



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: JANUARY 9, 2020

Record No.: 2019-020070CUA
Project Address: 2100 Market Street
Zoning: Upper Market Neighborhood Commercial Transit District
40-X and 60/65-X Height and Bulk Districts
Block/Lot: 3542/041
Project Sponsor: Parsley & Makarin
140 Geary Street, 4th Floor
San Francisco, CA 94108
Staff Contact: Jeff Horn – (415) 575-6925
jeffrey.horn@sfgov.org
Recommendation: **Disapproval**

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PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization to establish a Formula Retail Financial Services use (dba "Sterling Bank") within a vacant 2,999 square foot commercial space at the ground floor of ground floor of an existing seven-story mixed use building at the subject property. The project would include improvements to the interior of the commercial space but no alterations to the exterior.

REQUIRED COMMISSION ACTION In order for the Project to proceed, the Commission must grant a Conditional Use Authorization for the proposed Formula Retail use, pursuant to Planning Code Sections 303, 303.1, and 764 and for the proposed Financial Service use pursuant to Planning Code Sections 303 and 764.

ISSUES AND OTHER CONSIDERATIONS

1. **Existing Sterling Bank.** The Project proposes to relocate a branch of Sterling Bank, located at 2122 Market Street, that currently operates within the Upper Market Neighborhood Commercial Transit District. The existing branch of Sterling Bank was established prior to the Department's establishment of Formula Retail controls and has 25 feet of frontage on Market Street. The Project would not increase the number of Formula Retail uses within the District.
2. **Formula Retail Concentration.** Per Planning Code Section 303.1(d)(1), for the Upper Market Street Neighborhood Commercial District, if an application would bring the formula retail concentration within a 300-foot radius to a concentration of 20% or above, Planning Department staff shall recommend disapproval of the application to the Planning Commission. If the

application would not bring the formula retail concentration within the 300-foot radius to a concentration of 20% or above, Planning Department staff shall assess the application according to all the other criteria listed in this Subsection 303.1(d), and recommend approval or disapproval to the Planning Commission, according to its discretion and professional judgment. In either case, the Planning Commission may approve or reject the application, considering all the criteria listed in this Subsection 303.1(d).

The Project Sponsor conducted a Formula Retail survey in December 2019 of the commercial uses zoned within a 300-foot radius of the project side. The Project would significantly increase the concentration of total formula retail use frontage within a 300-foot radius of the project, within the UM NCT District. The survey area currently is over-concentrated with formula retail uses, occupying 20.6% of the total frontages, and the project would result in a net increase of 124 linear feet to the District, resulting in a concentration of 26.6%.

3. **Public Comment & Outreach.** The Department has received 3 letters in support of the project from Castro Merchants, Castro/Upper Market Community Benefit District, and the Eureka Valley Neighborhood Association. Comments were positive in nature and supported the locally owned and operated Formula Retail Use.

The Department has received 9 letters of opposition from neighbors living at within the vicinity of the project and a letter from the Duboce Triangle Neighborhood Association. The letters shared a concern about the size and commercial space, location at a street corner, and the limited commercial and pedestrian activity that results from a bank which will result is a substantially lengthy inactive store front at a prominent corner of the commercial district.

- Project is located within a seven-story mixed use building that was approved by the Planning Commission in February 2014 (Motion No. 19560) and completed construction in 2019.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, not consistent with the Objectives and Policies of the General Plan and meets all applicable requirements of the Planning Code. Although the proposed project will occupy a vacant storefront within the Upper Market Neighborhood Commercial Transit District, the Project would significantly increase the concentration of total formula retail use frontages within a 300-foot radius of the project. The Department also finds the project not to be necessary, desirable, and compatible with the surrounding neighborhood, and to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Disapproval of Conditional Use Authorization

Exhibit B – Plans

Exhibit C – Environmental Determination

Exhibit D – Land Use Data

Exhibit E – Maps and Context Photos



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. XXXXX

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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 303.1, 703.4 AND 764 OF THE PLANNING CODE TO ESTABLISH A FORMULA RETAIL FINANCIAL SERVICES USE (D.B.A. STERLING BANK) WITHIN A VACANT 2,999 SQUARE FOOT COMMERCIAL RETAIL SPACE AT THE GROUND FLOOR OF AN EXISTING SEVEN-STORY MIXED USE BUILDING LOCATED AT 2100 MARKET STREET WITHIN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, THE MARKET AND OCTAVIA AREA PLAN, AND 40-X AND 60/65-X HEIGHT AND BULK DISTRICTS.

PREAMBLE

On October 25, 2017, Walter Parsley of Parsley and & Makarin (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 303.1, 703.4 and 764 to establish a Formula Retail Financial Services use (dba "Sterling Bank") within a vacant 2,999 square foot commercial retail space at the ground floor of an existing seven-story mixed use building located at 2100 Market Street within the Upper Market Neighborhood Commercial Transit District, the Market and Octavia Area Plan, and 40-X and 60/65-X Height and Bulk Districts.

On January 9, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2019-020070CUA.

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

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties, such as the City of San Francisco Office of Small Business.

MOVED, that the Commission hereby disapproves the Conditional Use requested in Application No. 2019-020070CUA, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The proposal is for Conditional Use Authorization to establish a Formula Retail Financial Services use (dba "Sterling Bank") within a vacant 2,999 square foot commercial space at the ground floor of ground floor of an existing seven-story mixed use building at the subject property. The project would include improvements to the interior of the commercial space but no alterations to the exterior.
3. **Site Description and Present Use.** The project site is located on the northwest corner of Market, Church and 14th Streets in the Castro/Upper Market neighborhood. The subject property is a flat iron-shaped lot with approximately 129 feet of frontage on Market Street, 11 feet of frontage on Church Street, and 141 feet of frontage on 14th Street and is developed with newly constructed (circa 2019) 4- to 7-story (40' to 65' in height) mixed-use building with 60 residential units and 4,049 square feet of ground-floor commercial uses. The ground floor of the building is developed with a residential lobby, a vacant 2,999 square foot commercial space with frontage on Market, Church and 14th Streets, and a vacant 1,050 square foot commercial space on 14th Street.
4. **Surrounding Neighborhood.** The project is located within the Upper Market Neighborhood Commercial Transit (UM-NCT) District, which extends along Market Street from Church to Castro, and on side streets off Market, and is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street District as a single commercial district. The street appears

as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets. Some areas of the District are noticeably low-rise, automobile-oriented lots, with gas stations and single-story commercial establishments with surface parking lots. Just off Market Street there are small-scale residential streets that support the district. In general, the district is a full-service shopping area providing a variety of uses within easy walking distance.

In the immediate vicinity, the adjacent property to the west of the subject property on Market Street is occupied by a three-story mixed-use building which contains an existing Sterling Bank at the ground floor. The adjacent property to the west of the subject property on 14th Street is occupied with a one-story commercial building containing a pizza parlor (d.b.a. The Slice) and a laundromat (d.b.a. Sean's Laundromat). Across Market and Church Streets to the south and west there are three-story, mixed-use buildings, to the north across 14th Street there are three-story, mixed-use, and across Church Street to the northeast is the Safeway shopping center. The greater context to the north, south and east of the subject property is transit-oriented neighborhood commercial uses (NCT and NCT-3) and the area west of the subject property is within the RTO Zoning District.

5. **Public Comment & Outreach.** The Department has received 3 letters in support of the project from Castro Merchants, Castro/Upper Market Community Benefit District, and the Eureka Valley Neighborhood Association. Their feedback was positive in nature and supported the locally owned and operated Formula Retail Use.

