 (Unauthorized Business or Professional Services). Pursuant to Planning Code Section 729.53, a Conditional Use Authorization is required for a Business or Professional Service use to operate on the first floor in the West Portal Ave Neighborhood Commercial Zoning District.

A Zoning Administrator's Hearing was conducted on November 10, 2015. The Zoning Administrator cited Planning Code Section 102 definition of First Story. Since the floor plane is less than 6'-0" at the center line of the property, the subject property is considered First Story under the current Planning Code. A Notice of Violation and Penalty Decision was issued on January 27, 2016 citing violations of Code Sections 729.53 (Unauthorized Business or Professional Services) and 604(f) (Unpermitted Signage).

An appeal on the Zoning Administrator's decision was filed and hearing conducted on May 11 2016. The applicant appealed the Zoning Administrator's determination of First Floor location of subject property based on original building permit indicated a 2-story building without basement, as well as general appearance of the subject property. The appeal was denied and a Conditional Use Application will be filed in accordance with Planning requirements.

Proposed Conditional Use

A Conditional Use is necessary for the following:

1. Business or Professional Services on the First Floor in the West Portal Avenue NCD

Compatibility with surrounding Neighborhood and Project Justification

- | |
|---|
| <ol style="list-style-type: none">1) <i>The proposed project 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</i> |
|---|

compatible with, the neighborhood or the community; and

Business and Professional Services Use, Code Section 790.108(Financial Advisors)

The proposed project provides a professional meeting space for an established, home-based wealth management practice previously located in the West Portal neighborhood (380 Santa Ana Ave.). The practice provides a variety of services including tax, estate, and retirement planning, risk management, objective financial counsel, trusteeship, lifestyle management, coordination of professionals, investment advice, and foundation management. The practice is completely independent and therefore an objective provider of advice that places the interests of their clients first.

The practice currently supports approximately 40 families; most of them (80%+) are elderly retirees from the West Portal neighborhood. Many of them have mobility issues due to advanced age. They require a location close to home to enable frequent meetings. They are also accustomed to the fact that their wealth advisor will show up at their doorstep in 5 minutes whenever there's a need.

The West Portal Avenue NCD does not currently have any independent wealth management practice similar to West Portal Financial Group, LLC (WPFG). Firms that specialize in high-touch, comprehensive, and independent wealth management services in San Francisco are generally located in the financial district. Once upon a time, there was a wealth management practice similar to WPFG in the West Portal Avenue NCD. The practice was called "West Portal Investment Group, LLC" located at 26 West Portal Ave., Suite One. This business relocated to the financial district several years ago to better capture business opportunities and had since rebranded themselves as WP Advisors, LLC. Allowing the establishment of WPFG at the proposed location fills a void left behind by WP Advisors, LLC.

The business owners of WPFG, Ellen Ching and Peter Chen, are long time residents of the West Portal neighborhood. They are interconnected with local businesses and clients and are committed to stay and serve the local communities.

The 360 West Portal building has a non-conventional, split-level design with 3 suites on each level. The lower level is below grade, while the upper level is above grade. The entrance to each suite can only be accessed by going up or down the staircases, and are set-back between 16' to 20' from the sidewalk. The building is in an inverted U shape with long and narrow sides. There is a central courtyard and an outdoor elevator in the middle. The units on each side have only 4' of retail frontage. The proposed location, Suite A, has approximately 1,103 sq ft of space and is 5'10" above grade. This is above the eye level of most individual; therefore, even with street frontage, this unit can't be seen from the sidewalk. This design is best suited for a tenant that does not require optimal retail frontage. A professional service establishment such as WPFG is therefore a good fit for this location.

The 360 West Portal Ave. building is currently occupied by 2 additional tenants. Artworks, an art school for children, occupies 4 units. Suki Sushi, a Japanese restaurant,

occupies the 5th. The owners of WPFGB have been sending their daughter to Artworks for 10 years and know the business owner well. They also have excellent relationship with the owners of Suki Sushi. They employ the same janitorial service for their perspective suites, and they share the maintenance of common areas, such as the courtyard, walkways, and sidewalk. The new business has proven to be highly compatible with the neighbors and enjoys an excellent and cooperative relationship.

2) *That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:*

a) *Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;*

No modifications are proposed to the project site, including the project's size, shape, and the arrangement of the structure on the property.

b) *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;*

Due to the very limited scope of this project, it is not expected to impact the accessibility and traffic patterns for persons working and residing in the vicinity. Off-street parking and loading are not required. West Portal Avenue have angled metered parking on both sides of the street and a SFMTA public parking lot is located on West Portal Avenue and 14th Avenue which has 19 metered spaces. West Portal Avenue is well served by MUNI K, L and M light rail.

c) *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.

d) *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. Sidewalk already has trees.

3) *That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.*

The proposed project complies with the applicable provisions of the Planning Code and is consistent with the objectives and policies of the General Plan:

- Maintain and strengthen viable neighborhood commercial areas easily accessible to city residents.
- 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
- 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.

Priority General Plan Policies Findings

1. *That existing neighborhood-serving retail uses be preserved and enhanced and future Opportunities for resident employment in and ownership of such business enhanced;*

The existing space was previously occupied by a Chiropractor, a Professional Service Use, for the preceding 5 years. The proposed project will continue the professional service use. This project allows the business owners to offer a more comfortable and convenient meeting space for existing West Portal clients, who are mostly elderly individuals. They will also provide their services to additional West Portal residents who previously did not have easy access to unbiased and independent wealth management services. This project ensures that a local, small business stays in the community, and its continued growth and success will most definitely create employment opportunities for local residents down the road.

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

The project has no affect on housing or will change the character of the existing neighborhood.

3. *That the City's supply of affordable housing be preserved and enhanced;*

The project has no affect on affordable housing.

4. *That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;*

This area is well served by MUNI public transit. And due to the small scale of the professional office, it has minimal impact on neighborhood parking. Metered parking is readily available in front and a public parking garage is close by too.

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;*

The building is designed as a commercial building, there is no displacement of industrial and service sector work being displaced. This is a “mom and pop” small local business, they are not a formula retail establishment.

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

The project does not impact the existing building structure and will not weaken the structural integrity of the building.

7. *That landmark and historic building be preserved; and*

The project has no effect on any landmark or historic building as work will be interior in nature.

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

There is no impact to adjacent open space or access or sunlight or vistas from the project.