



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: DECEMBER 15, 2011
CONSENT CALENDAR

Date: December 8, 2011
Case No.: **2011.1163C**
Project Address: **242 BALBOA STREET**
Zoning: NC-2 (Neighborhood Commercial, Small-Scale)
80-A Height and Bulk District
Block/Lot: 1546/019
Project Sponsor: Brian Hofer & Chijeh Hu
Law Office of Chijeh Hu
456 8th Street
Oakland, CA 94607
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is a request for Conditional Use Authorization under Sections 303 and 711.54 of the Planning Code to convert a vacant commercial space (formerly occupied by a retail video store) with approximately 1,800 square feet of floor area into a massage establishment (d.b.a. Paradise Health Center) on the ground floor of the three-story, mixed-use building within an NC-2 (Neighborhood Commercial, Small-Scale) 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 located on the north side of Balboa Street between 3rd and 4th Avenues; on Lot 019 of Assessor's Block 1546. The proposed massage establishment is located within an NC-2 Zoning District and a 40-X Height and Bulk District. The subject lot is approximately 3,230 square feet (34 feet wide by 95 feet deep) in size and is occupied by a three-story, mixed-use building built circa 1900. The three-story building is occupied by a vacant commercial space of approximately 1,800 square feet on the ground floor with three dwelling units on the upper floors. The building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. However, the building is included within the Inner Richmond Information Survey area.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Inner Richmond neighborhood. The majority of the surrounding development consists of two- to four-story residential and mixed-use buildings within this portion of the NC-2 Zoning District. Generally, the commercial establishments characterizing this portion of Balboa Street include a mixture of restaurants, business and professional offices, retail stores, and other neighborhood-serving commercial uses. On 3rd and 4th Avenues, running east and west of the project site, there are primarily two- to four-story residential buildings within the RH-2 (Residential, House, Two-Family) Zoning District.

The property immediately adjacent to the west at 590 4th Avenue is a four-story apartment building containing 12 residential units. The property immediately adjacent to the east at 234-236 Balboa Street is a two-story mixed-use building containing two residential units and commercial space on the ground floor.

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 25, 2011	20 days
Posted Notice	20 days	November 25, 2011	November 25, 2011	20 days
Mailed Notice	20 days	November 25, 2011	November 22, 2011	23 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization process.

PUBLIC COMMENT

- To date, the Department has not received any letters or phone calls in support of or 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 711.54 and 303 of the Planning Code to convert vacant commercial tenant space (formerly occupied by a retail video store) with approximately 1,800 square feet of floor area into a massage establishment (d.b.a. Paradise Health Center)

on the ground floor of the three-story, mixed-use building within the NC-2 Zoning District and 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 neighborhood-serving 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:
 - The proposed project will enhance the economic diversity of the neighborhood by allowing a new business in the area.
 - The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
 - The proposed project would be consistent with the mixed commercial-residential character of this portion of Balboa Street within the NC-2 Zoning District.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Parcel Map
Sanborn Map
Zoning District Map
Aerial Photograph
Site Photograph
Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input 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 checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Inclusionary Affordable Housing Program:
Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos | |

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

_____ CL _____
Planner's Initials

CL: G:\DOCUMENTS\2011\CU\2011.1163\242 Balboa St_ExecSummary.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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Case No.: **2011.1163C**
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 711.54 AND 303 TO CONVERT A VACANT GROUND FLOOR COMMERCIAL TENANT SPACE INTO A MASSAGE ESTABLISHMENT (D.B.A. PARADISE HEALTH CENTER) LOCATED AT 242 BALBOA STREET WITHIN AN NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL-SCALE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 18, 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 242 Balboa Street, Lot 019 in Assessor’s Block 1546 (hereinafter “Subject Property”), to convert a vacant commercial tenant space (previously occupied by a retail video store) with approximately 1,800 square feet in floor area into a massage establishment (d.b.a. Paradise Health Center) on the ground floor of the three-story, mixed-use building within an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District, in general conformity with plans dated May 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. 2011.1163C. 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 an NC-2 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. 2011.1163C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of Balboa Street between 3rd and 4th Avenues; on Lot 019 of Assessor's Block 1546. The proposed massage establishment is located within an NC-2 Zoning District and a 40-X Height and Bulk District. The subject lot is approximately 3,230 square feet (34 feet wide by 95 feet deep) in size and is occupied by a three-story, mixed-use building built circa 1900. The three-story building is occupied by a vacant commercial space of approximately 1,800 square feet on the ground floor with three dwelling units on the upper floors. The building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. However, the building is included within the Inner Richmond Information Survey area.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Inner Richmond neighborhood. The majority of the surrounding development consists of two- to four-story residential and mixed-use buildings within this portion of the NC-2 Zoning District. Generally, the commercial establishments characterizing this portion of Balboa Street include a mixture of restaurants, business and professional offices, retail stores, and other neighborhood-serving commercial uses. On 3rd and 4th Avenues, running east and west of the project site, there are primarily two- to four-story residential buildings within the RH-2 (Residential, House, Two-Family) Zoning District.