The Department has received 9 letters of opposition from neighbors living at within the vicinity of the project and a letter from the Duboce Triangle Neighborhood Association. The letters shared a concern about the size and commercial space, location at a street corner, and the limited commercial and pedestrian activity that results from a bank which will result in a substantially lengthy inactive store front at a prominent corner of the commercial district.

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. **Formula Retail Use.** A Formula Retail use is defined under Planning Code Section 303.1 as a type of retail sales or service activity that least eleven or more other retail sales establishments in operation, or with local land use permit entitlements already approved anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, and a trademark or servicemark.

Within the NC-1 Zoning District, Formula Retail uses require Conditional Use Authorization under Planning Code Section 710. Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any Conditional Use pursuant to Section 303.1 (Formula Retail Uses).

The Project would allow for a Financial Services, Formula Retail Use (d.b.a. "Sterling Bank") at the vacant, 2,999 square foot, commercial space on the project site. A Formula Retail Use may be conditionally permitted per Planning Code 303, 303.1, 703.4, and 764.

- B. **Financial Services Use within the Upper Market Neighborhood Commercial Transit Zoning District.** Section 764 of the Planning Code conditionally permits "Financial Services" within the first and second floors.

The Project is seeking Conditional Use Authorization to establish a financial services use at the ground floor commercial space at 2100 Market Street.

- C. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 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's frontages on Market, Church and 14 Streets are comprised of near floor-to-ceiling windows and transoms, with almost the entirety of the facades devoted to either the entrance or visually open areas. There are no changes proposed to the commercial frontage.

- D. **Off-Street Parking and Loading.** Section 151 requires retail stores to provide one parking space for every 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The project does not occupy more than 5,000 square feet of floor area, and therefore does not require the provision of off-street parking.

- E. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Eating Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

The project is less than 10,000 square feet in gross floor area and is therefore not required to provide off-street freight loading.

- F. **Bicycle Parking.** Section 155 requires retail stores to provide one Class 1 space for every 7,500 square feet of occupied floor area and one Class 2 space for every 2,500 sq. ft. of Occupied Floor Area, with a minimum of two Class 2 spaces.

The project proposes to occupy 2,999 square feet of floor area, and will provide one Class 1 and two Class 2 bicycle parking spaces.

- G. **Use Size.** Section 764 establishes size limits on nonresidential uses in the UM-NCD. Within the District, conditional use authorization is required for any nonresidential use that exceeds 3,000 square feet.

The subject commercial use would occupy 2,999 square feet and is therefore principally permitted.

- H. **Hours of Operation.** Pursuant to Sections 764 of the Code, the principally permitted hours of operation are from 6 a.m. to 2 a.m.

The proposed project would operate within the principally permitted hours.

- I. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

Signs must comply with the requirements of Article 6 of the Planning Code and Formula Retail sign guidelines. The existing unauthorized sign requires a building permit application for legalization. In the review of the unpermitted sign based on the Performance-Based Design Guidelines, the Department found the sign inappropriate as it is not aesthetically compatible with the neighborhood. Signs should be constructed of durable high-quality materials that retain their characteristics within a high-traffic area over time. Signage is to be scaled and placed primarily for pedestrian legibility, and secondarily for vehicular visibility. The Project includes two wall-mounted signs, one located on the Market Street facade and one located on 14th Street, which will be filed for under a separate permit.

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 propose location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The project proposes a financial services use, a use which provides banking services and products to the public, such as banks, savings and loans, and credit unions. The size of the use will remain as existing and is in keeping with other storefronts on the block face. The proposed establishment of the Formula Retail use will not affect traffic or parking in the District, as the business serves only an existing, moderate number of customers at any time. This will not expand upon the mix of goods and services currently available in the District, as the Sterling Bank currently operates within the District.

- 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 height and bulk of the existing building will remain the same. The Project will involve interior tenant improvements to an existing, vacant retail space, as well as installation of new signage on the first floor of the building's exterior. The area of the store is within the principally permitted maximum allowable size for non-residential use within the UM NCT.

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

The Planning Code does not require off-street parking or loading for the project. It is unlikely that the use will generate a significant increase vehicular trips as the business is currently located on an adjacent parcel.

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

The proposed use will not generate significant noise, glare, dust, or odor.

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

The existing building has no front yard, parking, loading or service area and none are proposed or required. The City will review all associated lighting and signage and The Project will comply with the Planning Code and Performance Based Design Standards, as well as the Building 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 Planning Commission found that the Project does not comply with all relevant requirements and standards of the Planning Code and is not 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 purposed of the Upper Market Neighborhood

Commercial Transit District 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. **Formula Retail.** Formula Retail uses within the Upper Market NCT Zoning District require a Conditional Use Authorization. Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any conditional use pursuant Section 303.1, Formula Retail Uses:

- a. The existing concentrations of formula retail uses within the district. For the Upper Market Street Neighborhood Commercial District only, if the application would bring the formula retail concentration within a 300-foot radius to a concentration of 20% or above, Planning Department staff shall recommend disapproval of the application to the Planning Commission. If the application would not bring the formula retail concentration within the 300-foot radius to a concentration of 20% or above, Planning Department staff shall assess the application according to all the other criteria listed in this Subsection [303.1\(d\)](#), and recommend approval or disapproval to the Planning Commission, according to its discretion and professional judgment. In either case, the Planning Commission may approve or reject the application, considering all the criteria listed in this Subsection [303.1\(d\)](#).

The Project Sponsor conducted a Formula Retail survey in December 2019 of the commercial used zoned UM NCT within a 300-foot radius of the project side. Based on the survey, there are six (6) existing Formula Retail establishments out of 47 commercial uses, which the frontage (in linear feet [lf]) accounts for approximately 20.6% (291 lf/1408 lf) of all businesses within the vicinity.

Currently, there are approximately 1,408 occupied commercial linear feet within a 300-foot radius, and there is 291 Formula Retail linear feet within a 300-foot radius. The existing concentration of frontage dedicated to Formula Retail is 20.68% of the total linear footage within the 300-foot survey radius.

The project proposes to relocate an existing Formula Retail use, Sterling Bank, which is located adjacent to the vacant subject property. There will be no increase to the total number of formula retail uses, six. However, the proposed commercial space for the project has 149 lf of frontage, and the location to be vacated at 2122 Market Street has only 25 lf of frontage, the project results in an increase of 124 lf of Formula Retail frontage within the survey area. With the proposed Formula Retail use at 2100 Market Street, the concentration of frontages of Formula Retail would increase to 26.6% (415 lf/1557 lf).

The Project would significantly increase the concentration of total formula retail use frontage within a 300-foot radius of the project, within the UM NCT District. The survey area already is over-concentrated with formula retail uses, occupying 20.6% of frontages, and the project would add a net increase of 124 linear feet to District, resulting in a concentration of 26.6%.

- b. The availability of other similar retail uses within the district.

There are three other bank branches with the UM NCT District, operated by Bank of the West, Chase and Wells Fargo. The Wells Fargo is the closest in proximity, located within the Safeway at the corner of Market, Church and 14th Streets, which is outside of the 300-foot survey radius. Sterling Bank currently operates at the property adjacent to the project, whoever, their lease at that location will terminate in the near future.

- c. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the district.

The subject property is located with the Upper Market Street Historic Commercial Corridor District, and the project proposes no structural changes to the existing commercial unit, the entry and fenestration will remain in their existing location and proportions. The existing structure is a new building, designed with a contemporary aesthetics that are compatible with the character of the district, construction of which was completed in 2019. The Project would minimally alter the existing exterior details of the subject building with two wall-mounted signs. Therefore, the Project is compatible within, and will not have an adverse effect on, the architectural and aesthetic characters of the District.

