



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: OCTOBER 28, 2010

*Date:* October 21, 2010  
*Case No.:* **2010.0682 C**  
*Project Address:* **2332 TARAVAL STREET**  
*Zoning:* NC-2 (Neighborhood Commercial, Small-Scale)  
40-X Height and Bulk District  
*Block/Lot:* 2362/019  
*Project Sponsor:* Hao Bin Lee  
176 Farragut Avenue  
San Francisco, CA 94112  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
Elizabeth.Watty@sfgov.org  
*Recommendation:* **Approval with Conditions**

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Suite 400  
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### PROJECT DESCRIPTION

The Applicant proposes a change of use from a medical office to a massage establishment (dba Relax Feet Massage) that specifically focuses on foot massage, reflexology, hand, and back massage, pursuant to Planning Code Sections 711.54 and 790.60. The proposal does not include any tenant improvements, and is an independently owned and operated business.

### SITE DESCRIPTION AND PRESENT USE

The Project is located on the north side of Taraval Street, between 33<sup>rd</sup> and 34<sup>th</sup> Avenues, Block 2362, Lot 019, within the NC-2 (Neighborhood Commercial, Small-Scale) District, 40-X Height and Bulk District, and Parkside Neighborhood.

The Property is developed with a three-story mixed-use building, built circa 1992, containing one ground floor tenant space, which is currently vacant but most recently occupied by a medical office (dba Northeast Medical Center), a one-car garage, an office on the second floor, and two dwelling-units on the third floor. The subject tenant space contains approximately 13'-6" of frontage and approximately 760 gross square-feet of floor area.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located mid-block on Taraval Street between 33<sup>rd</sup> and 34<sup>th</sup> Avenues, in the Parkside Neighborhood. The Subject Property is adjacent to a three-story, two-family dwelling to the west, and a one-story commercial building with two personal service tenant spaces to the east. Properties directly across the street include a one-story structure containing Cal Insurance; a one-story structure containing Costello's Deuces bar; a three-story mixed-use building containing The Spot Martini Lounge at the ground floor; and a one-story industrial building including Oceanside Sheet Metal. The Project site is

located in an NC-2 District with a variety of neighborhood-serving uses. The surrounding residential properties on 33<sup>rd</sup> and 34<sup>th</sup> Avenues are zoned RH-1 (Residential, House, One-Family).

The Project Site is located in an NC-2 District, which 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. 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.

## ENVIRONMENTAL REVIEW

The Project was determined by the San Francisco Planning Department to be categorically exempt from environmental review, under Class 1 (Existing Facilities) of the State CEQA Guidelines, Section 15301, pursuant to Title 14 of the California Administrative Code.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 8, 2010	October 6, 2010	22 days
Posted Notice	20 days	October 8, 2010	October 8, 2010	20 days
Mailed Notice	20 days	October 8, 2010	September 30, 2010	28 days

## PUBLIC COMMENT

- The Department has received one comment in opposition to the change of use from a nearby resident, citing the abundance of existing massage establishments in the neighborhood and the lack of neighborhood parking, and has not received any comments in support of the project. The Department has conducted a survey of Taraval Street between 19<sup>th</sup> and 36<sup>th</sup> Avenues, and has

found only one other legally existing principle massage establishment (there are three existing establishments with accessory use massage, one of which has active enforcement). The Department does not see this as an over-concentration of massage establishments (see attached map).

## **ISSUES AND OTHER CONSIDERATIONS**

- The Planning Department contacted the Department of Public Health (DPH) and the Vice Crimes Division of the Police Department as part of the City's interdepartmental effort to regulate massage establishments. At this time, neither agency has concerns about the proposed massage establishment or the Applicant requesting Conditional Use Authorization; in fact, DPH recognized the Applicant as a "good operator".
- The Applicant operates four other food massage establishments throughout the City (1334 Ocean Avenue, 1117 Irving Street, 404 Balboa Street, and 445 Valencia Street). None of these locations have had any active enforcement cases.
- With respect to an application for a massage establishment as defined in Section 790.60 of the Planning Code, recent legislation requires that the Planning Commission shall consider the following additional findings:
  - Whether the applicant has obtained and maintains a permit for a massage establishment from the Department of Public Health;
  - Whether the façade is transparent and open to the public, with a preference for transparency; and
  - Whether the use includes pedestrian-oriented lighting, encouraging lighting during the post-sunset hours of operation;
  - Whether the use is reasonably oriented to facilitate public access. Barriers that make the 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.

## **REQUIRED COMMISSION ACTION**

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to allow a massage establishment within the NC-2 District.

## **BASIS FOR RECOMMENDATION**

The Department believes that the Conditions imposed on the Project are necessary and desirable under Section 303 of the Planning Code for the following reasons:

- The Project is a neighborhood serving use.
- As conditioned, the Project will meet all of criteria established in Planning Code Section 790.60.
- There is no indication that the applicant is involved in any illegal enterprises related to operating the proposed massage establishment.
- The Project will enhance the economic vitality of the neighborhood by allowing a new business to occupy a currently vacant ground-floor tenant space.
- The proposed business is not displacing any other neighborhood-serving use.

- The entire front facade is transparent with full visibility into the tenant space.
- The Project would be consistent with the small-scale mixed-use character of the NC-2 District.

<b>RECOMMENDATION:            Approval with Conditions</b>
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**Attachments:**

- Draft Motion
- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photographs
- Map of other massage establishments
- Reduced Plans

Attachment Checklist

- Executive Summary
- Draft Motion
- Parcel Map
- Sanborn Map
- Zoning District Map
- Aerial Photo

- Context Photos
- Map of other Massage Establishments
- Project sponsor submittal
- Drawings: Existing Conditions
- Check for legibility

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

EW  
Planner's Initials



# 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 Draft Motion

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 711.54 AND 790.60, TO ALLOW A CHANGE OF USE FROM A MEDICAL OFFICE TO A MASSAGE ESTABLISHMENT (DBA RELAX FEET MASSAGE) FOR THE PROPERTY AT 2332 TARAVAL STREET, LOCATED WITHIN THE NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL-SCALE) DISTRICT, TARAVAL STREET RESTAURANT AND FAST FOOD SUBDISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On August 12, 2010, Hao Bin Lee (Project Sponsor) filed an application (hereinafter “Application”) with the Department for Conditional Use Authorization under Planning Code Sections 711.54 and 790.60, to allow a change of use to a massage establishment (dba Relax Feet Massage), associated with the property at 2332 Taraval Street, within the NC-2 (Neighborhood Commercial, Small-Scale) Zoning District, Taraval Street Restaurant and Fast Food Subdistrict, and 40-X Height and Bulk District.

