



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JULY 22, 2010
CONSENT CALENDAR

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: July 15, 2010
Case No.: **2010.0183C**
Project Address: **601 CLAYTON STREET**
Zoning: Haight Street Neighborhood Commercial District (NCD)
Haight Street Alcohol Restricted Use Subdistrict
40-X Height and Bulk District
Block/Lot: 1246/029
Project Sponsors: Samer Danfoura (agent)
2489 Mission Street, Suite 2
San Francisco, CA 94110
City ATM, Inc., c/o Walid Abedrabbo (applicant)
1661 Divisadero Street
San Francisco, CA 94115
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The applicant requests Conditional Use Authorization pursuant to Planning Code Sections 145.2, 303, 719.26 and 790.140 to install an automatic teller machine (ATM) walk-up facility, without providing a =3-foot setback from the front property line of a restaurant / bar dba Hobson's Choice located in the Haight Street Neighborhood Commercial District, the Haight Street Alcohol Restricted Use Subdistrict, and a 40-X Height and Bulk District.

The proposed ATM walk-up facility will be approximately 1'8" in width and 2'8" in height and will be located 2'5" above the sidewalk. The proposed ATM walk-up facility will be open for operation 24 hours a day and will not be affiliated with any financial institution.

SITE DESCRIPTION AND PRESENT USE

The Project Site at 601 Clayton Street is on the southwest corner of Haight and Clayton Streets; Assessor's Block 1246; Lot 029. It is located within the Haight Street Neighborhood Commercial Zoning District (NCD), the Haight Street Alcohol Restricted Use Subdistrict, and a 40-X Height and Bulk District. The subject lot with 9,809 square-feet is an irregular 'L' shaped lot that has a linear frontage of 50 feet on Clayton Street and a linear frontage of 146.875 feet on Haight Street. The subject lot is occupied by a three-story residential and commercial building built in 1904. The existing building is listed in the Planning Department's 1976 Architectural Survey as having architectural significance but is not listed in the National or California Registers as having architectural significance. The existing building has had its character-

defining features on the ground floor commercial tenant spaces removed in the past. Currently, there are four existing commercial tenant spaces on the ground floor of the building: Asqew Grill (full-service restaurant), X pose (women’s apparel and accessories store), Bang-On (graphic tees and music store), and Hobson’s Choice (full-service restaurant and bar). The proposed ATM walk-up facility will be installed on the side wall of Hobson’s Choice fronting on Clayton Street. The project sponsor has indicated that there is also a second ATM located within the interior of the restaurant.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The Project Site is located within the Haight-Ashbury Neighborhood. The surrounding development consists primarily of one-to-three story residential and commercial buildings within the Haight Street NCD. A mix of food establishments, personal services, and small retail establishments defines the Haight Street NCD corridor in the immediate vicinity. Some of the existing commercial establishments on the subject and opposite blocks include American Apparel clothing store, Haight Street General & Natural Foods grocery store, Roberts Hardware, Dollhouse Bettie clothing store, Wasteland clothing store, Balazo Taqueria, Booksmith store, a restaurant and wine bar, SFO outdoors store, and Clobba clothing store. On Clayton and Belvedere Streets running north and south of the project site, there are two- to three-story over basement/garage residential dwellings within the RH-3 (Residential, House, Three-Family) Zoning District.

ENVIRONMENTAL REVIEW

The proposed project was determined by the San Francisco Planning Department to be categorically exempt from environmental review, under Class 1(a) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	June 30, 2010	June 30, 2010	20 days
Posted Notice	20 days	June 30, 2010	June 30, 2010	20 days
Mailed Notice	20 days	June 30, 2010	June 30, 2010	20 days

PUBLIC COMMENT

- As of July 15, 2010, the Department has not received any letters or phone calls in opposition to the project. The Planning Department received one email requesting information on the existing full-service restaurant and bar dba Hobson’s Choice.

ISSUES AND OTHER CONSIDERATIONS

- The proposed ATM walk-up facility will replace an ATM walk-up facility that was installed approximately 10 years ago without the benefit of a permit and which has already been removed. The project sponsor had indicated that the unauthorized ATM walk-up facility was removed on March 8, 2010 to abate a Notice of Violation which was sent by the Planning Department (Enforcement Section).
- The project sponsor has indicated that the proposed ATM walk-up facility is desirable for, and compatible with the Haight Street NCD because the vicinity has only one local bank (Wells Fargo

at 1726 Haight Street), which is approximately 2 blocks (0.13 miles) from the project site. The next two closest banks are Chase Bank at 1720 Fulton Street (0.70 miles) and Bank of America (over 1 mile) from the project site. In addition, the project sponsor has conducted a site survey of the existing ATMs in the vicinity which include:

- (1) Hobson's Choice – ATM inside 1601 Haight Street, which does not open until 2 p.m. Monday through Friday, noon on Saturday; closes at 2 a.m., all days;
 - (2) Aub Zam Zam Bar – ATM inside 1633 Haight Street, which does not open until 1 p.m. Monday through Sunday and closes at 2 a.m. all days;
 - (3) Geners – ATM outside on Haight Street near Clayton, but behind a gate that closes with the business.
 - (4) Big Slice Pizza – ATM inside 1535 Haight Street, which does not open until 11 a.m. and closes at 10 p.m.
 - (5) Ashbury Tobacco – ATM inside 1524 Haight Street, which does not open until 9:30 a.m. and closes at 9:30 p.m.
 - (6) Panini Café – ATM outside 1460 Haight Street, but behind a gate that closes with the business.
- The project sponsor has also indicated that while there is only one local bank and few ATMs, the proposed ATM walk-up facility will be one of only two ATMs open 24 hours a day, 7 days a week within a commercial shopping area full of retail stores and grocery stores, and that the ATM walk-up facility will provide a convenient source of cash for residents and shoppers in the immediate area. The project sponsor has indicated that CITY ATM, which will be the service provider for this ATM walk-up facility, had dispensed \$30,000 - \$60,000/month (depending on the month) for the previous ATM walk-up facility, which demonstrates that the neighborhood both uses and needs this proposed ATM walk-up facility.

REQUIRED COMMISSION ACTION

This proposal requires **Conditional Use** authorization pursuant to Planning Code Sections 145.2, 303, 719.26 and 790.140 to install an automatic teller machine (ATM) walk-up facility, without providing a 3-foot setback from the front property line on the ground floor at the existing full-service restaurant and bar (dba Hobson's Choice), located in the Haight Street Neighborhood Commercial District, the Haight Street Alcohol Restricted Use Subdistrict, and a 40-X Height and Bulk District

The Project Sponsor is proposing to install an ATM walk-up facility at the property line (on the side wall of the full-service restaurant and bar) and therefore requires Conditional Use Authorization. The proposed ATM walk-up facility will replace an ATM walk-up facility that was installed approximately 10 years ago without the benefit of a permit and which has already been removed. The Clayton Street sidewalk has a width of 15 feet which leaves adequate space for both ATM patrons and pedestrian traffic.

Planning Code Section 790.104 defines a walk-up facility as a structure designed for provision of pedestrian-oriented services when located on an exterior building wall, including window service, self-service operations, and automated bank teller machines (ATMs).

BASIS FOR RECOMMENDATION

- The Department believes that this project is necessary and/or desirable for the following reasons:
 - a) The proposed ATM walk-up facility will operate 24 hours per day, providing a necessary and desired use since there appears to be a limited number of existing ATM walk-up facilities or financial institutions within the immediate neighborhood.
 - b) The proposed ATM walk-up facility is a neighborhood-serving use and would not result in adverse pedestrian, traffic or parking impacts.
 - c) The proposed project would be consistent with the mixed commercial-residential character of this portion of the Haight Street NCD which currently does not have an overconcentration of ATM walk-up facilities.

RECOMMENDATION: Approval with Conditions
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Attachments:

- Zoning District Map
- Parcel Map
- Sanborn Map
- Aerial Photographs
- Site and Context Photographs
- Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> |

Exhibits above marked with an "X" are included in this packet

SMY
Planner's Initials

SMY: C:\601 Clayton St- summary-smy.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 145.2, 303, 719.26, AND 790.140 TO INSTALL AN AUTOMATIC TELLER MACHINE (ATM) WALK-UP FACILITY, WITHOUT PROVIDING A 3-FOOT SETBACK FROM THE FRONT PROPERTY LINE AT 601 CLAYTON STREET, WITHIN THE HAIGHT STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, THE HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 16, 2010, Samer Danfoura acting agent on behalf of Walid Abedrabbo c/o City ATM, Inc. (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at 601 Clayton Street, Lot 029 in Assessor's Block 1246 (hereinafter "Subject Property"), for Conditional Use authorization under Planning Code Sections 145.2, 303, 719.26 and 790.140 to install an automatic teller machine (ATM) walk-up facility, without providing a 3-foot setback from the front property line on the ground floor at the existing full-service restaurant and bar (dba Hobson's Choice), located in the Haight Street Neighborhood Commercial District, the Haight Street Alcohol Restricted Use Subdistrict, and a 40-X Height and Bulk District, in general conformity with plans dated June 14, 2010, and labeled "Exhibit B" (hereinafter "Project").

