



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 15, 2011
CONSENT CALENDAR

Date: December 8, 2011
Case No.: 2011.1074C
Project Address: 4411 GEARY BOULEVARD, SUITE 100
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District
40-X Height and Bulk District
Block/Lot: 1536/043
Project Sponsors: Brian Hofer / Chijeh Hu (agents)
Law Office of Chijeh Hu
456 - 8th Street
Oakland, CA 94607
Huazhi "Jennifer" Jiang (applicant / massage establishment operator)
5009 Star Mine Way
Antioch, CA 94531
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
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PROJECT DESCRIPTION

The proposal is a request for Conditional Use authorization under Sections 712.54 and 303 of the Planning Code to convert a vacant commercial tenant space (formerly occupied by a chiropractor's office) with approximately 2,500 square feet of floor area into a massage establishment (d.b.a. Heaven Wellness Center) on the ground floor of the three-story commercial building within an NC-3 Zoning District and a 40-X Height and Bulk District. The proposal will involve interior tenant improvements to the ground floor commercial space. There will be no expansion of the existing building envelope.

SITE DESCRIPTION AND PRESENT USE

The project site is on the south side of Geary Boulevard between 8th and 9th Avenues; on Lot 043 of Assessor's Block 1536. The proposed massage establishment is located within the NC-3 Zoning District and a 40-X Height and Bulk District. The subject lot is approximately 2,495 square-feet (25 feet wide by 100 feet deep) in size and is occupied by a three-story commercial building built 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. However, the existing building is included within the Inner Richmond Information Survey area. The subject vacant commercial tenant space (Suite 100) is located on the ground floor of the building.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The Project Site is located within the Inner Richmond Neighborhood. The majority of the surrounding development consists of one-to-three story commercial and mixed-use building, a church and school (Star

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of the Sea), an auto repair shop (Midas Auto Service Experts), and a financial institution (Citibank). Some of the other commercial establishments on the subject and opposite blocks include Modera Fine Wine and Spirits (grocery/liquor store), Tawan's Thai Food (restaurant), Gaetani Real Estate (business/professional service establishment), and State Farm Insurance (business/professional service establishment). On 8th and 9th Avenues, running north and south of the project site, there are primarily two-to-three story single and multi-family residential buildings within the RM-1 (Residential, Mixed, Low-Density) Zoning District. The Star of the Sea Church is located on the northwest corner of Geary Boulevard and 8th Avenue.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 25, 2011	November 21, 2011	24 days
Posted Notice	20 days	November 25, 2011	November 25, 2011	20 days
Mailed Notice	20 days	November 25, 2011	November 16, 2011	29 days

The proposal requires Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- As of December 8, 2011, the Department did not receive any letters or phone calls in opposition to the project.

ISSUES AND OTHER CONSIDERATIONS

- The proposed massage establishment will be independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.

REQUIRED COMMISSION ACTION

This proposal requires **Conditional Use** authorization pursuant to Sections 712.54 and 303 of the Planning Code to convert vacant commercial tenant space (formerly occupied by a chiropractor's office) with approximately 2,500 square feet of floor area into a massage establishment (d.b.a. Heaven Wellness Center) on the ground floor of the three-story commercial building within an NC-3 Zoning District and a 40-X Height and Bulk District.

BASIS FOR RECOMMENDATION

- The proposed project meets all applicable requirements of the Planning Code.

- The proposed project will ensure the viability and continuation of a retail-driven commercial corridor by occupying a vacant commercial space on the subject block. It will also provide new job opportunities to the City.
- The proposed massage establishment will be complimentary to the existing neighborhood-serving retail uses in the neighborhood. There is no indication that the project sponsor is involved in any illegal enterprises related to operating the proposed massage establishment.
- The Department believes that this project is necessary and/or desirable for the following reasons:
 - a) The proposed project will enhance the economic diversity of the neighborhood by allowing a new business in the area.
 - b) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
 - c) The proposed project would be consistent with the mixed commercial-residential character of this portion of Geary Boulevard within the NC-3 Zoning District.

RECOMMENDATION: Approval with Conditions
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Attachments:

Zoning District Map

Parcel Map

Sanborn Map

Aerial Photographs

Site and Context Photographs

Reduced Plans

Attachment Checklist

Executive Summary

Draft Motion

Environmental Determination

Zoning District Map

Height & Bulk Map

Parcel Map

Sanborn Map

Aerial Photo

Context Photos

Site Photos

Project sponsor submittal

Drawings: Existing Conditions

Check for legibility

Drawings: Proposed Project

Check for legibility

SMY

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

Planner's Initials

SMY: C:\4411 Geary Boulevard, Suite 100- summary-smy.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. XXXXX

HEARING DATE: DECEMBER 15, 2011

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 712.54 AND 303 TO CONVERT A VACANT GROUND FLOOR COMMERCIAL TENANT SPACE INTO A MASSAGE ESTABLISHMENT (D.B.A. HEAVEN WELLNESS CENTER) LOCATED AT 4411 GEARY BOULEVARD SUITE 100 WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 20, 2011, Brian Hofer and Chijeh Hu, acting agents on behalf of Huanzhi "Jennifer" Jiang (hereinafter "project sponsor") made an application for Conditional Use authorization for the property at **4411 Geary Boulevard Suite 100, Lot 043 in Assessor's Block 1536** (hereinafter "Subject Property"), to convert a vacant commercial tenant space (previously occupied by a chiropractor's office) with approximately 2,500 square feet in floor area into a massage establishment (d.b.a. Heaven Wellness Center) on the ground floor of the three-story commercial building within an NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District, in general conformity with plans dated June 2011 and July 7, 2011, and labeled "Exhibit B" (hereinafter "project").

On December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1074C. Under Sections 712.54 and 303 of the Planning Code, Conditional Use authorization is required to convert a vacant ground floor commercial tenant space into a massage establishment within the NC-3 Zoning District and a 40-X Height and Bulk District.

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. 2011.1074C, 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 on the south side of Geary Boulevard between 8th and 9th Avenues; on Lot 043 of Assessor's Block 1536. The proposed massage establishment is located within the NC-3 Zoning District and a 40-X Height and Bulk District. The subject lot is approximately 2,495 square-feet (25 feet wide by 100 feet deep) in size and is occupied by a three-story commercial building built 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. However, the existing building is included within the Inner Richmond Information Survey area. The subject vacant commercial tenant space (Suite 100) is located on the ground floor of the building.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Inner Richmond Neighborhood. The majority of the surrounding development consists of one-to-three story commercial and mixed-use building, a church and school (Star of the Sea), an auto repair shop (Midas Auto Service Experts), and a financial institution (Citibank). Some of the other commercial establishments on the subject and opposite blocks include Modera Fine Wine and Spirits (grocery/liquor store), Tawan's Thai Food (restaurant), Gaetani Real Estate (business/professional service establishment), and State Farm Insurance (business/professional service establishment). On 8th and 9th Avenues, running north and south of the project site, there are primarily two-to-three story single and multi-family residential buildings within the RM-1 (Residential, Mixed, Low-Density) Zoning District. The Star of the Sea Church is located on the northwest corner of Geary Boulevard and 8th Avenue.