On October 28, 2010, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Application No. 2010.0682C.

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 (Existing Facilities) categorical exemption. The Commission has reviewed and concurs with said determination.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.0682C, 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 is located on the north side of Taraval Street, between 33<sup>rd</sup> and 34<sup>th</sup> Avenues, Block 2362, Lot 019, within the NC-2 (Neighborhood Commercial, Small-Scale) District with a 40-X Height and Bulk District.

The Property is developed with a three-story mixed-use building, built circa 1992, containing one ground floor tenant space, which is currently vacant but most recently occupied by a medical office (dba Northeast Medical Center), a one-car garage, an office on the second floor, and two dwelling-units on the third floor. The subject tenant space contains approximately 13'-6" of frontage and approximately 760 gross square-feet of floor area.

3. **Surrounding Properties and Neighborhood.** The Project Site is located mid-block on Taraval Street between 33<sup>rd</sup> and 34<sup>th</sup> Avenues, in the Parkside Neighborhood. The Subject Property is adjacent to a three-story, two-family dwelling to the west, and a one-story commercial building with two personal service tenant spaces to the east. Properties directly across the street include a one-story structure containing Cal Insurance; a one-story structure containing Costello's Deuces bar; a three-story mixed-use building containing The Spot Martini Lounge at the ground floor; and a one-story industrial building including Oceanside Sheet Metal. The Project site is located in an NC-2 District with a variety of neighborhood-serving uses. The surrounding residential properties on 33<sup>rd</sup> and 34<sup>th</sup> Avenues are zoned RH-1 (Residential, House, One-Family).

The Project Site is located in an NC-2 District, which 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. 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.

4. **Project Description.** The Applicant proposes a change of use from a medical office to a massage establishment (dba Relax Feet Massage) that specifically focuses on foot massage, reflexology, hand, and back massage, pursuant to Planning Code Sections 711.54 and 790.60. The proposal does not include any tenant improvements.

The proposed use is an independent use, which has been encouraged throughout San Francisco. The Applicant currently operates 4 other similar businesses under the same name, all of which are located in San Francisco. The proposed use is not considered a Formula Retail use.

5. **Public Comment.** The Department has received one phone call in opposition to the project from a nearby property owner. She feels that there is a sufficient amount of massage establishments in the neighborhood and that the project would have impacts on parking. The Department has not received any support for the project. The Department has conducted a survey of Taraval Street between 19<sup>th</sup> and 36<sup>th</sup> Avenues, and has found only one other legally existing principle massage establishment (there are three existing establishments with accessory use massage, one of which has active enforcement). The Department does not see this as an over-concentration of massage establishments.

The Department has contacted the Department of Public Health (DPH) and the Police Department's Vice Crimes Division regarding this proposal. Neither agency has had any calls for service, citations, or violations in association with the existing business or the Applicant.

The Department has contacted the Department of Public Health (DPH) and the Police Department's Vice Crimes Division regarding this proposal. Neither agency has had any calls for service, citations, or violations in association with the existing business or the Applicant. In fact, the Department of Public Health stated that Project Sponsor (who also operates four other foot massage establishments in the City) is a good operator.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the following relevant provisions of the Planning Code:



- A. **Use Size.** Planning Code Section 711.21 establishes size limits on non-residential uses sizes in the NC-2 District. Within the District, Conditional Use Authorization is required for any non-residential use that meets or exceeds 4,000 square feet of gross floor area.

*At approximately 760 gross square-feet of floor area, the proposed use size is within the principally permitted use size limitations.*

- B. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. All signage is subject to the review and approval of the Planning Department prior to its installation.

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

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Project is necessary and desirable because it will provide a foot massage use for local residents and visitors of the Sunset Neighborhood. The authorization of this massage establishment not result in the displacement of any other neighborhood serving use, as the subject tenant space is currently vacant. This will compliment the mix of goods and services currently available in the District and contribute to the economic vitality of the neighborhood.*

- 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;

*There are no proposed alterations to the interior or exterior of the existing building.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Planning Code does not require parking or loading for a massage establishment measuring approximately 760 square-feet of gross floor area (520 square feet of occupied) in an NC-2 District. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

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

*The proposal will not create any offensive emissions due to the nature of the use.*

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

*The Project is not expected to create a constant demand for on-street loading as there are minimal supplies delivered in association with a massage establishment. The Department shall review all lighting and signs proposed for the business in accordance with Condition of Approval No. 7 of Exhibit A.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is – on balance – consistent with the Objectives and Policies of the General Plan detailed below.*

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

*The Project is consistent with the stated purpose of NC-2 Districts in that the proposed use is intended to be neighborhood-serving business and it is located at the ground floor.*

- 8. **Planning Code Section 711.54** allow massage establishments at the first floor with a Conditional Use Authorization in the NC-2 District. Section 790.60 of the Planning Code defines a massage establishment and requires the Planning Commission to make findings in addition to those required under Planning Code Section 303 (c), based on the following criteria:
  - a. 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.

***Criteria Met***

*The Applicant has filed for a massage permit with the Department of Public Health. Condition of Approval No. 4 ensures that the Applicant maintains – in good standing – the Massage Establishment Permit with the Department of Public Health. Failure to do so may result in this Conditional Use Authorization being revoked by the Planning Commission.*

- b. Whether the use's façade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a façade 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.

**Criteria Met:**

*The street frontage for this massage use measures approximately 13'-6", with nearly the entire frontage devoted to the tenant space entrance or windows at the pedestrian eye-level.*

- ii. Windows that use clear, untinted glass, except for decorative or architectural accent.

**Criteria Met:**

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

- iii. Any decorative railings or decorative grille work other than wire mesh which is placed 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.

