



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: NOVEMBER 18, 2010

Date: November 9, 2010
Case No.: **2010.0257C**
Project Address: **3654 SACRAMENTO STREET**
Zoning: Sacramento Street Neighborhood Commercial District (NCD)
40-X Height and Bulk District
Block/Lot: 1011/011
Project Sponsors: Victoria Lambayan (applicant)
3654 Sacramento Street
San Francisco, CA 94118
Mori Herscowitz (property owner)
5020 Bluebell Avenue
Valley Village, CA 91607
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

1650 Mission St.
Suite 400
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CA 94103-2479

Reception:
415.558.6378

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Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is a request for Conditional Use Authorization under Sections 724.52 and 303 of the Planning Code to legalize the conversion of a vacant commercial tenant space (previously occupied by an architectural office dba Andrew Skurman Architect) into a personal service establishment (currently a pilates exercise studio dba Mighty Pilates), on the ground floor of a three-story, mixed use building within the Sacramento Street Neighborhood Commercial Zoning District and 40-X Height and Bulk District. The existing pilates exercise studio, with approximately 1,600 square feet of floor area, consists of a reception area, exercise rooms, restroom, and storage area. The proposal will not involve any additional tenant improvements in the existing ground floor commercial space. Mighty Pilates has occupied the space since March 2010.

SITE DESCRIPTION AND PRESENT USE

The Project Site at 3654 Sacramento Street is on the north side of Sacramento Street between Locust and Spruce Streets in the Presidio Heights Neighborhood; Assessor's Block 1011; Lot 011. It is located within the Sacramento Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The subject lot is approximately 7,891 square-feet (62.50 feet wide by 127.69 feet deep) in size and is occupied by a three-story, mixed use building constructed in 1908. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. Currently, there are four residential units on the second and third floors of the building.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The Project Site is located within the Sacramento Street Neighborhood Commercial District (NCD). The surrounding development consists of a mix of one-to-three story, residential, commercial, and mixed used buildings within this portion of the Sacramento Street NCD. Generally, the commercial establishments characterizing this portion of Sacramento Street include a mixture of specialty stores (i.e. clothing, accessories, home furnishing and antiques stores), restaurants, professional or business establishments (i.e. architectural and real estate offices), personal service establishments (i.e. beauty and nail salon, exercise studios). Some of the existing commercial establishments on the subject and opposite blocks include Bath Sense, Acuity, Estila, Spruce, Andrew Skurman, HH Design, Soiree, Dottie Doolittle, Hutten Jewelers, Dolce & Salato, Luna, Grocery Store, Patrick Richard's, Pb, Sociale Café & Wine Bar, Color, The Magic Flute, Calegari & Associates, Susan, and The Ribbonerie. On Spruce and Locust Streets running north and south of the project site, there are primarily two- to- four story residential buildings within the RH-1 (Residential, House, One-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	October 29, 2010	October 29, 2010	20 days
Posted Notice	20 days	October 29, 2010	October 28, 2010	21 days
Mailed Notice	20 days	October 29, 2010	October 26, 2010	23 days

PUBLIC COMMENT

- The Department has been contacted by a neighborhood resident who has expressed opposition to the proposal because the project sponsor has been operating the pilates studio without the benefit of a permit and because of concerns that there is an overconcentration of "personal service" establishments within the Sacramento Street neighborhood. The Department has received three letters in support of the proposal from adjacent businesses and the Sacramento Street Merchants Association. Copies of support and opposition correspondence are attached.

ISSUES AND OTHER CONSIDERATIONS

- The existing pilates exercise studio (personal service establishment) dba Mighty Pilates is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.

- The project sponsor (Victoria Lambayan) conducted a site survey of the Sacramento Street neighborhood of the number and type of businesses (commercial establishments) on Sacramento Street between Lyon and Spruce Streets. Based on the survey, the project sponsor indicated that 15 of 97 businesses (exclusive of Mighty Pilates) within this portion of Sacramento Street appeared to be “personal service” establishments.

REQUIRED COMMISSION ACTION

This proposal requires **Conditional Use** authorization pursuant to Sections 724.52 and 303 of the Planning Code to legalize the conversion of a vacant commercial tenant space (previously occupied by an architectural office dba Andrew Skurman Architect) into a personal service establishment (currently a pilates exercise studio dba Mighty Pilates), on the ground floor of a three-story, mixed use building within the Sacramento Street Neighborhood Commercial Zoning District and 40-X Height and Bulk District.

BASIS FOR RECOMMENDATION

- The project meets all applicable requirements of the Planning Code.
- The project will ensure the viability and continuation of a retail and service driven commercial corridor by occupying a commercial space on the subject block. It will also continue to provide job opportunities to the City.
- The pilates exercise studio contributes to a wide variety of neighborhood-serving retail uses in an area which includes a mixture specialty stores, restaurants, professional or business, and personal service establishments.
- The Department believes that this project is necessary and/or desirable for the following reasons:
 - a) The pilates exercise studio enhances the economic diversity of the neighborhood.
 - b) The majority of the front facade is transparent and visible to the public.
 - c) The pilates exercise studio is a neighborhood-serving use which residents can access by walking or taking public transit.
 - d) The pilates exercise studio is consistent with the mixed commercial-residential character of this portion of the Sacramento Street NCD which does not appear to have an overconcentration of personal service establishments.

RECOMMENDATION: Approval with Conditions
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Attachments:

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

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 checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input 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"/> |

SMY

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

Planner's Initials

SMY: C:\3654 Sacramento St summary-smY.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. HEARING DATE: NOVEMBER 18, 2010

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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 724.52 AND 303 TO LEGALIZE THE CONVERSION OF A VACANT COMMERCIAL TENANT SPACE AT 3654 SACRAMENTO STREET (PREVIOUSLY OCCUPIED BY AN ARCHITECTURAL OFFICE DBA ANDREW SKURMAN ARCHITECT) INTO A PERSONAL SERVICE ESTABLISHMENT (CURRENTLY A PILATES EXERCISE STUDIO DBA MIGHTY PILATES), ON THE GROUND FLOOR OF A THREE-STORY, MIXED USE BUILDING WITHIN THE SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 13, 2010, Victoria Lambayan (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **3654 Sacramento Street, Lot 011 in Assessor's Block 1011** (hereinafter "Subject Property"), to legalize the conversion of a vacant commercial tenant space with approximately 1,600 square feet in floor area (previously occupied by an architectural office dba Andrew Skurman Architect) into a personal service establishment (currently a pilates exercise studio dba Mighty Pilates), on the ground floor of a three-story, mixed use building within the Sacramento Street

Neighborhood Commercial Zoning District and a 40-X Height and Bulk District, in general conformity with plans labeled "Exhibit B" (hereinafter "Project").