- d. The existing retail vacancy rates within the district.

There are also 10 vacant storefronts within the survey radius' total of 57 storefronts, a vacancy rate of 17.5%.

- e. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district.

The UM NCT District is a multi-purpose commercial district that services a predominantly local market area. Few citywide retail uses are present. A majority of the retail is intended to serve the daily needs of the neighborhood residents within walking distance of their residence or workplace. Financial services are considered to be a daily need according to the Commission Guide to Formula.

The project will not change the concentration of citywide-serving retail uses and neighborhood-serving retail within the district, as the project would be relocated an existing daily needs use within the District, although the new location will be larger in size and have an increase in frontage.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed project would negatively affect the diversity of this portion of Market Street and the UM NCT District by adding additional store frontage of a formula retail use within a 300 foot radius that is already considered to be over-concentrated, which would erode the existing character of the community. The Project would be incompatible with the unique character of the surrounding neighborhood and would not provide desirable goods and services to the community.

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.

While the proposed use could bring additional commercial activity to the City, the Project would not enhance the diverse economic base of the City because there are existing banking and financial services related retail uses in close proximity to the Project Site.

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:

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

The Project is a formula retail use and is not considered a small business enterprise. Although the Project is a Formula Retail use, Sterling Bank is a locally owned company (founded and headquartered in San Francisco), the Commission finds that the relocation not be a positive contributor to the commercial area's primarily independently owned businesses. The Project is not desirable or compatible with the neighborhood, as the project would significantly increase to total frontage of commercial operated by Formula Retail within the UM NCT.

Policy 6.3:

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

No commercial or residential tenant would be displaced as the tenant space is vacant. The Project would not promote a mixed commercial-residential character, as there are sufficient financial service uses within the neighborhood.

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.

Although the Project would not directly displace any existing neighborhood-serving retail uses, it would be establishing a Formula Retail bank, which currently exists within the adjacent storefront.

- 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 would not have any adverse effect on the City's supply of affordable housing.

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

The Project would not have any adverse effect on the City's supply of affordable housing.

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

The project is also well served by transit. The Project Site is within close proximity to the MUNI subway station at Church and Market Street.

- 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 any commercial office development, and the Project is a locally owned Formula Retail business. The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

This Project would not adversely affect the property's ability to withstand an earthquake. The Project would comply with the requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

Although the subject property is located within the Upper Market Street Commercial Historic District, the existing building, with construction completed in 2019, is not a landmark or a historic resource.

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

The Project would have no adverse effect on existing parks and open spaces, nor their access to sunlight, or vistas.

10. The Project is inconsistent 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 not 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 not 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 **DISAPPROVES Conditional Use Application No. 2019-020070CUA**.

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

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 9, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