**Criteria Met.**

*The commercial frontage is predominantly dedicated to large picture windows. There are no bars or grills in front of or behind such windows. Conditions of Approval No.'s 11 and 12 ensure continued compliance with this Criterion.*

- c. 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 the massage use during the post-sunset hours of the massage use are encouraged.

**Criteria Not Met**

*In order to ensure pedestrian-oriented lighting, San Francisco recommends 1.2 foot candles per square foot of frontage, with the source of light installed no more than 12 feet above grade. The proposal includes three 60-100 watt bulbs installed approximately 8'-0" above grade, directly in front of the entry, which is considered adequate pedestrian oriented lighting, and thus in compliance with this criterion.*

- d. 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.

**Criteria Met**

*Based on Planning Department staff's site visit on 10/8/10, the interior layout of the business is oriented such that there is direct access and visibility from the street. The space includes one large room at the front of the tenant space where all of the massage work will be conducted. There will be no massage performed within the room located at the rear of the tenant space, as this room will be dedicated for tenant storage and an employee break room. The commercial storefront is almost*

*entirely dedicated to glazing, with direct visibility into the open tenant space. There are no security cameras or buzzers installed in association with this business.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

#### **Policy 1.1:**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

#### **Policy 1.2:**

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

#### **Policy 1.3:**

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

*The authorization of a massage establishment within the existing vacant commercial space (previously a medical use) will provide desirable services and employment opportunities to individuals who live in, work in, or visit the neighborhood. The Project will provide net benefits to the community by providing a foot massage service on Taraval Street within the NC-2 District.*

*The Department has contacted the Department of Public Health and the Police Department's Vice Crimes Division, and there is no history of violations, citations, or complaints for this business or the Applicant.*

#### **OBJECTIVE 2:**

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

#### **Policy 2.1:**

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

#### **Policy 2.3:**

Maintain a favorable social and cultural climate in the City in order to enhance its attractiveness as a firm location.

*The Project will be located within an existing commercial tenant space and will enhance the diverse economic base of the City. It also adds a desirable amenity of foot massage for consumers of the Taraval Street Neighborhood Commercial Corridor.*

**OBJECTIVE 3**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES 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 opportunities for unskilled and semi-skilled workers.

**Policy 3.2:**

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

*The Project represents a new commercial establishment within an existing vacant storefront, which will service the residents of the Parkside Neighborhood and patrons of the Taraval Street NC-2 District. The Relax Feet Massage business is a small, independently-owned business that currently operates at four other locations throughout the City; the addition of their fifth operation within a vacant tenant space will not displace any commercial or industrial firms. The Project will provide enhanced employment opportunities.*

**OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**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 Project. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project will not displace any neighborhood-serving retail use as the tenant space was most recently occupied by a medical office and is currently vacant. The proposed massage establishment is an independent locally-owned small business.*

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

*The existing two dwelling-units located within the mixed-use building will be conserved and protected. The existing ground floor tenant space will not be expanded as part of the change of use. Furthermore, the neighborhood character will be preserved by Conditions of Approval No.'s 9 and 11, which require that the blinds/curtains remain open during business hours and that any existing tinting on the windows be removed prior to occupancy.*

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

*The Project will not affect the supply of affordable housing in the City. No housing will be removed as part of this Conditional Use request to change the ground floor use from a medical office to a massage establishment.*

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

*The change of use from a medical office to a massage establishment is not expected to adversely impact MUNI transit service, overburden the streets, or adversely impact neighborhood parking. The Project Sponsor does not expect more than 20 clients per day.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace or adversely affect any service- sector or industrial establishment, or any related employment opportunities. Rather, the business will provide new service sector employment opportunities by occupying a currently vacant tenant space.*

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

*There are no tenant improvements associated with this Project; the scope of work is to change the use at the ground floor only. As such, this Project will not impact the structure's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*There are no exterior modifications proposed as part of this Project, and there are no landmarks or historic buildings located on the Subject Property.*

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

*The Project will have no negative impact on existing parks or open spaces, as it is a change of use within an existing ground floor commercial space. The Project does not include any expansion of the existing mixed-use building.*

11. 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.
12. 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. 2010.0682C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on August 12, 2010, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. \_\_\_\_\_. 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 October 28, 2010.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: October 28, 2010



