



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JULY 21, 2016

CONSENT CALENDAR

Date: July 11, 2016
Case No.: **2015-012678CUA**
Project Address: **2447 LOMBARD STREET**
Zoning: NC-3 Zoning District
40-X Height and Bulk District
Block/Lot: 0937/026
Project Sponsors: Bing Liu (applicant)
119 Lucy Lane
Richmond, CA 94801
Jack Lee Fong (property owner)
577 Columbus Avenue
San Francisco, CA 94133
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303(c), 712.54, and 790.60 to add a massage establishment use with approximately 430 square feet of floor area on the mezzanine level of a three-story, mixed-use building as an accessory use to an existing ground floor hair salon (d.b.a. Lombard Beauty Salon) within the NC-3 (Moderate-Scale) Neighborhood Commercial District and a 40-X Height and Bulk District. The proposed project will involve converting an existing workroom and storage rooms into the proposed massage establishment use. There are no exterior changes or expansion to the existing building envelope proposed.

SITE DESCRIPTION AND PRESENT USE

The project site is on the south side of Lombard Street between Divisadero and Scott Streets; Assessor's Block 0937; Lots 026. It is located within the NC-3 (Moderate-Scale) Neighborhood Commercial District and a 40-X Height and Bulk District. The subject lot is approximately 8,293 square-feet (77.5 feet wide by 107 feet) in size and is occupied by a three-story commercial and residential building built circa 1926. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. The subject property at 2447 Lombard Street is one of three commercial tenant spaces located on the ground floor of the commercial and residential building. The other commercial tenant space at 2443 Lombard Street is a massage establishment (d.b.a. Perfect Massage, which the previous business ownership established with Conditional Use authorization under Case Nos. 2009.0580C and 2010.0507C.) and at 2453 Lombard Street is a personal service and retail store use d.b.a. Pro Eyelash. Currently, twelve residential units exist on the second and third floors of the building. There are no open Planning Enforcement cases on the project site.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding development consists of a variety of residential, commercial, and mixed-use buildings featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists primarily of one- to three-story structures. Generally, the commercial establishments characterizing this portion of Lombard Street include a mixture of a few restaurants, specialty stores, personal service establishments, motels, a medical clinic, auto repair shop, and a gas station. Some of the commercial establishments on the subject block include Baker Places Inc., CC's cocktails, Pro Eyelash, Perfect Massage, Lombard Beauty Salon (subject commercial tenant space), Neva's Beauty, and Original Buffalo Wings. Some of the commercial establishments on the opposite block include Union 76 gas station, Woof & Lion Pet Supplies, Super 8 Motel, United Studios Self Defense Martial Arts, Viva Goa Indian Cuisine, and The Republic wine bar and lounge. On Divisadero and Scott Streets running east and west of the project site, there are predominantly a mix of residential and mixed-use buildings within an RH-2 (Residential House, Two-Family) Zoning District and RM-2 (Residential, Mixed Districts, Moderate-Density) Zoning District. The Chestnut Street NC-2 District is located approximately one block from the project site.

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	June 29, 2016	June 29, 2016	22 days
Posted Notice	20 days	July 1, 2016	July 1, 2016	20 days
Mailed Notice	20 days	July 1, 2016	July 1, 2016	20 days

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

PUBLIC COMMENT

- As of July 11, 2016, the Department has not received any letters or phone calls in opposition to the proposed 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 Planning Code Sections 303(c), 712.54, and 790.60 to add a massage establishment use on the mezzanine level as an accessory use to an existing hair salon (d.b.a. Lombard Beauty Salon) located within a three-story mixed use building within the NC-3 (Moderate Scale) Neighborhood Commercial District and a 40-X Height and Bulk District.

BASIS FOR RECOMMENDATION

- The proposed project meets all applicable requirements of the Planning Code.
- The proposed project will continue to ensure the viability and continuation of a retail-driven commercial corridor by occupying a commercial space on the subject block. It will also continue to provide job opportunities to the City.
- The massage establishment will enhance the existing hair salon in an area with a few restaurants, specialty stores, and personal service establishments.
- The Department believes that this project is necessary and/or desirable for the following reasons:
 - a) The proposed project will enhance the economic diversity of the neighborhood allowing an accessory use massage to an existing hair salon.
 - b) The majority of the existing storefront will remain transparent and open to the public during business hours. There is an open internal stair connection between the ground (1st) and mezzanine floors between the existing hair salon and proposed accessory massage use.
 - c) The proposed project is a neighborhood-serving use which residents can access by walking or taking public transit.
 - d) The proposed project would be consistent with the mixed commercial-residential character of this portion of Lombard Street within the NC-3 Zoning District.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Zoning District Map

Parcel Map

Sanborn Map

Aerial Photographs

Site and Context Photographs

Reduced Plans

Attachment Checklist

- | | |
|---|--|
| <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 checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

