



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: JULY 11, 2019

Date: July 3, 2019
Record No.: 2017-001427CUA
Project Address: 2187 MARKET STREET
Zoning: Upper Market NCT (Neighborhood Commercial Transit) District
60/65-X Height and Bulk District
Block/Lot: 3558/148
Project Sponsor: Henry Karnilowicz
1019 Howard Street
San Francisco, CA 94103
Property Owner: Rose Jade Management LLC
San Pablo, CA 94806
Staff Contact: Gabriela Pantoja – (415) 575-8741
Gabriela.Pantoja@sfgov.org
Recommendation: **Approval with Conditions**

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415.558.6377

PROJECT DESCRIPTION

The proposal is for a Conditional Use Authorization for the conversion of a Personal Service Use with an Accessory Massage Use into a Massage Establishment with an Accessory Personal Service Use (d.b.a. "M Spa") at an approximately 3,305 square-foot tenant space, currently occupied by the listed tenant, at the ground floor of an existing four-story mixed-use building. No interior or exterior changes are proposed at the subject tenant space. Additionally, the tenant proposes to maintain existing business hours (M-F 11 A.M.- 8 P.M., Sat. 10 A.M.- 8 P.M., Sun. 11 A.M.- 7 P.M.).

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 121.2, 303, and 764 to establish a Massage Establishment with an Accessory Personal Service Use at an approximately 3,305 square-foot tenant space.

ISSUES AND OTHER CONSIDERATIONS

- **Massage Establishment.** The proposal will comply with the additional criteria listed in Planning Code Section 303 (n) for the establishment of a Massage Establishment. In particular, the listed business has obtained and maintained a massage permit with the Department of Public Health for the duration of the business tenure. According to the Department of Public Health, the listed business is currently in good standing with the Department.
- **Tenant History.** The subject tenant space is currently occupied by the proposed business (d.b.a. "M Spa") and has occupied the subject tenant space since 2009. Prior to the

proposed business' occupancy of the subject tenant space, the space was occupied by a Personal Service Use with an Accessory Massage Establishment Use (d.b.a. "Nickel Spa") for approximately seven years.

- **Public Comment & Outreach.** The Project Sponsor completed a Pre-Application Meeting on January 20, 2016 at subject property, prior to their submittal of the listed Conditional Use Authorization application. One member of the public attended the Pre-Application Meeting and posed questions regarding the proposed Project. To date, the Department has not received any correspondences in opposition and two correspondences in support of the Project, including letters from the Castro Merchants Association and the Castro/Upper Market Community Benefit District.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and meets all applicable requirements of the Planning Code. The Project will preserve and enhance an existing business located within an existing commercial corridor. Additionally, the Project will not displace an existing neighborhood serving retail use, but rather provide new business and job opportunities to the neighborhood. The Department also finds the Project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization
Exhibit A- Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Maps and Context Photos
Exhibit E - Public Correspondence
Exhibit F – Application



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.2, 303, AND 764 FOR THE CONVERSION OF AN EXISTING PERSONAL SERVICE USE INTO A MASSAGE ESTABLISHMENT WITH AN ACCESSORY PERSONAL SERVICE USE (D.B.A. "M SPA") AT AN APPROXIMATELY 3,305 SQUARE FOOT TENANT-SPACE LOCATED AT THE GROUND FLOOR OF AN EXISTING FOUR-STORY MIXED-USE BUILDING WITHIN THE UPPER MARKET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT AND THE 60/65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 14, 2018, Henry Karnilowicz from Occidental Express (hereinafter "Project Sponsor") filed Application No. 2017-001427CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a Massage Establishment with an Accessory Personal Service Use (d.b.a. "M Spa") at a 3,305 square-foot tenant space (hereinafter "Project") at 2187 Market Street, Block 3558, Lot 148 (hereinafter "Project Site") within the Upper Market Neighborhood Commercial Transit (NCT) Zoning District and 60/65-X Height and Bulk District.

On July 11, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization No. 2017-001427CUA.