On **November 18, 2010**, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2010.0257C**. Under Sections 725.42 and 303 of the Planning Code, Conditional Use authorization is required to establish a personal service establishment on the 1st story within the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District.

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. 2010.0257C, 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 3654 Sacramento Street is on the north side of Sacramento Street between Locust and Spruce Streets in the Presidio Heights Neighborhood; Assessor's Block 1011; Lot 011. It is located within the Sacramento Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The subject lot is approximately 7,891 square-feet (62.50 feet wide by 127.69 feet deep) in size and is occupied by a three-story, mixed use building constructed in 1908. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. Currently, there are four residential units on the second and third floors of the building.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Sacramento Street Neighborhood Commercial District (NCD). The surrounding development consists of a mix of one-to-three story, residential, commercial, and mixed used buildings within this portion of the Sacramento Street NCD. Generally, the commercial establishments characterizing this

portion of Sacramento Street include a mixture of specialty stores (i.e. clothing, accessories, home furnishing and antiques stores), restaurants, professional or business establishments (i.e. architectural and real estate offices), personal service establishments (i.e. beauty and nail salon, exercise studios). Some of the existing commercial establishments on the subject and opposite blocks include Bath Sense, Acuity, Estila, Spruce, Andrew Skurman, HH Design, Soiree, Dottie Doolittle, Hutten Jewelers, Dolce & Salato, Luna, Grocery Store, Patrick Richard's, Pb, Sociale Café & Wine Bar, Color, The Magic Flute, Calegari & Associates, Susan, and The Ribbonerie. On Spruce and Locust Streets running north and south of the project site, there are primarily two- to four story residential buildings within the RH-1 (Residential, House, One-Family) Zoning District.

4. **Project Description.** The proposal is a request for Conditional Use Authorization under Sections 724.52 and 303 of the Planning Code to legalize the conversion of a vacant commercial tenant space (previously occupied by an architectural office dba Andrew Skurman Architect) into a personal service establishment (currently a pilates exercise studio dba Mighty Pilates), on the ground floor of a three-story, mixed use building within the Sacramento Street Neighborhood Commercial Zoning District and 40-X Height and Bulk District. The existing pilates exercise studio, with approximately 1,600 square feet of floor area, consists of a reception area, exercise rooms, restroom, and storage area. The proposal will not involve any additional tenant improvements in the existing ground floor commercial space. Mighty Pilates has occupied the space since March 2010.
5. **Issues and Other Considerations.**
 - The existing pilates exercise studio (personal service establishment) dba Mighty Pilates is independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.
 - The project sponsor (Victoria Lambayan) conducted a site survey of the Sacramento Street neighborhood of the number and type of businesses (commercial establishments) on Sacramento Street between Lyon and Spruce Streets. Based on the survey, the project sponsor indicated that 15 of 97 businesses (exclusive of Mighty Pilates) within this portion of Sacramento Street appeared to be "personal service" establishments.
6. **Public Comment.** The Department has been contacted by a neighborhood resident who has expressed opposition to the proposal because the project sponsor has been operating the pilates studio without the benefit of a permit and because of concerns that there is an overconcentration of "personal service" establishments within the Sacramento Street neighborhood. The Department has received three letters in support of the proposal from adjacent businesses and the Sacramento Street Merchants Association. Copies of support and opposition correspondence are attached.
7. **Use District.** For the purposed of this action, the project site is within the Sacramento Street Neighborhood Commercial District (NCD). The Sacramento Street NCD, located in the Presidio Heights neighborhood in north-central San Francisco, functions as a small-scale linear shopping

area. It extends along Sacramento Street between Lyon and Spruce Streets. Interspersed among residential buildings and garages, the district's daytime-oriented retail stores provide a limited array of convenient goods to the immediate neighborhood. Sacramento Street also has many elegant clothing, accessory, and antique stores and services, such as hair salons, which attract customers from a wider trade area. Its numerous medical and business offices draw clients from throughout the City. Evening activity in the district is limited to one movie theater, a few restaurants, and some stores near Presidio Avenue.

The Sacramento Street NCD controls are designed to promote adequate growth opportunities for development that is compatible with the surrounding low-density residential neighborhood. Most new commercial development is permitted at the first story; general retail uses are permitted at the second story only if such use would not involve conversion of any existing housing units. Special controls are designed to protect existing neighborhood-serving ground-story retail uses. Personal and business services are restricted at the ground story and prohibited on upper stories. Limits on new ground-story eating and drinking uses, as well as new entertainment and financial service uses, are intended to minimize the environmental impacts generated by the growth of such uses. The daytime orientation of the district is encouraged by prohibiting bars and restricting late-night commercial activity. The zoning controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability.

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. Personal Service Use. Planning Code Section 724.52 states that a Conditional Use authorization is required to establish a personal service use on the 1st floor in the Sacramento Street Neighborhood Commercial Zoning District.

Planning Code Section 790.116 defines a personal service use as a retail use which provides as retail use which provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, or instructional services not certified by the State Educational Agency, such as art, dance, exercise, martial arts, and music classes.

The proposal will involve legalizing the conversion of a vacant commercial tenant space with approximately 1,600 square feet in floor area (previously occupied by a professional service establishment, an architectural office dba Andrew Skurman Architect) into a personal service establishment (currently a pilates exercise studio dba Mightly Pilates) on the 1st (ground) floor of the building.

B. Hours of Operation. Section 724.27 allows hours of operation from 6 a.m. until 12 a.m. as of right and requires Conditional Use authorization to operate between the hours of 12 a.m. and 6 a.m.

The current hours of operation of the pilates exercise studio are Monday through Thursday, 7 a.m. to 7:30 p.m., Friday, 7 a.m. to 7 p.m., Saturday 9 a.m. to 1 p.m., and Sunday, 9 a.m. to 12 p.m.

- C. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 requires that NC Districts containing specific uses, including retail stores, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject commercial space has approximately 12 feet of frontage on Sacramento Street with glass frontage devoted to either the entrance or window space. There are no modifications proposed to the existing storefront.

- D. **Off-Street Parking and Loading.** 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. Section 152 requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

The subject commercial space, with approximately 1,600 square feet in floor area, does not require any off-street or loading parking spaces.

- E. **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.

There will be no additional tenant improvements made to the existing pilates exercise studio commercial space. No changes will be made to the existing building envelope.