The property immediately adjacent to the west at 590 4th Avenue is a four-story apartment building containing 12 residential units. The property immediately adjacent to the east at 234-236 Balboa Street is a two-story mixed-use building containing two residential units and commercial space on the ground floor.

4. **Project Description.** The proposal is a request for Conditional Use Authorization under Sections 303 and 711.54 of the Planning Code to convert a vacant commercial space (formerly occupied by a retail video store) with approximately 1,800 square feet of floor area into a massage establishment (d.b.a. Paradise Health Center) on the ground floor of the three-story, mixed-use building within an NC-2 (Neighborhood Commercial, Small-Scale) 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 an NC-2 Zoning District. The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes. These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage. Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition 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 711.54 – Massage Use.** Section 711.54 allows massage establishments with Conditional Use Authorization in the NC-2 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 Partially Met:

The proposed massage establishment will have a frontage of approximately 13 feet, about 79% of which is committed to the commercial entrance 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 door 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 711.21** establishes size limits on non-residential use sizes in the NC-2 Zoning District. Within the District, Conditional Use authorization is required for any non-residential use that meets or exceeds 3,999 square feet.

The proposed massage establishment, with approximately 1,800 square feet of floor area, is within the principally permitted use size limitations.

- C. **Sections 711.22 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 1,800 square feet of floor area and thus does not require any off-street parking.

- D. **Section 711.27** 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 711.54** of the Planning Code allows massage establishments on the 1st floor in the NC-2 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 Lines 33-Balboa and 44-O'Shaughnessy) is within close proximity to the proposed massage establishment and 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-2 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-2 Zoning District, which is primarily a mixture of neighborhood-serving retail uses. 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 four massage employees.

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.

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 achieves 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. 2011.1163C** 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 1,800 square-foot vacant ground floor commercial tenant space (formerly occupied by a retail video store) into a massage establishment (d.b.a. Paradise Center) located within a three-story, mixed-use building at 242 Balboa Street in Assessor's Block 1546, Lot 019, pursuant to Planning Code Sections 711.54 and 303 within an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated May 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1163C 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.

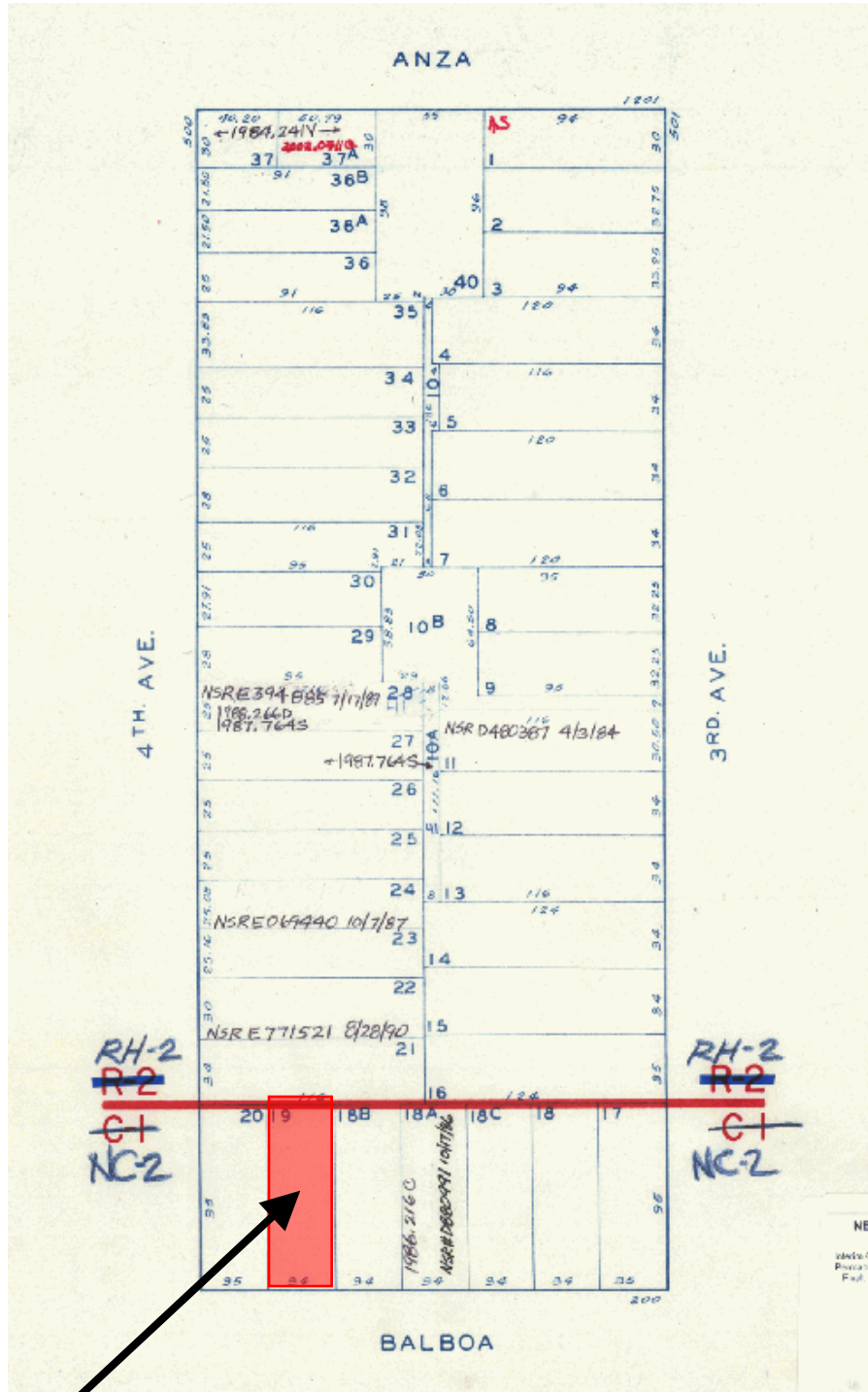
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