4. **Project Description.** The proposal is a request for Conditional Use authorization under Sections 712.54 and 303 of the Planning Code to convert a vacant commercial tenant space (formerly occupied by a chiropractor's office) with approximately 2,500 square feet of floor area into a massage establishment (d.b.a. Heaven Wellness Center) on the ground floor of the three-story commercial building within an NC-3 Zoning District and a 40-X Height and Bulk District. The proposal will involve interior tenant improvements to the ground floor commercial space. There will be no expansion of the existing building envelope.

5. **Issues and Other Considerations.**

- The proposed massage establishment will be independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code.

6. **Public Comment.** As of December 8, 2011, the Department did not receive any letters or phone calls in opposition to the project.

7. **Use District.** The project site is within the NC-3 Zoning District. The NC-3 Zoning District controls are intended to provide the opportunity for a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Zoning Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-3 Zoning Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures. NC-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels. Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

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. **Planning Code Section 712.54 – Massage Use.** Section 712.54 allows massage establishments with Conditional Use authorization in the NC-3 Zoning District and requires that the Planning Commission shall make findings as outlined in Planning Code Section 790.60(c) in addition to those required under Planning Code Section 303(c), based on the following criteria:

1. Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.

Criterion Not Met

According to the agents, the applicant will be applying for a massage permit with the Department of Public Health. If granted Conditional Use authorization by the Planning Commission for the proposed

massage establishment use, the applicant will apply for a massage permit with the Department of Public Health. Conditions of Approval will ensure that the applicant maintains the Massage Establishment Permit in good standing with the Department of Public Health. Failure to do so may result in this Conditional Use authorization being revoked by the Planning Commission.

2. Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include:

- i. An active street frontage of at least 25 feet in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level.

Criterion Met:

The proposed massage establishment will be located on the ground floor of the subject building. The ground floor of the subject building has 25 feet of frontage on Geary Boulevard, approximately 75% of which is committed to the commercial entrances and windows.

- ii. Windows that use clear, un-tinted glass, except for decorative and architectural accent.

Criterion Met:

The subject tenant space has clear, un-tinted glass along the frontage.

- iii. Any decorative railings or decorative grille work other than wire mesh which place in front of or behind such windows should be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

Criterion Met:

The commercial frontage is predominantly dedicated to a large window and doors with clear glass. There are no bars or grills in front of or behind such windows.

3. Whether the use includes pedestrian-oriented lighting. Well-lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with massage use during the post-sunset hours of the massage use are encouraged.

Criterion Met:

Existing overhead lighting in the building's front entrance will provide adequate pedestrian-oriented lighting to the subject building.

4. Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

Criterion Met:

No such barriers are proposed in the plans contained in Exhibit B of this Motion.

- B. **Section 712.21** establishes size limits on non-residential use sizes in the NC-3 Zoning District. Within the District, Conditional Use authorization is required for any non-residential use that meets or exceeds 6,000 square feet.

The proposed massage establishment, with approximately 2,500 square feet of floor area, is within the principally permitted use size limitations.

- C. **Sections 712.22 and 151** of the Planning Code requires off-street parking for every 300 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The proposed massage establishment will occupy approximately 2,500 square feet of floor area and thus does not require any off-street parking.

- D. **Section 712.27** allows no limit on the hours of operation.

The proposed hours of operation of the proposed massage establishment are 10 a.m. to 10 p.m., seven days a week.

- E. **Section 712.54** of the Planning Code allows massage establishments on the 1st and 2nd floors in the NC-3 Zoning District with Conditional Use authorization.

The proposed massage establishment is located on the 1st (ground) floor.

9. **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.

Tenant improvements are proposed to the existing vacant ground floor commercial space. No changes will be made to the existing building envelope.

- 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 size and shape of the site and the size, shape and arrangement of the building are adequate for the project. There will be no physical expansion of the existing building or commercial space.

- 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;

Existing traffic patterns will not be significantly affected by the proposed project. Public transit (Muni Line 38 Geary) is within close proximity to the proposed massage establishment within walking distance of the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

Given the nature of the proposed project (a massage service), it would not emit any glare, dust or odor.

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

The proposed project does not propose any exterior tenant improvements. There will be 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.

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

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

The proposed project is consistent with the stated purpose of the NC-3 Zoning District in that the intended use is a neighborhood-serving business.

- 10. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

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, which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

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

Policy 1.3:

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

The proposed massage establishment would be compatible with and complimentary to the type of uses characterizing this portion of the NC-3 Zoning District, which is primarily a mixture of financial institutions, business and professional establishments, auto repair shop, business and professional offices, and a liquor/grocery store. The proposed use would be consistent with 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 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 proposed project will retain and reactivate an existing commercial space and will enhance 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 proposed project would 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 proposed project would fill a vacant commercial space with a commercial use that would be complimentary to the 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.

An independent entrepreneur is sponsoring the proposal. The proposed use is neighborhood-serving, to occupy an existing vacant commercial space, thereby encouraging the vitality of the commercial corridor.

11. **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 proposed project will preserve and enhance existing neighborhood-serving retail uses by continuing to occupy a space which was vacated by another commercial use and diversifying the type of commercial establishments within the immediate neighborhood. The proposed project will provide new job opportunities to the City by employing approximately five massage practitioners.

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

The proposed project will not displace housing as no housing exists in the building.

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

The proposed project will not have any impacts on the City's supply of affordable housing. No housing will be removed as part of this project.

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

The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use to which residents can access by walking or taking public transit.

- 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.

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

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

The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

- G. That landmarks and historic buildings be preserved.

The proposed project will not affect any landmarks or historic buildings.