- (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 size and shape of the site and the size, and the arrangement of the structures on the site are adequate for the Project. There has been no physical expansion of the existing building additional tenant improvements in the existing ground floor commercial space.

- (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;

Existing traffic patterns have not been significantly affected by the Project. Public transit is in close proximity to the pilates exercise studio. 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;

No noxious or offensive emissions such as glare, dust, or odor are produced by the Project.

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

The Project has not made any exterior tenant improvements. There has been no addition of parking spaces, loading facilities, open space or service areas. All Project signage and projections will be consistent with the controls of the Planning Code.

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

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

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

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, which has substantial undesirable consequences that cannot be mitigated.

The pilates exercise studio will continue to be compatible with and complimentary to the type of uses characterizing this portion of the Sacramento Street NCD, which include a mixture of specialty stores, restaurants, professional or business, and personal service establishments. The use is consistent with the commercial land use plan.

Policy 1.3:

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

Approval of the Project would be consistent with the mixed commercial-residential character of this portion of the Sacramento Street NCD. The Project does not adversely impact any affordable housing resources in the neighborhood.

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 such new activity to the City.

Policy 2.3:

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

The Project retains an existing commercial tenant space and enhances the diverse economic base of the City.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The Project continues to provide enhanced opportunities for employment of neighborhood residents.

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 Project will not include additional tenant improvements to the existing commercial tenant space. The pilates exercise studio contributes to the diverse type of neighborhood-serving uses within the immediate area.

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 pilates exercise studio is neighborhood-serving and an independent entrepreneur operates the studio.

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 Project preserves and enhances existing neighborhood-serving retail uses by occupying a space which was vacated by another commercial use and diversifying the type of commercial establishments within the immediate neighborhood. The Project will continue to provide job opportunities to the City.

- (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
The Project preserves and enhances the cultural and economic diversity of the neighborhood by retaining an existing business in the area. Existing housing will not be affected by the Project.
- (3) That the City's supply of affordable housing be preserved and enhanced.
The Project has not displaced any affordable housing.
- (4) That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.
The Project does not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.
- (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 Project and there has been no displacement of any existing industrial or service businesses in the area.
- (6) That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.
The Project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.
- (7) That landmark and historic buildings be preserved.
The Project does 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 Project does 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.

Motion No.
Hearing Date: November 18, 2010

CASE NO. 2010.0257C
3654 Sacramento Street

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. 2010.0257C** 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 November 18, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

Exhibit A

Conditions of Approval

1. Pursuant to Planning Code Sections 724.52 and 303, this Conditional Use approval is to legalize the conversion of a vacant commercial tenant space with approximately 1,600 square feet of floor area (previously occupied by a professional business establishment, an architectural office dba Andrew Skurman Architect) into a personal service establishment (currently a pilates exercise studio dba Mighty Pilates), on the ground floor of a three-story, mixed use building within the Sacramento Street Neighborhood Commercial Zoning District and 40-X Height and Bulk District, in general conformity with Plans on file with the Department in the docket for Case No. 2010.0257C (labeled EXHIBIT B), reviewed and approved by the Commission on November 18, 2010 under Motion No. _____.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 1011, Lot 011), which notice shall state that the project is subject to the conditions of approval contained herein and as reviewed and approved by the Planning Commission on November 18, 2010 under Motion No. _____.
3. 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.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition.
6. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive odors from escaping the premises.
7. The Project Sponsor shall operate the personal service establishment such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
8. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
9. The Project Sponsor shall maintain an attractive storefront providing visibility of the interior through the storefront windows.
10. Violation of any of the conditions 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 and Section 176.1.

11. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
12. 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 Applicant will keep the above parties apprised should a different staff liaison be designated.
13. 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.
14. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. _____ 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.
15. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.