Parcel Map

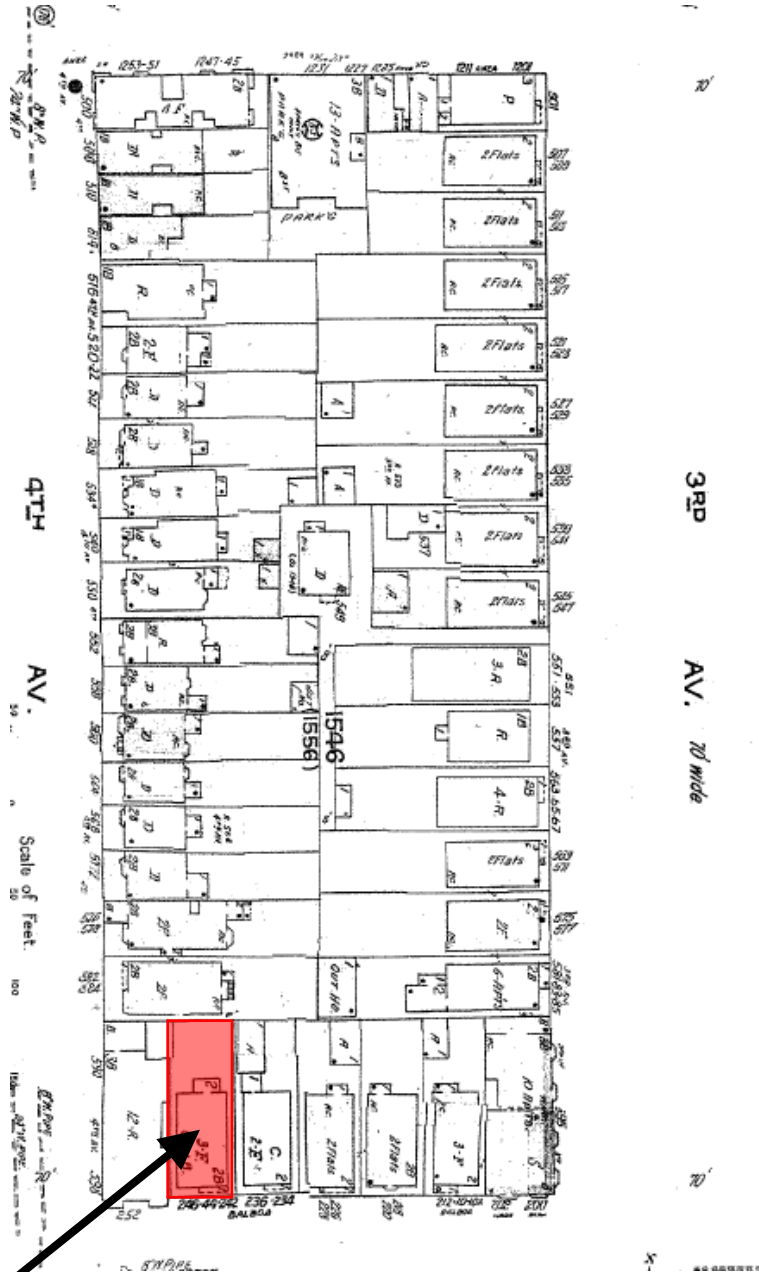


SUBJECT PROPERTY



Conditional Use Hearing
 Case Number 2011.1163C
 242 Balboa Street
 Block 1546 / Lot 019