On **July 22, 2010**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2010.0183C**.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed Conditional Use Application was categorically exempt from the environmental review process under Class 1(a) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.0183C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site at 601 Clayton Street is on the southwest corner of Haight and Clayton Streets; Assessor's Block 1246; Lot 029. It is located within the Haight Street Neighborhood Commercial Zoning District (NCD), the Haight Street Alcohol Restricted Use Subdistrict, and a 40-X Height and Bulk District. The subject lot with 9,809 square-feet is an irregular 'L' shaped lot that has a linear frontage of 50 feet on Clayton Street and a linear frontage of 146.875 feet on Haight Street. The subject lot is occupied by a three-story residential and commercial building built in 1904. The existing building is listed in the Planning Department's 1976 Architectural Survey as having architectural significance but is not listed in the National or California Registers as having architectural significance. The existing building has had its character-defining features on the ground floor commercial tenant spaces removed in the past. Currently, there are four existing commercial tenant spaces on the ground floor of the building: Asqew Grill (full-service restaurant), X pose (women's apparel and accessories store), Bang-On (graphic tees and music store), and Hobson's Choice (full-service restaurant and bar). The proposed ATM walk-up facility will be installed on the side wall of Hobson's Choice fronting on Clayton Street. The project sponsor has indicated that there is also a second ATM located within the interior of the restaurant.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Haight-Ashbury Neighborhood. The surrounding development consists primarily of one-to-three story

residential and commercial buildings within the Haight Street NCD. A mix of food establishments, personal services, and small retail establishments defines the Haight Street NCD corridor in the immediate vicinity. Some of the existing commercial establishments on the subject and opposite blocks include American Apparel clothing store, Haight Street General & Natural Foods grocery store, Roberts Hardware, Dollhouse Bettie clothing store, Wasteland clothing store, Balazo Taqueria, Booksmith store, a restaurant and wine bar, SFO outdoors store, and Clobba clothing store. On Clayton and Belvedere Streets running north and south of the project site, there are two- to three-story over basement/garage residential dwellings within the RH-3 (Residential, House, Three-Family) Zoning District.

4. **Project Description.** The applicant requests Conditional Use Authorization pursuant to Planning Code Sections 145.2, 303, 719.26 and 790.140 to install an automatic teller machine (ATM) walk-up facility, without providing a 3-foot setback from the front property line of a restaurant / bar dba Hobson's Choice located in the Haight Street Neighborhood Commercial District, the Haight Street Alcohol Restricted Use Subdistrict, and a 40-X Height and Bulk District.

The proposed ATM walk-up facility will be approximately 1'8" in width and 2'8" in height and will be located 2'5" above the sidewalk. The proposed ATM walk-up facility will be open for operation 24 hours a day and will not be affiliated with any financial institution.

5. **Issues and Other Considerations.**

- The proposed ATM walk-up facility will replace an ATM walk-up facility that was installed approximately 10 years ago without the benefit of a permit and which has already been removed. The project sponsor had indicated that the unauthorized ATM walk-up facility was removed on March 8, 2010 to abate a Notice of Violation which was sent by the Planning Department (Enforcement Section) notifying the owners that the ATM walk-up facility was installed without providing a required 3-foot setback from the property line.
- The project sponsor has indicated that the proposed ATM walk-up facility is desirable for, and compatible with the Haight Street NCD because the vicinity has only one local bank (Wells Fargo at 1726 Haight Street), which is approximately 2 blocks (0.13 miles) from the project site. The next two closest banks are Chase Bank at 1720 Fulton Street (0.70 miles) and Bank of America (over 1 mile) from the project site. In addition, the project sponsor has conducted a site survey of the existing ATMs in the vicinity which include:
 - (1) Hobson's Choice – ATM inside 1601 Haight Street, which does not open until 2 p.m. Monday through Friday, noon on Saturday; closes at 2 a.m., all days;
 - (2) Aub Zam Zam Bar – ATM inside 1633 Haight Street, which does not open until 1 p.m. Monday through Sunday and closes at 2 a.m. all days;
 - (3) Geners – ATM outside on Haight Street near Clayton, but behind a gate that closes with the business.

- (4) Big Slice Pizza – ATM inside 1535 Haight Street, which does not open until 11 a.m. and closes at 10 p.m.
 - (5) Ashbury Tobacco – ATM inside 1524 Haight Street, which does not open until 9:30 a.m. and closes at 9:30 p.m.
 - (6) Panini Café – ATM outside 1460 Haight Street, but behind a gate that closes with the business.
- The project sponsor has also indicated that while there is only one local bank and few ATMs, the proposed ATM walk-up facility will be one of only two ATMs open 24 hours a day, 7 days a week within a commercial shopping area full of retail stores and grocery stores, and that the ATM walk-up facility will provide a convenient source of cash for residents and shoppers in the immediate area. The project sponsor has indicated that CITY ATM, which will be the service provider for this ATM walk-up facility, had dispensed \$30,000 - \$60,000/month (depending on the month) for the previous ATM walk-up facility, which demonstrates that the neighborhood both uses and needs this proposed ATM walk-up facility.
6. **Public Comment.** As of July 15, 2010, the Department has not received any letters or phone calls in opposition to the project. The Planning Department received one email requesting information on the existing full-service restaurant and bar dba Hobson's Choice.
 7. **Use District.** The project site is within the Haight Street Neighborhood Commercial District (NCD). The Haight Street NCD is located on Haight Street between Stanyan and Central Avenue, including a portion of Stanyan Street between Haight and Beulah. The shopping area provides convenience goods and services to local Haight-Ashbury residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.

719.1 sets forth provisions applicable in the Haight Street Neighborhood Commercial District. The Haight Street NCD controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed-use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls prohibit additional eating and drinking uses, restrict expansion and intensification of existing eating and drinking establishments, and limit entertainment, and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage. Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by prohibition of upper-story conversions and limitations on demolitions.

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Walk-Up Facilities within the Haight Street NCD.** Planning Code Section 145.2 and 719.26 state that a Conditional Use Authorization is required for a Walk-Up Facility not recessed at least 3 feet from the property line.

The Project Sponsor is proposing to install an ATM walk-up facility at the property line and therefore requires Conditional Use Authorization. The proposed ATM walk-up facility will replace an ATM walk-up facility that was installed approximately 10 years ago without the benefit of a permit and which has already been removed. The Clayton Street sidewalk has a width of 15 feet. This width leaves adequate area for both ATM patrons and pedestrian traffic.

Planning Code Section 790.104 defines a walk-up facility as a structure designed for provision of pedestrian-oriented services when located on an exterior building wall, including window service, self-service operations, and automated bank teller machines (ATMs).

- B. **Hours of Operation.** Planning Code Section 719.27 allows hours of operation from 6 a.m. until 2 a.m. as of right and requires Conditional Use authorization to operate between the hours of 2 a.m. and 6 a.m.

Pursuant to Section 790.48 which defines "Hours of Operation," Automated Teller Machines are exceptions and do not have specific hours of operation. The proposed ATM will operate 24-hours a day.

- C. **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.

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

- (1) 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 proposed ATM will be installed on the side wall of the full-service restaurant and bar on Clayton Street, away from the establishment's main entrance fronting Haight Street.

- (2) 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:

- (A) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposed ATM walk-up facility will occupy approximately 1'8" in linear frontage, and has a height of approximately 5' above grade. The ATM will not disrupt pedestrian flow along Clayton Street because the amount of time spent at the ATM is brief in nature, and the sidewalk has a width of 15 feet.

- (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;

The proposed location of the ATM walk-up facility avails itself to the multiple public transit patrons and pedestrians within, and traveling through, the immediate area. Existing traffic patterns will not be significantly affected by the proposed Project. Public transit is in close proximity to the proposed ATM walk-up facility; a Muni bus stop is located in front of the subject property at the corner of Haight and Clayton Streets. There is on-street parking in front of the subject property and in the surrounding neighborhood.

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

Installation of the proposed ATM walk-up facility will not contribute to any existing noxious or offensive emissions. The project sponsor has indicated that lighting for the ATM walk-up facility is provided by an existing street light located at the intersection of Haight and Clayton Streets. In addition, the proposed ATM walk-up facility will have a 'customer down-lighting' feature. Noise generated from the operation of the ATM walk-up facility will be limited as well, as the machine is accessed for repair and restocking from the interior space. Additionally, pursuant to Condition of Approval #5, the project sponsor will maintain the area of the sidewalk in front of the ATM walk-up facility.

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

The Planning Department shall review any additional lighting and signage proposed for the ATM walk-up facility in accordance with Conditions of Approval #3 and #6.

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

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

- ii. 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 purpose of the Haight Street NCD in that the intended use will provide a compatible and convenient service for the immediate surrounding neighborhood.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6:

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

Policy 6.1:

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

The proposed Project would provide greater commercial opportunities to residents, patrons and business owners in the immediate vicinity. The ATM walk-up facility would make cash readily available to users both during and beyond normal business hours.

This policy includes guidelines for specific uses. The guidelines state that in some districts, the balance of commercial activities has been upset by the proliferation of financial services, which reduces the opportunities for other needed uses.

The guidelines provide that financial services should not be located near other financial service uses or add to an over-concentration within a single district. In most districts, it is preferable if financial services are at least 500-feet apart. Proximity to financial services should be considered in evaluating the need for and impacts of a new financial service.

According to the project sponsor's survey of existing financial service uses and ATMs within the immediate vicinity, there is not an overconcentration of financial services within this portion of the Haight Street NCD. Most of the other ATMs are located within stores or cafes/restaurants and are therefore limited to the commercial establishment's hours of operation. The proposed ATM walk-up facility provides

a unique and convenient service – availability of cash 24-hours per day, 7-days per week. Additionally, it is located in a commercial area with a steady flow of pedestrians and public transit patrons.

The guidelines provide that new financial service establishments should provide a detailed analysis of the potential impacts on existing transportation systems that serve the location and the proposed use should be designed to mitigate any traffic impacts. The location of limited financial services should be carefully evaluated as to the potential for double parking or illegal parking. If the proposed use includes ATMs, this evaluation is especially critical in determining the appropriateness of the use and its location.