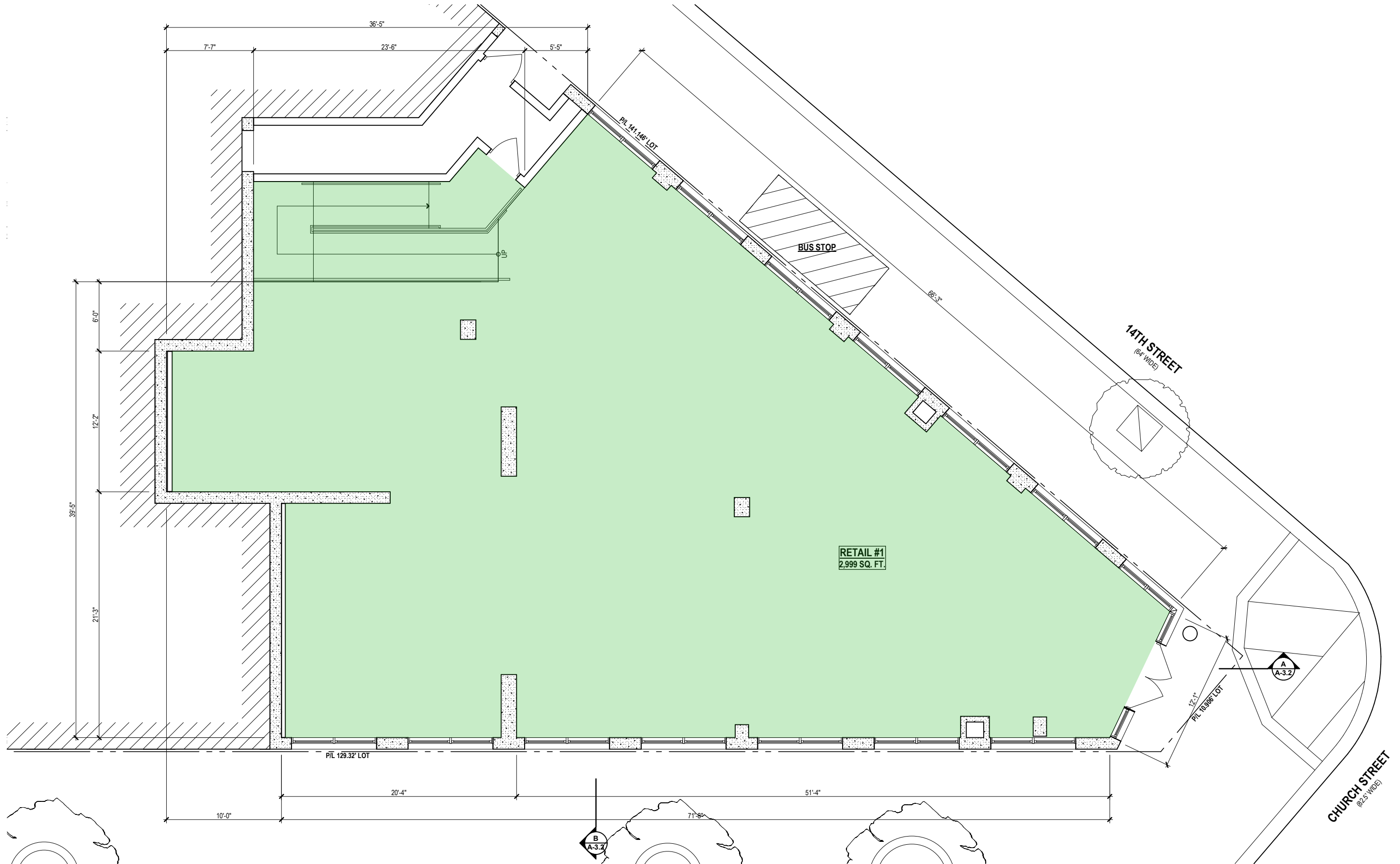
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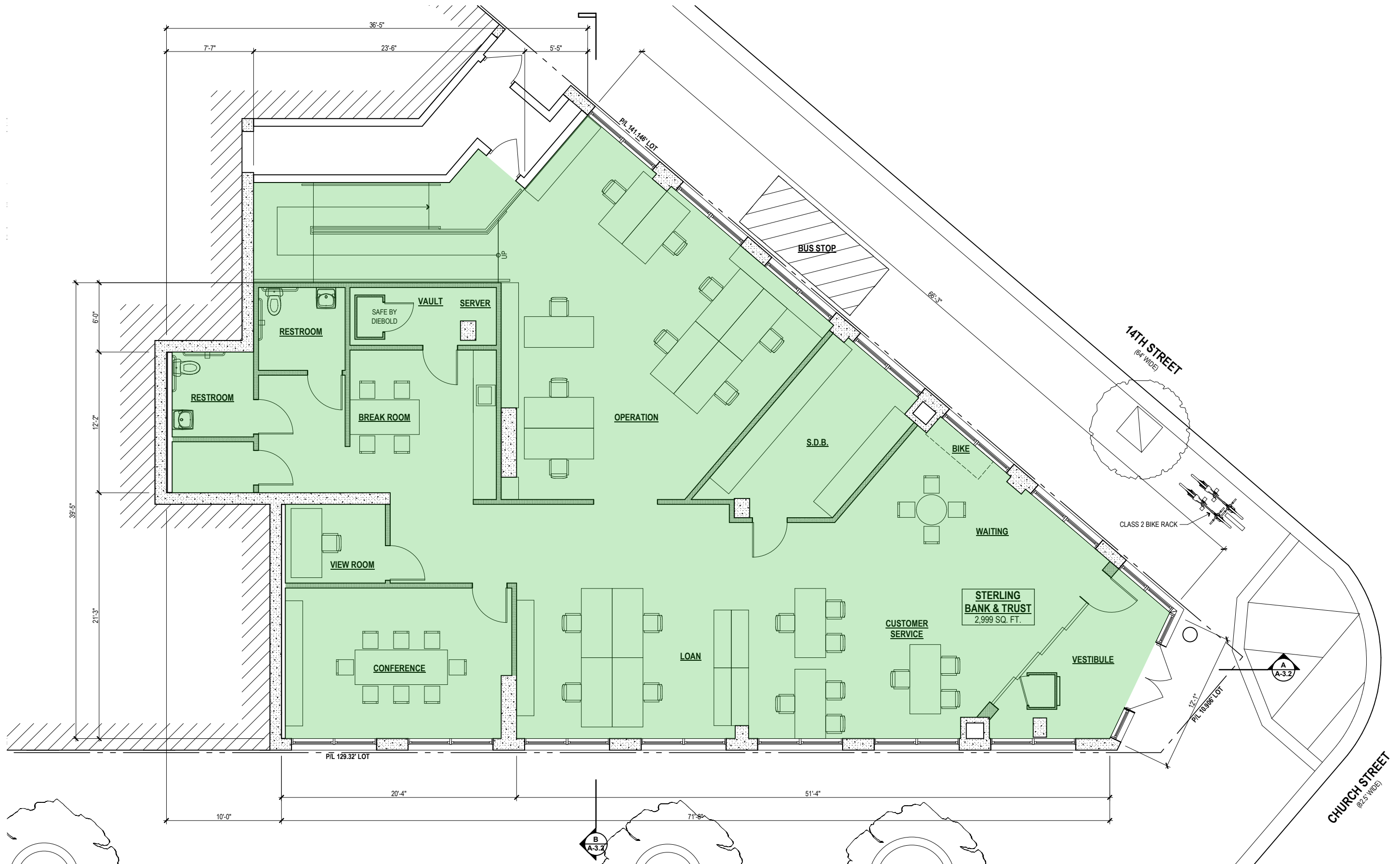
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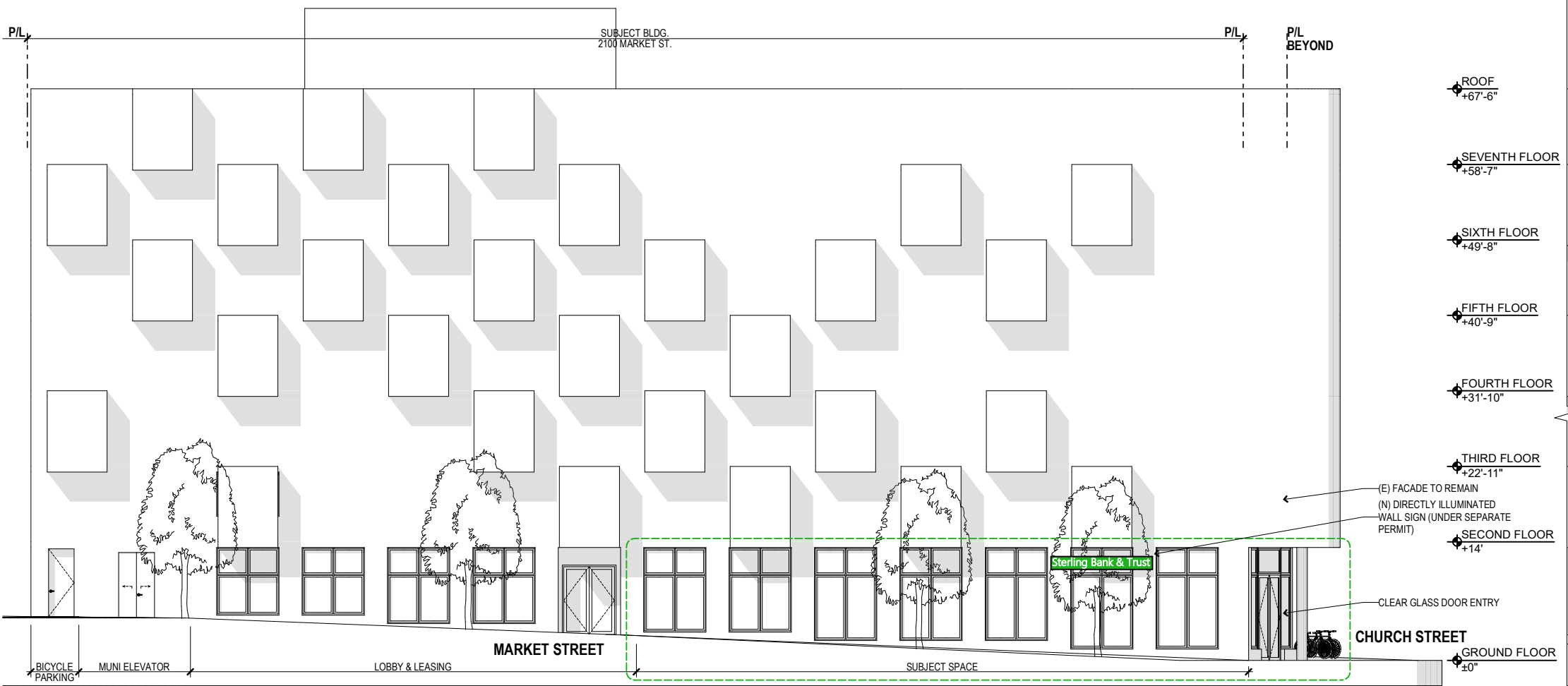
ADOPTED: January 9, 2020