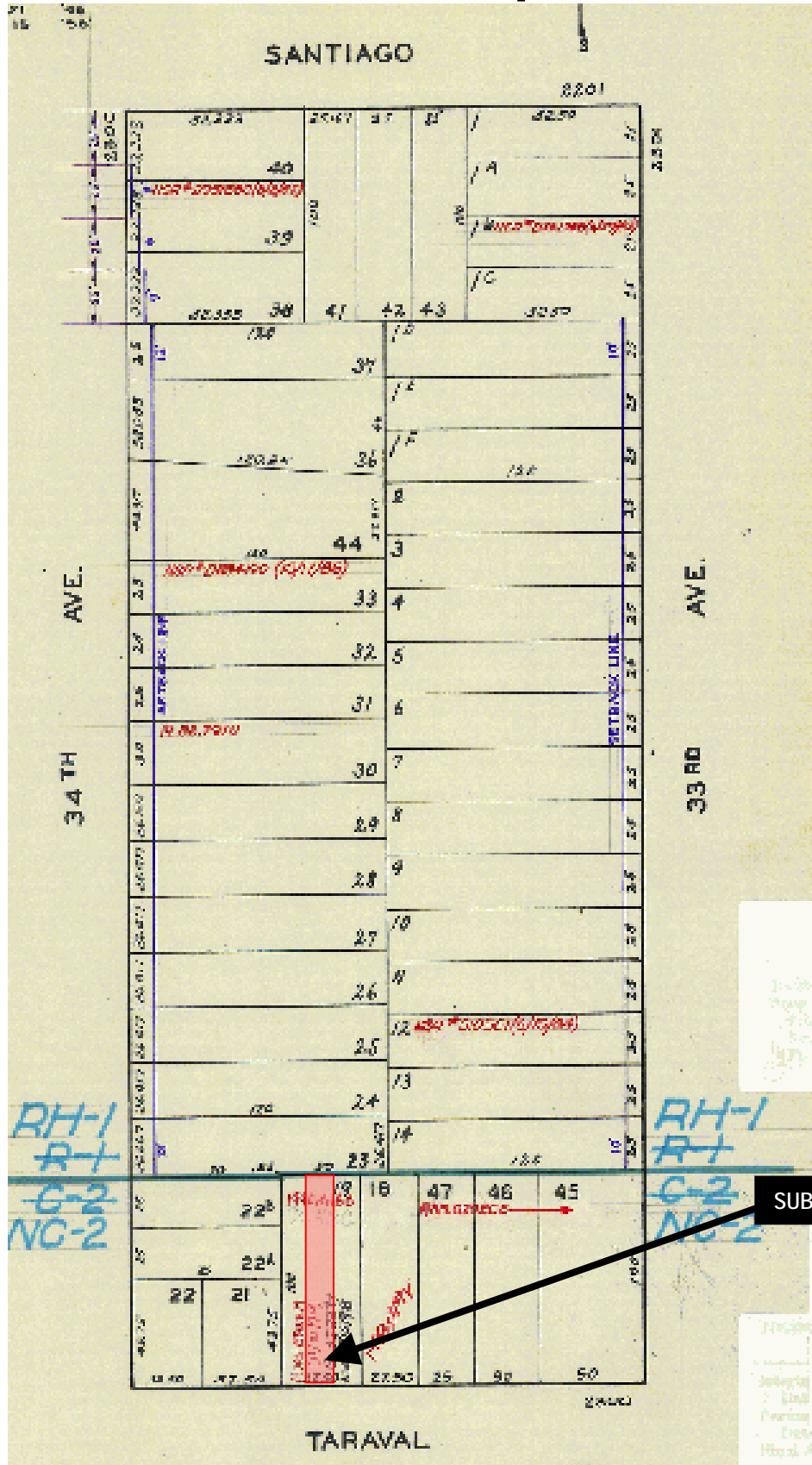
## Exhibit A

# Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 711.54 and 790.60, to allow a change of use from a medical office to a massage establishment (specifically foot massage – dba Relax Feet Massage) at 2332 Taraval Street within the NC-2 (Neighborhood Commercial, Small-Scale) District, Taraval Street Restaurant and Fast-Food Subdistrict, and 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on August 12, 2010, and stamped “EXHIBIT B” included in the docket for **Case No. 2010.0682C**, reviewed and approved by the Commission on October 28, 2010.
2. Prior to the issuance of any Building Permit for the Project or the approval of any Health Department Referral, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco for the premises (Assessor’s 2390, Lot 043), which notice shall state that a change to the hours of operation for the existing massage establishment has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
4. The Planning Commission may revoke this Conditional Use Authorization if the Department of Public Health revokes the health permit for massage.
5. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
6. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit, building permit or health referral for the Project has not been secured by Project Sponsor. This Authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection or Department of Public Health is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.
7. All signage and exterior lighting for the business shall be reviewed and approved by the Planning Department before any new installations or modifications are made to the existing signage or lighting. The existing entrance lighting must remain on from dusk until the business is closed.

8. The entry to the massage establishment shall remain directly visible from the public right-of-way and not through a private or shared corridor. 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.
9. Any and all interior alterations shall be routed to the Planning Department to verify compliance with these Conditions of Approval.
10. 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.
11. The Project Sponsor shall maintain an attractive storefront, providing visibility of the massage use interior through the storefront windows. No tinting or reflective coating is permitted on any glazing visible from the public right-of-way.
12. 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.
13. The front door to the business must be open during business hours. The use of a buzzer and security camera system is not permitted.
14. 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 a.m. to 10:00 p.m
15. 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.