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 Authorization as requested in Application No. 2017-001427CUA, 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. **Project Description.** The proposal is for the conversion of a Personal Service Use with an Accessory Massage Use into a Massage Establishment with an Accessory Personal Service Use (d.b.a. "M Spa") at an approximately 3,305 square-foot tenant space, currently occupied by the listed tenant, at the ground floor of an existing four-story mixed-use building. No interior or exterior changes are proposed at the subject tenant space. However, the proposal will legalize the merger of two former tenant spaces, each measuring approximately 1,650 square feet in size, into one tenant space. Additionally, the tenant proposes to maintain existing business hours (M-F 11 A.M.- 8 P.M., Sat. 10 A.M.- 8 P.M., Sun. 11 A.M.- 7 P.M.).
3. **Site Description and Present Use.** The approximately 8,827 square foot development lot is located on the south side of Market Street, between 15th and Sanchez Streets; formerly Lot 129 of Assessor's Block 3558. The property is developed with a four-story mixed-use building containing nine dwelling units, approximately 11,600 square feet of commercial space, and 21 off-street parking spaces. The subject building, constructed in 2002, is located within the Upper Market Street Commercial Corridor Historic District and is considered a Historical Resource "Class A" per the California Environmental Quality Act (CEQA).
4. **Surrounding Properties and Neighborhood.** The subject property is located within the Upper Market Neighborhood Commercial Transit (NCT) Zoning District, the 60/65-X Height and Bulk District, and the Castro/Upper Market Neighborhood, adjacent to the Noe Valley, Haight Ashbury, and Mission Neighborhoods. The Upper Market Neighborhood Commercial Transit (NCT) Zoning District is located to the north and west of the subject property, and the Residential Transit Oriented (RTO) Zoning District is located to the south and east of the property.

The immediate neighborhood includes single-to-six story commercial and mixed-use developments, with mixed-use developments consisting of commercial tenant spaces located at the ground-floor and residential units located at the remainder floors. The neighborhood includes a

mix of land-uses including residential, general grocery store, retail, personal service, gym, and restaurants.

5. **Public Outreach and Comments.** The Project Sponsor completed a Pre-Application Meeting on January 20, 2016 at subject property, prior to their submittal of the listed Conditional Use Authorization application. One member of the public attended the Pre-Application Meeting and posed questions regarding the proposed Project. To date, the Department has not received any correspondences in opposition and two correspondences in support of the Project, including letters from the Castro Merchants Association and the Castro/Upper Market Community Benefit District.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use.** Planning Code Section 764 requires the issuance of a Conditional Use Authorization for the establishment of a Massage Establishment.

The Project proposes the establishment of a Massage Establishment, and therefore requires the issuance of a Conditional Use Authorization pursuant to Planning Code Section 303.

- B. **Use Size.** Planning Code Section 764 principally permits non-residential land-uses up to occupy 2,999 square feet of area. Non-residential uses occupying equal to or more than 3,000 square feet of area require the issuance of a Conditional Use Authorization.

The proposal will legalize the merger of two former tenant spaces, each measuring approximately 1,650 square feet in size, into one tenant space. The subject tenant space in particular is approximately 3,305 square feet in area, and therefore requires the issuance of Conditional Use Authorization pursuant to Planning Code Sections 121.2 and 303. The additional criteria specified in Section 121.2 for a use size greater than 3,000 square feet have been incorporated as findings as part of this Motion. See item 8, "Non-Residential Use Size in Neighborhood Commercial District Findings," listed below.

- C. **Hours of Operation.** Planning Code Section 764 principally permits business hours between 6 A.M. and 2 A.M. Operation outside of the listed business hours requires the issuance of a Conditional Use Authorization.

The proposed business (d.b.a. "M Spa") will operate within the principally permitted hours of operation. The proposed business hours are Monday- Friday 11 A.M.- 8 P.M., Saturday 10 A.M.- 8 P.M., and Sunday 11 A.M.- 7 P.M.; therefore, the Project complies with Planning Code Section 764.

- D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires in NC Districts containing specific uses, including retail stores, that building lobbies do not exceed 40 feet of building frontage, that parking entrances are no more than 20 feet wide, that

ground floors have a minimum 14-foot floor-to-floor height, active uses are provided within the first 25 feet of building depth on the ground floor, and that the ground floor non-residential street frontage be at least 60% transparent in order to 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 decorated grille work, other than wire mesh, which is placed in front or behind ground floor windows, shall be at least 75 percent open to perpendicular view.