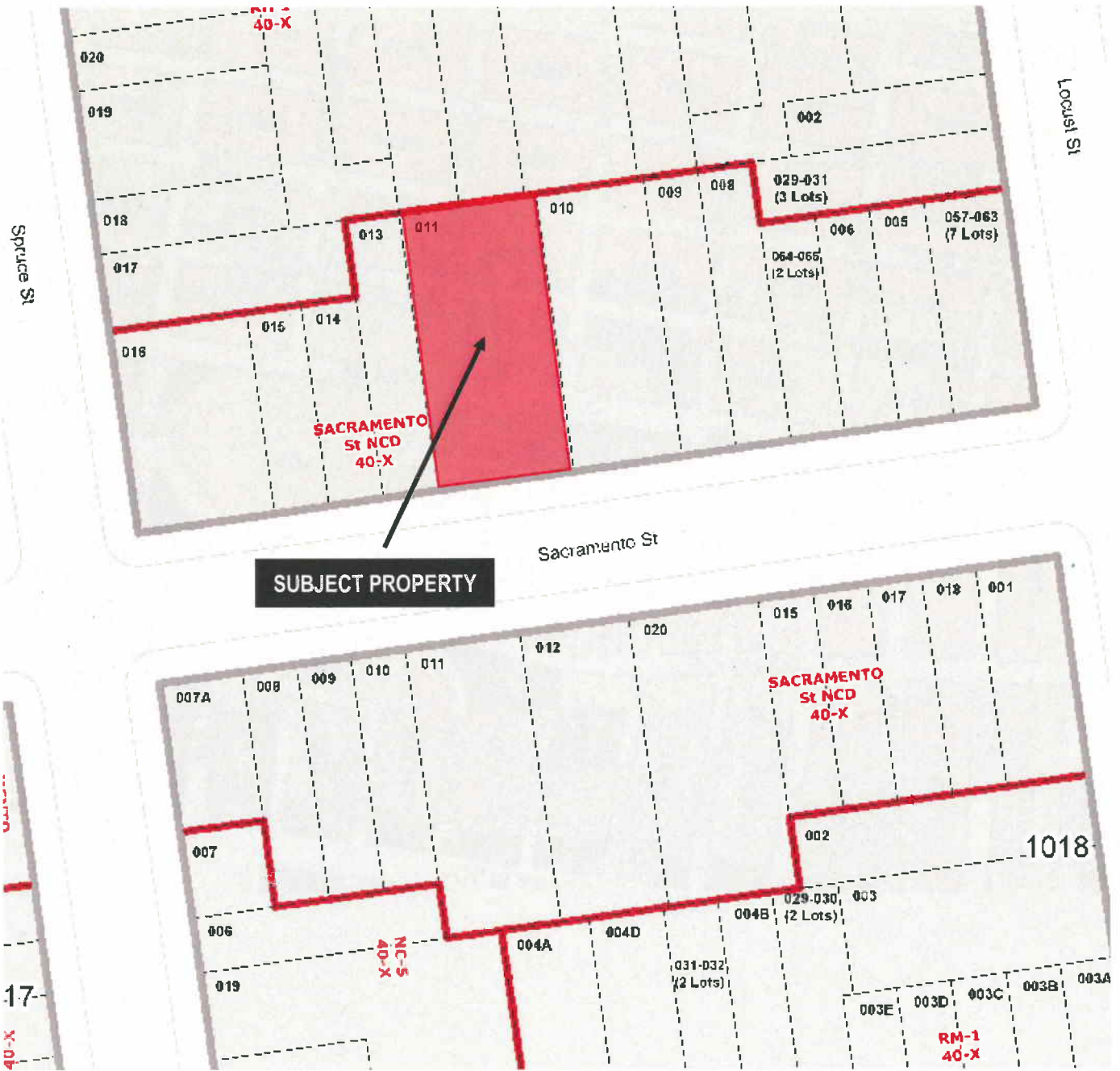
Zoning Map



Conditional Use Hearing
 Case Number 2010.0257C
 3654 Sacramento Street
 Legalize pilates studio dba Mighty Pilates

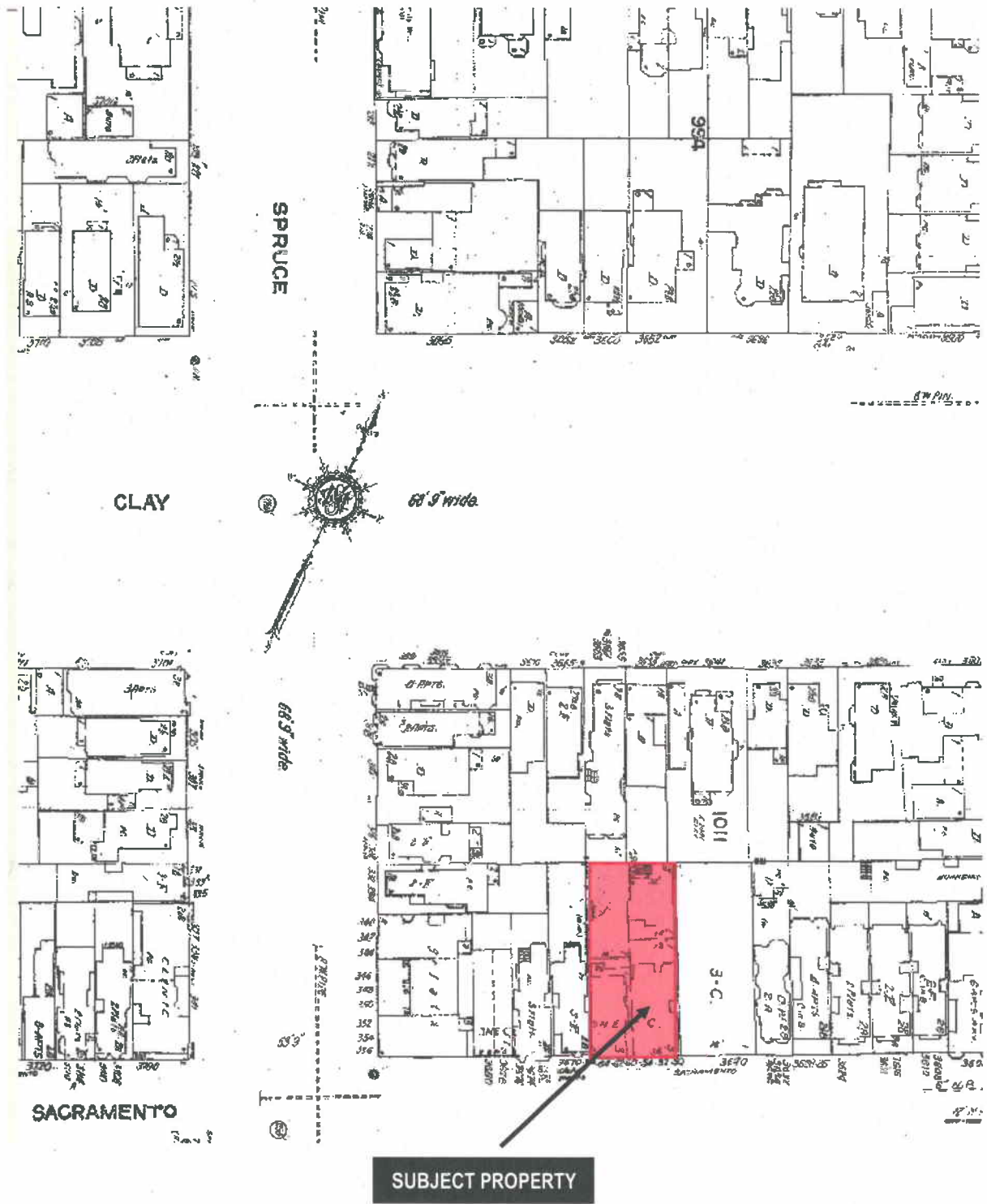


Parcel Map



Conditional Use Hearing
Case Number 2010.0257C
3654 Sacramento Street
Legalize pilates studio dba Mighty Pilates

