



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 18689

HEARING DATE: AUGUST 16, 2012

Date: August 9, 2012
Case No.: **2012.0741C**
Project Address: **3235 SACRAMENTO STREET**
Zoning: Sacramento Street Neighborhood Commercial District
 40-X Height and Bulk District
Block/Lot: 1022/023
Project Sponsor: Ahmad Mohazab
 Tecta Associates
 2747 19th Street
 San Francisco, CA 94110
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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. QUATRINE) INTO A PERSONAL SERVICE USE AS A CHILDREN’S HAIR SALON (D.B.A. PREP) ON THE GROUND FLOOR OF A TWO-STORY OVER BASEMENT COMMERCIAL BUILDING WITHIN THE SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 12, 2012, Ahmad Mohazab (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 724.52 to convert vacant commercial space previously occupied by a retail store (d.b.a. Fashion Boutique) into a personal service use as a children’s hair salon (d.b.a. PREP) on the ground floor of a two-story over basement commercial building within the Sacramento Street NCD and 40-X Height and Bulk District.

On August 16, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0741C.

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. 2012.0741C, 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 3235 Sacramento Street, on the south side between Presidio Avenue and Lyon Street on Assessor's Block 1022, Lot 023. The project site is located within the Sacramento Street Neighborhood Commercial District (NCD), 40-X Height and Bulk District and is approximately 4,200 square feet in size (approximately 31 feet wide by 132 feet deep). The existing two-story over basement building is occupied by a cat boarding facility (d.b.a. Pet Camp Cat Safari) in the basement with offices on the second floor.
3. **Surrounding Properties and Neighborhood.** The project site is located in the Pacific 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, restaurants, business and personal service establishments, a market/liquor store, a bank, a school, and the Vogue movie theater. The surrounding zoning is primarily RM-1 (Residential, Mixed, Low-Density) and RH-2 (Residential, House, Two-Family).
4. **Project Description.** The proposal is to convert vacant commercial space previously occupied by a retail store (d.b.a. Quatrine) into a personal service use as a children's hair salon (d.b.a. PREP) on the ground floor of a two-story over basement commercial building. The approximately 1,200 square foot salon would consist of a reception area, salon area, office, restroom and storage. No exterior modifications or expansion to the existing building envelope are proposed.

The proposed business would be open six days a week, operating between the hours of 10:00 am and 7:00 pm with the hours of 10:00 am to 1:00 pm being reserved for children ages 1 to 4. The target clients would be children from the ages of 1 to 18.

5. **Public Comment.** The Department has not received any letters or phone calls in support of or opposition to the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **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 six days a week, operating between the hours of 10:00 am to 7:00 pm with the hours of 10:00 am to 1:00 pm being reserved for children ages 1 to 4.

- C. **Street Frontages.** 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.

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

The proposed salon contains approximately 1,200 square feet of occupied floor area and thus does not require any off-street parking.

- 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. In addition, the proposed salon would serve the needs of residents by providing services primarily for children from the ages of 1 to 18.

- 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 would remain the same and the project will not alter the existing appearance or character of the project vicinity. There would be no expansion to the existing building envelope.

- 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 1,200 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, 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. All project signage and lighting will be consistent 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.

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 primarily for children. In addition, the proposed project would provide new job opportunities to the City.

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

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

The project would not displace any affordable 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, 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 would not displace or affect any service or industry establishment. 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 site was renovated within the last six years in accordance with seismic codes. All alterations as part of the proposed project would conform to the structural and seismic safety requirements of the City Building Code.

- 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. 2012.0741C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 20, 2012, 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. 18689. 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 August 16, 2012.

Linda D. Avery
Commission Secretary

AYES: Fong, Wu, Antonini, Hillis, Moore & Sugaya

NAYS: None

ABSENT: Borden

ADOPTED: August 16, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to convert vacant commercial space previously occupied by a retail store (d.b.a. Fashion Boutique) into a personal service use as a children's hair salon (d.b.a. PREP) located at 3235 Sacramento Street; Lot 023 in Assessor's Block 1022 pursuant to Planning Code Sections 303 and 724.52 within the Sacramento Street Neighborhood Commercial District and 40-X Height and Bulk District; in general conformance with plans, dated July 20, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0741C and subject to conditions of approval reviewed and approved by the Commission on August 16, 2012 under Motion No **18689**. 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 August 16, 2012 under Motion No 18689**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18689** 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

DESIGN

3. **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.

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

MONITORING

4. **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

5. **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

6. **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>

7. **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