The Project will preserve an approximately 3,305 square-foot tenant space and active storefront, pursuant to Planning Code Section 145.1(c)(3). Additionally, the Project will maintain the storefront's existing interior visibility. The subject tenant space spans approximately 35.5 linear feet of frontage along 15th Street all of which is devoted to either the space's entrance or visually open areas. There are no exterior alterations proposed to the existing commercial frontage.

E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department pursuant to Article 6 of the Planning Code.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. 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 a necessary and desirable in that it will expand the number of massage establishments available to the residents and visitors of the neighborhood. The Project will expand the number of available massage rooms available to the existing business which has operated with an accessory massage use for a number of years. The existing business has operated at the subject tenant space for more than 10 years and has contributed to the neighborhood's economic viability throughout the duration of its tenure.

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:

(1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project will not alter the height and bulk of the existing building. No exterior or interior alterations of the subject building are proposed.

- (2) 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 Project is not expected to affect the accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of off-street parking spaces and loading spaces. The Project site is well served by public transit. The subject property is located along Market Street which is served by the F light rail line, the K, L, and M bus lines, approximately one block from the Church Street Muni station, and two blocks from the Castro Muni Station. Furthermore, no on-street parking spaces will be removed as part of the Project.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project will not generate noxious or offensive emissions such as noise, glare, dust, or odor.

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

The Project does not require any additional landscaping or screening, and no new off-street parking spaces, loading spaces, open spaces, or service areas are proposed at the subject property. Any proposed signage will be subject to the review and approval of the Planning Department in compliance with 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 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 Project is consistent with the stated purpose of the Upper Market Street Neighborhood Commercial Transit (NCT) Zoning District in that the intended use will be a neighborhood serving use located on the ground floor of a mixed-use building.

8. **Non-Residential Use Size in Neighborhood Commercial District Findings.** In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The foreclosure of locations providing neighborhood-serving uses in the area, as attributed to the proposed intensity of use at the subject property, is unlikely given that the subject business has operated at the subject tenant space in its configuration for more than 10 years with no effects on other immediate neighborhood serving uses. Rather, the subject business and tenant space in its current configuration reinforces and enhances the immediate commercial corridor by attracting a large population of consumers to the neighborhood. The immediate neighborhood is well served by neighborhood services uses including retail shops, gyms, nail salons, grocery stores, and restaurants.

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

As indicated by the Applicant, the listed business has operated at the existing tenant space and served the neighborhood for the better part of 10 years. A reason for the subject business' longevity at the subject tenant space has been the space's ability to accommodate the business' high consumer demand. In particular, the subject tenant space has permitted the listed business to serve as a neighborhood friendly massage establishment to the large residential population in the neighborhood. As indicated by the Applicant, a large portion of the business' consumer population are those immediate residents living in the neighborhood.

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The Project will not affect the existing building envelope or overall design of the existing structure. No interior or exterior alterations are proposed as part of the listed scope of work for the Project.

9. **Massage Establishments.** Planning Code Section 303(n) establishes additional criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorizations for the establishment of a Massage Establishment:

- 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 a massage permit with the Department of Public Health and has operated the establishment in good faith for the duration of their business per the Department of Public Health's records. Condition of Approval, listed in Exhibit A, No. 13 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 to openness and transparency to a façade include:

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

The subject tenant space contains a street frontage measuring approximately 35.5 linear feet. Of the 35.5 linear feet of street frontage, 88 percent is devoted to the space's commercial entrances and associated windows all of which are located at the pedestrian eye-level.

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

The subject tenant space contains approximately 207 square feet of glazing. Of the 207 square feet of glazing, 91 percent will remain clear, un-tinted glass at all window locations and at their main entrance. The business' main entrance includes a glazed door. The subject tenant spaces' remaining 9 percent of glazing will be obscured with a translucent film.

- 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;

The subject tenant space's windows and main door will not contain any decorative railings or grille work to be placed in front or behind such windows or door. The windows and main door will contain clear glazing and only be slightly unobstructed.