Sanborn Map*



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



Aerial Photo*



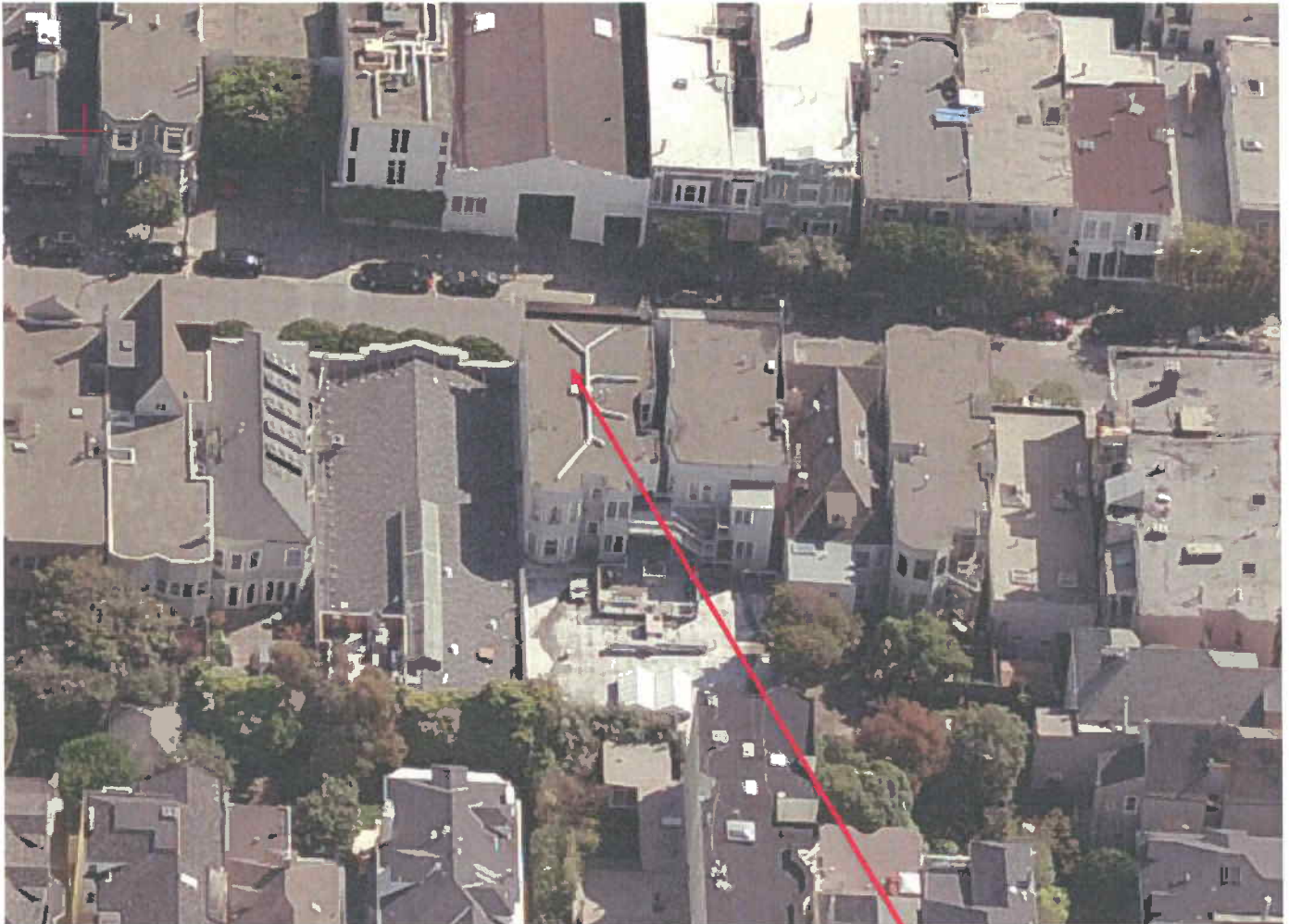
SUBJECT PROPERTY

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



Conditional Use Hearing
Case Number 2010.0257C
3654 Sacramento Street
Legalize pilates studio dba Mighty Pilates

Aerial Photo*



SUBJECT PROPERTY

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



Site Photo

SUBJECT PROPERTY ON SACRAMENTO STREET

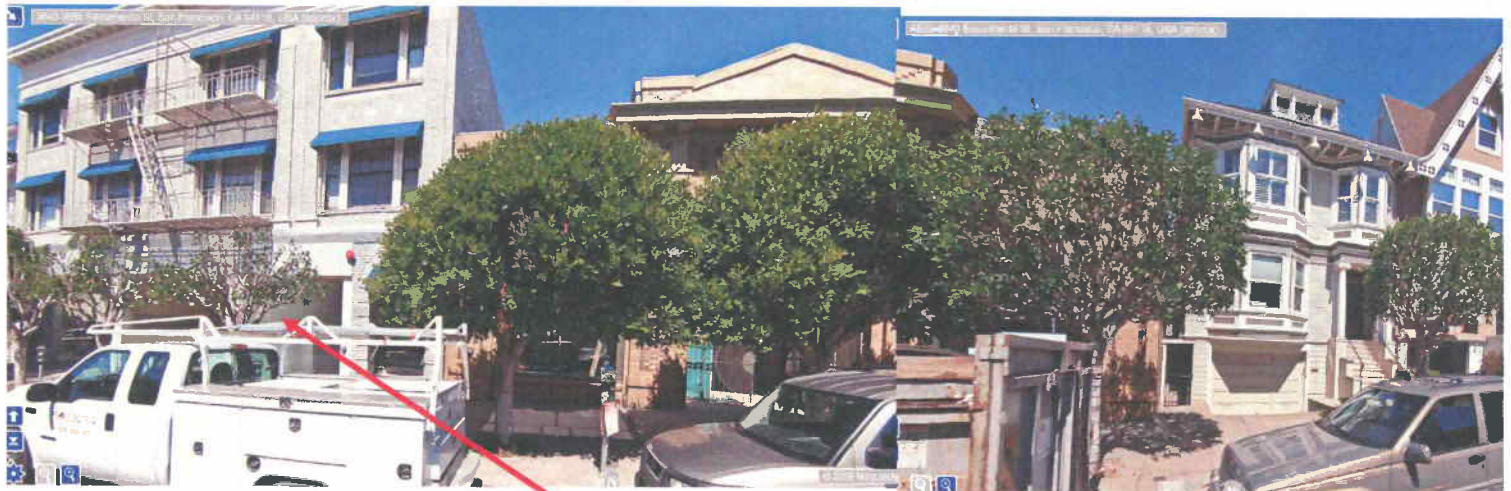


SUBJECT RETAIL COMMERCIAL
TENANT SPACE

Conditional Use Hearing
Case Number 2010.0257C
3654 Sacramento Street
Legalize pilates studio dba Mighty Pilates