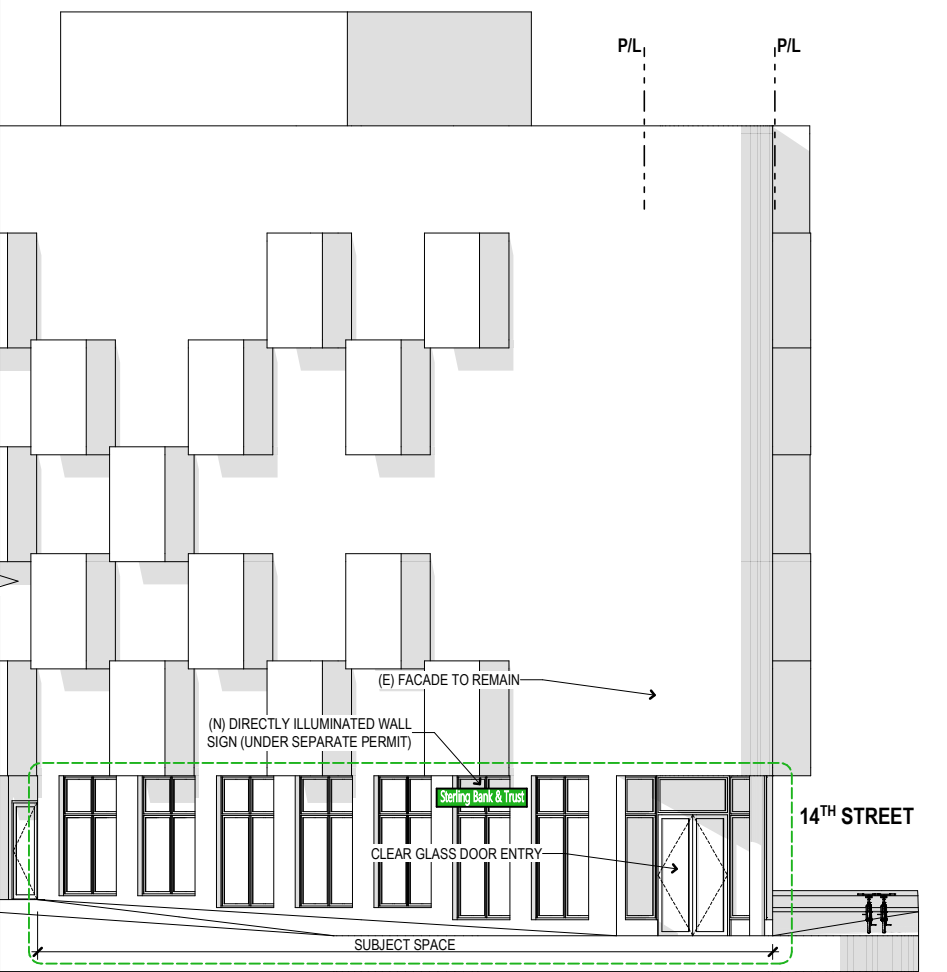


MARKET ST ELEVATION

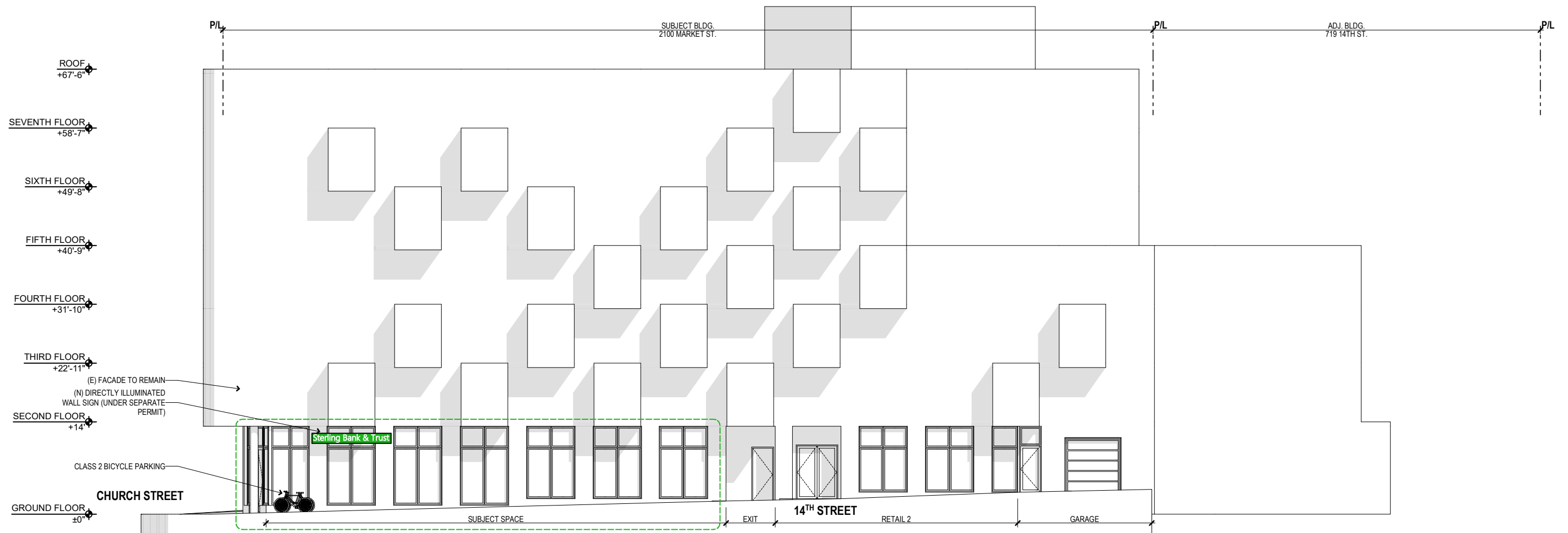
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- ◆ SEVENTH FLOOR +58'-7"
- ◆ SIXTH FLOOR +49'-8"
- ◆ FIFTH FLOOR +40'-9"
- ◆ FOURTH FLOOR +31'-10"
- ◆ THIRD FLOOR +22'-11"
- ◆ SECOND FLOOR +14'
- ◆ GROUND FLOOR ±0"

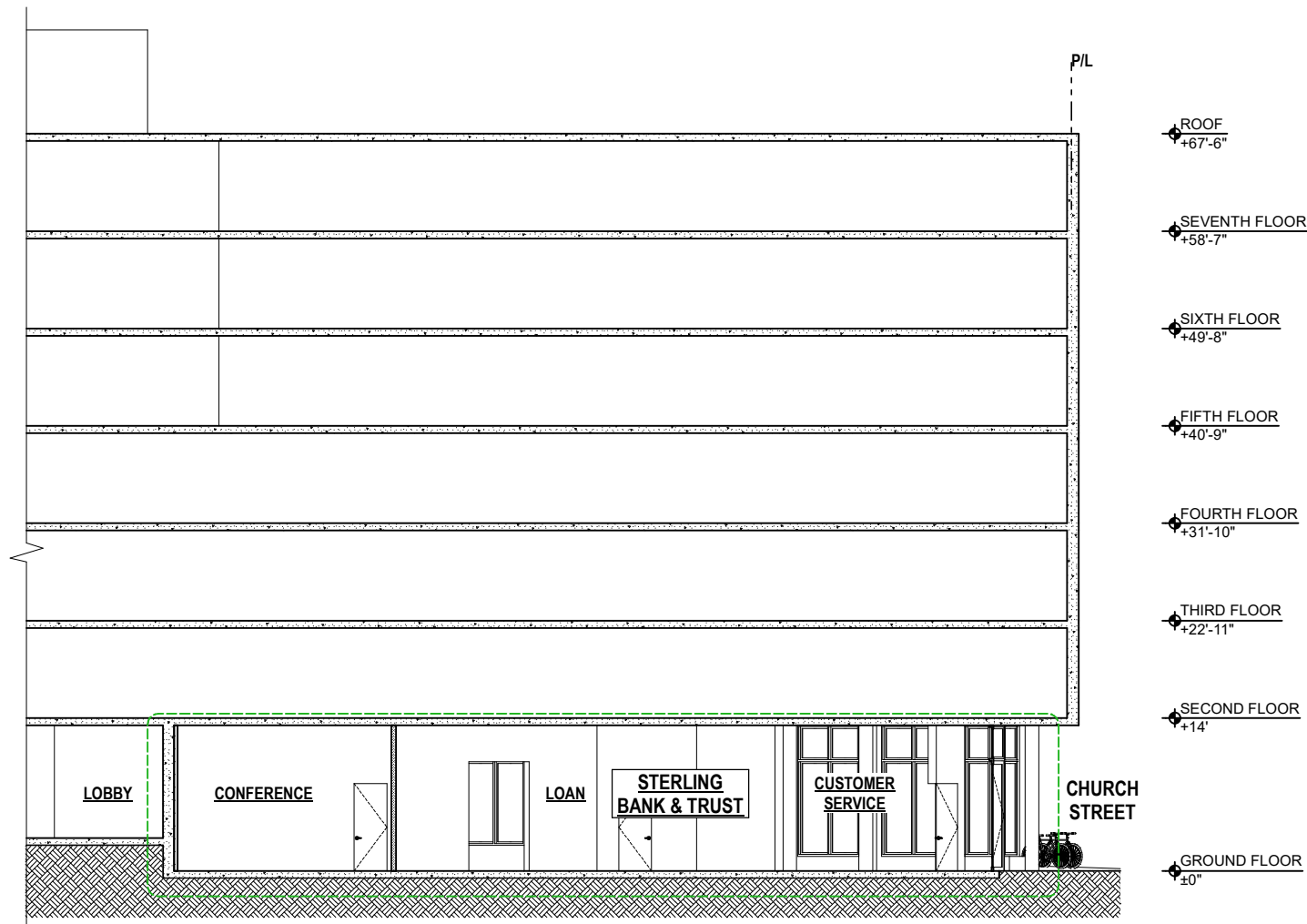
(E) FACADE TO REMAIN
(N) DIRECTLY ILLUMINATED WALL SIGN (UNDER SEPARATE PERMIT)