- 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

There is existing street lighting along Castro Street and along the common open hallway which provides adequate pedestrian-oriented lighting to the subject tenant space.

- 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.

No such barriers are proposed for the Project. Access to the subject tenant space and land- use will be available via a main entrance which opens onto 15th Street. All doors will remain open during the business' hours of operation.

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

COMMERCE AND INDUSTRY ELEMENT

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.

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.

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.

Policy 6.2

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

Policy 6.3

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

The Project will preserve and maintain an existing commercial tenant space within an existing vibrant commercial corridor without displacing an existing tenant. Additionally, the Project will enhance and reinforce the neighborhood's existing commercial corridor and provide the neighborhood with new business and job opportunities without altering the existing building or neighborhood's character. The proposed Massage Establishment will expand and provide a compatible use to the neighborhood's exiting mix of goods and service while maintaining a local business in the City.

MARKET OCTAVIA PLAN

LAND USE

Objectives and Policies

OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.2

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.3

Encourage housing and retail infill to support the vitality of the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts.

Policy 1.1.4

As SoMa West evolves into a high-density mixed-use neighborhood, encourage the concurrent development of neighborhood-serving uses to support an increasing residential population.

Policy 1.1.8

Reinforce continuous retail activities on Market, Church, and Hayes Streets, as well as on Van Ness Avenue.

The Project will preserve and maintain an existing commercial tenant space within a vibrant commercial and transit corridor. Additionally, the Project will expand and provide a compatible use to the neighborhood's existing mix of goods and services while maintaining a local business in the City.

- 11. Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies 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 remove an existing neighborhood serving retail use; the subject tenant space is currently occupied by the proposed business. Rather, the Project will enhance and provide an expanded retail use, job opportunities, and business opportunities to the residents of the neighborhood. Furthermore, the Project will introduce new patrons to the area, and therefore, strengthen the customer base of existing retail uses and contribute to the demand for new retail uses serving the area.

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

The Project will conserve and protect the existing housing and neighborhood character, including the cultural and economic diversity of the neighborhood. The proposal will preserve an existing commercial tenant space in the neighborhood while not altering the character of the subject building.

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

The Project will not affect the City's supply of affordable housing; no affordable housing will be removed.

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

The Project is not expected to impede public transportation or overburden the immediate neighborhood's existing on-street availability; the Project site is well served by public transit. The subject property is located along Market Street which is served by the F light rail line, the K, L, and M bus lines, and is located approximately one block from the Church Street Muni station and two blocks from the Castro Muni Station. Furthermore, no on-street parking spaces will be removed as part of the Project.

- 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 any service or industry sectors due to commercial office development; the subject tenant space is currently occupied by the proposed business (d.b.a. "M Spa"). Instead, the Project will maintain business and job opportunities in the neighborhood.

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

The Project is designed and altered to conform to the structural and seismic safety requirements of the Building Code. The Project will not impact the subject property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The subject building is located within the Upper Market Street Commercial Corridor Historic District, and is considered a Historical Resource, Class "A", per the California Environmental Quality Act (CEQA).

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

The Project will not have impacts on existing parks and opens spaces and their access to sunlight and vistas.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2017-001427CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 14, 2019, 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. 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 11, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 11, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Massage Establishment with an Accessory Personal Service Use (d.b.a. "M Spa") located at 2187 Market Street; Lot 148 in Assessor's Block 3558 pursuant to Planning Code Sections 121.2, 303, and 764 within the Upper Market Neighborhood Commercial Transit (NCT) Zoning District and the 60/65-X Height and Bulk District; in general conformance with plans, dated May 14, 2019, and stamped "EXHIBIT B" included in the docket for Record No. **2017-001427CUA** and subject to conditions of approval reviewed and approved by the Commission on July 11, 2019 under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **July 11, 2019** under Motion No. **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** 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