Site Photo

SUBJECT BLOCK ON SACRAMENTO STREET



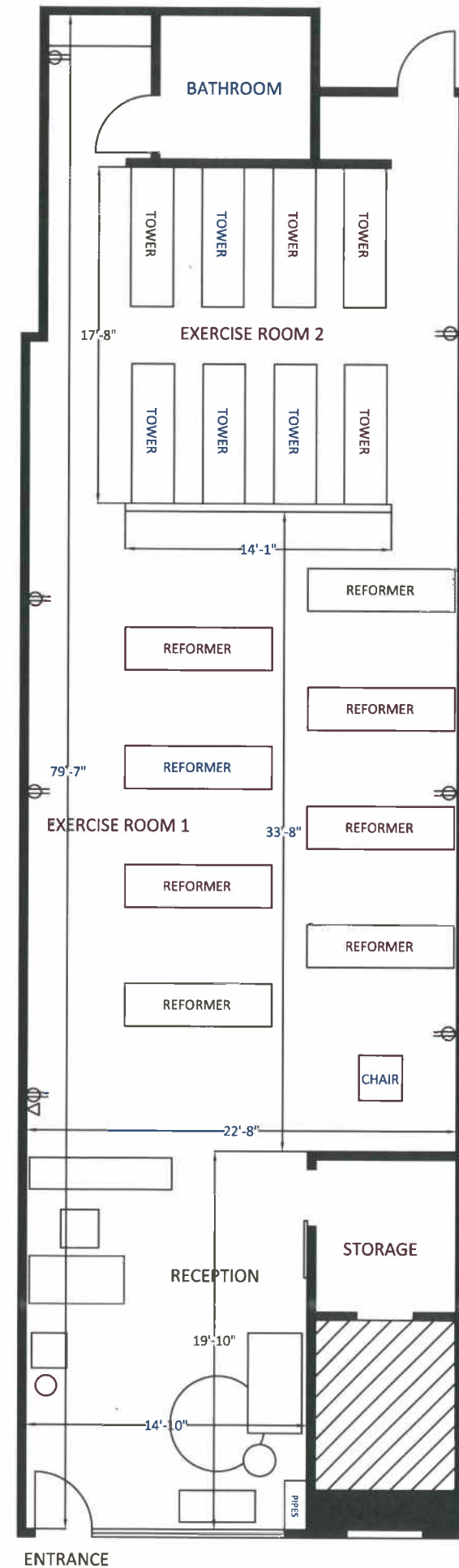
SUBJECT RETAIL COMMERCIAL
TENANT SPACE

Conditional Use Hearing
Case Number 2010.0257C
3654 Sacramento Street
Legalize pilates studio dba Mighty Pilates

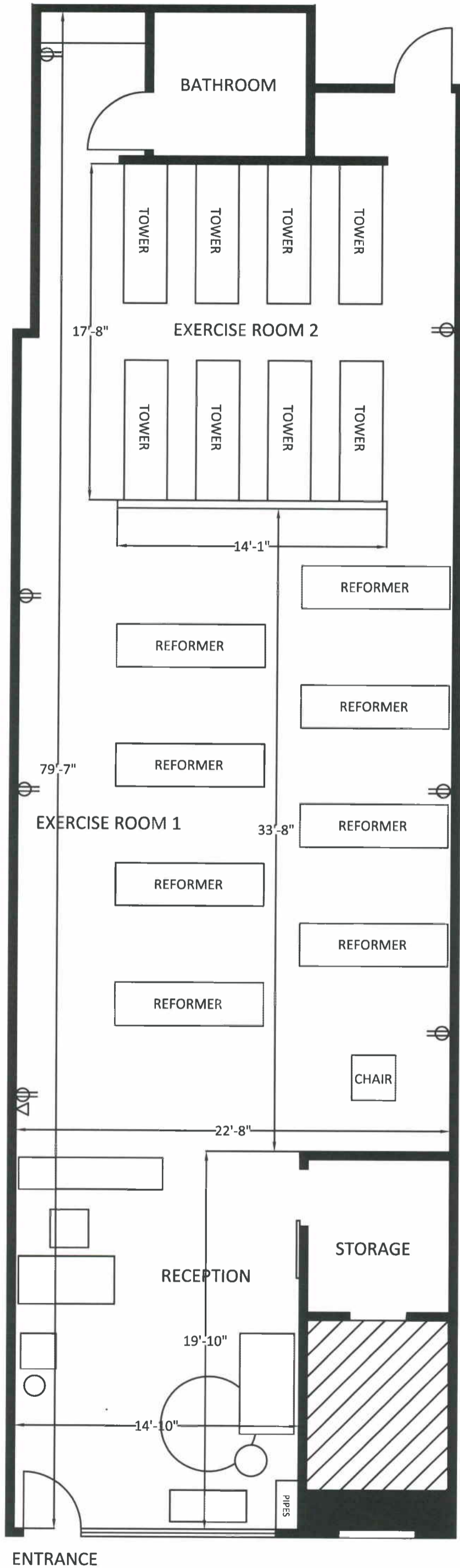
Site Photo

OPPOSITE BLOCK ON SACRAMENTO STREET





MIGHTY PILATES
 FLOOR PLAN PREPARED BY: Julie Drechsel
 3654 SACRAMENTO STREET, SAN FRANCISCO
 BUILDING AND EQUIPMENT SCALE: 1/8"=1'-0"



MIGHTY PILATES
 FLOOR PLAN PREPARED BY: Julie Drechsel
 3654 SACRAMENTO STREET, SAN FRANCISCO
 BUILDING AND EQUIPMENT SCALE: 1/8"=1'-0"