Sanborn Map*



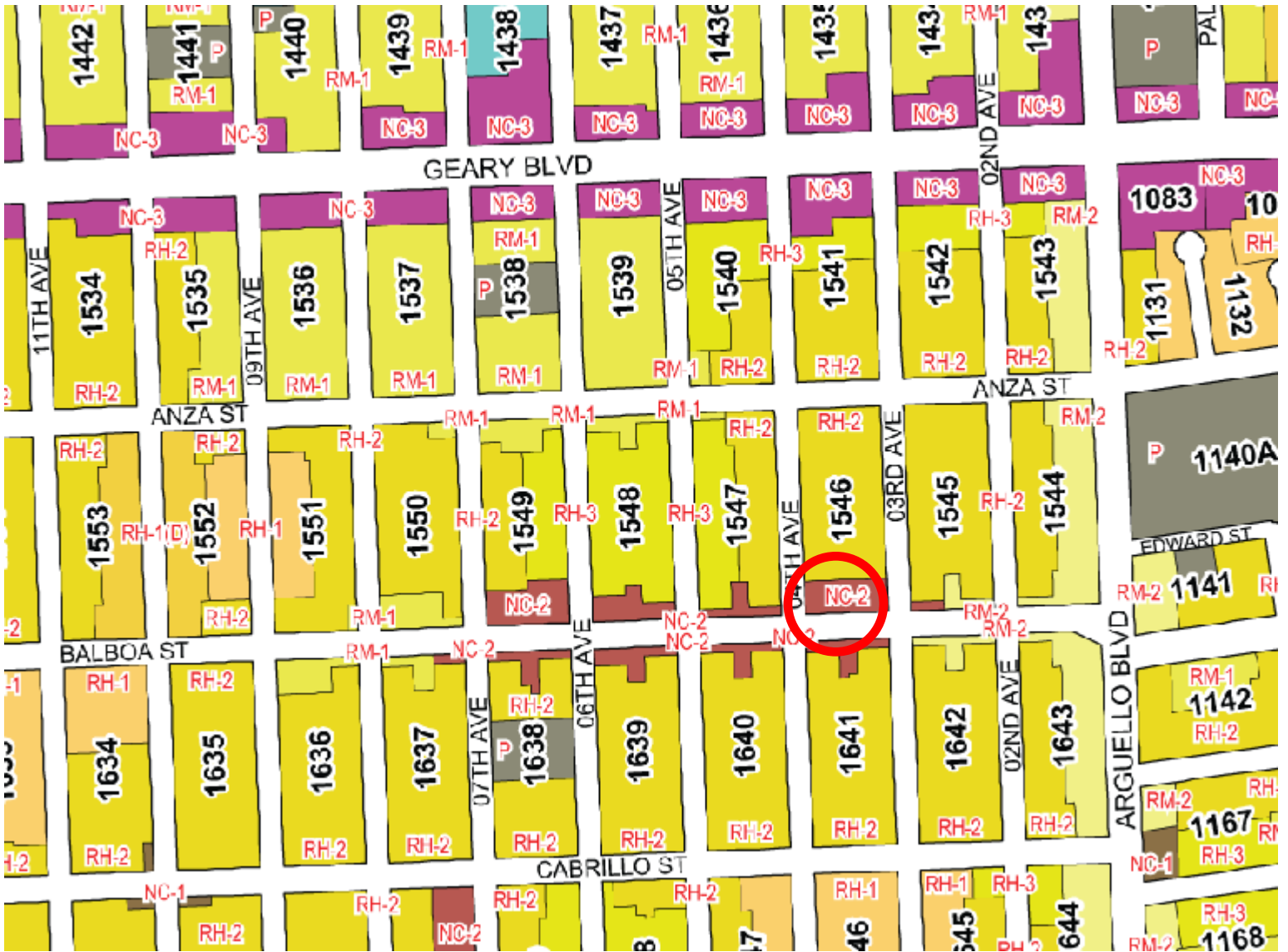
SUBJECT PROPERTY

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



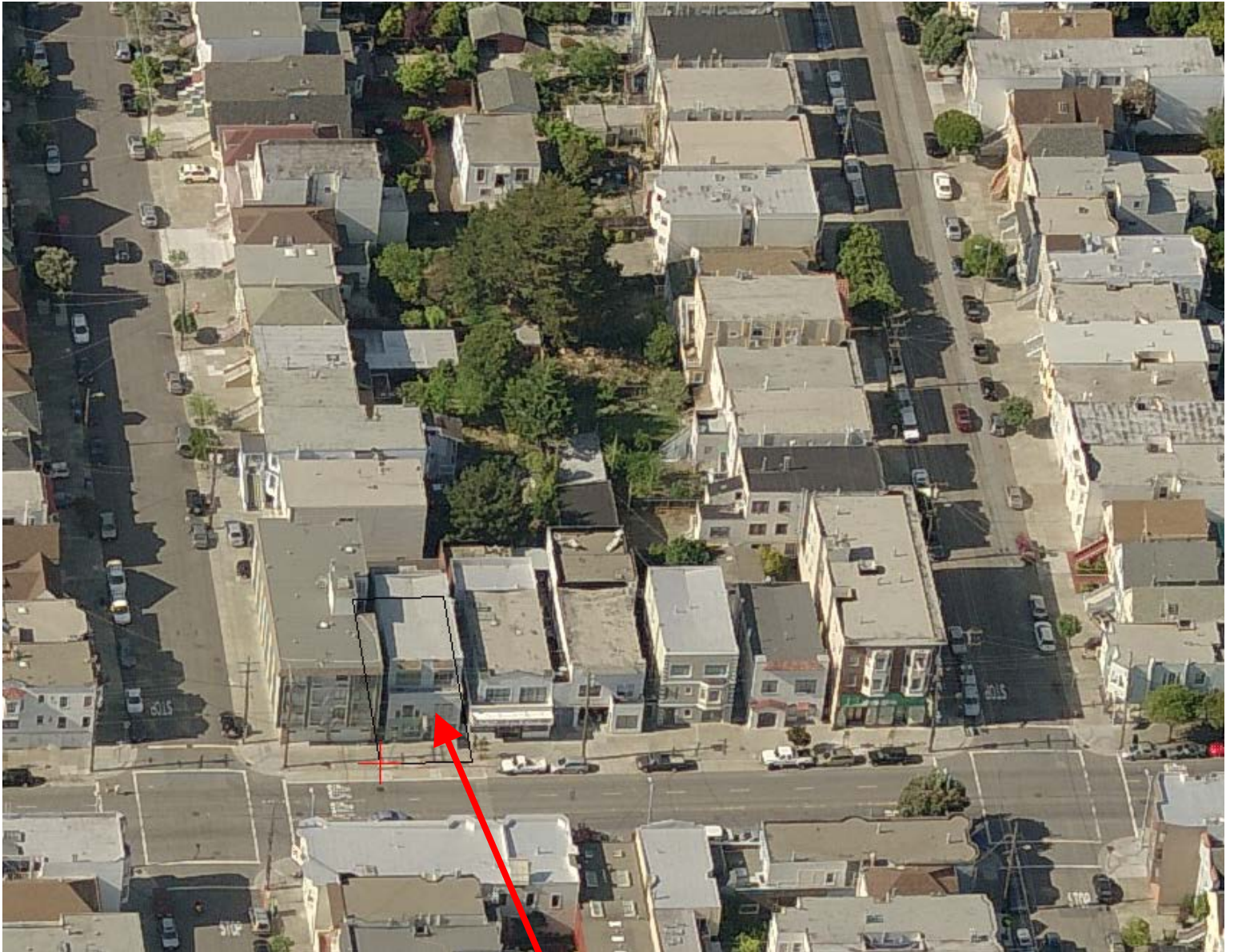
Conditional Use Hearing
Case Number 2011.1163C
242 Balboa Street
Block 1546 / Lot 019

Zoning Map



Conditional Use Hearing
Case Number 2011.1163C
242 Balboa Street
Block 1546 / Lot 019