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

7. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

8. **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

9. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

2187 MARKET ST
SAN FRANCISCO
CA 94114
BLK 3558 LOT 148

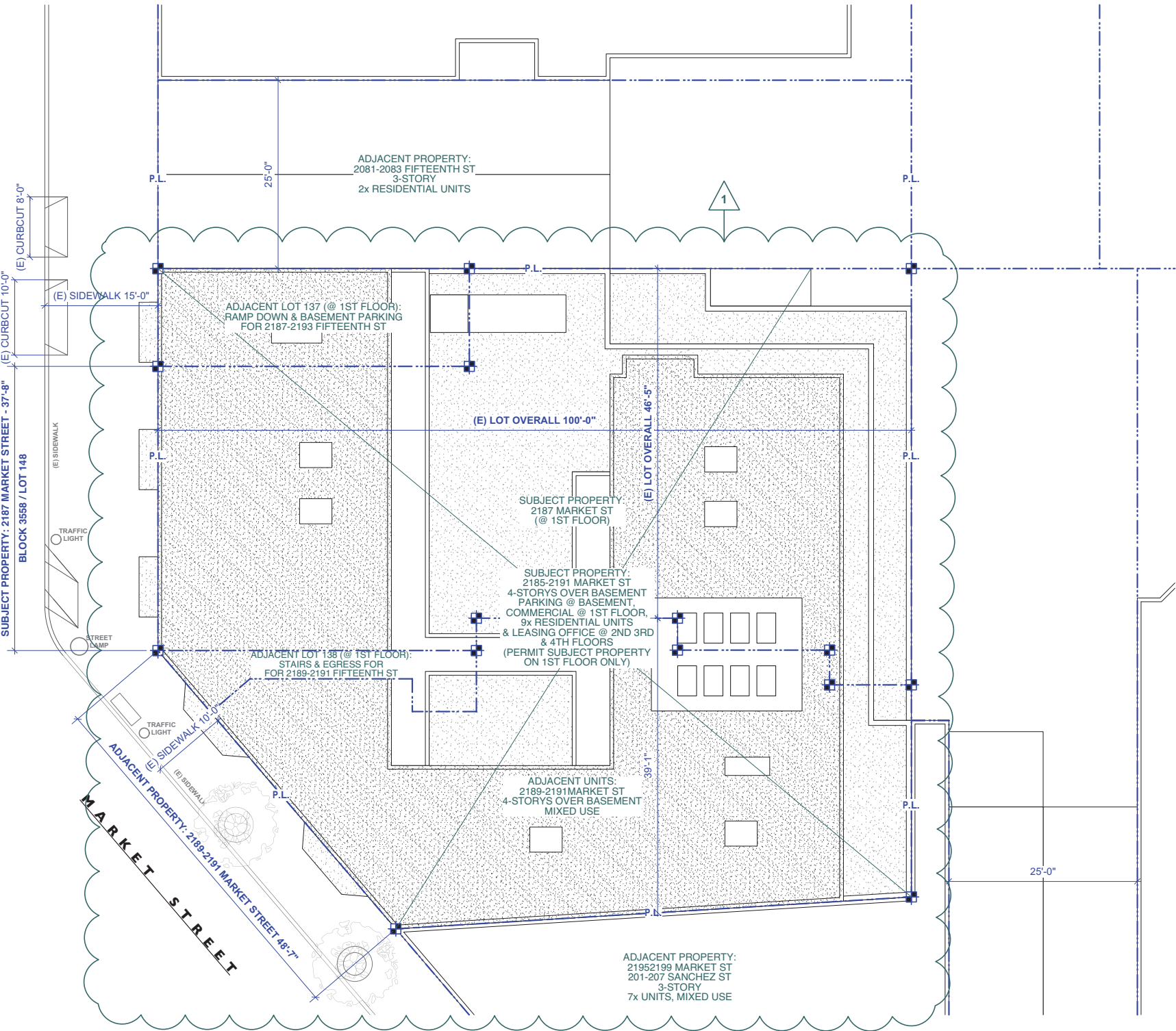
PROJECT TITLE
SHEET & SITE
PLAN

6		
5		
4		
3	05.14.2019	PERMIT REV1
2	11.16.2018	REVIEW
1	09.17.2018	REVIEW
#	DATE	DESC.