SMY

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

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. XXXXX

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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303(c), 712.54, AND 790.60 TO ADD A MESSAGE ESTABLISHMENT USE ON THE MEZZANINE LEVEL AS AN ACCESSORY USE TO AN EXISTING HAIR BEAUTY SALON (D.B.A. LOMBARD BEAUTY SALON) AT 2447 LOMBARD STREET WITHIN THE NC-3 (MODERATE-SCALE) NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On September 23, 2015, Bing Liu (hereinafter "Project Sponsor") made an application for Conditional Use authorization for the property at **2447 Lombard Street, Lot 017 in Assessor's Block 0653** (hereinafter "Subject Property"), pursuant to Planning Code Section 303(c), 712.54, and 790.60 to add a massage establishment use on the mezzanine level as an accessory use to an existing hair beauty salon (d.b.a. Lombard Beauty Salon) located within a three-story mixed use building within the NC-3 (Moderate Scale) Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformity with plans dated February 13, 2016 and labeled "Exhibit B" (hereinafter "Project"). The proposed project will involve converting an existing workroom and storage rooms into the proposed massage establishment use. There are no exterior changes or expansion to the existing building envelope proposed.

On July 21, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. **2015-012678CUA**.

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. **2015-012678CUA**, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is on the south side of Lombard Street between Divisadero and Scott Streets; Assessor's Block 0937; Lots 026. It is located within the NC-3 (Moderate-Scale) Neighborhood Commercial District and a 40-X Height and Bulk District. The subject lot is approximately 8,293 square-feet (77.5 feet wide by 107 feet) in size and is occupied by a three-story commercial and residential building built circa 1926. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. The subject property at 2447 Lombard Street is one of three commercial tenant spaces located on the ground floor of the commercial and residential building. The other commercial tenant space at 2443 Lombard Street is a massage establishment (d.b.a. Perfect Massage, which the previous business ownership established with Conditional Use authorization under Case Nos. 2009.0580C and 2010.0507C.) and at 2453 Lombard Street is a personal service and retail store use d.b.a. Pro Eyelash. Currently, twelve residential units exist on the second and third floors of the building. There are no open Planning Enforcement cases on the project site.
3. **Surrounding Properties and Neighborhood.** The surrounding development consists of a variety of residential, commercial, and mixed-use buildings featuring residential uses above ground-floor commercial establishments. The scale of development in the area consists primarily of one- to three-story structures. Generally, the commercial establishments characterizing this portion of Lombard Street include a mixture of a few restaurants, specialty stores, personal service establishments, motels, a medical clinic, auto repair shop, and a gas station. Some of the commercial establishments on the subject block include Baker Places Inc., CC's cocktails, Pro Eyelash, Perfect Massage, Lombard Beauty Salon (subject commercial tenant space), Neva's Beauty, and Original Buffalo Wings. Some of the commercial establishments on the opposite block include Union 76 gas station, Woof & Lion Pet Supplies, Super 8 Motel, United Studios Self Defense Martial Arts, Viva Goa Indian Cuisine, and The Republic wine bar and lounge. On Divisadero and Scott Streets running east and west of the project site, there are predominantly a mix of residential and mixed-use buildings within an RH-2 (Residential House, Two-Family) Zoning District and RM-2 (Residential, Mixed Districts, Moderate-Density) Zoning District. The Chestnut Street NC-2 District is located approximately one block from the project site.

4. **Project Description.** The proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303(c), 712.54, and 790.60 to add a massage establishment use with approximately 430 square feet of floor area on the mezzanine level of a three-story, mixed-use building as an accessory use to an existing ground floor hair salon (d.b.a. Lombard Beauty Salon) within the NC-3 (Moderate-Scale) Neighborhood Commercial District and a 40-X Height and Bulk District. The proposed project will involve converting an existing workroom and storage rooms into the proposed massage establishment use. There are no exterior changes or expansion to the existing building envelope proposed. Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process.
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 July 11, 2016, the Department has not received any letters or phone calls in opposition to the proposed project.
7. **Use District.** The project site is within the NC-3 (Neighborhood, Moderate-Scale) District. NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

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

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. **Massage Establishment Use.** Section 712.54 allows massage establishments on the first and second floors with Conditional Use authorization in the NC-3 Zoning District and requires that the Planning Commission shall make findings as outlined in Planning Code Section 790.60(c) in addition to those required under Planning Code Section 303(c) and additional criteria described in Planning Code Section 303(n).

Planning Code Section 790.60 defines Massage Establishments by Section [29.5](#) of the Health Code. For purposes of the Planning Code only, "Massage Establishment" shall include both a "Massage Establishment" and a "Sole Practitioner Massage Establishment," as these terms are defined in Section [29.5](#) of the Health Code. Any Massage Establishment shall have first obtained a permit from the Department of Public Health pursuant to Section [29.25](#) of the Health Code, or a letter from the Director of the Department of Public Health certifying that the establishment is exempt from such a permit under Section [29.25](#).

The current proposal is to add an approximately 430 square-foot massage establishment use on the mezzanine level as an accessory use to an existing hair beauty salon (d.b.a. Lombard Beauty Salon). The current proposal is

not exempt from the Conditional Use requirement for accessory use massage because the proposed massage establishment use will not be accessory to a dwelling unit, tourist hotel, large institution, or a hospital or medical center pursuant to Planning Code Section 790.60(c). The additional massage establishment criteria outlined in Planning Code Section 303(c) and 303(n) will be described in Findings No. 9 and 10 of this motion.