The intent of the ATM walk-up facility is to serve pedestrian and public transit patrons. Off-street parking and loading is not required. The proposed ATM walk-up facility will not result in adverse traffic impacts or parking problems within the immediate neighborhood.

The guidelines state that new financial services should provide retail-banking services to serve the business community, as well as, the residential community.

The Project will provide services to both the residential and business community.

The guidelines state that new financial services should avoid, if feasible, the demolition of sound buildings that are compatible in scale and character with other buildings in the district.

The Project will not result in the demolition of any buildings.

The guidelines state that in Neighborhood Commercial districts, where drive-up facilities are not permitted, financial offices should be pedestrian oriented.

Drive-up facilities are not permitted in the Haight Street NCD. The proposed project is pedestrian-oriented.

The guidelines state that ATMs should be recessed from the sidewalk, when possible, or should be incorporated into limited financial service facilities inside the facility with adequate waiting space for patrons.

The proposed ATM walk-up facility cannot be recessed 3 feet without structurally altering the ground floor commercial frontage. The existing ATM located within the interior of Hobson's Choice is limited to the operating hours of the full-service restaurant and bar.

Policy 6.9:

Regulate uses so that traffic impacts and parking problems are minimized.

Metered on-street parking is available in front of the proposed ATM walk-up facility fronting on Clayton Street. The traffic generated by the proposed Project will not interfere with MUNI transit service since it is

expected that local residents and patrons of the commercial establishments on Haight Street will be the primary patrons of the proposed ATM walk-up facility.

11. **Section 101.1(b)** establishes eight priority planning policies and requires the review of permits that authorize changes of use for consistency with said policies:

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

The proposed ATM walk-up facility is designed to enhance the neighborhood-serving retail businesses by providing a financial service that is available after normal business hours to the neighborhood's residents and commercial patrons.

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

The proposed Project does not negatively impact the existing housing supply or neighborhood character of the immediate vicinity.

- (3) That the City's supply of affordable housing be preserved and enhanced.

The proposed Project will not displace any affordable housing.

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

The proposed ATM walk-up facility will not generate vehicular traffic that interferes with MUNI transit services. The subject property is well served by public transit and the proposed Project is intended to service walk-by pedestrian traffic.

- (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.

There is no commercial office development associated with the proposed Project. No industrial or service sector uses will be displaced.

- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed Project will not impact the property's ability to withstand an earthquake.

- (7) That landmark and historic buildings be preserved.

The proposed Project will not significantly affect any landmarks or historic buildings.

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

The proposed Project will not affect any city-owned park or open space.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.0183C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 22, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

Exhibit A

Conditions of Approval

1. Pursuant to Planning Code Sections 145.2, 303, 719.26 and 790.140, this Conditional Use approval is to install an automatic teller machine (ATM) walk-up facility, without providing a 3-foot setback from the front property line on the ground floor at the existing full-service restaurant and bar (dba Hobson's Choice), located in the Haight Street Neighborhood Commercial District, the Haight Street Alcohol Restricted Use Subdistrict, and a 40-X Height and Bulk District, in general conformity with Plans on file with the Department in the docket for Case No. 2010.0183C (labeled EXHIBIT B), reviewed and approved by the Commission on July 22, 2010 under Motion No._____.
2. In order to minimize visual impact, the proposed ATM walk-up facility shall only have signage integrated with the ATM identifying its function. Any ATM signage will be included within the total business signage calculations. Any signage not included in the plans associated with this application will be subject to review under Article 6 of the Planning Code and consistency with this Motion.
3. The proposed ATM walk-up facility shall be appropriately installed. Any cracks or fissures due to the installation shall be repaired and painted to match the existing facade.
4. The Project Sponsor shall maintain the area in front of the ATM walk-up facility and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
5. Lighting installed for the proposed ATM walk-up facility shall be directed downwards and away from nearby buildings.
6. **VALIDITY, EXPIRATION, AND EXTENSION**

This Conditional Use approval is **valid for three years** from the effective date of the Motion No._____ authorizing the proposed automatic teller machine (ATM) walk-up facility use and shall automatically expire on_____. This authorization is just an approval of the proposed use and is NOT a permit to implement the approved use. This authorization and right vested by virtue of this action shall be deemed void and cancelled if a Building Permit from the Department of Building Inspection to implement the approved use has not been obtained prior to the expiration of this Conditional Use approval. The validity of this Conditional Use approval may be extended at the discretion of the Zoning Administrator only if the failure to issue a Building Permit by the Department of Building Inspection is delayed by the city, state, or federal agency or by appeal of the issuance of such Building Permit. However, the extension must be requested prior to the expiration of this Conditional Use approval.

7. MAJOR AND MINOR CHANGES AND MODIFICATIONS OF CONDITIONS

Minor changes to the approved plans may be approved administratively by the Zoning Administrator. Major changes and modifications of conditions shall be subject to review and approval by the Planning Commission requiring a new Conditional Use approval or amendment to this Conditional Use approval as determined by the Zoning Administrator. Such changes must be requested prior to the expiration of this Conditional Use approval.

8. RECORDING OF CONDITIONS OF APPROVAL

Prior to the issuance of a Building Permit Application for the proposed automatic teller machine (ATM) walk-up facility use, the project sponsor or the responsible party shall record a Notice of Special Restrictions as approved by the Zoning Administrator in the Official Records of the Recorder of City and County of San Francisco for the premises (Assessor's 1246, Lot 029), which notice shall state that the proposed use has been authorized by Motion No. _____ and is subject to the conditions of approval of this Motion.

9. BUILDING PERMIT TO IMPLEMENT THE APPROVED PROJECT

A Building Permit from the Department of Building Inspection must be obtained to implement the approved use within three years from the effective date of Motion No. _____ approving the proposed automatic teller machine (ATM) walk-up facility use. The Building Permit Application shall include plans in conformance with the plans on file with the Department in the docket for 2010.0183C (labeled EXHIBIT B), reviewed and approved by the Planning Commission on July 22, 2010 under the Motion No. _____. The plans are required to record the approved use of the premises even if there is no new construction or minor interior changes. The conditions of approval shall be reproduced on the Index Sheet of the plans submitted with the Building Permit Application. The Index Sheet of the plans shall reference to this Conditional Use Authorization and any subsequent amendments or modifications.

The project shall also comply with all other applicable city codes as required by other city departments. Additionally, no change in the character of occupancy or change to a different group of occupancy as described under the Building Code shall be made without first obtaining a Certificate of Occupancy from the Department of Building Inspection and approval from Planning and other city departments as necessary.

10. COMPLETION OF BUILDING PERMIT

If the Building Permit is allowed to expire for more than one year, the renewal of such Building Permit thereafter will be subject to review by the Planning Department. Prior to filing of a renewal of the expired permit, the project sponsor or the responsible party shall notify the Planning Department.

11. REPORTING

The Project Sponsor or the subsequent responsible party for the project shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within the Motion No. _____ within six months from the date of implementation of the proposed use. Thereafter, the submittal of the report shall be on an

annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

12. REVOCATION

During the Building Permit Application process phase of the project, the Zoning Administrator may place an order to stop work, suspend, or revoke a Building Permit if the proposal carried out on the site is not in conformance with the plans approved under this Conditional Use approval and subsequent Building Permit. The Zoning Administrator may also recommend the Planning Commission to consider revocation of this Conditional Use approval in a public hearing for non-compliance with any of the conditions of approval.

13. ENFORCEMENT

After commencement of the approved use, violation of any of the planning conditions of approval contained in the Motion No. _____ 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, whichever applicable for each day a violation continues or is allowed to continue. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

14. MONITORING

If the project requires monitoring of the conditions of approval contained in Exhibit A of Motion No. _____, the project sponsor or the subsequent responsible parties for the project shall pay fees as established under Planning Code Section 351(e)(1) and work with the Planning Department to ensure compliance.