# Parcel Map

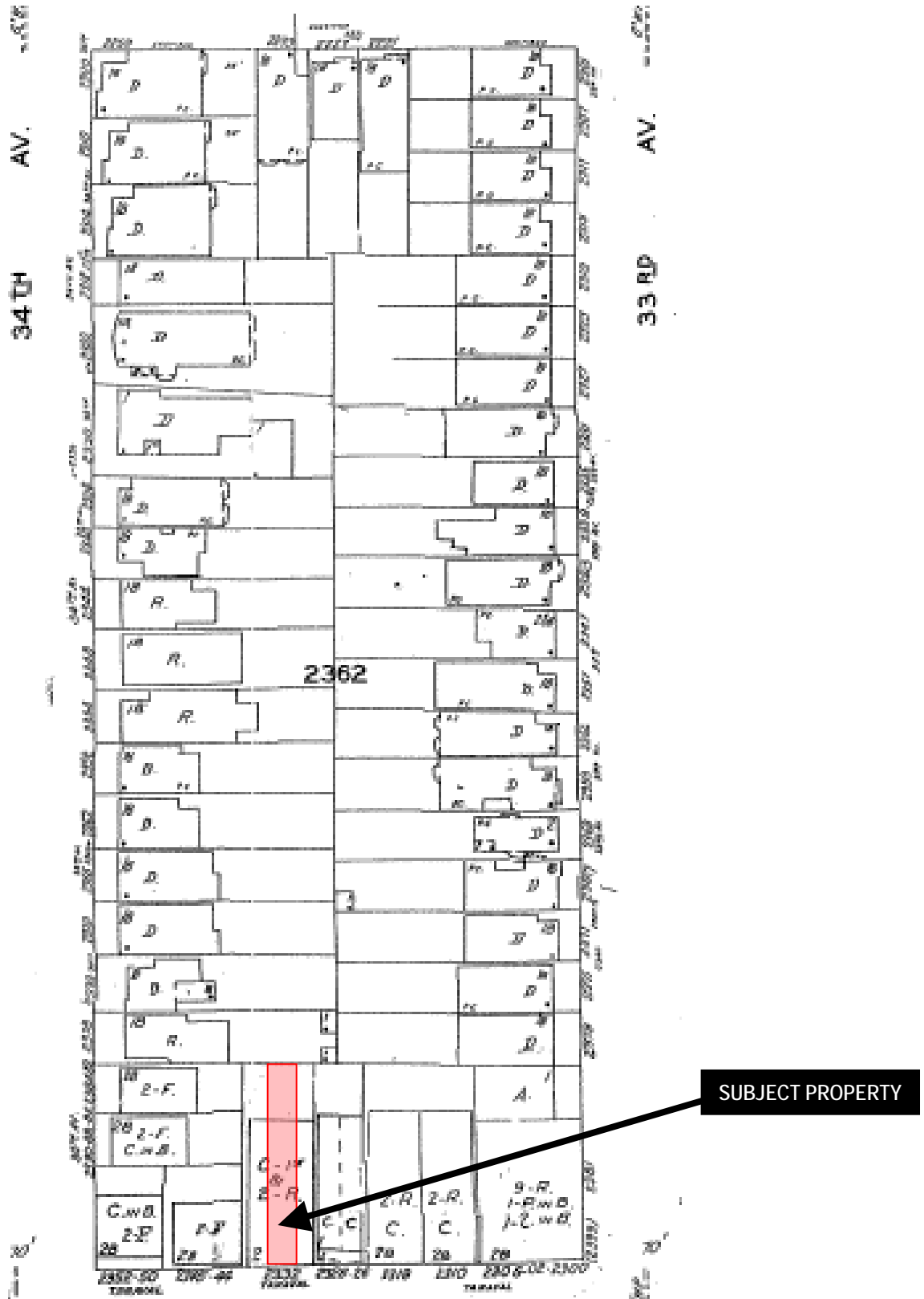


**SUBJECT PROPERTY**



CONDITIONAL USE – Massage Use  
 dba Relax Feet Massage  
 Case Number 2010.0682 C  
 2332 Taraval Street

# 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 – Massage Use  
dba Relax Feet Massage  
Case Number 2010.0682 C  
2332 Taraval Street

# Zoning Map



## ZONING USE DISTRICTS

### RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

### RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

### NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

### SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

### COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)

### INDUSTRIAL DISTRICTS

C-M M-1 M-2

### CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

### RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

### REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

### DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

### MISSION BAY DISTRICTS

MB-OS MB-O

### PUBLIC DISTRICT

P



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2332 Taraval Street

# Aerial Photos



**SUBJECT PROPERTY**



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dba Relax Feet Massage  
Case Number 2010.0682 C  
2332 Taraval Street

# Aerial Photos

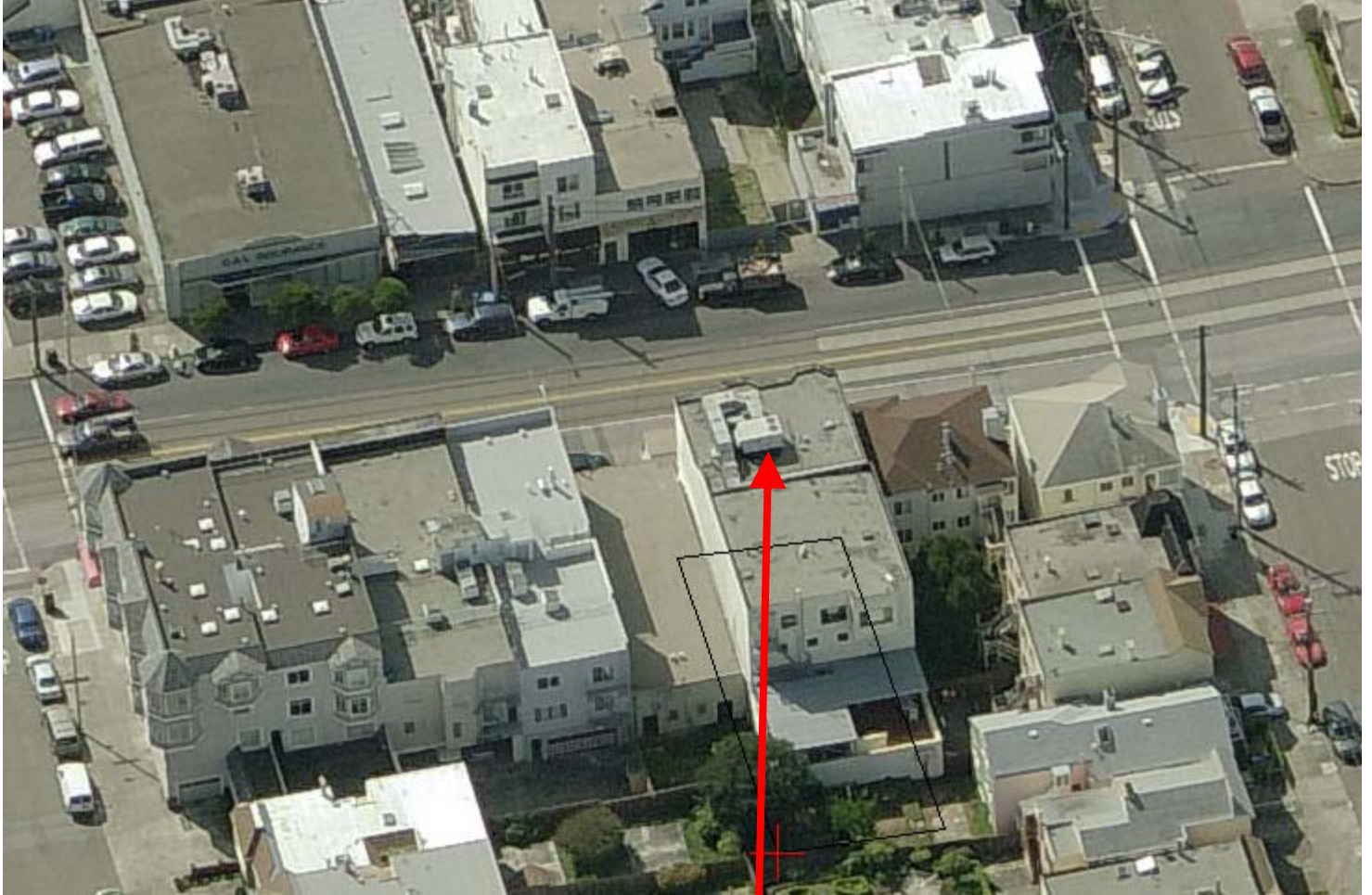


SUBJECT PROPERTY



CONDITIONAL USE – Massage Use  
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2332 Taraval Street