← SACRAMENTO STREET →

SACRAMENTO ST NORTHSIDE	SACRAMENTO ST SOUTHSIDE
LYON STREET	
Sacramento Wash 'n Dry <i>Cleaners</i>	Aedicule Framing <i>fine art framing</i>
Pierre Deux <i>home goods, furnishings</i>	Pet Camp <i>pet care</i>
Vintage a la Mode <i>vintage fashion</i>	Rendez Vous Nails <i>nail salon</i>
Mabel Chong <i>jewelry</i>	Tre Balm <i>body and beauty boutique</i>
Wisteria Antiques <i>antiques</i>	D'Arcy Collection Antiques <i>antiques</i>
The Desk Set <i>paper goods, stationary</i>	Birch <i>florist</i>
Anthem <i>home goods, furnishings</i>	Wilking Wine & Liquor <i>liquor/grocery</i>
Vogue Theater <i>movie theater</i>	Osteria Italian <i>food</i>
Citibank <i>bank</i>	
PRESIDIO AVE	
Veteran's Deluxe Cleaners <i>cleaners</i>	Brooks Shoes for Kids <i>childrens shoes</i>
Shoe Repair <i>shoe repair</i>	Café Luna <i>food</i>
Needlepoint <i>needlepoint</i>	Nail Pretty <i>nail salon</i>
Asano's Barber <i>men's salon</i>	Beautiful Orchids <i>florist</i>
3 Bags Full <i>knitting specialty boutique</i>	The Ark <i>childrens toys</i>
Hardware Unlimited <i>hardware, home goods</i>	Twiga <i>african art, jewelry</i>
Eunice's Café <i>food</i>	Menorah Park <i>home for seniors</i>
Josh Hardy Gallery <i>art</i>	Kouchak's Oriental Rugs <i>oriental rugs</i>
Lily Beauty Salon <i>nail salon</i>	Nicolette <i>women's clothing boutique</i>
Kensington Interiors <i>interior design</i>	Mom's the Word <i>maternity wear boutique</i>
Honeys and Heroes <i>childrens clothing</i>	Thomas Mosser <i>furniture</i>
Josephine Fisher Interiors <i>interior design</i>	
Paul Mahder Gallery <i>art</i>	
Marilyn Jaeger Skincare <i>skincare, spa</i>	
WALNUT STREET	
WALNUT Insite <i>antiques and design</i>	La Tavola <i>fine linen rental</i>
3128 Sac Street <i>doctor's office</i>	Ken Linstead Architects <i>architects</i>
Waterlillies <i>swimwear/clothing boutique</i>	Button Down <i>clothing, luggage boutique</i>
Post and Parcel <i>mail, fax</i>	Kendall Wilkinson Home <i>design and home goods</i>
Goodbyes Consignment <i>used clothing</i>	Music Together <i>children's music classes</i>
Presidio Heights Salon <i>nail salon</i>	The Right Start <i>children's clothing & furnishings</i>
Monique Amon <i>art and antiques</i>	Jen Maur Antiques <i>antiques/furniture</i>
Rose's Gift Gallery <i>art, jewelry</i>	Healing Environments <i>spiritual bookstore</i>
Catherine Jane <i>women's clothing</i>	Goodbyes Consignment <i>used clothing</i>
	SF Women Artists Gallery <i>art</i>
	Boga Oriental Rugs <i>oriental rugs</i>
LAUREL STREET	
Goldberry <i>jewelry</i>	Laurel Heights Nail Salon <i>nail salon</i>
Meriwether <i>jewelry</i>	The Designer Consigner <i>used clothing</i>
Partners for Hair <i>hair salon</i>	Philanthropist <i>women's clothing</i>
Jonathon Kaye <i>children's home furnishings</i>	The Sonoma Country Store <i>clothing and home goods</i>
Snippety Crickets <i>children's salon</i>	T. Reggiardo Antiques <i>antique home goods & furnishings</i>
SynergyFitness <i>personal training</i>	
Kinder Sport <i>children's sport clothing</i>	
Rims and Goggles <i>eyewear</i>	
LOCUST STREET	
Bath Sense <i>soaps, candles, etc</i>	Hutten Jewelers <i>jewelry</i>
Acuity <i>eye exams and eyewear</i>	Dolce & Salato <i>food</i>
Estila <i>salon</i>	Luna <i>women's clothing</i>
Spruce <i>food</i>	Grocery Store <i>women's clothing</i>
Mighty Pilates <i>Pilates</i>	Patrick Richard's <i>salon</i>
Andrew Skurman <i>architects</i>	Parking <i>garage</i>
HH Design <i>interior design</i>	Pb <i>salon</i>
Soiree <i>paper goods, stationary</i>	Sociale Café & Wine Bar <i>food</i>
Dottie Doolittle <i>children's clothing</i>	Color <i>jewelry</i>
	The Magic Flute <i>food</i>
	Calegari & Associates <i>real estate</i>
	Susan <i>women's clothing</i>
	The Ribbonerie <i>ribbons</i>
SPRUCE STREET	

Total businesses: 97
 Total Personal service: 15 (not incl Mighty)
 % of Personal Service: 15%
 (not including Mighty Pilates)

SACRAMENTO STREET
MERCHANTS ASSOCIATION

October 27, 2010

Dear Planning Commission,

I am writing to you in regards to application for a conditional use permit for Mighty Pilates at 3654 Sacramento Street.

My role as President of the Sacramento Street Merchants Association is to promote economic vitality in the neighborhood and support our fellow merchants. I believe that having a variety of businesses and a healthy competition amongst the businesses is good for our vitality.

Sacramento Street is a destination for many of our customers and being able to accomplish many tasks on one trip is great incentive.

We support the existence of Mighty Pilates on our street, they have been in their location since the beginning of the year and have attracted some great publicity for themselves, that I know will benefit all on our street.

I'm sure many of their direct neighbors have heard "I'm going to Mighty Pilates, but I wanted to check out your store as well." This can only bring about positive experiences.

On behalf of the SSMA, I support the conditional use permit for Mighty Pilates, please help us keep Sacramento Street a destination and to help independents thrive!

Thank you for your consideration.



Rachel Lopez Metzger
President of the Sacramento Street Merchants Association

ANDREW SKURMAN ARCHITECTS



29 October 2010

TO: San Francisco Planning Department

I am writing this to show my support of a local business and member of the Sacramento Street Association, Mighty Pilates. They are a new local business that has been a great supporter of the local community. We were so pleased when they opened next door earlier this year and I hear nothing but lovely things from the other local merchants. In fact, some of our employees are also clients of Mighty Pilates.

The studio is neat and clean. Having the neighboring space occupied with a current function alarm system keeps all of the neighboring spaces safer. It generates a great amount of foot traffic on Sacramento Street, a great thing for all of the Sacramento street businesses.

The affluent, friendly clients that go to Mighty Pilates are great for all the local businesses. We support the **permit** requests of the Mighty Pilates owners.

Sincerely,

A handwritten signature in black ink, appearing to read 'ASkurman', written in a cursive, flowing style.

Andrew Skurman

3654 SACRAMENTO STREET
SAN FRANCISCO, CA. 94118

PHONE 415.440.4480
FAX 415.440.4488

WWW.SKURMAN.COM

32 RUE FABERT
75007 PARIS, FRANCE

PHONE 33 (0)1 47 05 77 36
FAX 33 (0)1 47 05 14 91

Bath Sense
3600 Sacramento Street
San Francisco, Ca. 94118
(415)~567~2638

Dear San Francisco City Permit Board:

I wanted to extend my support for the permits for the great team at Mighty Pilates. I own a local business, Bath Sense, around the corner from Mighty Pilates, at Locust and Sacramento. Both of our businesses share many of the same clients - mostly women aged 30-50 who live in the Laurel Heights area.

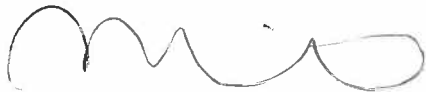
I am also a enthusiastic client of Mighty Pilates and am so happy with the fantastic services - I am so pleased that the studio has helped be get back in great physical shape. I know they have only been open 8 months, but I cannot imagine them not being in the neighborhood. Their clientele definitely helps my business grow.

The 3 owners, Victoria Lambayan, Lina Restrepo and Cricket Wardein, care so much about the Sacramento Street community and have made huge efforts do be great neighbors.