CLEAR GLASS DOOR ENTRY

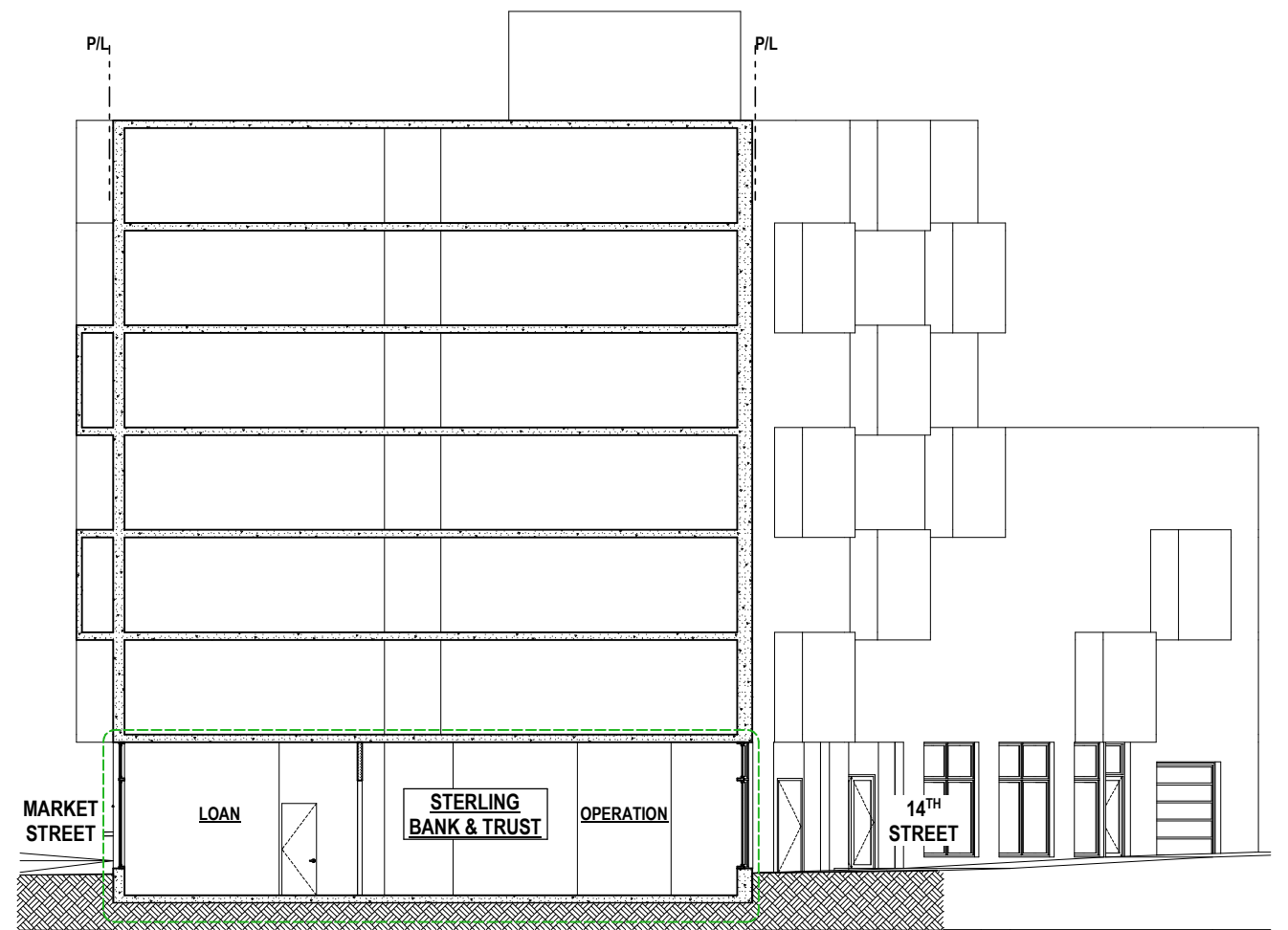


CHURCH ST ELEVATION (PARTIAL)





LONGITUDINAL SECTION A (PARTIAL)



CROSS SECTION B



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2100 MARKET ST		3542041
Case No.		Permit No.
2019-020070PRJ		
<input 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. Conditional Use Authorization request for formula retail dba Sterling Bank to permit relocation of existing branch.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<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

<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? <i>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 involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? 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? If yes, archeo review is required (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). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Jeffrey Horn	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input checked="" 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 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 checked="" 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 checked="" 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 or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<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 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: Building Permit	Signature: Jeffrey Horn
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	12/30/2019
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 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)
2100 MARKET ST		3542/041
Case No.	Previous Building Permit No.	New Building Permit No.
2019-020070PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS 2100 MARKET STREET
RECORD NO.: 2019-020070CUA