- B. **Personal Service Use.** Section 712.52 of the Planning Code permits “personal service” establishments on the first and second stories.

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

The current proposal is to add an approximately 430 square-foot massage establishment use on the mezzanine level as an accessory use to the existing approximately 934 square-foot principal use (a hair salon) on the ground floor d.b.a. Lombard Beauty Salon. The proposed massage establishment use will be accessed by an open internal staircase from the ground floor to the mezzanine floor.

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

The proposed accessory massage establishment use, with approximately 430 square feet of floor area and the existing principal use with approximately 934 square feet of floor area are within the principally permitted use size limitations.

- D. **Hours of Operation.** Section 712.27 puts no limits on the hours of operation in NC-3 Districts. However, massage establishments must comply with Ordinance 140-09, which limit hours of operation to between 7 a.m. to 10 p.m.

The proposed massage establishment use will operate within the permitted hours of operation of 7 a.m. to 10 p.m. as allowed under Conditions of Approval #13.

- E. **Off-Street Parking and Loading.** Section 151 of the Planning Code requires off-street parking for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet. Section 152 of the Planning Code requires one off-street loading space for retail stores between 10,001 and 60,000 gross square feet.

The subject commercial tenant space on the first and second floors does not exceed 5,000 square feet and will not require any off-street parking or loading spaces.

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required

transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

Approximately 70% of the street frontage at the ground level of the subject retail space on Lombard Street (approximately 16 feet) is fenestrated with transparent windows and doorways allowing for visibility to the inside of the commercial tenant space. The project does not propose any decorative railings or grillwork in front of or behind existing windows.

G. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

9. **Planning Code Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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.

There are no exterior changes or expansion to the existing building envelope proposed to the existing commercial tenant space with the proposed accessory massage establishment use. The proposed accessory massage use is a desirable addition to the existing hair salon.

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 arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion 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;

Existing traffic patterns will not be significantly affected by the proposed project. Public transit that is in close proximity to the proposed massage establishment includes Muni Lines 28, 43, 76, and 91 located on the corner of Divisadero and Lombard Streets and Muni Lines 30 and 30X located on the corner of Chestnut and Scott Streets 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;

No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project.

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

There will be no addition of off-street 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 this portion of the NC-3 Zoning District in that the intended use is a neighborhood-serving business.

10. Planning Code Section 303(n). With respect to Massage Establishments, the Planning Commission shall make the following findings:

- 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 29.10 of the San Francisco Health Code.

The applicant has applied for a massage permit (for "general massage" type of establishment) 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.

- i. 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:

- (1) 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.

The proposed massage establishment use will be located on the mezzanine level of the subject building. The proposed massage establishment use is accessed from interior stairs on the ground floor (which have an open visual and spatial connection between floors). The subject ground floor commercial tenant space has approximately 23 feet of frontage on Lombard Street, approximately 70% of which is committed to the commercial entrances and windows.

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

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

- (3) 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.

The commercial frontage is predominantly dedicated to two large windows and double doors with clear glass. There will be no bars or grills in front of or behind such windows.

- B. 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.

There is existing street lighting in the median of Lombard Street which provides adequate pedestrian-oriented lighting to the subject building.

- C. 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.

No such barriers are proposed in the applicant's plans. Access will be open and unobstructed. All doors will remain open during the hours of operation.

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

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 accessory massage establishment use will be complimentary to the existing hair salon and compatible with the type of uses characterizing this portion of the NC-3 Zoning District, which include a mixture of restaurants, specialty stores, and personal service establishments. 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 an existing commercial space (reactivating an underutilized storage area in the hair salon) and will enhance the diverse economic base of the City.

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.

No existing commercial tenant will be displaced. The proposed project will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsible to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is neighborhood-serving, and would enhance the services provided by the existing business, thereby encouraging the vitality of the commercial corridor.

12. **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 be complimentary to the existing commercial establishments within the immediate neighborhood. The proposed project will provide job opportunities to the City by employing one general massage practitioner. There are currently two licensed cosmetologists who are employed in the hair salon.

- 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 preserve and enhance the cultural and economic diversity of the neighborhood by enhancing an existing personal service establishment (hair salon) with an accessory massage establishment use. Existing housing will not be affected by the proposed project.

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

The proposed project will not displace any affordable housing.

- 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 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 and there would be no displacement of any existing industrial or service businesses in the area.

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

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

- G. That landmarks and historic buildings be preserved.

The proposed project will not significantly 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.

13. 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.