Aerial Photo



SUBJECT PROPERTY

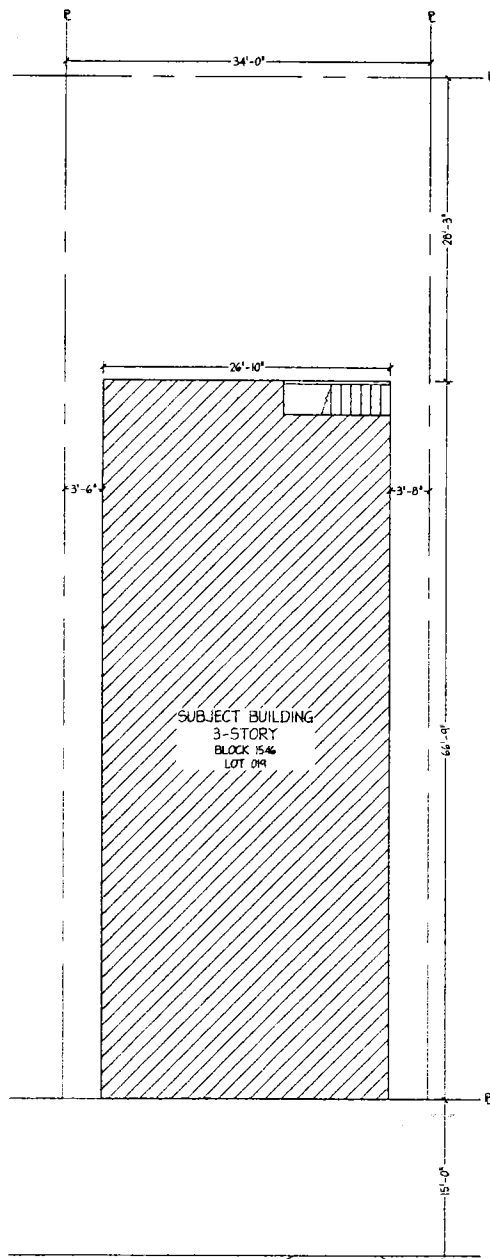


Conditional Use Hearing
Case Number 2011.1163C
242 Balboa Street
Block 1546 / Lot 019

Site Photo



Conditional Use Hearing
Case Number 2011.1163C
242 Balboa Street
Block 1546 / Lot 019



BALBOA STREET
 (E) PLOT PLAN
 SCALE: 1/8" = 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.