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1074C** 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. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on December 15, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the change of use of an approximately 2,500 square-foot vacant ground floor commercial tenant space (formerly occupied by a chiropractor's office) into a massage establishment (d.b.a. Heaven Wellness Center) located within a three-story commercial building at 4411 Geary Boulevard Suite 100 in Assessor's Block 1536, Lot 043, pursuant to Planning Code Sections 712.54 and 303 within an NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated June 2011 and July 7, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1074C and subject to conditions of approval reviewed and approved by the Commission on December 15, 2011, under Motion No. XXXXXX. 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 December 15, 2011 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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

MONITORING - AFTER ENTITLEMENT

3. **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

4. **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

5. **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>

6. **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>

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.

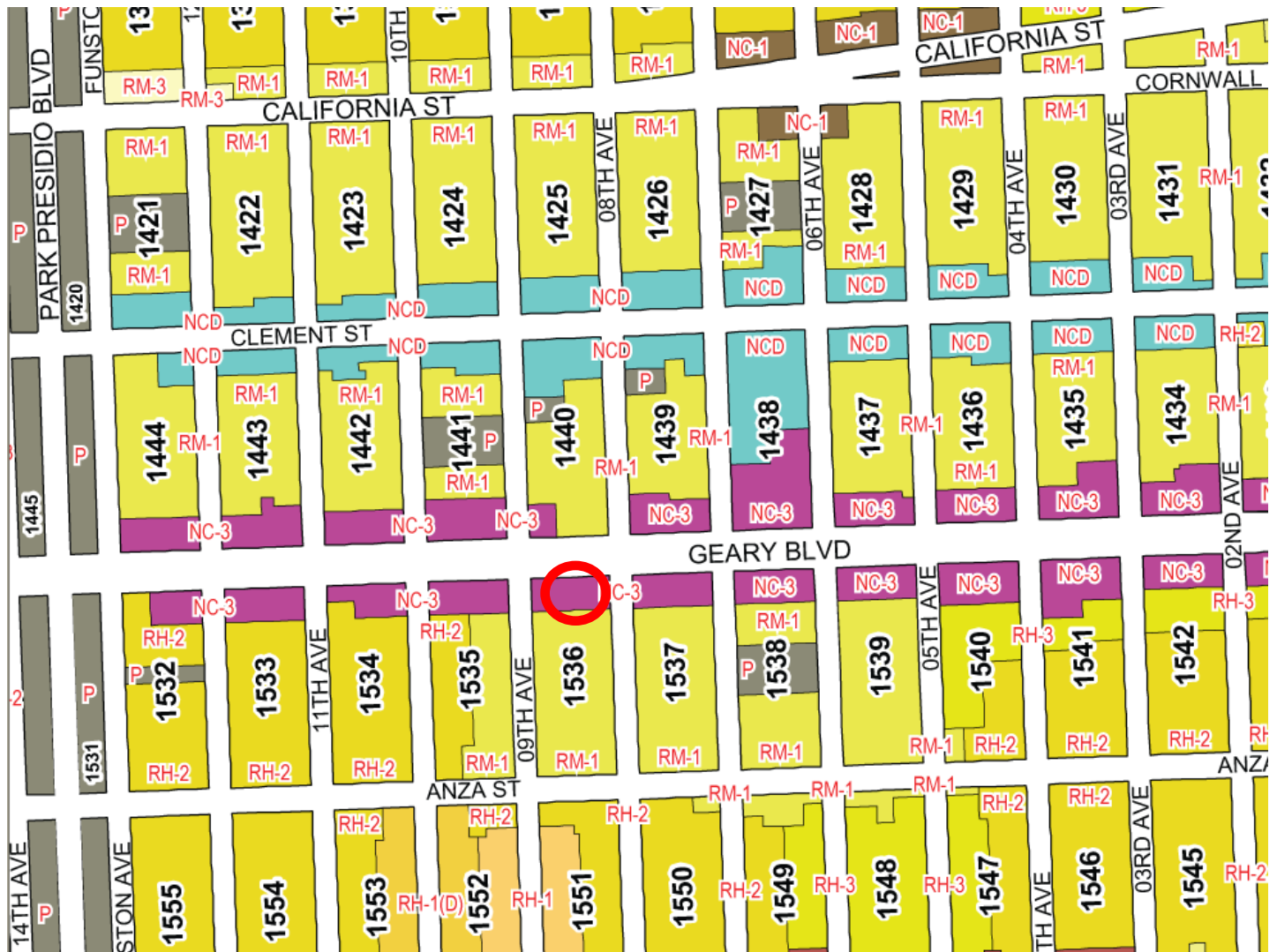
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

8. **Massage Establishments.** All massage establishments shall comply with the following standard massage use operation standards.

- a. The entry to the massage treatment room shall remain directly visible from the public right-of-way. If any additional doors are required under the Building Code for emergency egress purposes, such door shall be labeled "for emergency use only" and shall have an audible alarm that will go off when the door is opened.
- b. All interior alterations shall be reviewed by the Planning Department to verify compliance with these conditions.
- c. No locks shall be allowed on any interior door of the business except that a lock for privacy may be permitted on the bathroom door.
- d. Any blinds or curtains located behind the storefront windows must be kept open during business hours to allow for visibility into the tenant space from the street. No obstructions shall be located in front of any of the storefront windows that would prevent such visibility.
- e. The front door to the business must be open during business hours. The use of buzzers or a security camera is not permitted.
- f. The massage establishment shall comply with the hours of operation outlined in Ordinance 140-09, approved on July 2, 2009. This Ordinance amended the Health Code to limit the hours of permitted operation for massage establishments from 7:00 am to 10:00 pm.
- g. All persons engaged in performing massage shall be licensed for that purpose by the State of California and the licenses shall be prominently displayed on walls of the business.
- h. The Planning Commission may revoke this Conditional Use authorization if the Department of Public Health revokes the health permit for massage.