14. 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. 2015-012678CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 13, 2016, 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. 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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on July 21, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for conditional use to add a massage establishment use with approximately 430 square feet of floor area on the mezzanine level of a three-story mixed-use building as an accessory use to an existing ground floor hair salon (d.b.a. Lombard Beauty Salon) at 2447 Lombard Street in Assessor's Block 0937, Lot 026 pursuant to Planning Code Sections 303(c), 712.54, and 790.60 within the NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District in general conformance with plans, dated February 13, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-012678CUA and subject to conditions of approval reviewed and approved by the Commission on July 21, 2016 under Motion No. XXXXX. 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 July 21, 2016 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** 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. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

MONITORING AFTER ENTITLEMENT

6. **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

7. **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

DESIGN

8. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

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

OPERATION

9. **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>

10. **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>

11. **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

12. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

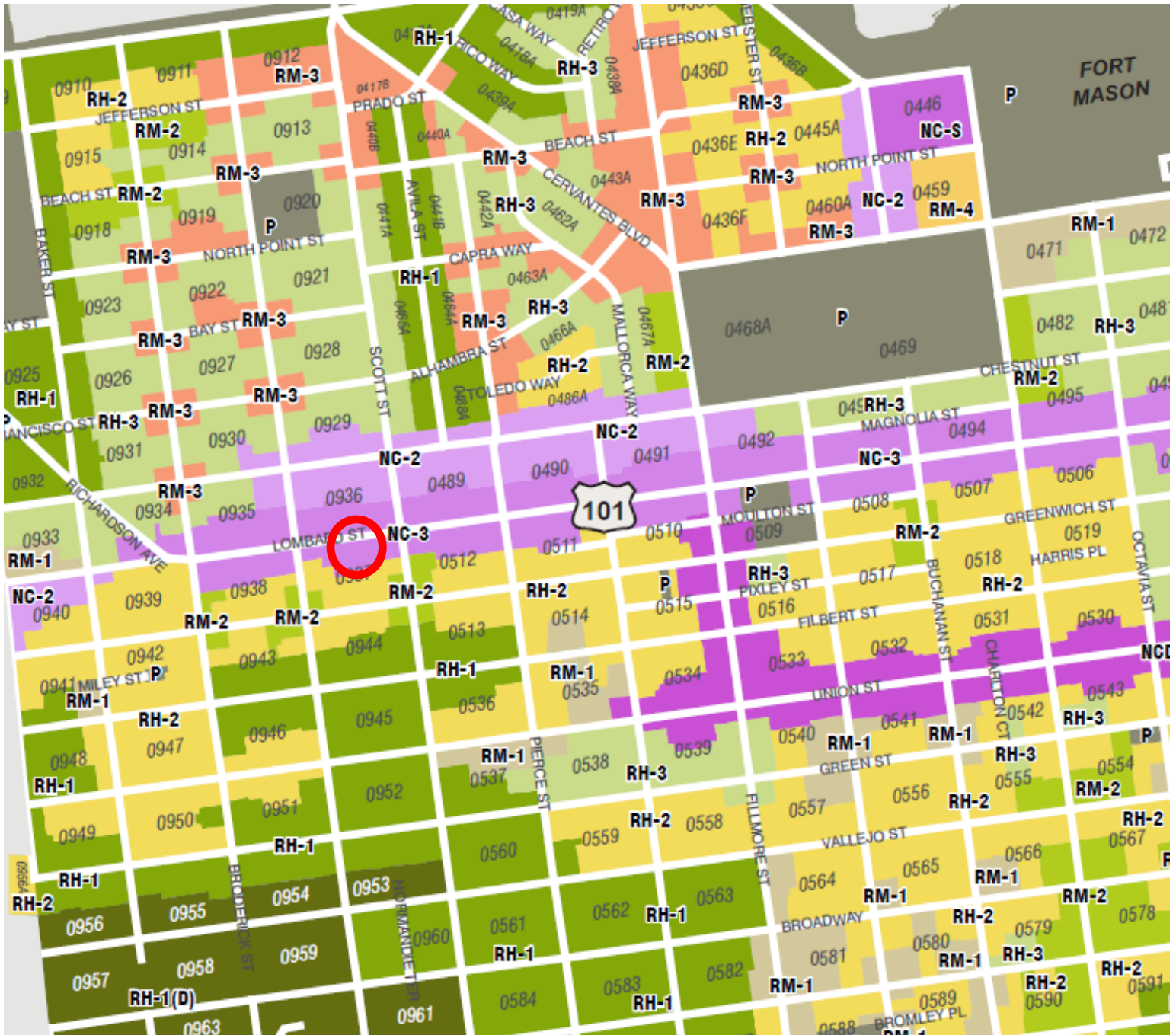
13. **Massage Establishments.** All massage establishments shall comply with the following standard massage use operation standards.

- a. The entry to the massage treatment room shall remain directly visible from the public right-of-way. If any additional doors are required under the Building Code for emergency egress purposes, such door shall be labeled "for emergency use only" and shall have an audible alarm that will go off when the door is opened.
- b. All interior alterations shall be reviewed by the Planning Department to verify compliance with these conditions.