# Aerial Photos



SUBJECT PROPERTY



CONDITIONAL USE – Massage Use  
dba Relax Feet Massage  
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2332 Taraval Street



# Context Photos



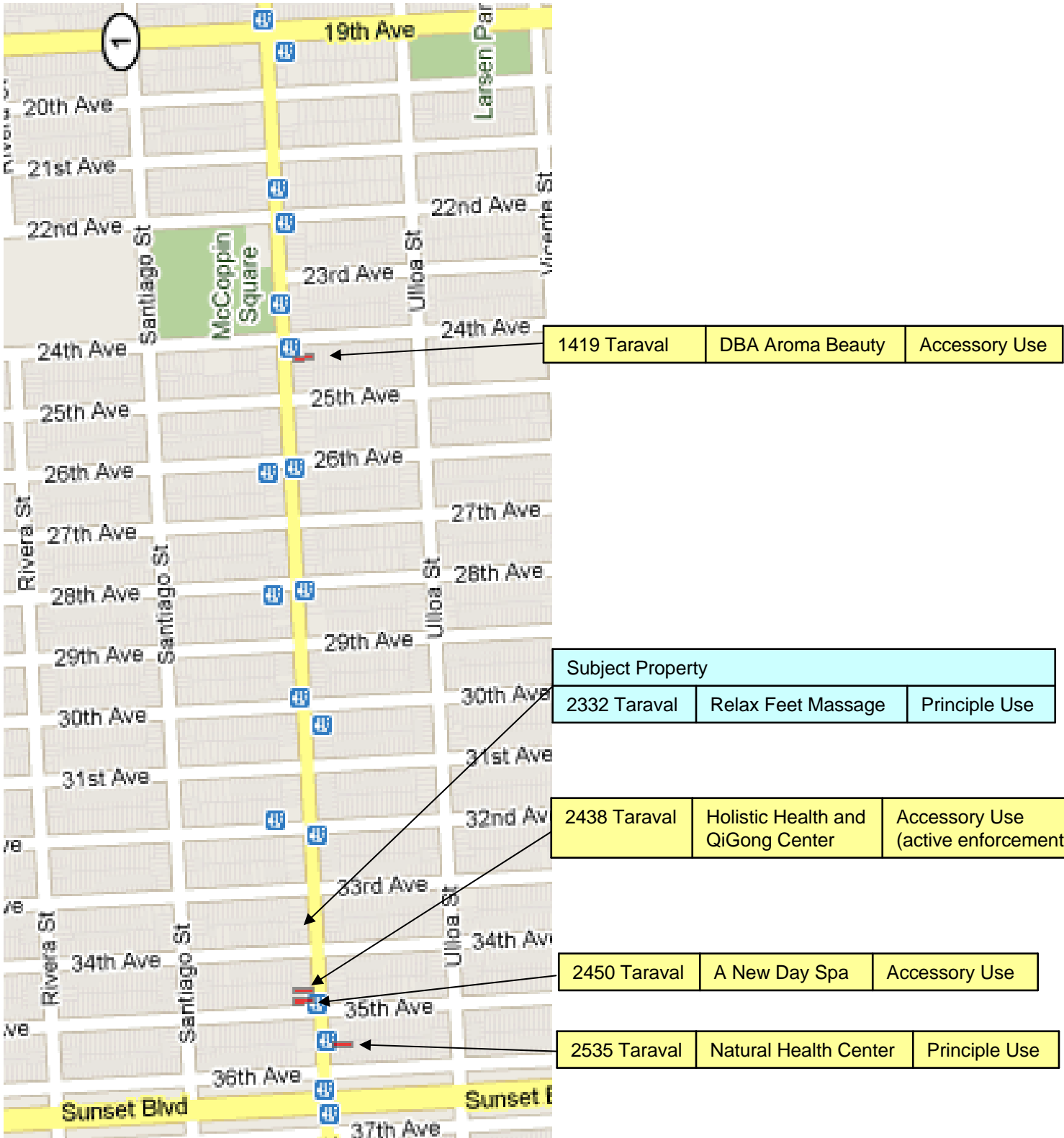
SUBJECT TENANT SPACE

ACROSS THE STREET FROM  
SUBJECT PROPERTY



CONDITIONAL USE – Massage Use  
dba Relax Feet Massage  
Case Number 2010.0682 C  
2332 Taraval Street