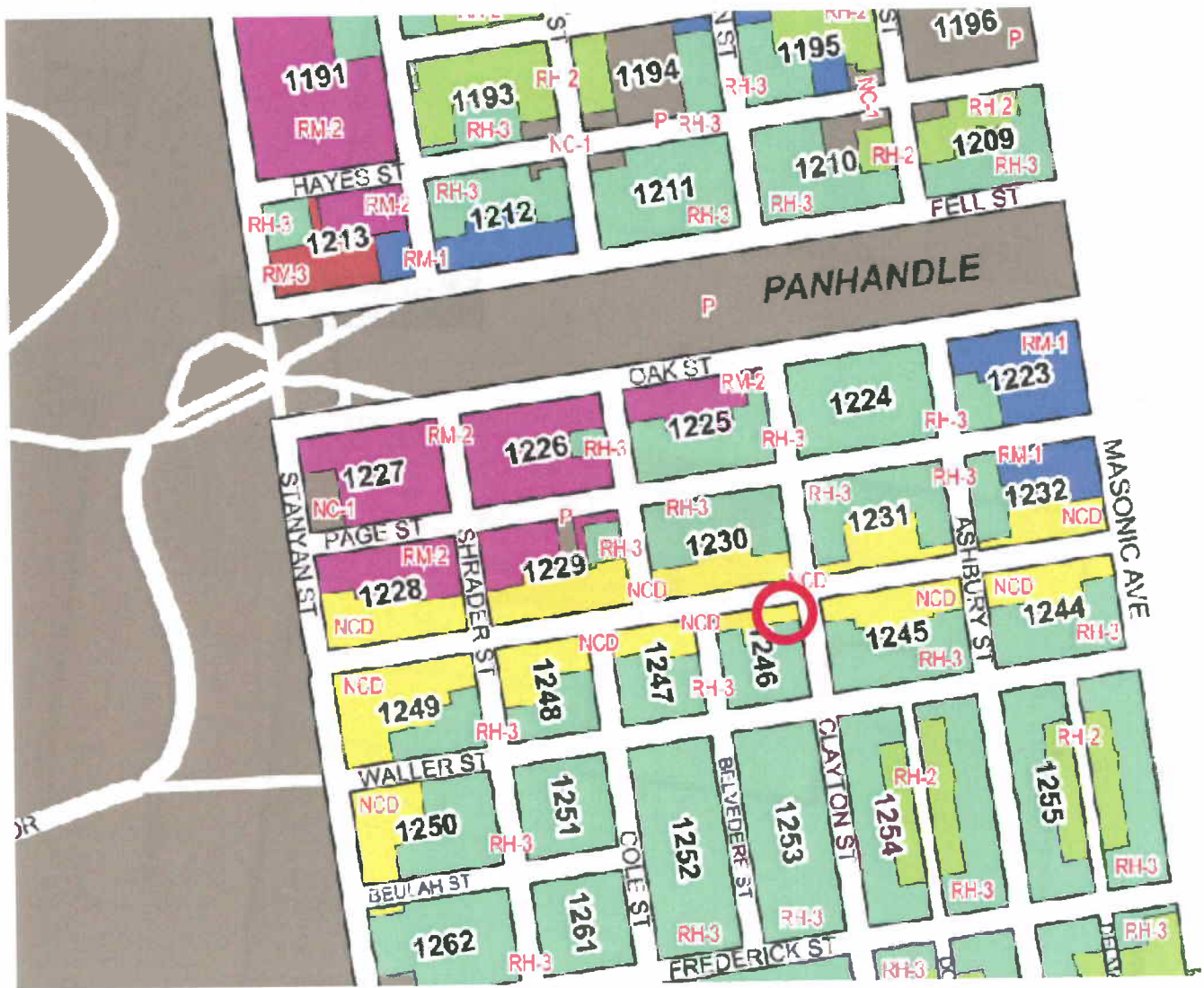
15. NEIGHBORHOOD CONCERNS

The Project Sponsor shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Project Sponsor shall keep the above parties apprised should a different staff liaison be designated.

16. SEVERABILITY

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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Planning Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

Zoning Map



Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

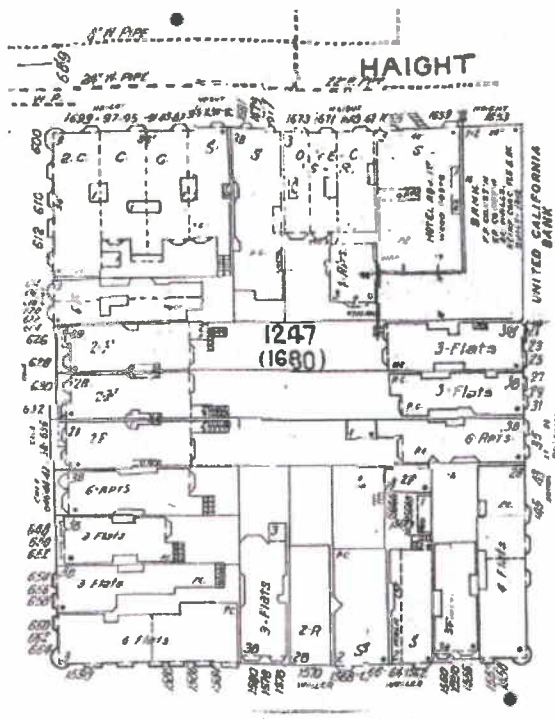


Parcel Map

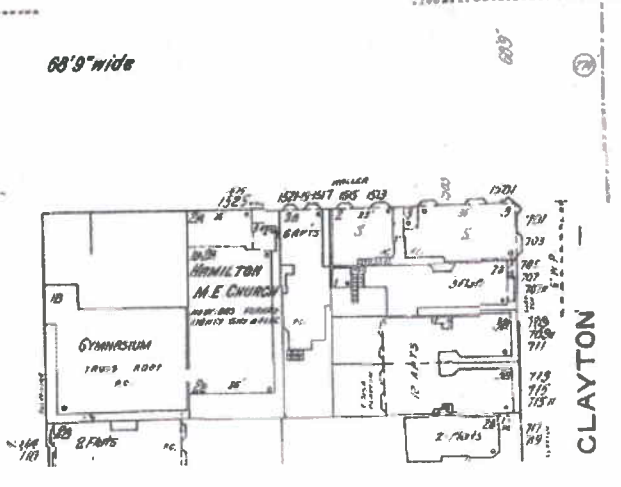
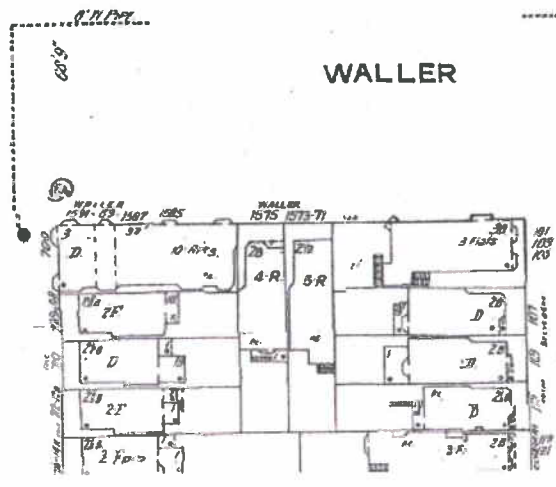
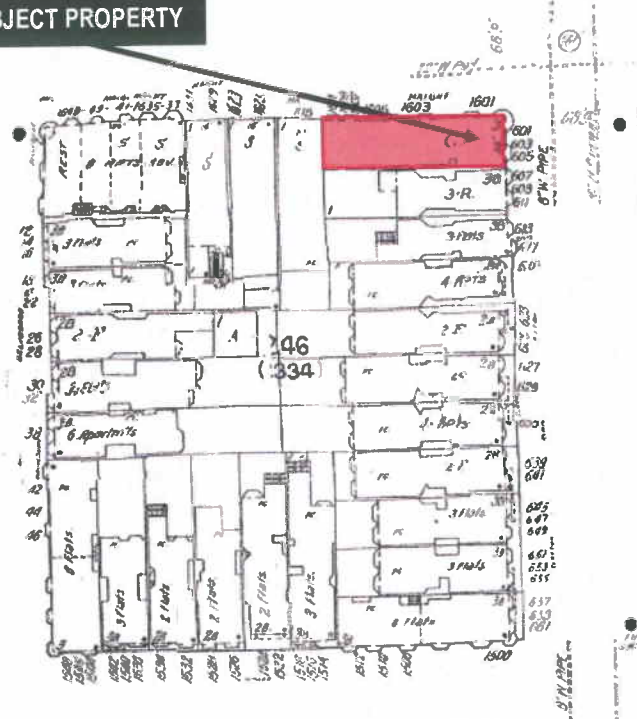


Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

Sanborn Map*



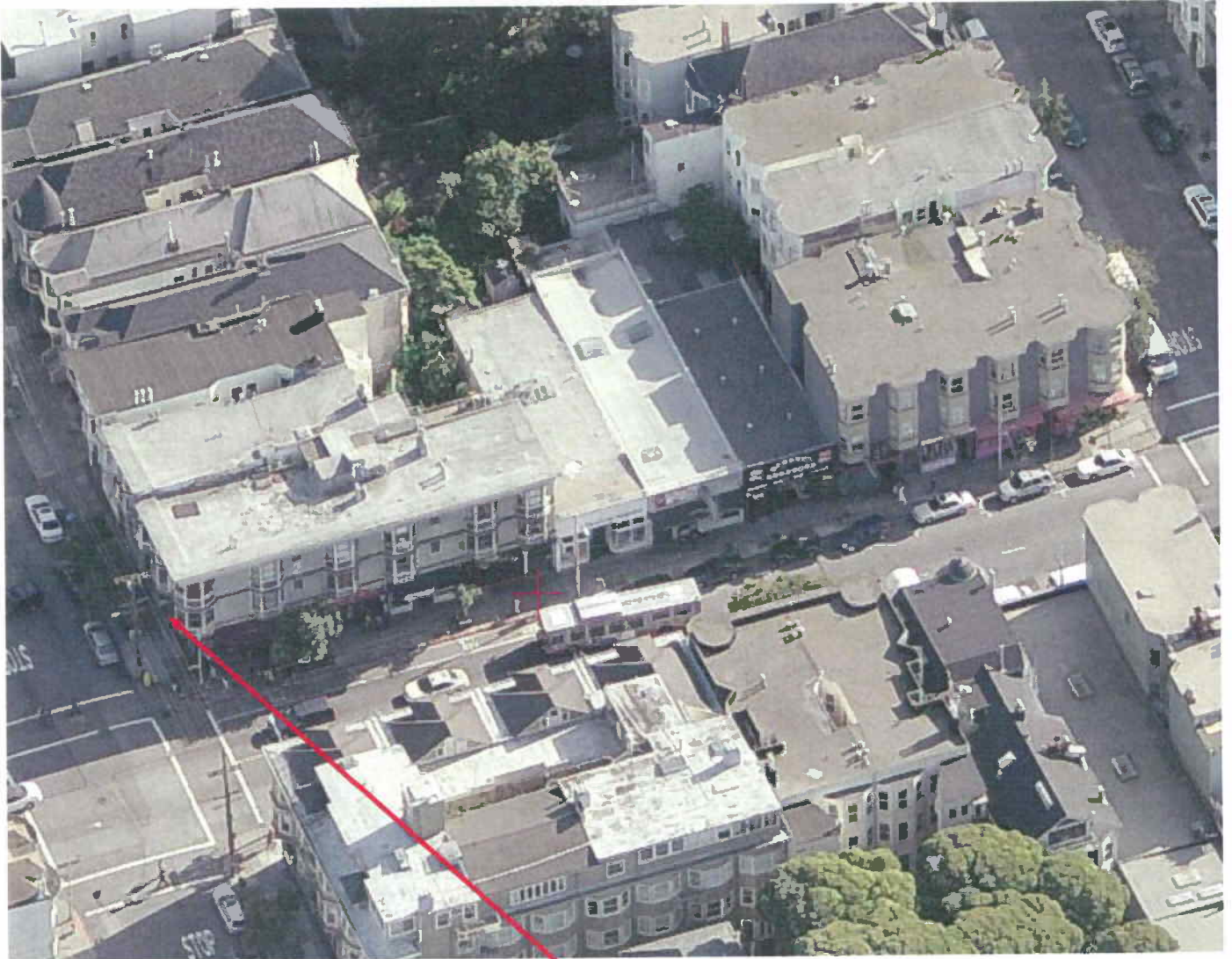
SUBJECT PROPERTY



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



Aerial Photo*



SUBJECT PROPERTY

**The Aerial Maps reflect existing conditions in March 2009.*



Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

Aerial Photo*



SUBJECT PROPERTY

**The Aerial Maps reflect existing conditions in March 2009.*



Site Photo

SUBJECT PROPERTY ON CLAYTON STREET



Proposed location of
ATM Walk-Up Facility

Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

Site Photo

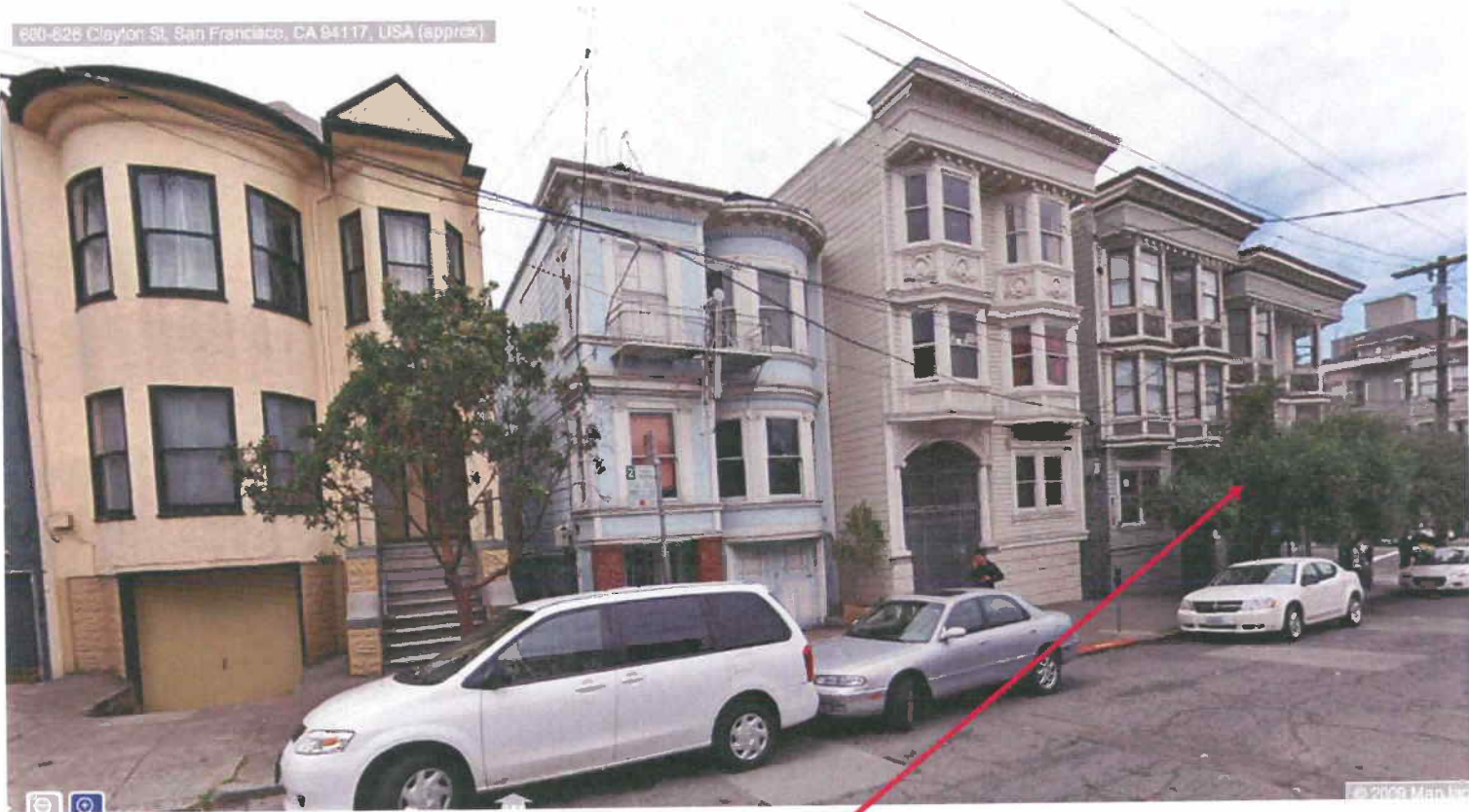
SUBJECT PROPERTY ON HAIGHT STREET



Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

Site Photo

SUBJECT BLOCK ON CLAYTON STREET



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

Site Photo

OPPOSITE BLOCK ON CLAYTON STREET



Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

Site Photo

PORTION OF SUBJECT BLOCK ON HAIGHT STREET

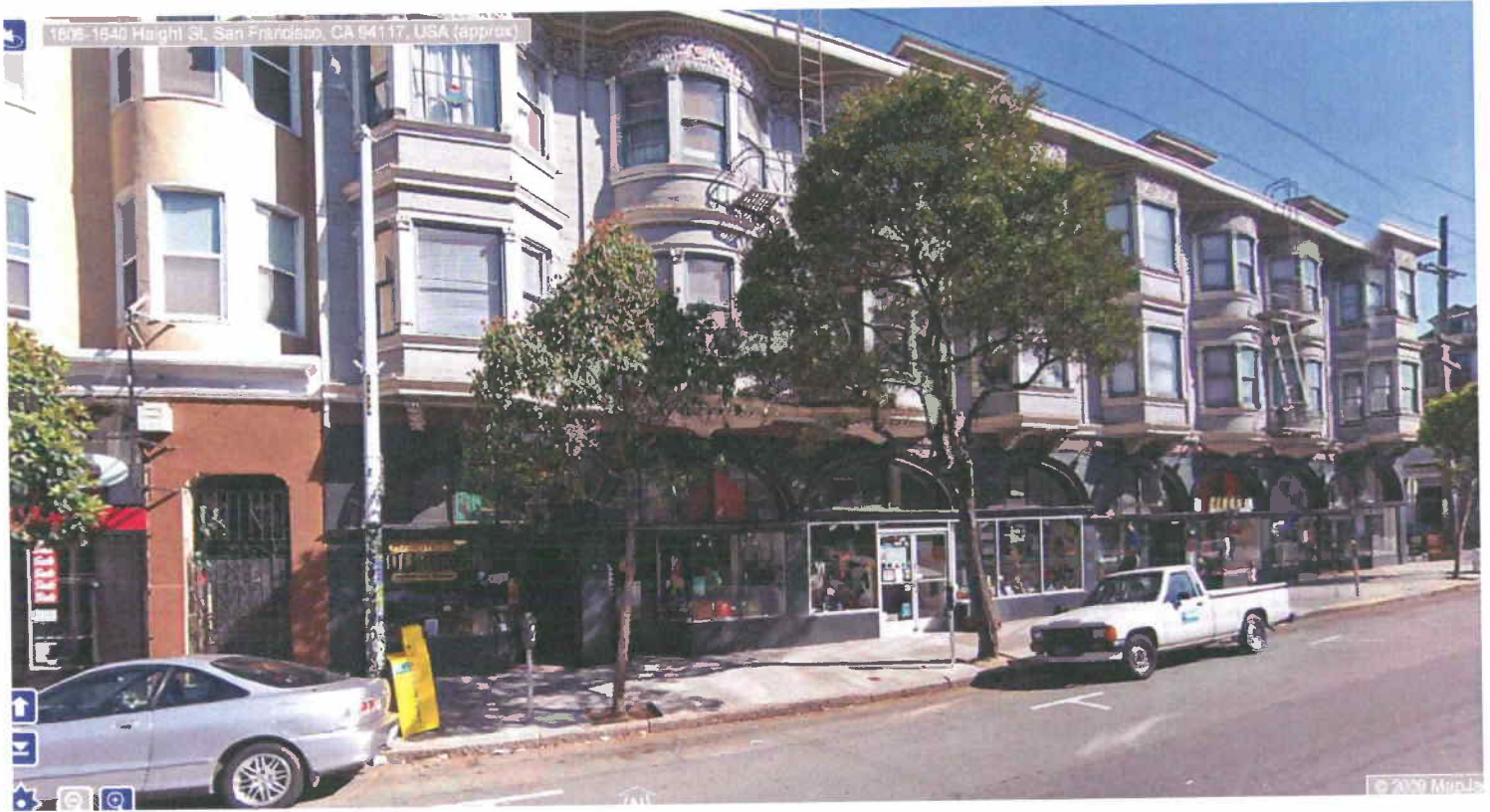


SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

Site Photo

PORTION OF OPPOSITE BLOCK ON HAIGHT STREET



Conditional Use Hearing
Case Number 2010.0183C
601 Clayton Street
ATM walk-up facility

PLANNING INFORMATION

ZONING: HAIGHT STREET NEIGHBORHOOD
COMMERCIAL DISTRICT

HEIGHT LIMIT: 40-X

EXISTING NUMBER OF DWELLING UNITS: 12

PROPOSED NUMBER OF DWELLING UNITS:
NO CHANGE

BUILDING INFORMATION

BUILDING DESCRIPTION: ONE BUILDING ON LOT
EXISTING 3 STORIES TYPE VB

(E) OCCUPANCY CLASS: B
PROPOSED OCCUP. CLASS: B
OCCUPANT LOAD: 1 PER 200 SQ.FT.