- c. No locks shall be allowed on any interior door of the business except that a lock for privacy may be permitted on the bathroom door.
- d. Any blinds or curtains located behind the storefront windows must be kept open during business hours to allow for visibility into the tenant space from the street. No obstructions shall be located in front of any of the storefront windows that would prevent such visibility.
- e. The front door to the business must be open during business hours. The use of buzzers or a security camera is not permitted.
- f. The massage establishment shall comply with the hours of operation outlined in Ordinance 140-09, approved on July 2, 2009. This Ordinance amended the Health Code to limit the hours of permitted operation for massage establishments from 7:00 am to 10:00 pm.
- g. All persons engaged in performing massage shall be licensed for that purpose by the State of California and the licenses shall be prominently displayed on walls of the business.
- h. The Planning Commission may revoke this Conditional Use authorization if the Department of Public Health revokes the health permit for massage.

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

Zoning Map



Conditional Use Hearing
Case Number 2015-012678CUA
2447 Lombard Street



Parcel Map



Conditional Use Hearing
Case Number 2015-012678CUA
 2447 Lombard 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 Hearing
Case Number 2015-012678CUA
2447 Lombard Street



Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2015-012678CUA
 2447 Lombard Street

Site Photo

SUBJECT PROPERTY ON LOMBARD STREET



SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2015-012678CUA
2447 Lombard Street