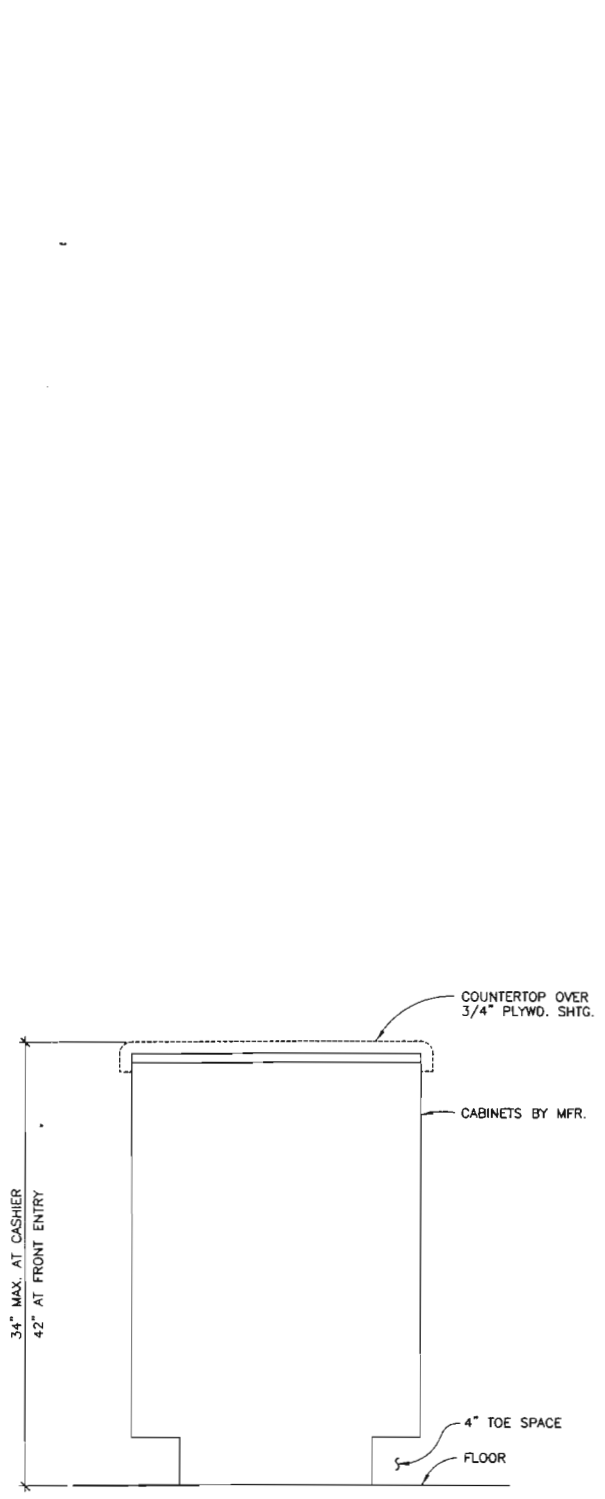
# Map of other massage establishments



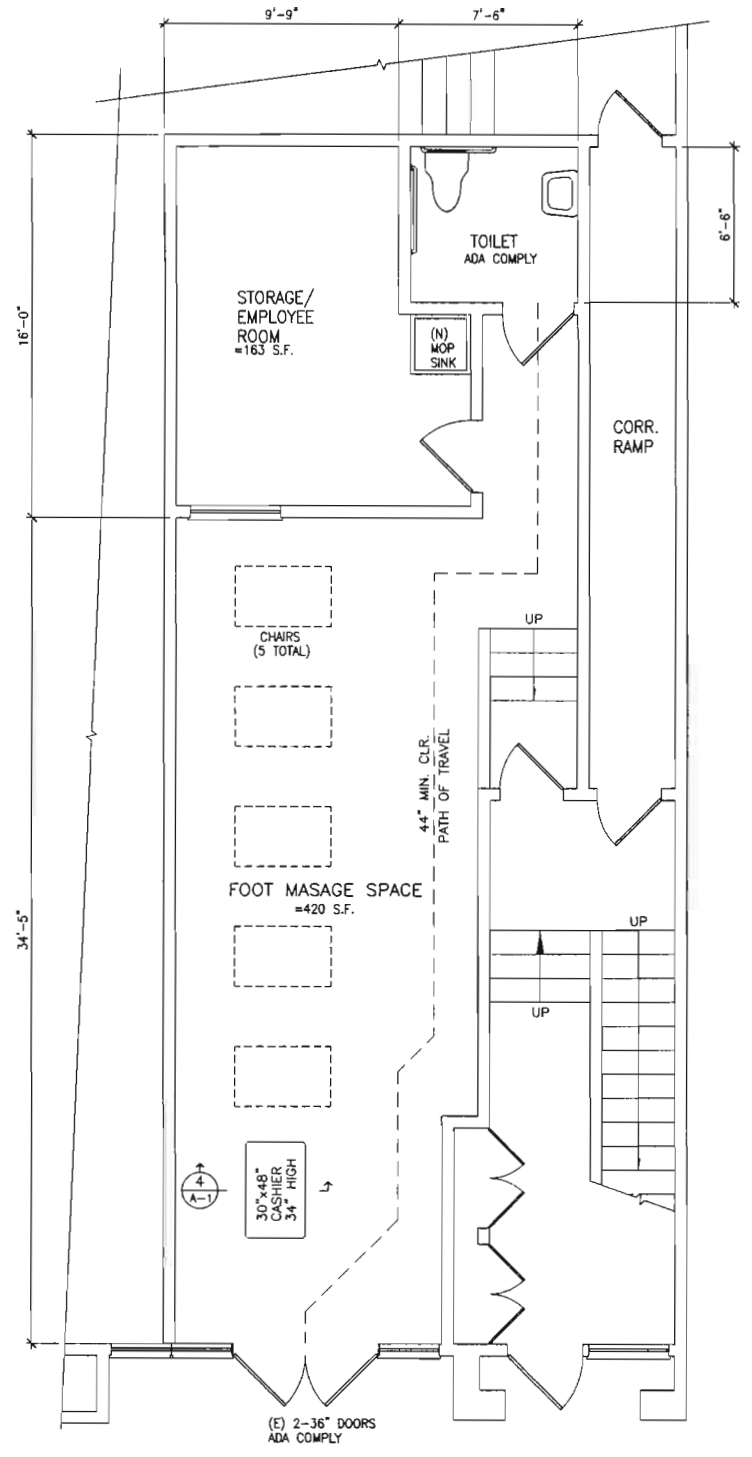
CONDITIONAL USE – Massage Use  
 dba Relax Feet Massage  
**Case Number 2010.0682 C**  
 2332 Taraval Street