(E) # OF DWELLING UNITS: 12
(N) # OF DWELLING UNITS: 12 NO CHANGE

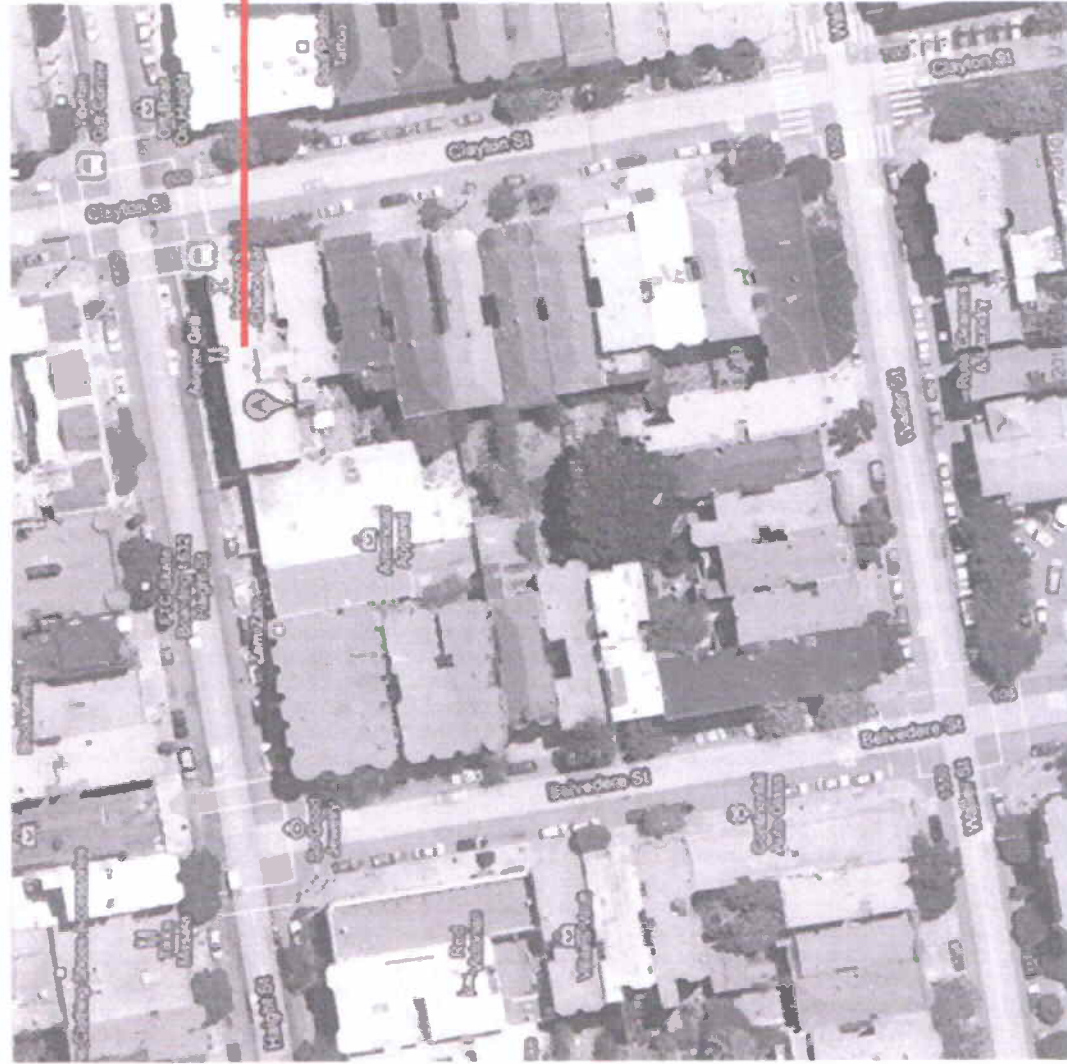
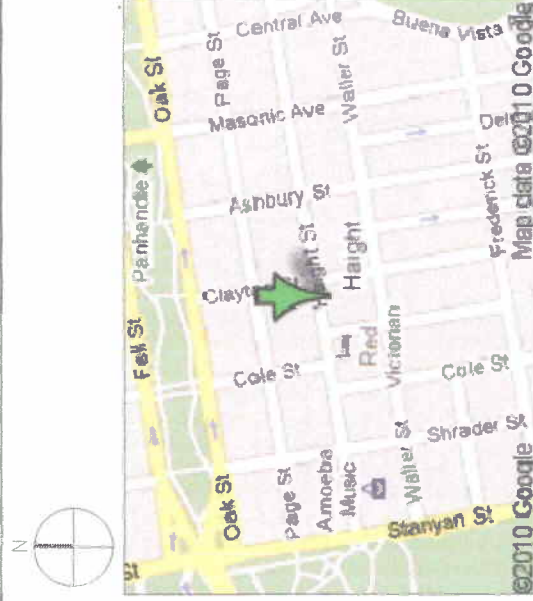
DRAWING INDEX

A0.0 COVER SHEET & SITE PLAN
A1.1 SITE PLAN & FLOOR PLAN
A2.1 ELEVATION, SECTION, & DETAILS

SCOPE OF WORK

PROPOSED ATM MACHINE
AT CLAYTON STREET ELEVATION

VICINITY MAP



SUBJECT PROPERTY

**SHATARA
ARCHITECTURE
INC.**

522 SECOND ST.
SAN FRANCISCO
CALIF. 94107

TEL (415) 512-7566
FAX (415) 546-6415

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**PROJECT
COMMERCIAL
ALTERATION**

ADDRESS
**601 CLAYTON STREET,
SAN FRANCISCO, CA**

**BLOCK: 1246
LOT: 029**

PROJECT DIRECTORY

ARCHITECT
SHATARA ARCHITECTURE INC
522 SECOND ST
SAN FRANCISCO, CA 94103
TEL: 415-512-7566
FAX: 415-546-6415
CONTACT: MR. SHEEL SHATARA

OWNER
CONTACT: ARCHITECT

ISSUED	DATE	NO.
PLANNING	03.23.2010	
PLANNING	05.25.2010	
PLANNING	06.14.2010	



SHEET DESCRIPTION
COVER SHEET

A0.0

(E) AERIAL PHOTOGRAPH

601 CLAYTON STREET SAN FRANCISCO

SHATARA ARCHITECTURE INC.
 522 SECOND ST.
 SAN FRANCISCO CALIF. 94107
 TEL (415) 512-7566
 FAX (415) 546-6413

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TENANT IMPROVEMENT
 ADDRESS: **601 CLAYTON ST. BLOCK: 1246 LOT: 029**