Site Photo

INTERIOR OF COMMERCIAL SPACE



PROPOSED MASSAGE ESTABLISHMENT
on the second floor



Conditional Use Hearing
Case Number 2015-012678CUA
2447 Lombard Street

Site Photo

PORTION OF SUBJECT BLOCK ON LOMBARD STREET



Conditional Use Hearing
Case Number 2015-012678CUA
2447 Lombard Street

Site Photo

PORTION OF OPPOSITE BLOCK ON LOMBARD STREET



Conditional Use Hearing
Case Number 2015-012678CUA
2447 Lombard Street

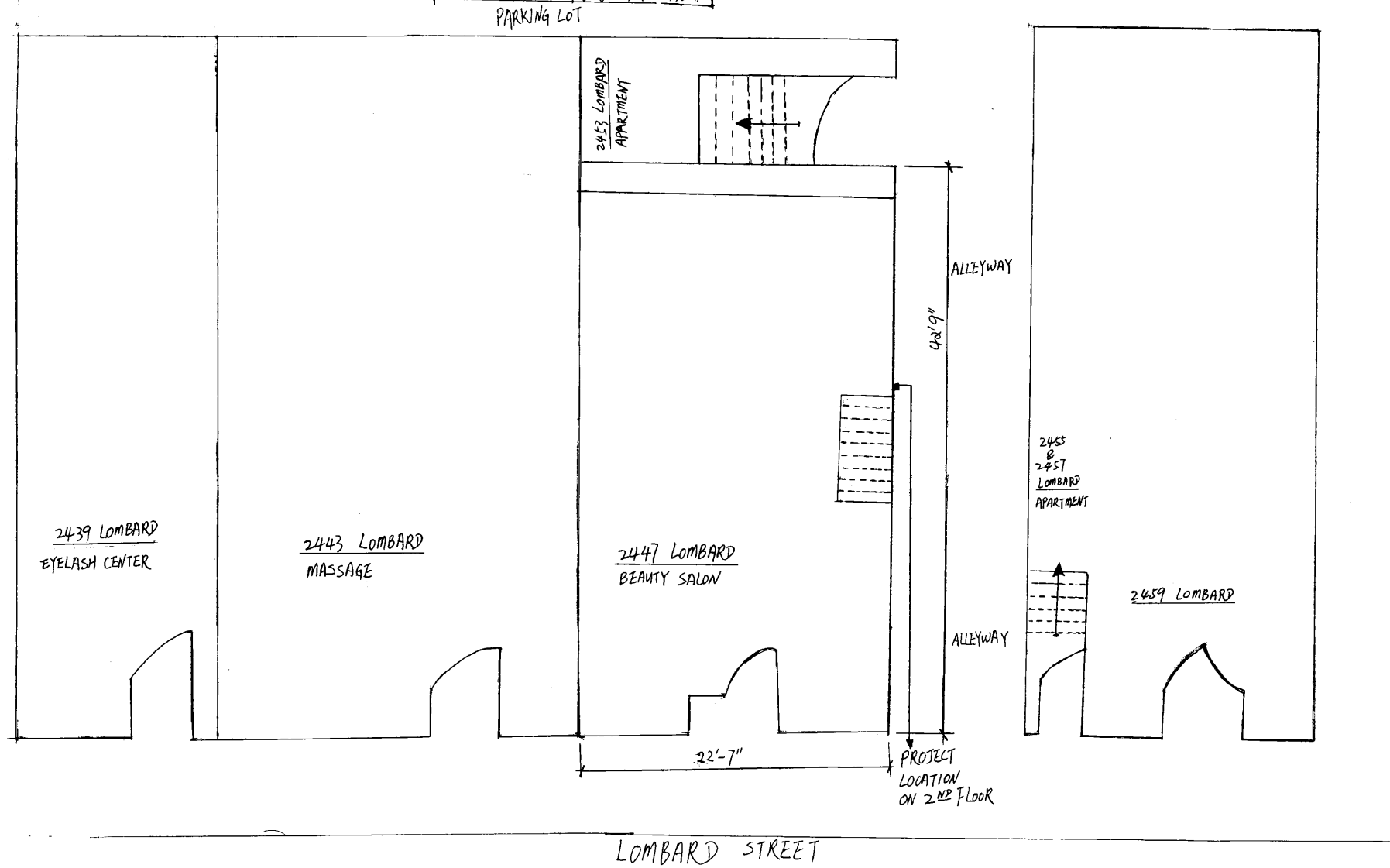
SITE PLAN
2/13/2016

scope of work

Our current proposal is to turn the current "work room" on the second floor of the existing Lombard Beauty Salon into our new "Massage Establishment". This will be at the following address: 2447 Lombard St. SF CA 94123. We are not making any construction changes to the building. We will only be setting up shop in the one room. You can find what we plan to do in our floor plans. The following is a table of the existing and proposed gross square feet by floor:

	Existing Square Feet By Floor	Proposed Square Feet By Floor
1 st Floor	40'-6" x 23'-1" = 934'-11"	40'-6" x 23'-1" = 934'-11"
2 nd Floor	18'-8" x 23'-1" = 430'-11"	18'-8" x 23'-1" = 430'-11"

ADDRESS: 2447 LOMBARD STREET
SAN FRANCISCO, CA 94123
BLOCK: 0937
LOT: 026



BING LU
119 LUCY LANE, RICHMOND, CA 94801
(510) 812-0563

"NO ADDITIONAL WORK PROPOSED"
CHANGE OF USE ONLY

N
1/4" = 1'-0"

PAGE: 3

SCOPE OF WORK

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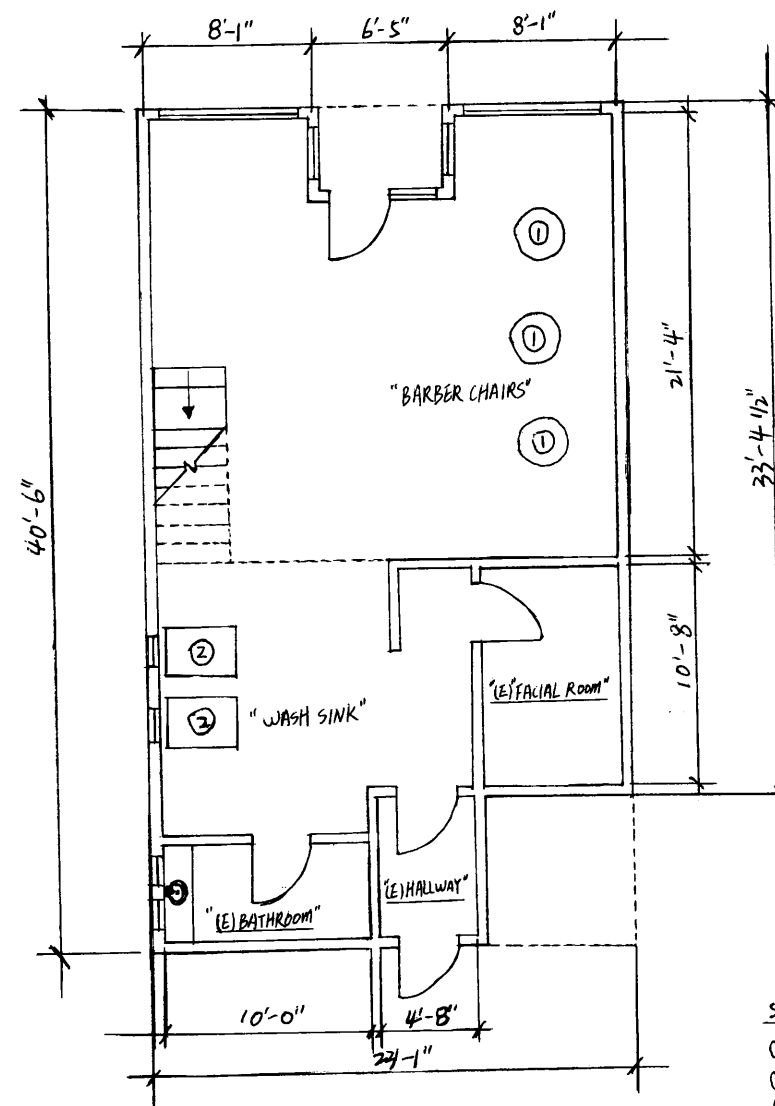
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NOTE