I enthusiastically support their presence as a local service business.

Thank you.

Margaret Timbrell
Owner, Bath Sense

A handwritten signature in black ink, appearing to read 'M. Timbrell', with a stylized, flowing script.

Sharon M
Young/CTYPLN/SFGOV
11/01/2010 12:21 PM

To bill onsacramentostreet
<billonsacramentostreet@gmail.com>
cc Christine Haw <Christine.Haw@sfgov.org>
bcc
Subject Re: 3654 Sacramento St update

Bill-

I had provided that applicant (Victoria Lambayan) with a sign to post prior to my vacation and had indicated to her that the sign was to be posted 20 days prior to the hearing (by 10/29) scheduled for 11/18 to meet the posting requirements. I believe our support staff, Janice Shambroy had processed and mailed the notices on 10/26. The notices were mailed to property owners within a 300-ft radius of the property, in addition to required citywide and/or neighborhood lists.

If you can provide me with a photo which confirms that the sign has not be posted that would be helpful for me to follow-up with the applicant. Please contact me if you have any further questions in regards to this matter.

Thanks,

Sharon

Sharon M. Young
Planner, NW Quadrant, Neighborhood Planning
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

415.558.6346 (voice)
415.558.6409 (fax)

bill onsacramentostreet <billonsacramentostreet@gmail.com>



bill onsacramentostreet
<billonsacramentostreet@gmail.com>
10/31/2010 08:07 AM

To Sharon.M.Young@sfgov.org
cc Christine Haw <Christine.Haw@sfgov.org>
Subject Re: 3654 Sacramento St update

Thanks Sharon.

How will other residents in the area know about the conditional use application? I don't see a sign posted in their window.

And I'll mention again that it is extremely disappointing that a business can open up under false pretenses, stay open for almost an entire year (even offering alcohol on Friday nights without registering with the ABC) and then ask for permission from the planning department to find out if they are even allowed to be there in the first place.

In the school that I'm from, you play by the rules and ask before you do something.

Thank you again for keeping me in the loop. -Bill

Sharon M
Young/CTYPLN/SFGOV
10/14/2010 03:37 PM

To billonsacramentostreet@gmail.com
cc
bcc
Subject 3654 Sacramento St update

Bill-

Just a note the Conditional Use application for 3654 Sacramento St (Case No. 2010.0257C), to legalize the pilates studio dba Mighty Pilates, has been tentatively scheduled for the November 18th Planning Commission hearing.

Sharon

Sharon M. Young
Planner, NW Quadrant, Neighborhood Planning
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

415.558.6346 (voice)
415.558.6409 (fax)

Sharon M
Young/CTYPLN/SFGOV
08/05/2010 11:03 AM

To bill onsacramentostreet
<billonsacramentostreet@gmail.com>
cc Christine Haw <Christine.Haw@sfgov.org>
bcc
Subject Re: 3654 Sacramento permit # 201001194909 open under
false pretenses 

Bill-

The project sponsor's proposal is to legalize the existing pilates studio. Plan revisions are needed since the 'existing floor plan' was drawn inaccurately (i.e. commercial space not accurately showing rooms configurations, door openings).

Sharon

Sharon M. Young
Planner, NW Quadrant, Neighborhood Planning
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

415.558.6346 (voice)
415.558.6409 (fax)

bill onsacramentostreet <billonsacramentostreet@gmail.com>



bill onsacramentostreet
<billonsacramentostreet@
mail.com>
08/05/2010 10:52 AM

To sharon.young@sfgov.org
cc Christine Haw <Christine.Haw@sfgov.org>
Subject Re: 3654 Sacramento permit # 201001194909 open under
false pretenses

Hi Sharon- I was checking in on the status for this issue.

I know that you mentioned (through Christine) that the business in question is 'working on their plan modifications', but they already completed their build out and have been open for business for some time.

To add insult to injury, they are now offering champagne parties on friday nights to entice customers. I will also be contacting the liquor control board.

Please advise. Thank you. -Bill

On Thu, Jul 15, 2010 at 4:41 PM, <Christine.Haw@sfgov.org> wrote:
Bill,

Sharon Young says that they are still working on the plan modifications.
You can also contact Sharon directly sharon.young@sfgov.org

Thank you for your inquiry.

Chris

bill
onsacramentostree
t
<billonsacramento
street@gmail.com>

To
Christine Haw
<Christine.Haw@sfgov.org>

cc

07/13/2010 03:23
PM

Subject
Re: 3654 Sacramento permit #
201001194909 open under false
pretenses

Hi Christine- Hope you're well.

I'm yet to hear from the planner on the case.

Please advise. Thank you.

On Fri, Jun 25, 2010 at 9:33 AM, Christine Haw <Christine.Haw@sfgov.org>
wrote:

I'll ask the planner to get back to you re the scheduled hearing.

bill
onsacramentostree
t
<billonsacramento
street@gmail.com>

To
Christine Haw
<Christine.Haw@sfgov.org>

cc

06/24/2010 12:51
PM

Subject
Re: 3654 Sacramento permit #
201001194909 open under false
pretenses

Hi Christine- Hope you've been well.

Just checking in for an update.

Let me know the latest when you get a chance. Thank you. -bill

On Fri, May 7, 2010 at 9:53 AM, bill onsacramentostreet <
billonsacramentostreet@gmail.com> wrote:

Will do.... thank you for the update and we'll talk soon.

On Thu, Apr 29, 2010 at 12:29 PM, Christine Haw <Christine.Haw@sfgov.org>

>
wrote:

Bill,

They filed a conditiona use application a couple weeks ago and are not
yet
scheduled for the Planning Commission. Check back in a couple of weeks
or
so.

Thanks. bill onsacramentostree
t To
<billonsacramento Christine.Haw@sfgov.org
street@gmail.com

> cc 04/26/2010
10:22 Subject
AM Re: 3654 Sacramento permit
201001194909 open under
false pretenses

Hi Christine- Hope you're well.

I happened by stop by the business on Sacramento St that is operating without conditional use approval from the planning department and there was no sign posted on the window saying when the case would go before the planning department, as I plan to attend and gather other neighbors that also feel that we have too many personal service businesses on the street.

Please let me know an update as to where they are in the process. Thank you... -bill

On Tue, Mar 23, 2010 at 3:20 PM, bill onsacramentostreet <billonsacramentostreet@gmail.com> wrote: you're the best.... thank you. should I check back in with you in a few weeks? -bill On Mar 23, 2010, at 3:18 PM, Christine Haw wrote: just called owner...she said she would file a conditional use app very soon