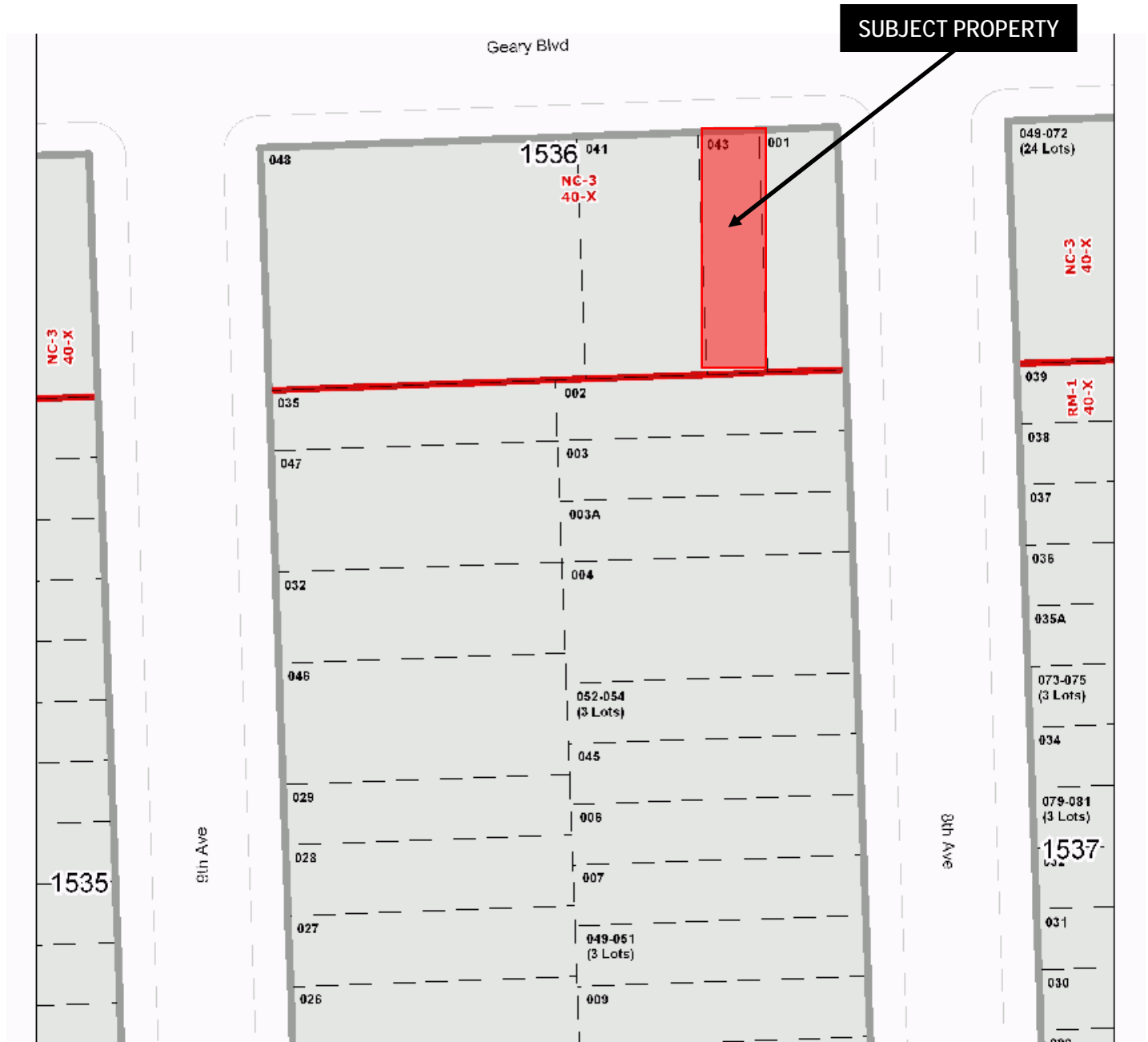
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Zoning Map



Conditional Use Hearing
 Case Number 2011.1074C
 4411 Geary Boulevard, Suite 100
 D.B.A. Heaven Wellness Center

Parcel Map



Conditional Use Hearing
Case Number 2011.1074C
4411 Geary Boulevard, Suite 100
D.B.A. Heaven Wellness Center



Sanborn Map*



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

Conditional Use Hearing
Case Number 2011.1074C
4411 Geary Boulevard, Suite 100
D.B.A. Heaven Wellness Center