"NO ADDITIONAL WORK PROPOSED"
CHANGE OF USE ONLY

LOMBARD STREET

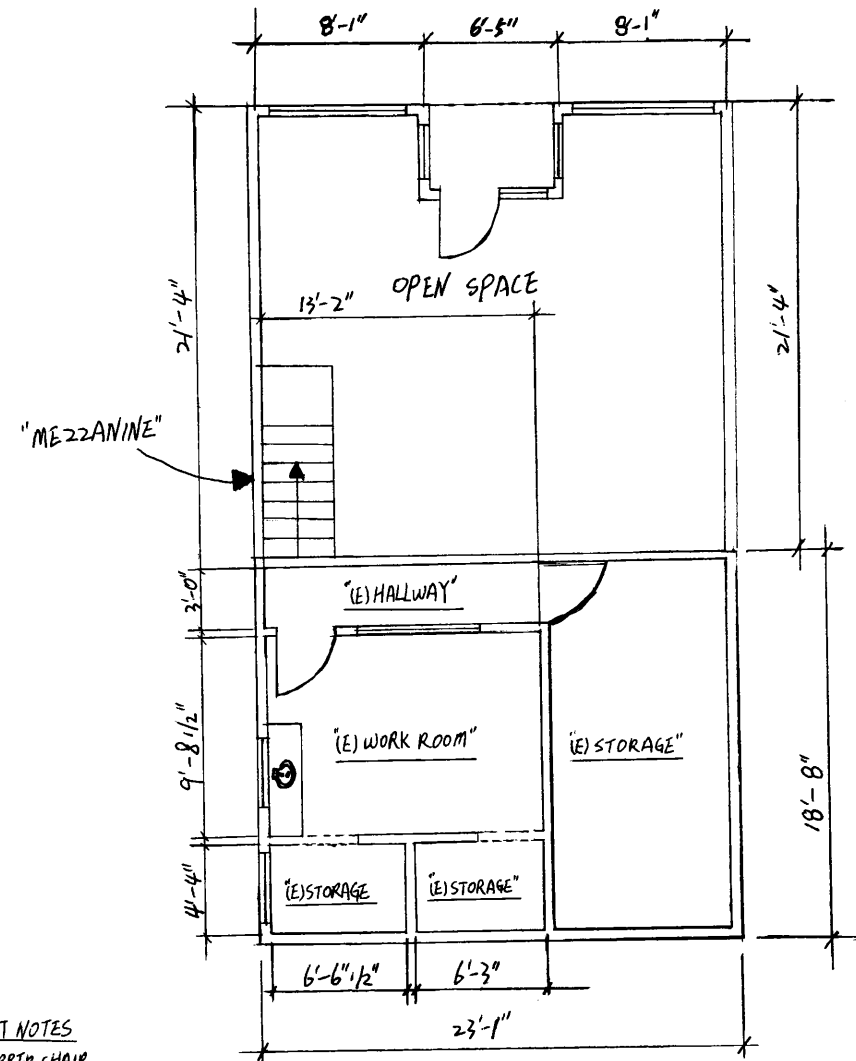
1st FLOOR PLAN



SHEET NOTES
① BARBER CHAIR
② WASH SINK
③ EXISTING

BING LU
119 LUCY LANE, RICHMOND, CA 94801
(510) 812-0563

2nd FLOOR PLAN



2447 LOMBARD ST.
SAN FRANCISCO, CA 94123
BLOCK: 0937
LOT: 026

"EXISTING" FLOOR PLAN: 2/7/2016

N
1/4" = 1'-0"

Scope of work

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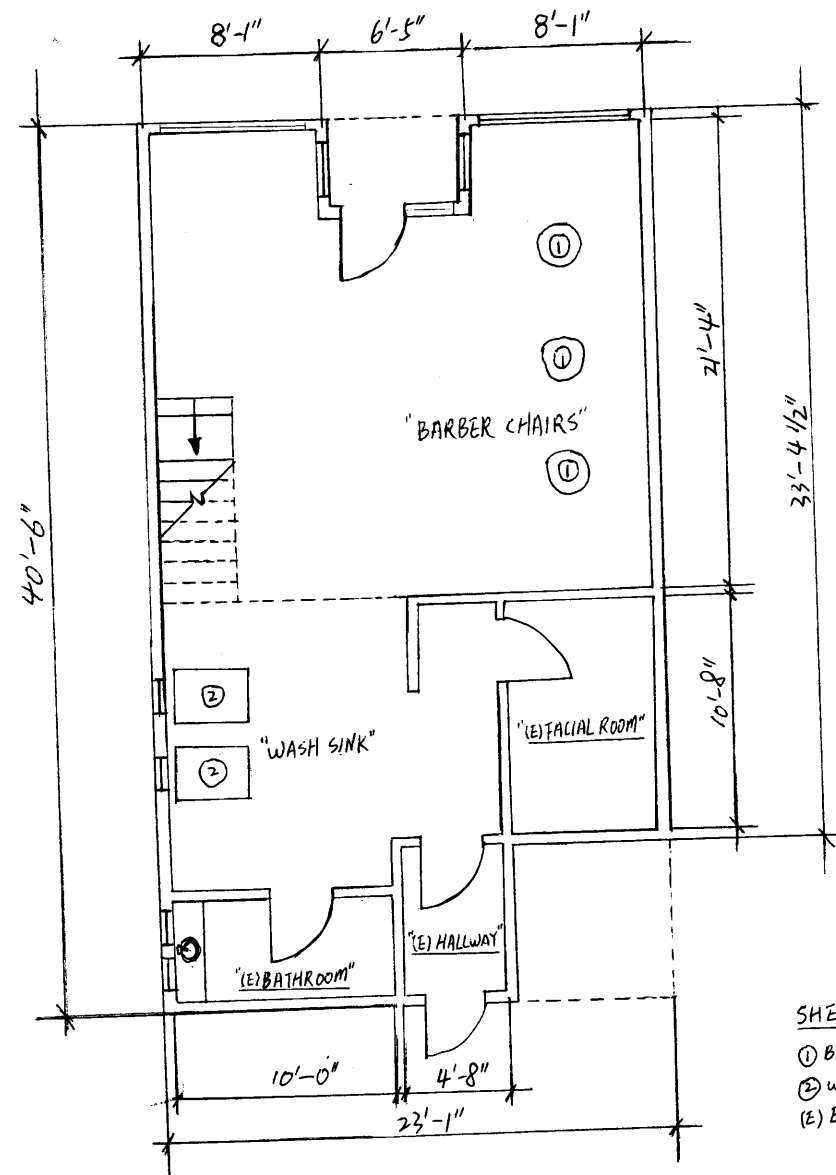
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LOMBARD STREET