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

Reception:
415.558.6378

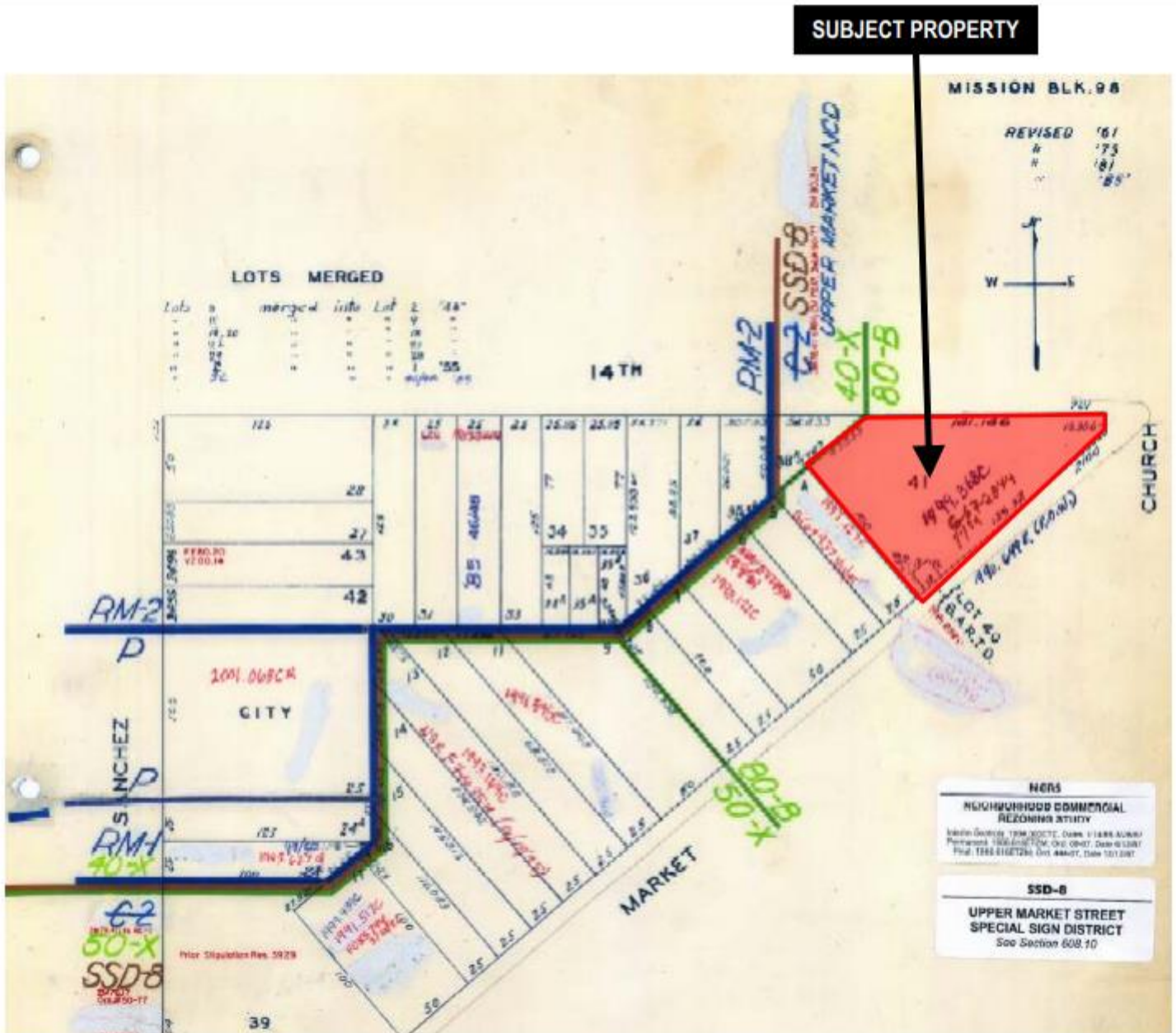
Fax:
415.558.6409

Planning
Information:
415.558.6377

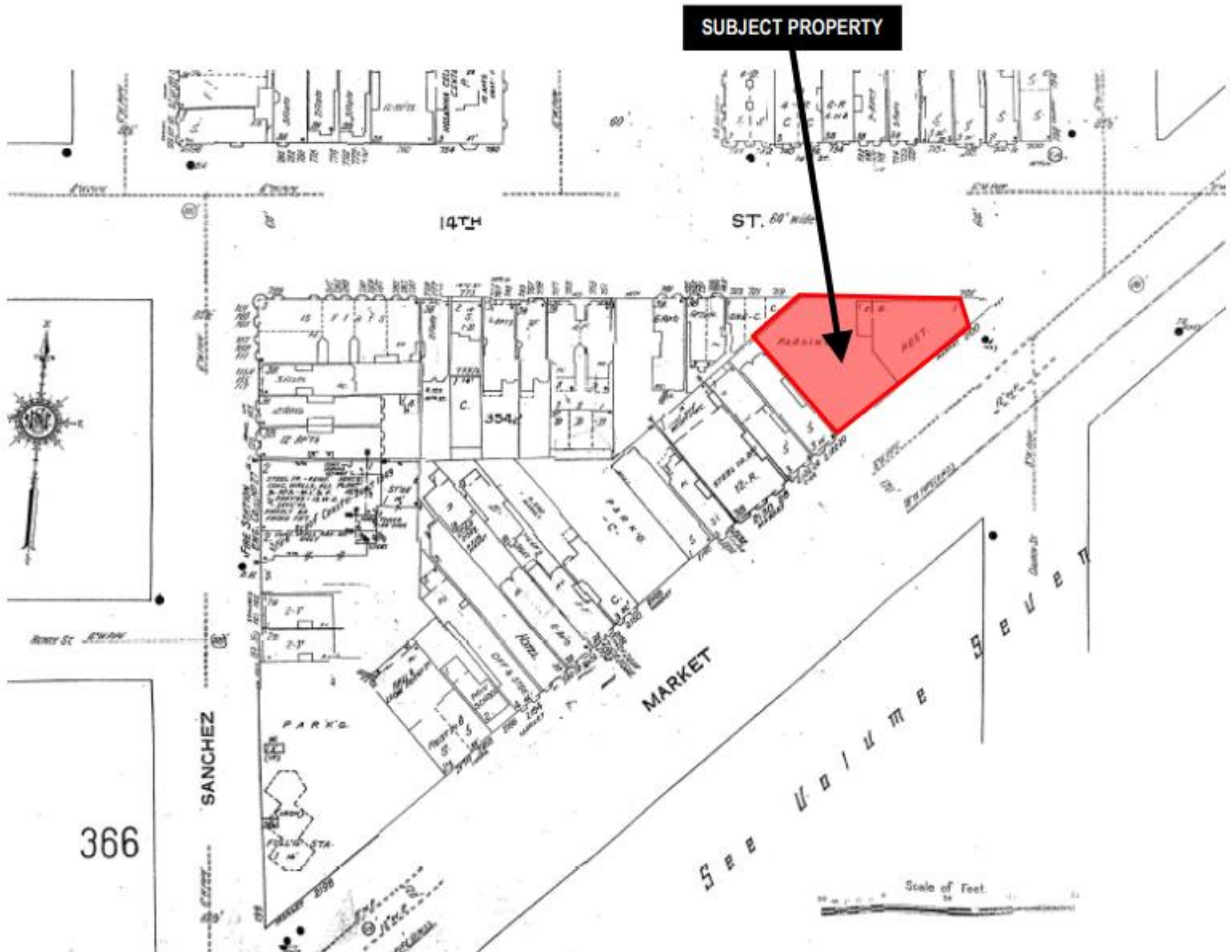
	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF			
Residential GSF			
Retail/Commercial GSF	2,999	2,999	0
Office GSF			
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>			
Medical GSF			
Visitor GSF			
CIE GSF			
Usable Open Space			
Public Open Space			
Other ()			
TOTAL GSF	2,999	2,999	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable			
Dwelling Units - Market Rate			
Dwelling Units - Total			
Hotel Rooms			
Number of Buildings			
Number of Stories			
Parking Spaces			
Loading Spaces			
Bicycle Spaces			
Car Share Spaces			
Other ()			