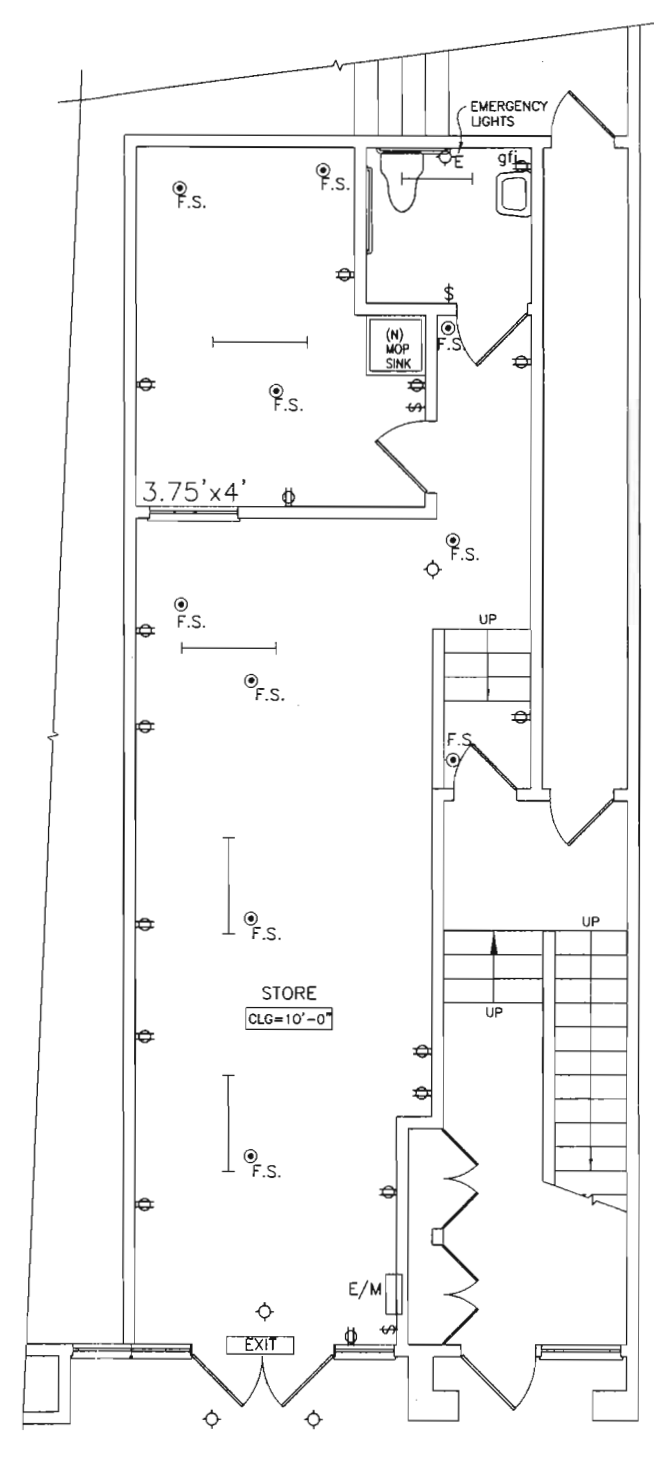


DETAIL 4 A-1  
NO SCALE

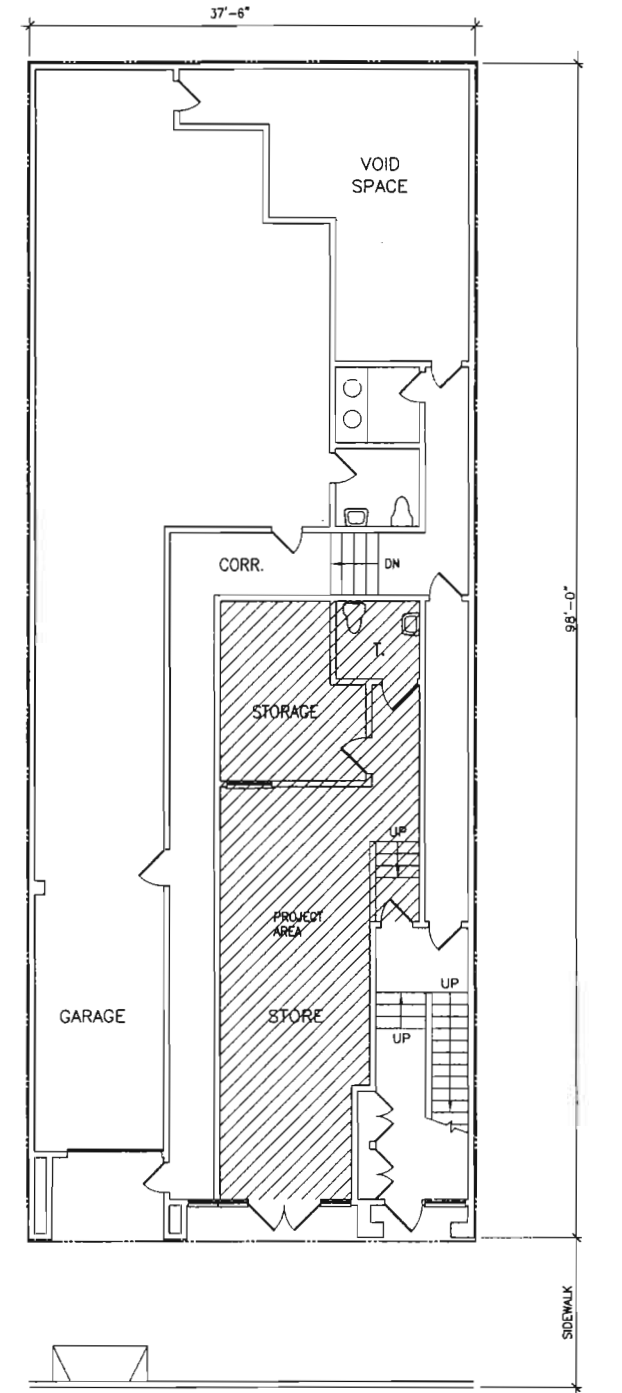


(N) PARTIAL GROUND FLOOR PLAN 3 A-1  
1/4" = 1'-0"

NOTE: ALL ELECTRICAL LIGHTING/RECEPTACLES SPRINKLERS AND HEATING TO REMAIN



(E) PARTIAL GROUND FLOOR PLAN 2 A-1  
1/4" = 1'-0"



SITE/(E) 1ST FLOOR PLAN 1 A-1  
1/8" = 1'-0"

BUILDING DATA		SHEET INDEX	
BLOCK AND LOT NO.	62/19	A-1	SITE AND FLOOR PLANS
ZONING	RH-1	SCOPE OF WORK: CONVERT (E) STORE TO FOOT MASSAGE SPACE	
TYPE OF CONSTRUCTION	V-B		
OCCUPANCY GROUP	R-3/B/U		

OWNER: TRISHA CLARK		
JOB ADDRESS: 2338 TARAVAL ST., S.F. CA 94116		
BLOCK/LOT	62/19	DRAWING SCALE: AS NOTED
SHEET TITLE	08/06/10	
SITE AND FLOOR PLANS		
DESIGNER:	TONY LEE 415-640-6474 1315 GENEVA AVE S.F., CA 94112	DRAWING NUMBER A-1 of 1