



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <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. 19118

HEARING DATE: APRIL 10, 2014

Date: April 3, 2014
Case No.: **2014.0252C**
Project Address: **3571 SACRAMENTO STREET**
Zoning: Sacramento Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 1019/023
Project Sponsor: Elizabeth Schmidt
1315 La Vista Avenue
Concord, CA 94521
Staff Contact: Laura Ajello – (415) 575-9142
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 and 724.52 OF THE PLANNING CODE TO CONVERT VACANT COMMERCIAL SPACE PREVIOUSLY OCCUPIED BY A RETAIL STORE (D.B.A. PHILANTHROPIST) INTO A PERSONAL SERVICE USE AS A HAIR SALON (D.B.A. CHERRY BLOW DRY BAR) ON THE GROUND FLOOR OF A TWO-STORY COMMERCIAL BUILDING WITHIN THE SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On February 18, 2014 Elizabeth Schmidt (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization pursuant to Planning Code Sections 303 and 724.52 to convert vacant commercial space previously occupied by a retail store (d.b.a. Philanthropist) into a personal service use as a hair salon (d.b.a. Cherry Blow Dry Bar) on the ground floor of a two-story commercial building within the Sacramento Street Neighborhood Commercial District and 40-X Height and Bulk District. The approximately 1,625 square foot hair salon would consist of a reception area, salon area, office, restroom, storage and employee break room. No exterior modifications or expansion to the existing building envelope are proposed.

On April 10, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0252C.

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.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0252C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located at 3571 Sacramento Street, on the south side between Locust and Laurel Streets within the Sacramento Street Neighborhood Commercial District (NCD), 40-X Height and Bulk District. The parcel is located at Assessor's Block 1019, Lot 023 and is approximately 2,500 square feet in size (25 feet wide by 100 feet deep). The two-story building is currently vacant on the ground floor (formerly retail use) and occupied by offices on the second floor.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Presidio Heights neighborhood. The surrounding development consists of a variety of residential, commercial, and mixed-use buildings mostly featuring residential uses above ground floor commercial establishments. The scale of development in the area consists of an eclectic mix of one- to three-story buildings built between the Victorian era and the 1990s. Generally, the commercial establishments characterizing this portion of Sacramento Street include a mix of specialty shops featuring antiques, home furnishings, clothing, business and personal service establishments, a market, optometry shops, and restaurants. The surrounding zoning is primarily RM-1 (Residential, Mixed, Low-Density) and NC-S (Neighborhood Commercial Shopping Center) to the south.
4. **Project Description.** The proposal is a request for Conditional Use Authorization pursuant to Planning Code Sections 303 and 724.52 to convert vacant commercial space previously occupied by a retail store (d.b.a. Philanthropist) into a personal service use as hair salon (d.b.a. Cherry Blow Dry Bar) on the ground floor of a two-story commercial building within the Sacramento Street Neighborhood Commercial District and 40-X Height and Bulk District. The approximately 1,625 square foot hair salon would consist of a reception area, salon area, office, restroom, storage

and employee break room. No exterior modifications or expansion to the existing building envelope are proposed.

5. **Public Comment.** To date, the Department has received one phone call in opposition to the project based on higher parking demand for the proposed salon use versus the previous retail clothing store use. The caller had a general concern about the overdevelopment of Sacramento Street, shortage of parking, and profusion of double-parked vehicles.
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. **Personal Service Use.** Planning Code Section 724.52 states that in the Sacramento Street NCD, a Conditional Use Authorization is required for a Personal Service Use, as defined by Planning Code Section 790.114.

The proposed salon intends to provide hair services at the vacant ground floor commercial space.

- B. **Hours of Operation.** Planning Code Section 724.27 states that maintaining hours of operation from 6:00 am until 12:00 am is permitted in the Sacramento Street NCD.

The salon would be open daily, operating between the hours of 7:00 am to 9:00 pm.

- C. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The Subject Property contains approximately 1,625 square-feet of occupied floor area and thus does not require any off-street parking.

- D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 states that street frontages with active uses should be pedestrian-oriented, fine-grained, and appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts.

The salon would occupy the ground floor of the existing building. Although the proposed project does not intend to modify the existing storefront, the current configuration provides a street frontage that is pedestrian-oriented, appropriate and compatible with the surrounding neighborhood. The windows are clear and unobstructed.

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

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

- A. The proposed 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 salon would provide a use that would be compatible with the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by occupying a vacant storefront.

- 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 and the project will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope; there would be no expansion to the existing building.

- 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 parking or loading for a 1,625 square-foot salon. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. There is on-street parking in front of the subject property and in the surrounding neighborhood. In addition, the project site is well served by transit. There are nearby stops for MUNI bus lines 1BX-California Express, 1-California, 2-Clement, 3-Jackson, 33-Stanyan, and 43-Masonic.

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

There would not be any noxious or offensive emissions associated with the proposed project.

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

Since the project does not propose the physical expansion of the existing commercial space, no additional landscaping is required. There would be no addition of open space, parking or loading areas, or service areas. The Department shall review all proposed lighting and signage for consistency with the controls of the Planning Code.

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

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

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

The project is consistent with the stated purpose of the Sacramento Street NCD in that the intended use is a neighborhood-serving business.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following 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 salon would provide desirable services to the neighborhood and would provide resident employment opportunities to those in the community. Further, the project site is located within a Neighborhood Commercial District and is consistent with activities in the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The salon would replace a currently vacant storefront with a neighborhood-serving use, thereby enhancing the diverse economic base of the City.

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.

No commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

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

The proposed salon would be independently and locally owned. This is not a Formula Retail use.

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

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

The project would preserve and enhance the existing neighborhood-serving uses by occupying a vacant commercial space to serve the needs of residents by providing hair services. The business would be locally owned and would provide employment opportunities for the community.

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

Existing housing would not be affected by the project. The project would preserve and enhance the cultural and economic diversity of the neighborhood by allowing a new business in the area.

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

The project would not displace any housing.

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

The project would not significantly increase traffic congestion or the availability of parking in the neighborhood. The project is a neighborhood-serving use to which residents and employees can access by walking or taking public transit. There are nearby stops for MUNI bus lines 1BX-California Express, 1-California, 2-Clement, 3-Jackson, 33-Stanyan, and 43-Masonic.

- 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 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.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

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

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

The project would not affect any city-owned parks or open space.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014.0252C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 6, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19118. 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 April 10, 2014.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, Sugaya, Wu

NAYS: N/A

ABSENT: N/A

ADOPTED: April 10, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to convert vacant commercial space previously occupied by a retail store (d.b.a. Philanthropist) into a personal service use as a hair salon (d.b.a. Cherry Blow Dry Bar) located at 3571 Sacramento Street, Block 1019, and Lot 023 pursuant to Planning Code Sections 303 and 724.52 within the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated **January 6, 2014**, and stamped "EXHIBIT B" included in the docket for Case No. **2014.0252C** and subject to conditions of approval reviewed and approved by the Commission on **April 10, 2014** under Motion No. **19118**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **April 10, 2014** under Motion No. **19118**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19118** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a

Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

DESIGN

1. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

2. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

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

MONITORING

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

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

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

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

OPERATION

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

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

2. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of

the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

3. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>

4. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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