Aerial Photo*

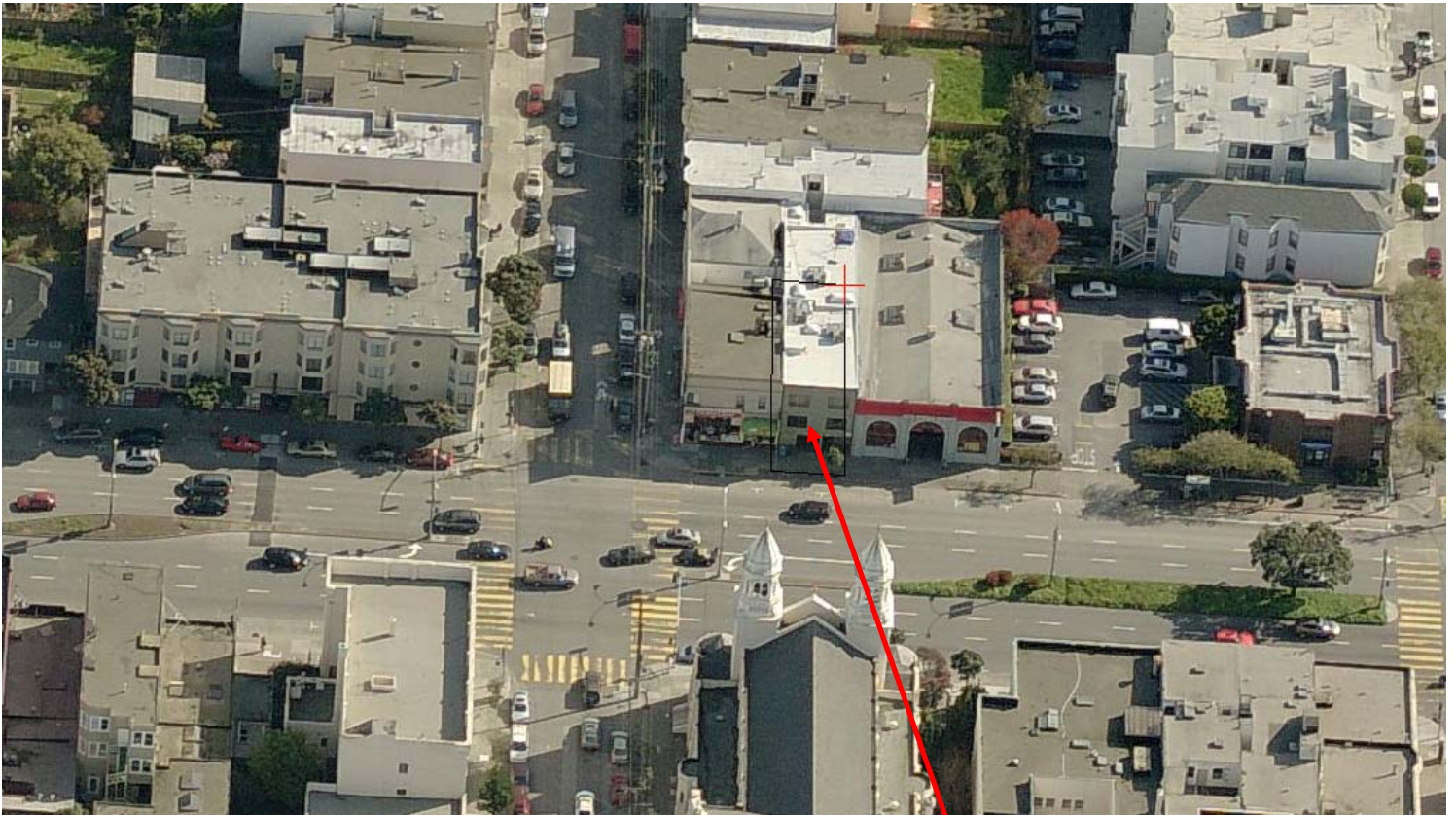


SUBJECT PROPERTY

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



Aerial Photo*



SUBJECT PROPERTY

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



Site Photo

SUBJECT PROPERTY



SUBJECT PROPERTY

Site Photo

ENTRYWAY OF SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2011.1074C
4411 Geary Boulevard, Suite 100
D.B.A. Heaven Wellness Center

Site Photo

(PORTION OF SUBJECT AND OPPOSITE BLOCKS)
GEARY BOULEVARD



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2011.1074C
4411 Geary Boulevard, Suite 100
D.B.A. Heaven Wellness Center

ADDRESS: 4411 GEARY BOULEVARD,
SAN FRANCISCO, CA 94118
BLOCK 1536 LOT 043 TYPE VB

SCOPE OF WORK:
CONVERT A CHIROPRACTIC DOCTOR OFFICE INTO A FOOT
AND BODY MASSAGE ESTABLISHMENT CENTER. NO LOCK
ROOM DOORS, 4 EMPLOYEES, OPEN DAILY FROM 10AM
TO 10PM.

DRAWING INDEX:
SHEET 1 - (E) PLOT PLAN, (E) FLOOR PLANS, (E)
FRONT ELEVATION, NOTES AND LEGEND
SHEET 2 - (N) FLOOR PLAN, AND D.A. CHECKLIST

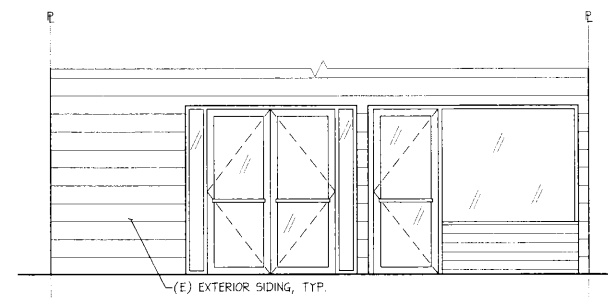
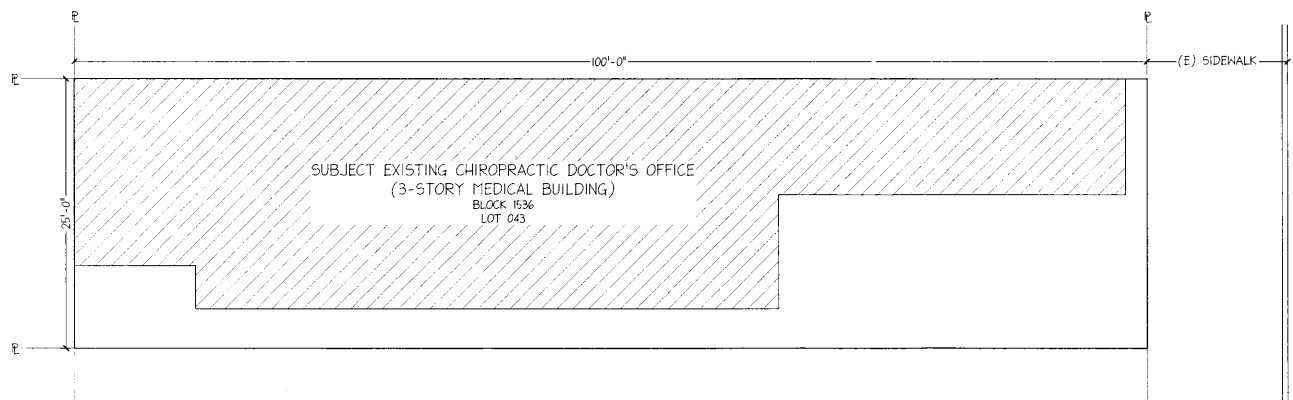
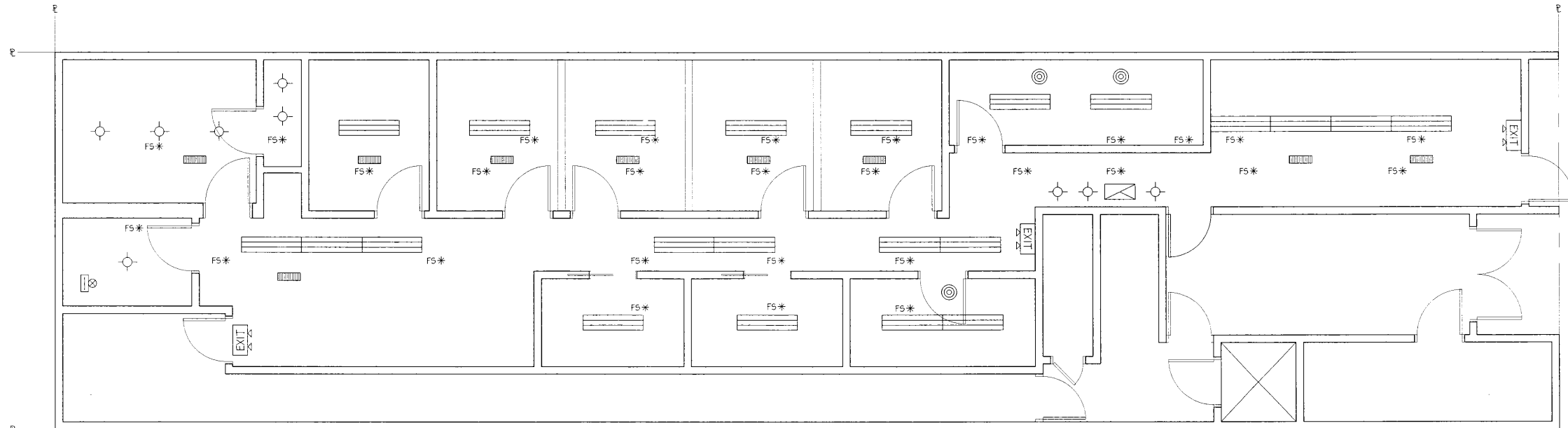
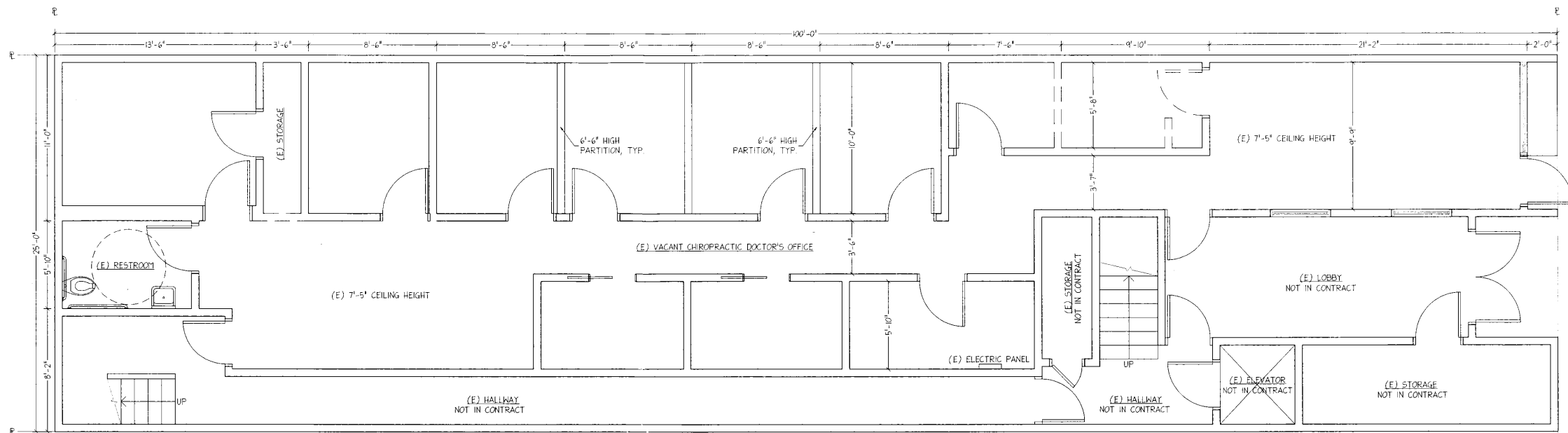
SHEET 3 - ACCESSIBILITY DETAILS