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

Parcel Map



Sanborn Map*

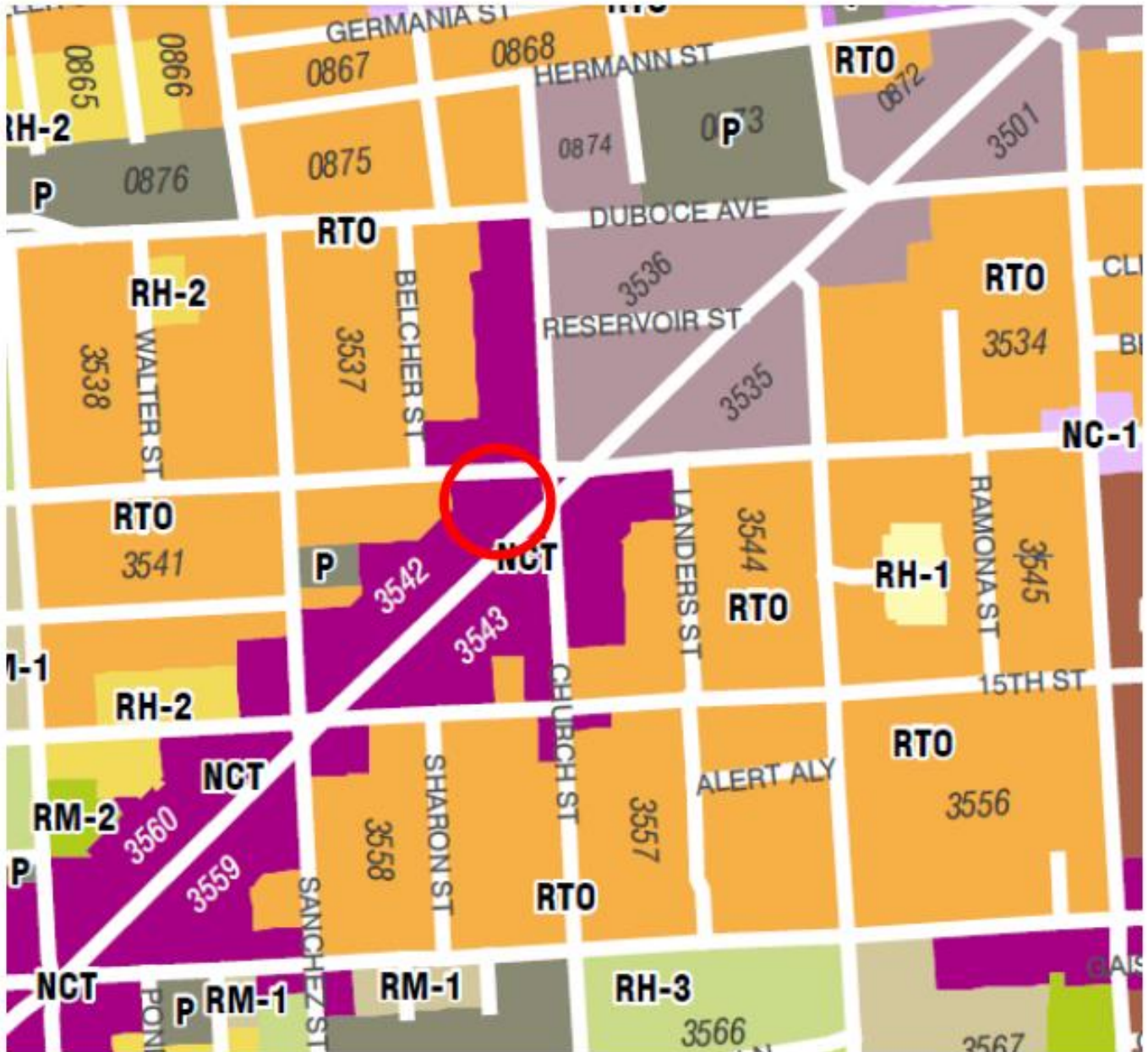


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



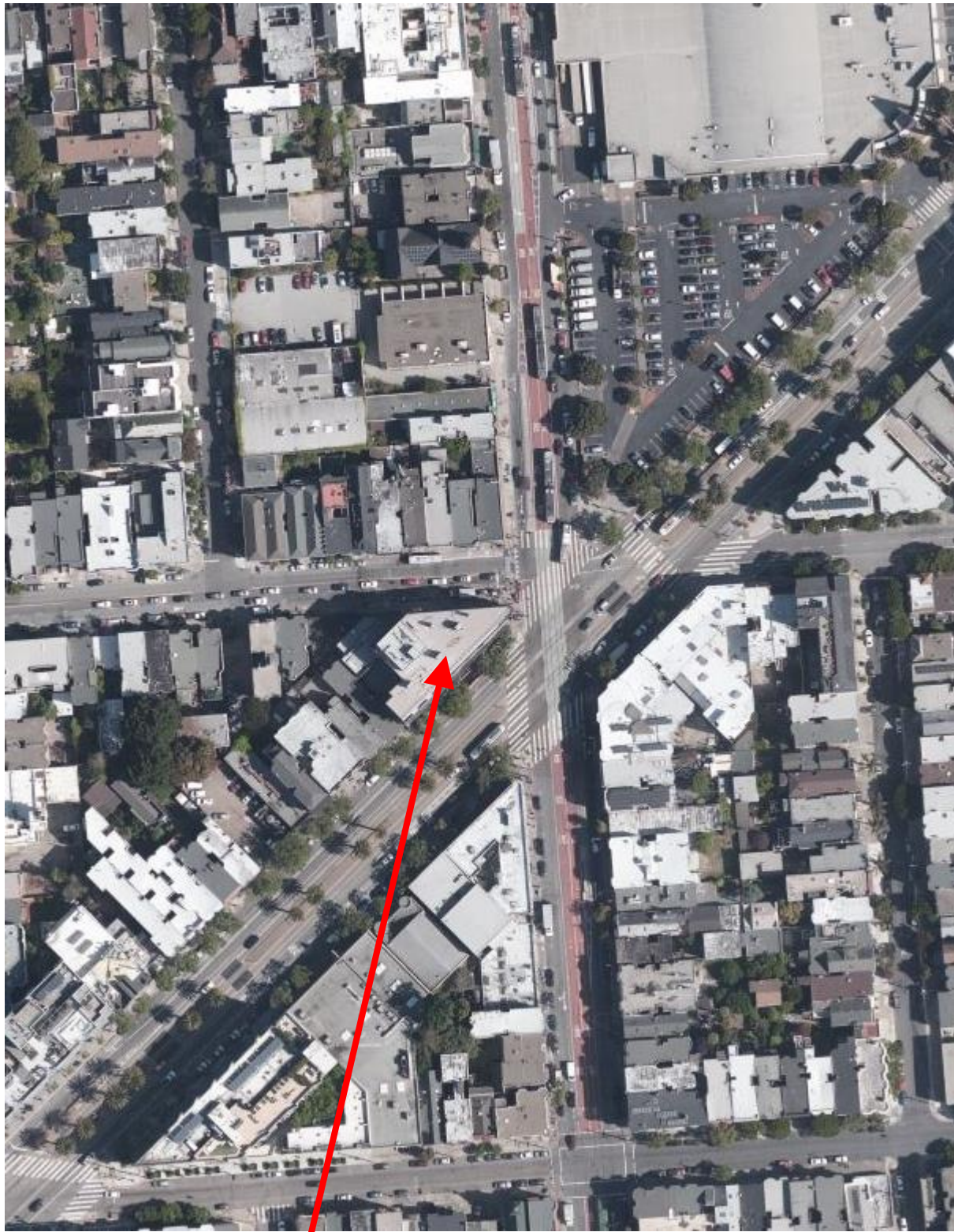
Conditional Use Authorization Hearing
Case Number 2019-020070CUA
2100 Market Street

Zoning Map



Conditional Use Authorization Hearing
Case Number 2019-020070CUA
2100 Market Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2019-020070CUA
2100 Market Street

Site Photo



Conditional Use Authorization Hearing
Case Number 2019-020070CUA
2100 Market Street

Site Photo



Conditional Use Authorization Hearing
Case Number 2019-020070CUA
2100 Market Street