NOTE

"NO ADDITIONAL WORK PROPOSED"
CHANGE OF USE ONLY

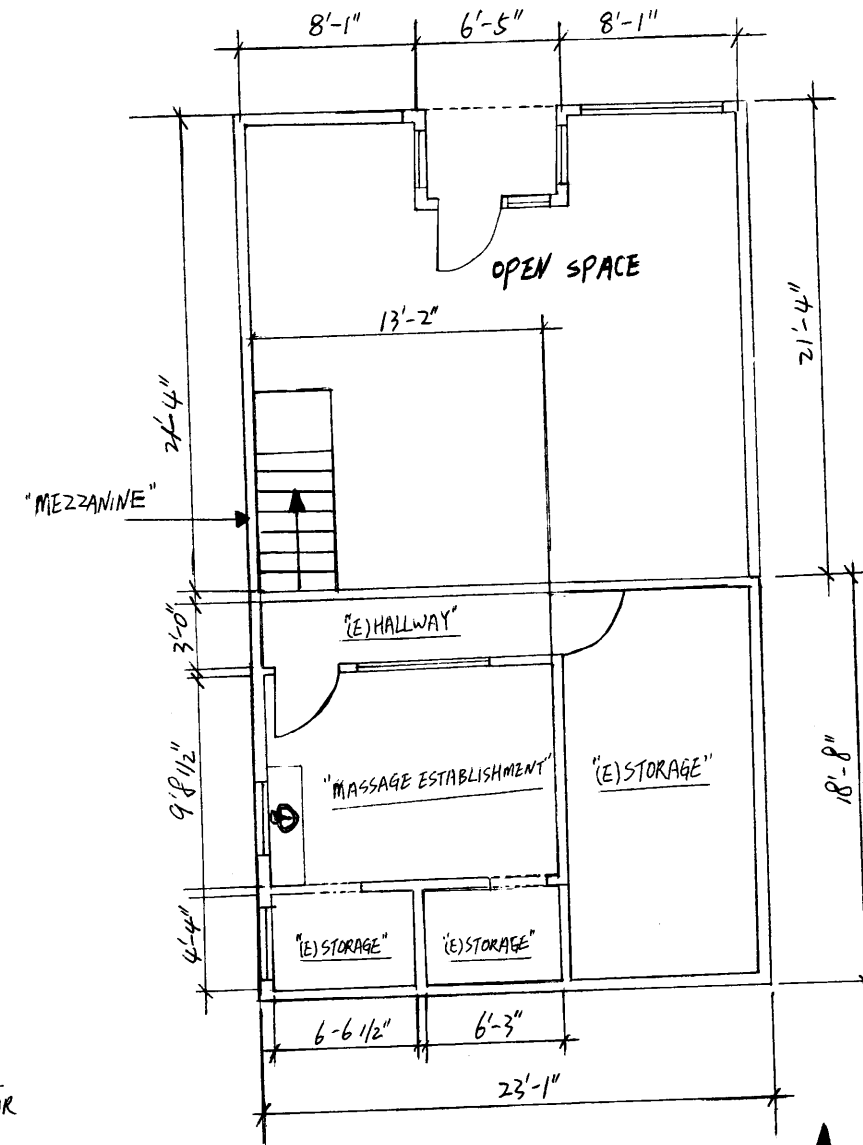
1ST FLOOR PLAN



SHEET NOTES
 (1) BARBER CHAIR
 (2) WASH SINK
 (E) EXISTING

BING LU
 119 LUCY LANE, RICHMOND, CA 94801
 (510) 812-0563

2ND FLOOR PLAN



2447 LOMBARD ST.
 SAN FRANCISCO, CA 94123

BLOCK: 0937
 LOT: 026

"PROPOSED" FLOOR PLAN: 2/7/2016



PROPOSED MASSAGE ESTABLISHMENT
on the second floor



2447 LOMBARD ST
SF CA 94123
BLOCK : 0937
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