- The proposed use of the project is _____ (e.g. Retail, Office, Restaurant, etc.)
- Describe the area of remodel, including which floor: _____
- 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).
- 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-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	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 area 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"/>	
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"/>	
2b. ramps	<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"/>	
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"/>	
2f. other: _____	<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"/>	
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"/>	
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"/>	
6. Signage.	<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"/>	
8. Parking	<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"/>	
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"/>	

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

ADDRESS: 242 BALBOA STREET,
 SAN FRANCISCO, CA 94118
 BLOCK 1546 LOT 019 TYPE VB 3-STORY
 EXISTING VACANT RETAIL STORE G/F
 3 RESIDENTIAL UNITS ABOVE

SCOPE OF WORK:
 CONVERT EXISTING VACANT VIDEO STORE INTO A FOOT
 AND BODY MASSAGE ESTABLISH WITH 4 EMPLOYEES
 AND OPERATION HOURS FROM 10:00AM TO 10:00PM DAILY.

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

GENERAL NOTES:

- ALL WORK BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL CODES, LAWS AND REGULATIONS.
- CONTRACTOR IS DIRECTED TO VISIT SITE AND BE FULLY COGNIZANT OF ALL CONDITIONS PRIOR TO PROPOSAL. VERIFY EXACT LOCATION, ELEVATIONS, SIZES AND CONDITIONS OF EXISTING UTILITIES ASSOCIATED WITH THE PROJECT. ANY EXTRA EXPENSES DUE TO FAILURE TO MAKE SUCH EXAMINATION, WHERE CHANGES ARE NECESSARY TO PERMIT THE INSTALLATION OF NEW WORK, SHALL BE MADE AT NO ADDITIONAL COST TO THE OWNER.
- THE DRAWING INDICATES THE GENERAL ARRANGEMENT AND LOCATION OF PIPING, DUCTWORK, ELECTRICAL, AND EQUIPMENT. MAKE DEVIATIONS THAT ARE NECESSARY TO MEET SITE CONDITIONS. ALL DEVIATIONS TO THE CONTRACT DOCUMENT, WHETHER SHOWN OR NOT, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE MADE AT NO EXTRA EXPENSE TO THE OWNER.
- CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED UTILITY SERVICES, INSPECTIONS AND PERMITS.
- ALL MECHANICAL WORK SHALL BE CONCEALED, UNLESS OTHERWISE NOTED.
- CLEAN THE PREMISES ON A DAILY BASIS TO LEAVE WORK AREA IN AN UNCLUTTERED CONDITION. RESTORE ALL DAMAGE WORK WHEN FINISHED WITH WORK.
- INSTALL THE ENTIRE MECHANICAL SYSTEM TO ELIMINATE ANY OBJECTIONABLE VIBRATION AND NOISE.
- OBTAIN AND FOLLOW MANUFACTURER'S DIRECTIONS WHEN INSTALL NEW EQUIPMENT. SUBMIT OPERATING AND MAINTENANCE MANUALS.
- CONTRACTOR SHALL GUARANTEE THAT THE WORK DONE UNDER THIS SPECIFICATION WILL BE FREE FROM FAULTY MATERIALS OR WORKMANSHIP AND HEREBY AGREES, UPON RECEIVING NOTIFICATION FROM THE OWNER, AND TO ITS ENTIRE SATISFACTION, ALL DEFECTS, DAMAGES OR IMPERFECTIONS APPEARING IN SAID WORK WITHIN A PERIOD OF ONE (1) YEAR FROM DATE OF FILING NOTICE OF COMPLETIONS.

LEGEND:

- NEW 2x4 WALL
- WALL WITH R-13 INSULATION
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- (N) NEW
- (E) EXISTING
- SMOKE DETECTOR, BATTERY
- NOV HARD WIRED SMOKE DETECTOR WITH CARBON MONOXIDE DETECTION WITH BATTERY BACKUP
- DUPLEX RECEPTACLE
- GR. FAULT INTERRUPTOR RECEPTACLE
- ARC FAULT INTERRUPTOR RECEPTACLE
- LIGHT SWITCH
- CEILING LIGHT
- WALL LIGHT
- FLOURESCENT LIGHT FIXTURE
- FLOURESCENT LIGHT WITH VENT AND BACKDRAFT DAMPER
- LIGHT WITH VENT
- HEATING OUTLET
- FURNACE
- WATER HEATER
- WASHER
- DRYER

REVISIONS BY

PREPARED BY
 TOP FLANGE DESIGNS
 TONY K. FONG, P.E.
 2618 26th Avenue
 San Francisco, CA 94116
 TEL. 415-810-4503

OWNER
 HUNA ZHI JIANG
 5009 STRAWHAT WAY
 ANTIPOCH CA

LOCATION
 242 BALBOA STREET
 SAN FRANCISCO, CA 94118
 BLOCK 1546 LOT 019

SHEET TITLE
 (E) PLOT PLAN, DA CHECKLISTS,
 NOTES AND LEGEND

Date MAY, 2011

Scale AS SHOWN

Drawn LOK

Job

Sheet

1

Of 3 Sheets

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. 3 of the D.A. Checklist. In general, projects valued over the threshold are not eligible for the 20% rule (see CBC 1134B.2.1 Exception 2 for a possible exception).