APPLICABLE CURRENT CODES AND REGULATIONS:

- 2010 CALIFORNIA BUILDING CODE (CBC)
- 2010 CALIFORNIA PLUMBING CODE (CPC)
- 2010 CALIFORNIA MECHANICAL CODE (CMC)
- 2010 CALIFORNIA ELECTRICAL CODE (CEC)
- 2010 CALIFORNIA ENERGY CODE (CEC)
- 2010 SAN FRANCISCO BUILDING CODE (SFBCC)

LEGEND:

- NEW 2x4 WALL
- WALL WITH R-13 INSULATION
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- (N) NEW
- (E) EXISTING
- LIGHT SWITCH
- 2-4' T8 FLUORESCENT LIGHTS
- CEILING LIGHT
- DIFFUSER
- DIFFUSER
- FIRE SPRINKLER
- BATHROOM VENT WITH BACKDRAFT DAMPER
- RETURN AIR
- ILLUMINATED EXIT SIGN W/ EMERGENCY LIGHTS W/ BATTERY PACKS
- FURNACE
- WATER HEATER
- WASHER
- DRYER



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OWNER
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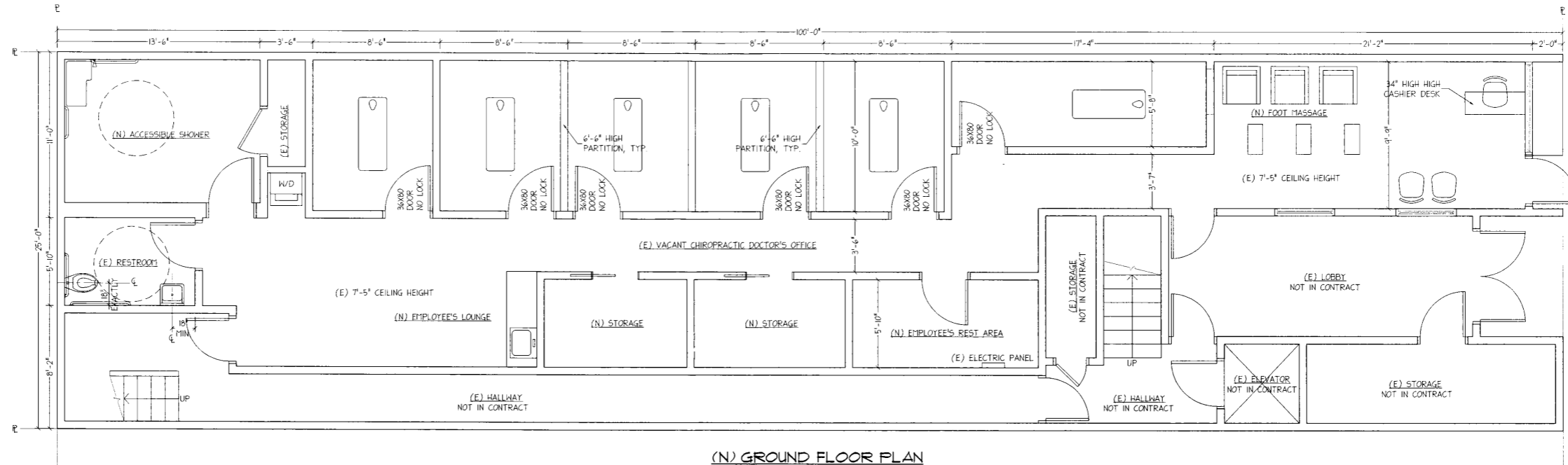
LOCATION
TYPE V-B 3 STORY MEDICAL BUILDING
4411 GEARY BOULEVARD,
SAN FRANCISCO, CA 94118
BLOCK 1536 LOT 043

SHEET TITLE
(E) PLOT PLAN, (E) FLOOR PLANS, (E)
FRONT ELEVATION, NOTES AND LEGEND

Date: JUNE, 2011
Scale: AS SHOWN
Drawn: LOK
Job:
Sheet: 1
Of 3 Sheets

LEGEND:

- NEW 2x4 WALL
- WALL WITH R-13 INSULATION
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- (N) NEW
- (E) EXISTING
- LIGHT SWITCH
- 2-4' T8 FLUORESCENT LIGHTS
- CEILING LIGHT
- DIFFUSER
- DIFFUSER
- FS* FIRE SPRINKLER
- BATHROOM VENT WITH BACKDRAFT DAMPER
- RETURN AIR
- ILLUMINATED EXIT SIGN W/ EMERGENCY LIGHTS W/ BATTERY PACKS
- FURNACE
- WATER HEATER
- WASHER
- DRYER



(N) GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"

D.A. CHECKLIST (p. 1 of 2):

The address of the project is _____

For ALL tenant improvement projects in commercial use spaces, this checklist is required to be reproduced on the plan set and signed.