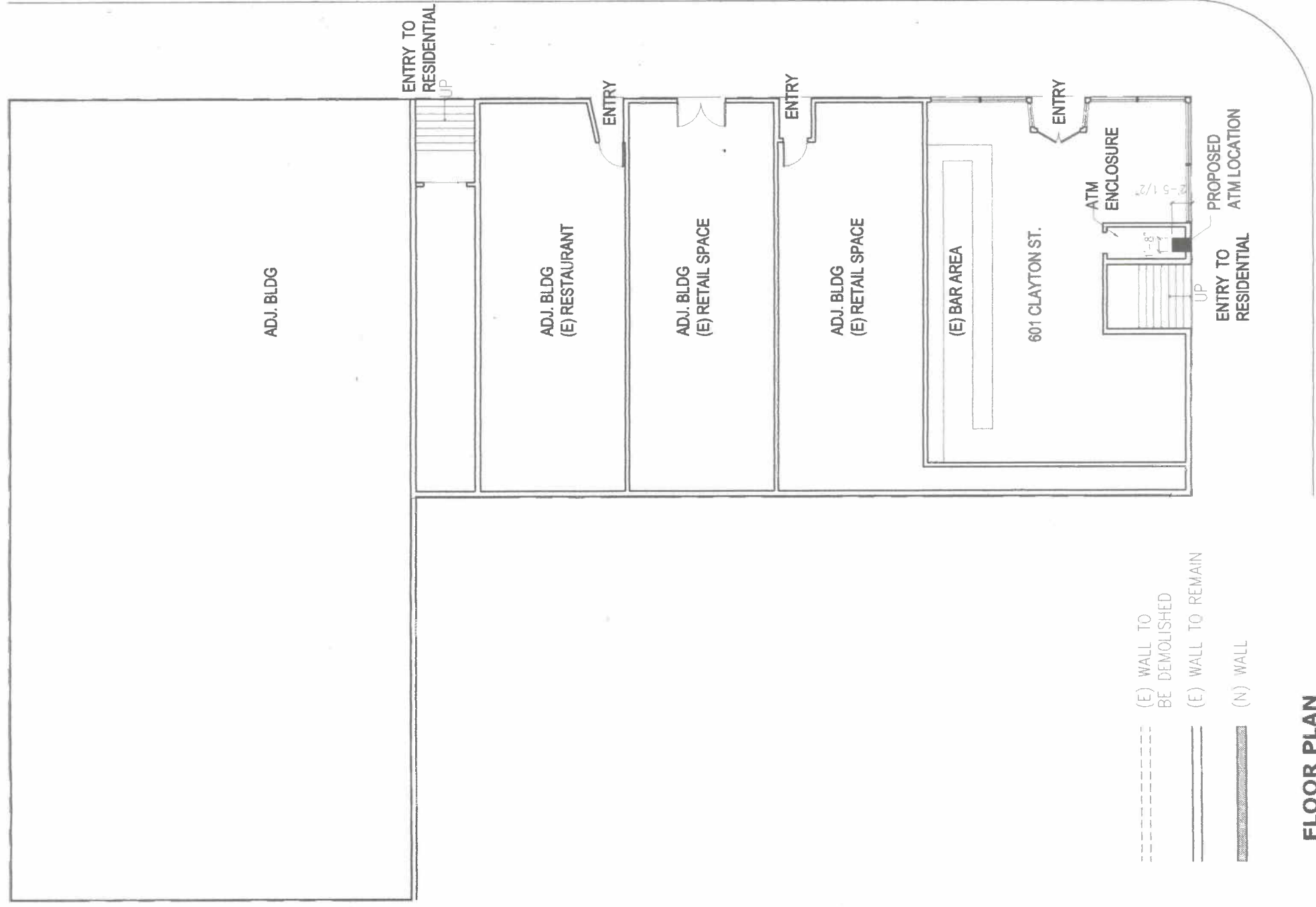
PROJECT DIRECTORY
 ARCHITECT: SHATARA ARCHITECTURE INC.
 522 SECOND ST
 SAN FRANCISCO, CA 94103
 TEL: 415-512-7566
 FAX: 415-546-6413
 CONTACT: MR. SUREIL SHATARA
 OWNER: CONTACT ARCHITECT

ISSUED	DATE	NO.
PLANNING	03.23.2010	
PLANNING	05.25.2010	
PLANNING	06.14.2010	

LICENSED ARCHITECT
 STATE OF CALIFORNIA
 SHATEIL ELIAS SHATARA
 No. C24700
 REEX. 1/16/11

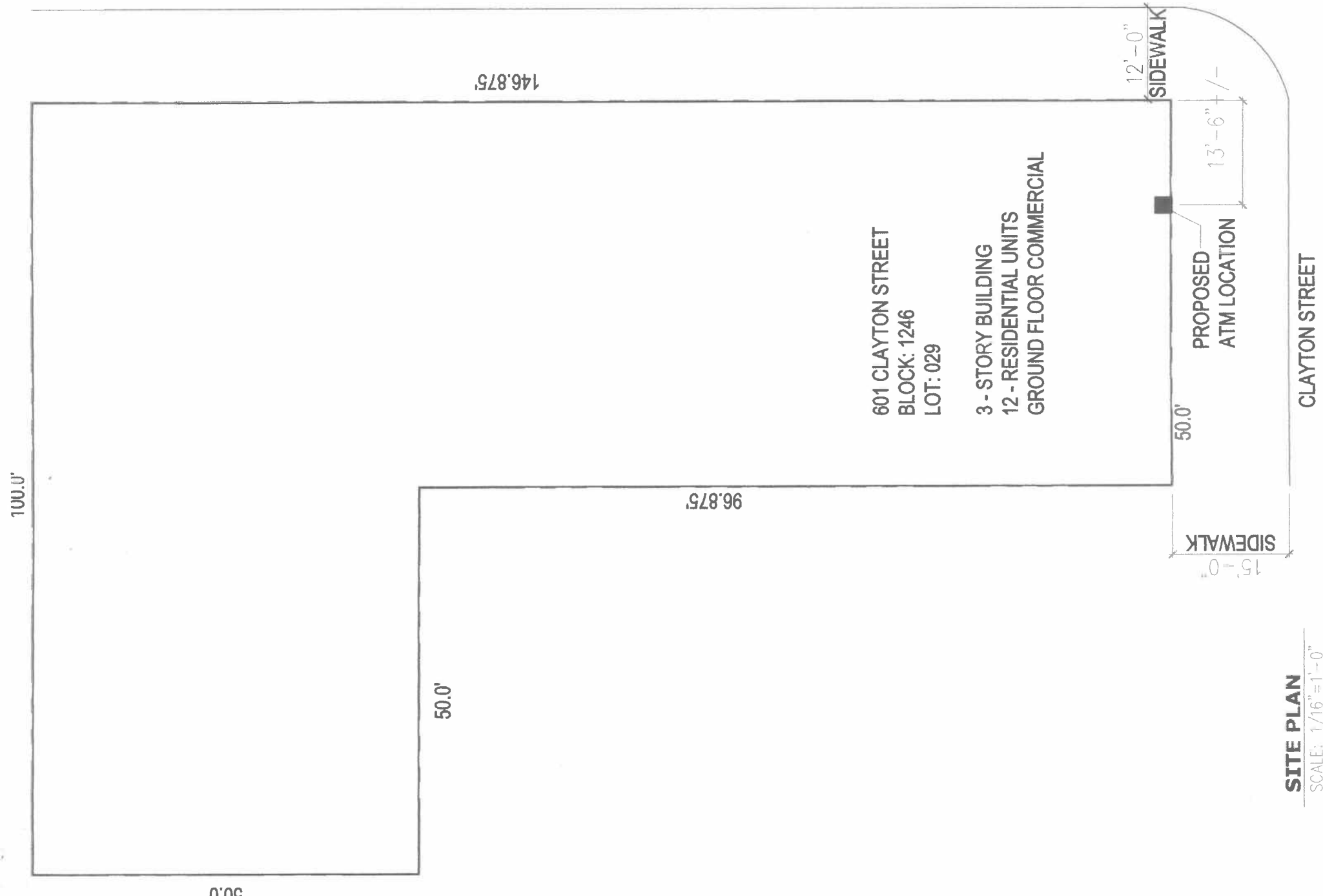
PROJECT DESCRIPTION
SITE PLAN & FLOOR PLAN

A1.1

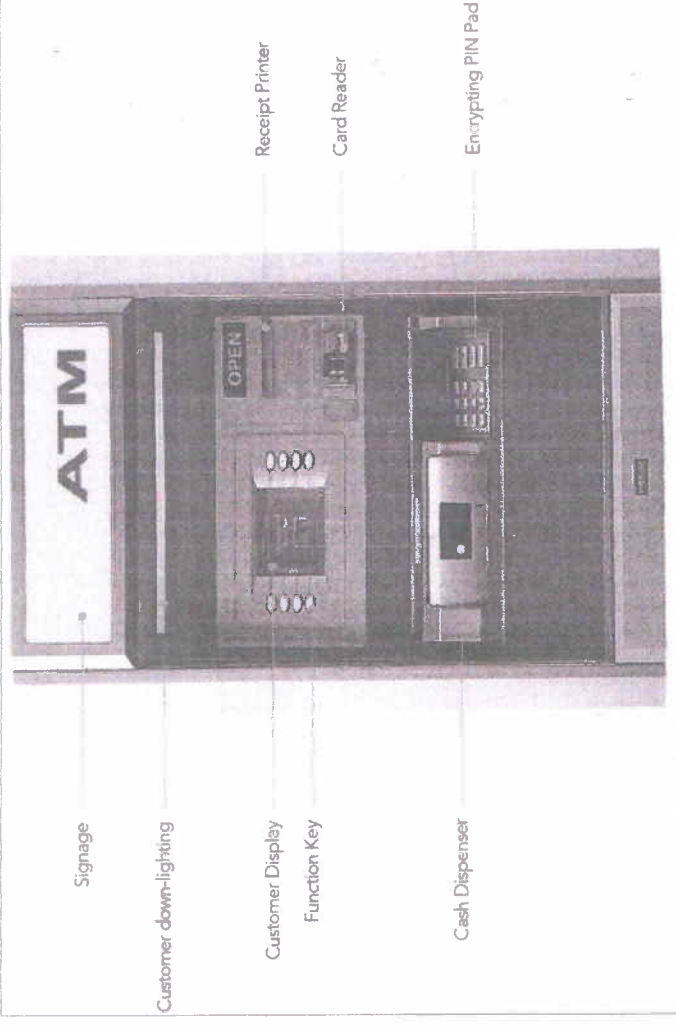


- (E) WALL TO BE DEMOLISHED
- ==== (E) WALL TO REMAIN
- ▨ (N) WALL

FLOOR PLAN
 SCALE: 1/16" = 1'-0"



SITE PLAN
 SCALE: 1/16" = 1'-0"