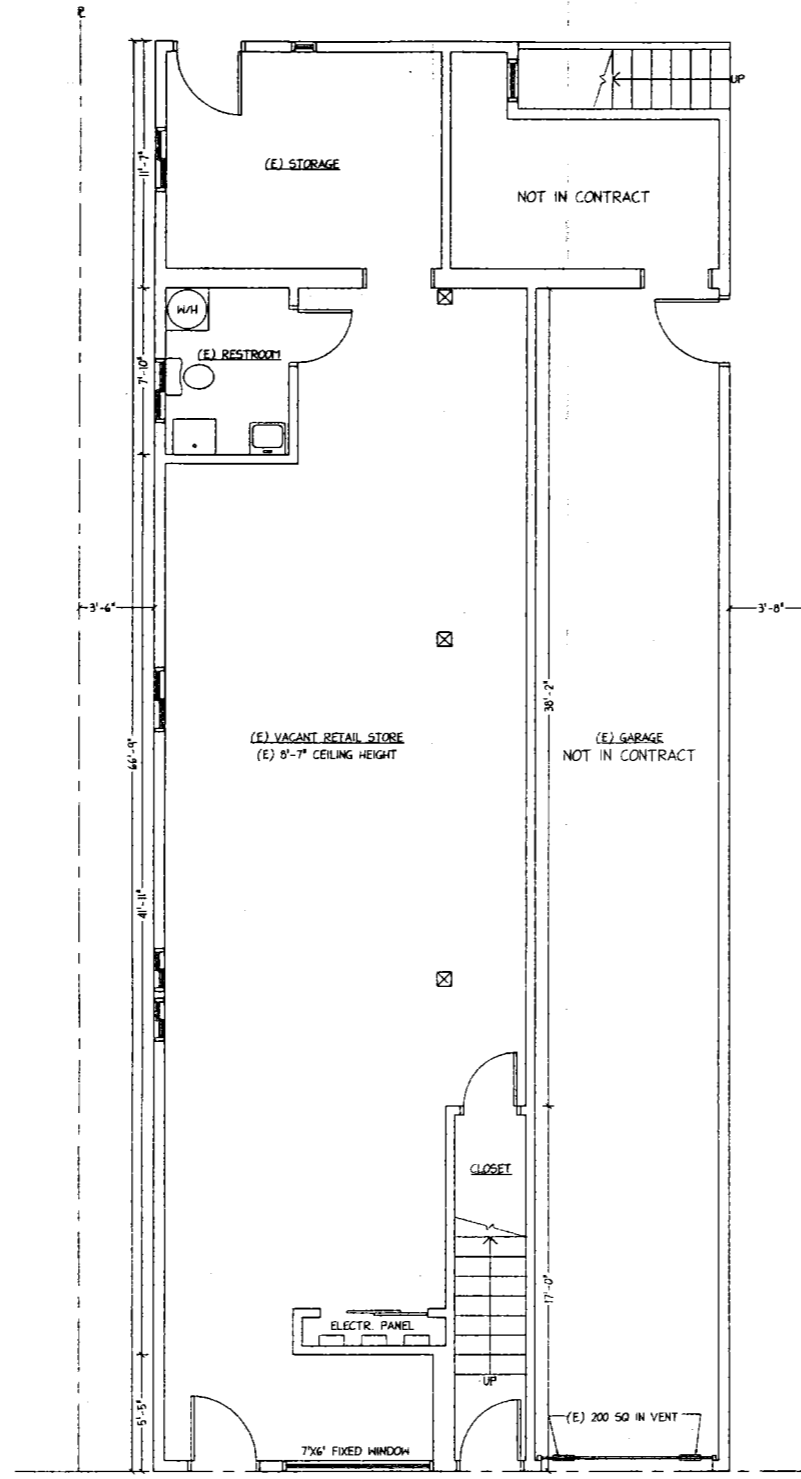
CBC 1134B.2.1 Exception 2 (abbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 1, even if the value of the project exceeds 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 (Must approximately equal to Line B)	\$ _____	\$ _____

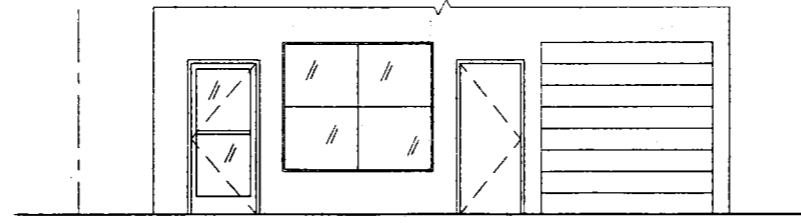
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LEGEND:

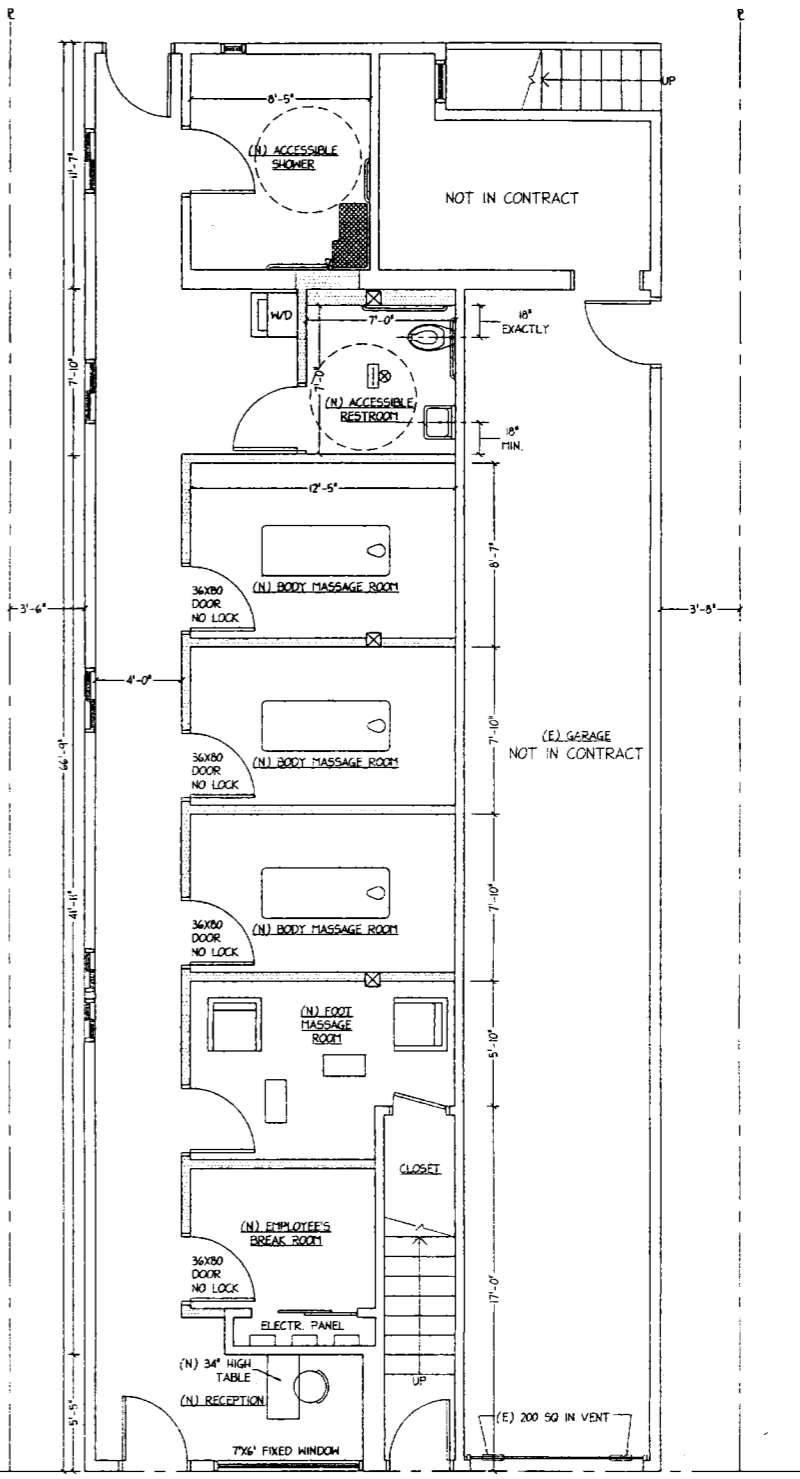
- MEH 2x4 WALL
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- LIGHT WITH VENT
- HEATING OUTLET
- FURNACE
- WATER HEATER
- WASHER
- DRYER



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



(E) FRONT ELEVATION
SCALE: 1/4"=1'-0"



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

REVISIONS	BY

PREPARED BY	TOP FLANGE DESIGNS TONY K. FONG, P.E. 2618 26th Avenue San Francisco, CA 94116 TEL: 415-810-4883
OWNER	HUAN ZHI JIANG 5009 Starr Mills Way Antioch, CA (415) 242-2088
LOCATION	242 BALBOA STREET, SAN FRANCISCO, CA 94118 BLOCK 1B.46 LOT 019
SHEET TITLE	(E) AND (N) FLOOR PLANS, (E) FRONT ELEVATION
Date	MAY, 2011
Scale	AS SHOWN
Drawn	LOK
Job	
Sheet	2
of 3 Sheets	