1. The proposed use of the project is _____ (e.g. Retail, Office, Restaurant, etc.)
2. Describe the area of remodel, including which floor: _____
3. The construction cost of this project excluding disabled access upgrades is \$ _____, which is (check one) more than / less than the Accessibility Threshold amount of **\$126,764.66** based on the "2009 ENR Construction Cost Index" (The cost index & threshold are updated annually).
4. Is this a City project and/or does it receive public funding? Check one: Yes / No Note: If Yes, then see Step 3 on the Instructions page for additional forms required.

Conditions below must be fully documented by accompanying drawings

5. Read A through G below carefully and check the most applicable box (one box only):
 - A: All existing conditions serving the area of remodel fully comply with access requirements. No further upgrades are required.
 - B: All existing conditions serving the area of remodel that do not fully comply with access requirements will be fully upgraded with this project.
 - C: Proposed project (check one) is less than the threshold / is over the threshold & falls under CBC 1134B.2.1 Ex. 2. Partial upgrades, including Equivalent Facilitation will be provided up to 20% of the project value as itemized on Form C. Priority of upgrades are to be considered in the order listed on p. 2 of the D.A. Checklist. Fill out Hardship request form(s) for non-fully complying items, including for Equivalent Facilitation items. Checking box C means there are still non-complying items serving the area of remodel.
 - D: Access features will either fully comply or be provided with Code defined Equivalent Facilitation. Submit an Unreasonable Hardship Request (UHR) for the Equivalent Facilitation items.
 - E: Hardship appeal to be filed with Access Appeals Commission (AAC). Note: Plan check of items not under AAC consideration will continue while resolution of AAC decision is sought.
 - F: Consisting only of Barrier Removal, Notice of Accessibility Violation (NOV) Compliance or Exempted Work: Fill out Form F.
 - G: Minor revision to previously approved permit drawings only. (Note: This shall NOT be used for new or additional work) Provide previous approved permit application here: _____ Description of revision: _____

D.A. CHECKLIST (p. 2 of 2):

Check all applicable boxes and specify where on the drawings the details are shown:

Note: upgrades below are listed in priority based on CBC 1134B.2.1 Ex1	Existing Fully Complying	Upgrade to Full Compliance	Partial Upgrade / Hardship	Equivalent Facilitation / Hardship	Hardship	None existing & not req'd by Code	Access Appeals Commission	Barrier Removal / NOV	Location of detail(s)-include detail no. & drawing sheet (do not leave this part blank). Also clarification comments can be written here.																												
1. One accessible entrance serving the area of remodel. Note: This should be a primary entrance. Add'l upgrade may be required if it is not.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
2. An accessible route to the area of remodel																																					
2a. path of travel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
2b. ramps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
2c. elevator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
2d. stairs (if no elevator)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
2f. other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
3. At least one accessible restroom for each sex serving the area of remodel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
4. Accessible public pay phone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
5. Accessible drinking fountains (hi-low).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
6. Signage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
7. Visual Alarm.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													
8. <table border="0" style="width: 100%;"><tr><td style="width: 150px;">Parking</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Others: path from parking area</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Shower</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>	Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Others: path from parking area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shower	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																													

If details are provided from a set of City approved reference drawings, provide its permit application number here: _____

Form C: DISABLED ACCESS 20% RULE

This form is only required when box "C" is checked off on the D.A. Checklist and is for providing an itemized list of the estimated costs for the expenditures used for disabled access upgrades for this project. Reproduce this form along with the D.A. Checklist and the Unreasonable Hardship Request form(s) on the plans.

Based on CBC 1134B.2.1, Exception 1, only projects with a construction cost less than the valuation threshold (current ENR Construction Cost Index Amount) are eligible for the 20% rule, where the project must provide disabled access upgrades up to 20% of the cost of construction in the required priority as listed on p. 2 of the D.A. Checklist. In general, projects valued over the threshold are not eligible for the 20% rule (see CBC 1134.2.1 Exception 2 for a possible exception).

CBC 1134B.2.1 Exception 2 (abbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 1, even if the value of the project exceeds the valuation threshold in Exception 1. Refer to the Code for the types of buildings & facilities that qualifies for this 20% disproportionality provisions when project valuation is over the threshold.

	Contractor's Estimated Cost	DBI Revised Cost
A) Cost of Construction: (Excluding accessibility upgrade)	\$ _____	\$ _____
B) 20% of A):	\$ _____	\$ _____
List the Upgrade Expenditures and their respective construction cost below:		
1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____
7. _____	\$ _____	\$ _____
8. _____	\$ _____	\$ _____
9. _____	\$ _____	\$ _____
Total Upgrade Expenditures <small>Must approximately equal to Line B</small>	\$ _____	\$ _____

REVISIONS BY

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TEL: 415-240-8088

LOCATION:
TYPE V-B 3 STORY MEDICAL BUILDING
4411 GEARY BOULEVARD,
SAN FRANCISCO, CA 94118
BLOCK 1536 LOT 043

SHEET TITLE:
(N) FLOOR PLAN, AND D.A. CHECKLIST

Date: JUNE, 2011

Scale: AS SHOWN

Drawn: LOK

Job:

Sheet:

2

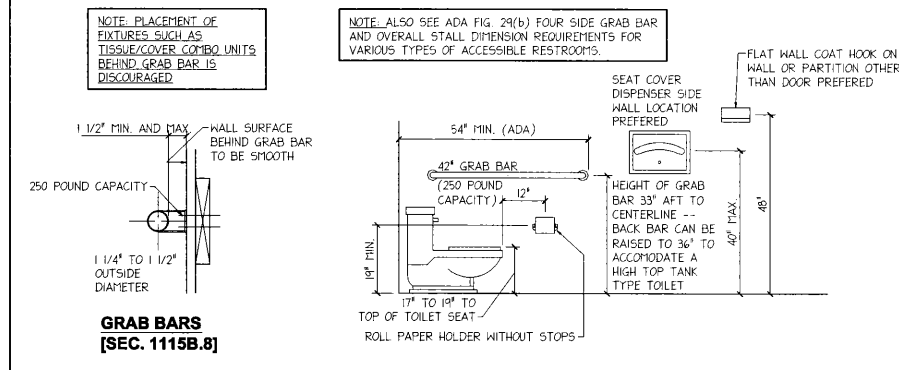
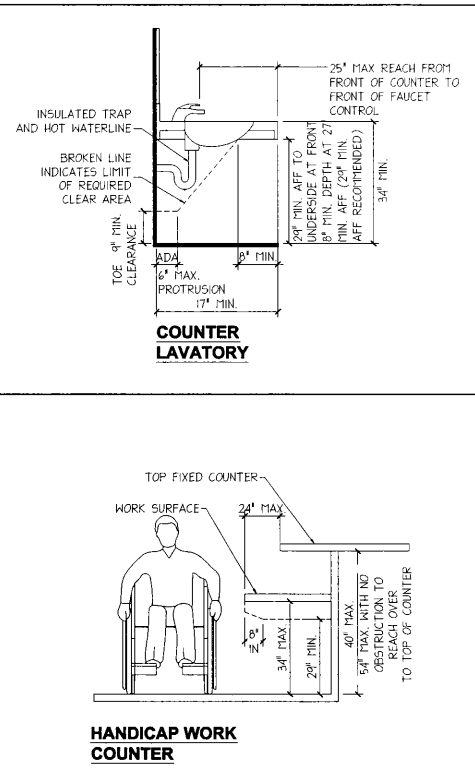
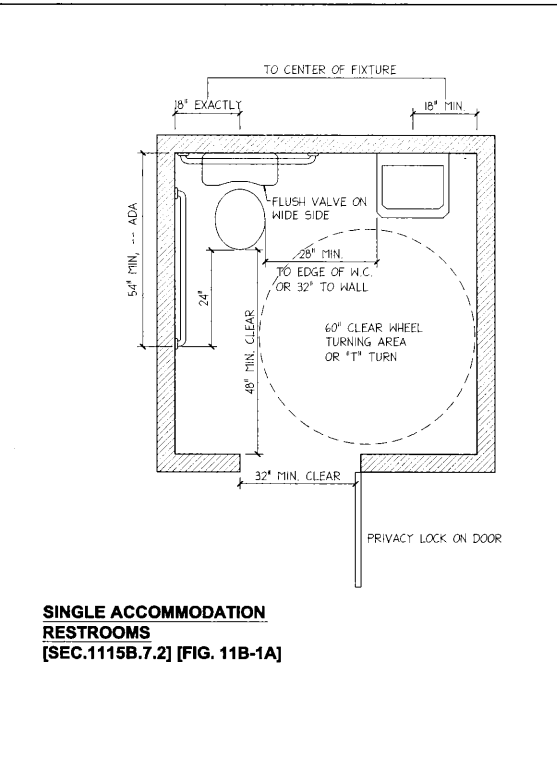
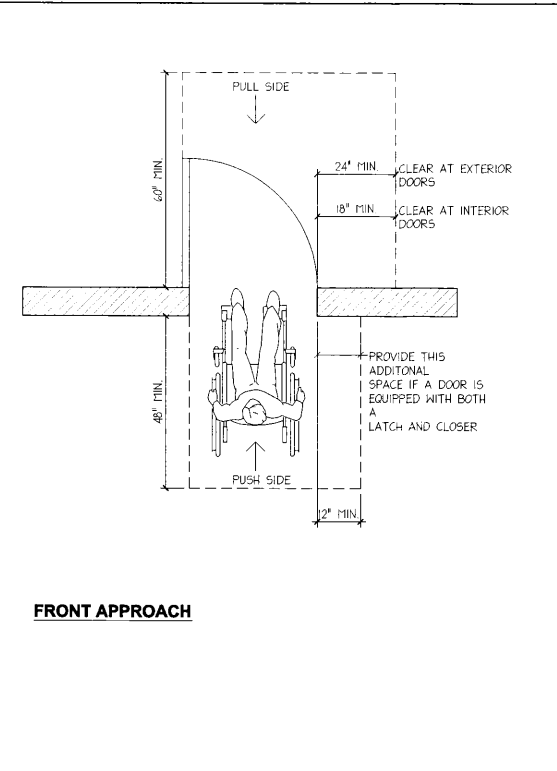
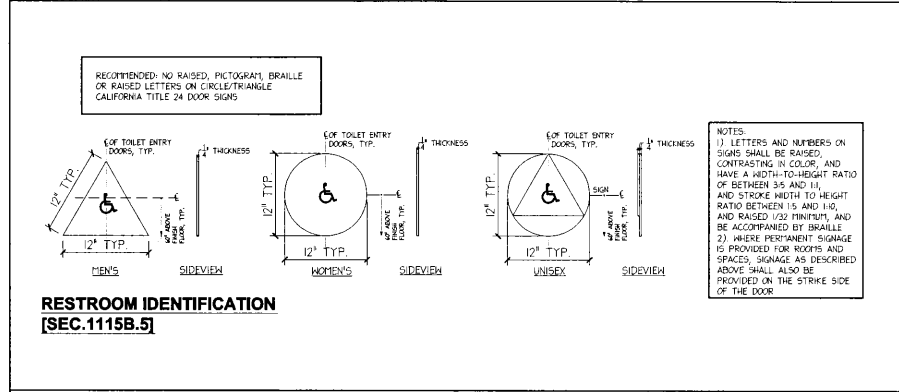
Of 3 Sheets

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LOCATION
 TYPE V-B 3 STORY MEDICAL BUILDING
 4411 GEARY BOULEVARD
 SAN FRANCISCO CA 94118
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SHEET TITLE
 ACCESSIBILITY DETAILS



MAX. DOOR CLOSER PRESSURES

5.0 LBS.	INTERIOR
8.5 LBS.	EXTERIOR
15.0 LBS.	FIRE

(UP TO 15 LBF. MAX. FORCE NECESSARY FOR DOOR TO CLOSE & LATCH)

THE SWEEP PERIOD AT THE CLOSER SHALL BE ADJUSTED SO THAT FROM AN OPEN POSITION OF 70 DEGREES THE DOOR WILL TAKE AT LEAST 3 SECONDS TO MOVE TO A POINT 3" FROM THE LATCH, MEASURED TO THE LEADING EDGE OF THE DOOR (ADAAG 4.13.10)