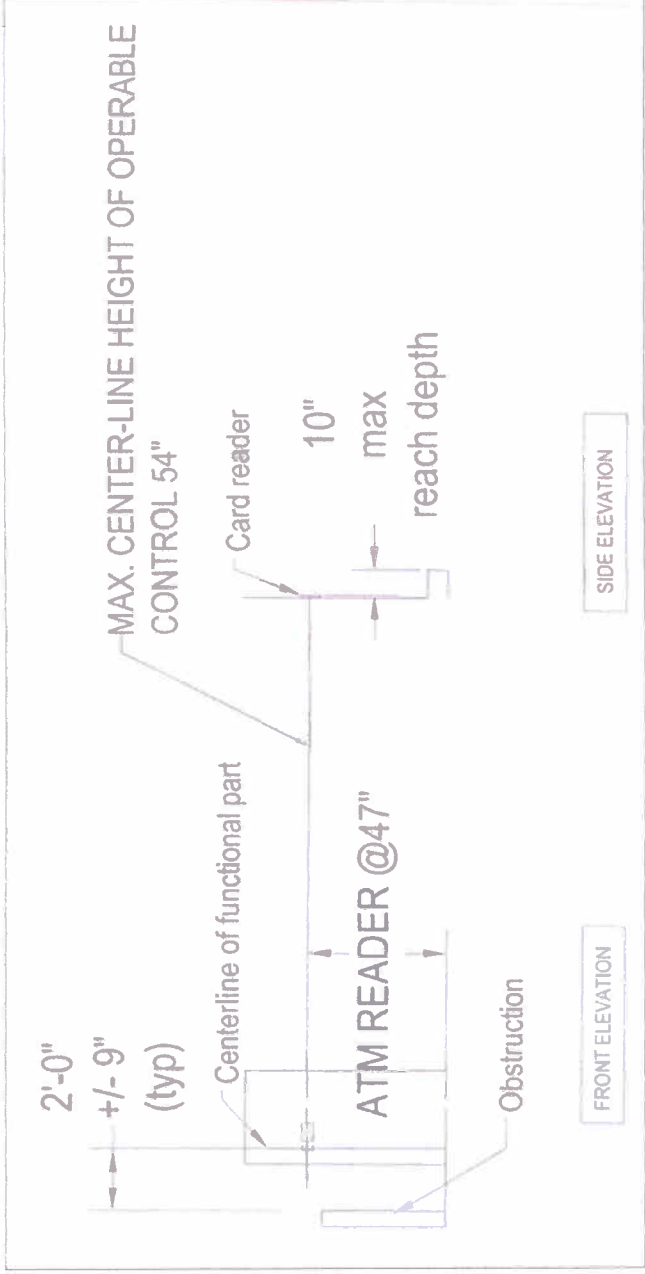


ATM DETAIL & SPECIFICATION

SCALE: NTS

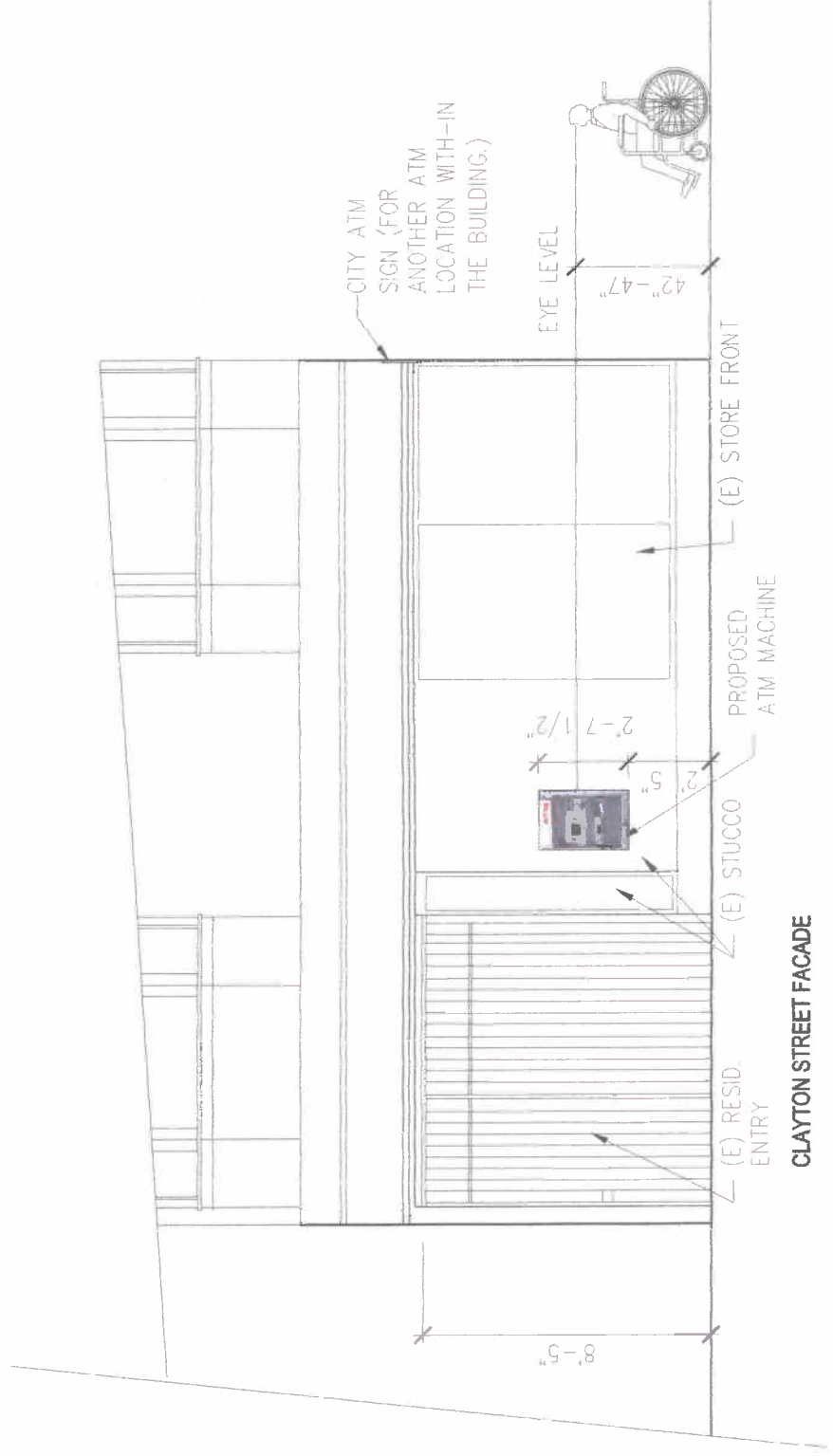
**NAUTILUS
MINI - BANK
ITEM # NH-2100T**

DIMENSION AND WEIGHT
HEIGHT: 31.5"
WIDTH: 20"
DEPTH: 28.5"
WEIGHT: 283 IBS
WALL THICKNESS: 4" - 10"



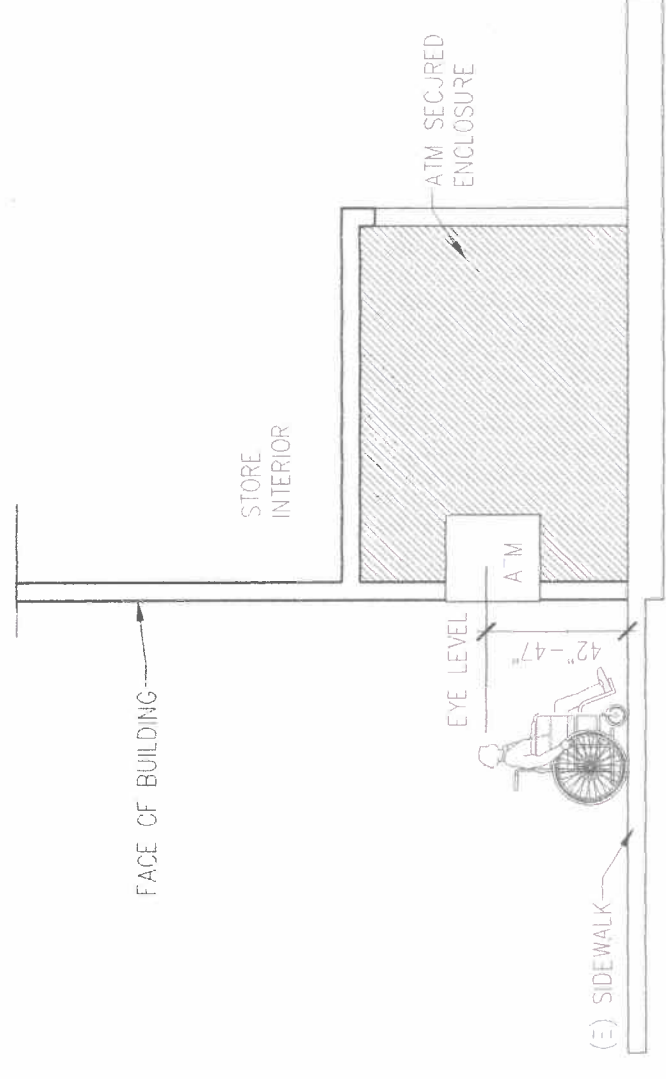
ATM STANDARD DETAIL PER CBC 11 (C)

SCALE: NTS



PARTIAL STREET ELEVATION

SCALE: 3/16" = 1'-0"



PARTIAL SECTION

SCALE: 3/16" = 1'-0"



FIG. 1 LOOKING AT SUBJECT PROPERTY AT CLAYTON STREET.



PROPOSED ATM LOCATION
(E) STUCCO

FIG. 2 SUBJECT PROPERTY (PROPOSED ATM LOCATION.)



FIG. 3 CORNER FACADE (LOOKING AT CLAYTON STREET AND HAIGHT STREET.)



EXISTING CITY ATM SIGN FOR ANOTHER ATM LOCATION WITH -IN THE BUILDING.

FIG. 4 CORNER FACADE (CLOSE UP VIEW, LOOKING AT CLAYTON STREET AND HAIGHT STREET.)