SCALE:
1/8"=1'-0"

DATE:
05/28/2018

SHEET #:
A1.1



SCOPE OF WORK:

CONDITIONAL USE AUTHORIZATION FOR THE
ESTABLISHMENT OF A MASSAGE ESTABLISHMENT IN AN (E)
TENANT SPACE APPROX. 3500 SQ.FT. IN AREA

1ST FLOOR TENANT SPACE ONLY - NO CONSTRUCTION
WORK

CODES IN EFFECT:

2016 CA BUILDING CODE - 2016 CA ELECTRICAL CODE
2016 CA PLUMBING CODE - 2016 CA MECHANICAL CODE
2016 CA ENERGY CODE - AND ALL LOCAL ZONING &
BUILDING ORDINANCES

OWNER/LESEE:

RANDY CARILLO & ANDREW TRAN
2187 MARKET STREET, SAN FRANCISCO, CA 94114

AGENT:

HENRY KARNILOWICZ, OCCIDENTAL EXPRESS
1019 HOWARD ST, SAN FRANCISCO, CA 94103
TEL: 415-621-7533

DESIGNER:

JAMES BARKER, JAMES BARKER DESIGN
397 PRENTISS ST, SAN FRANCISCO, CA 94110
TEL: 415-420-9437

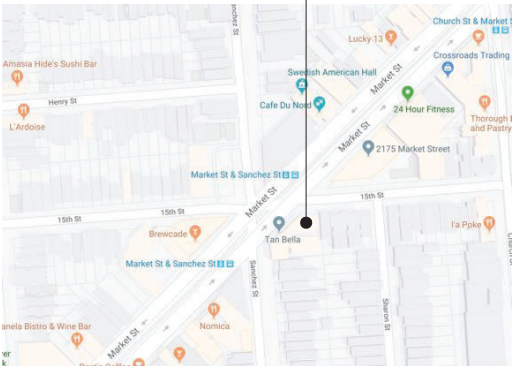
BUILDING INFORMATION:

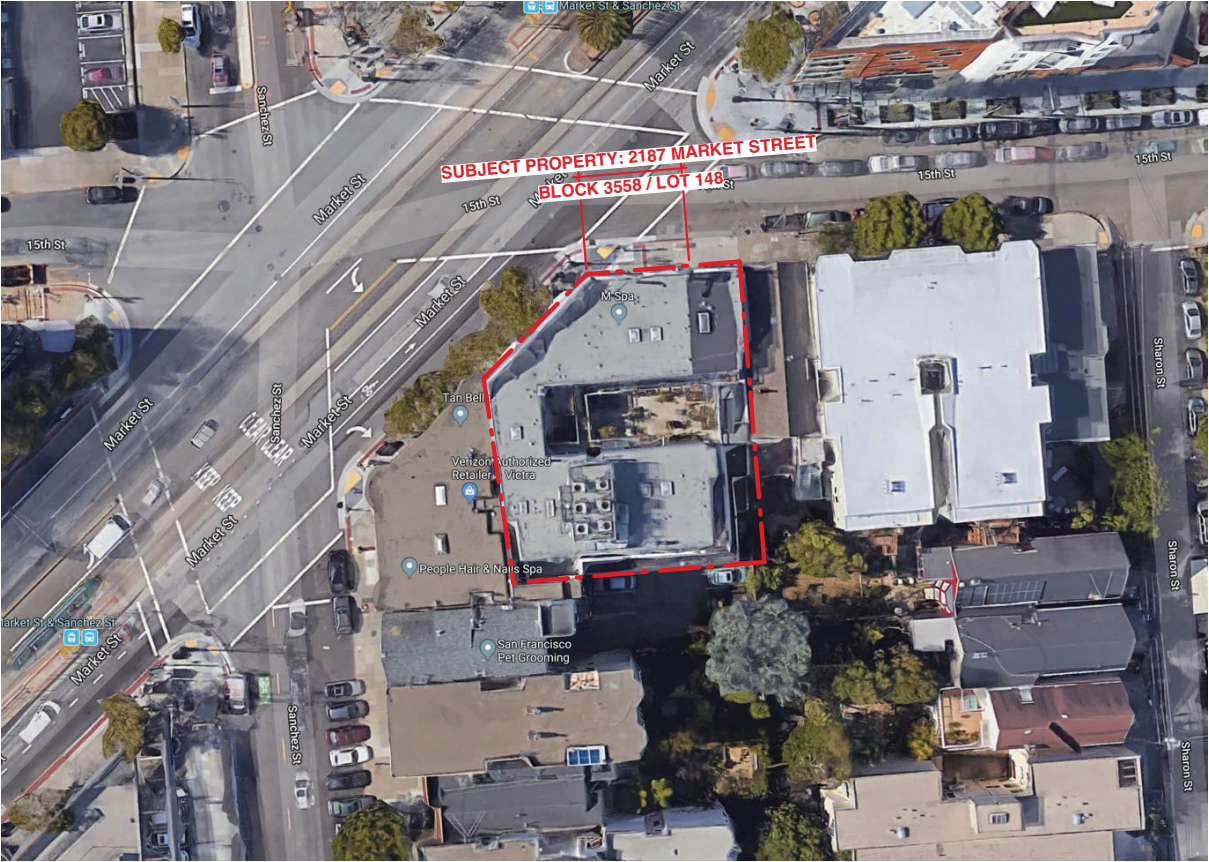
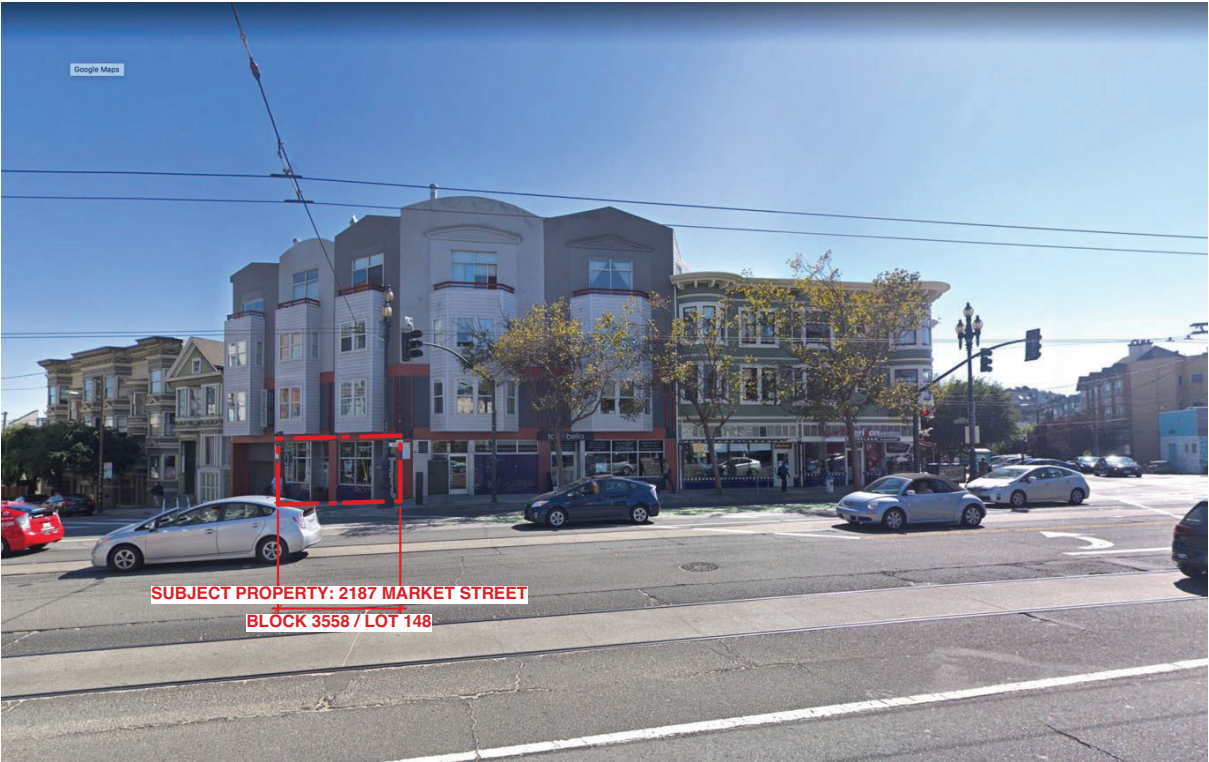
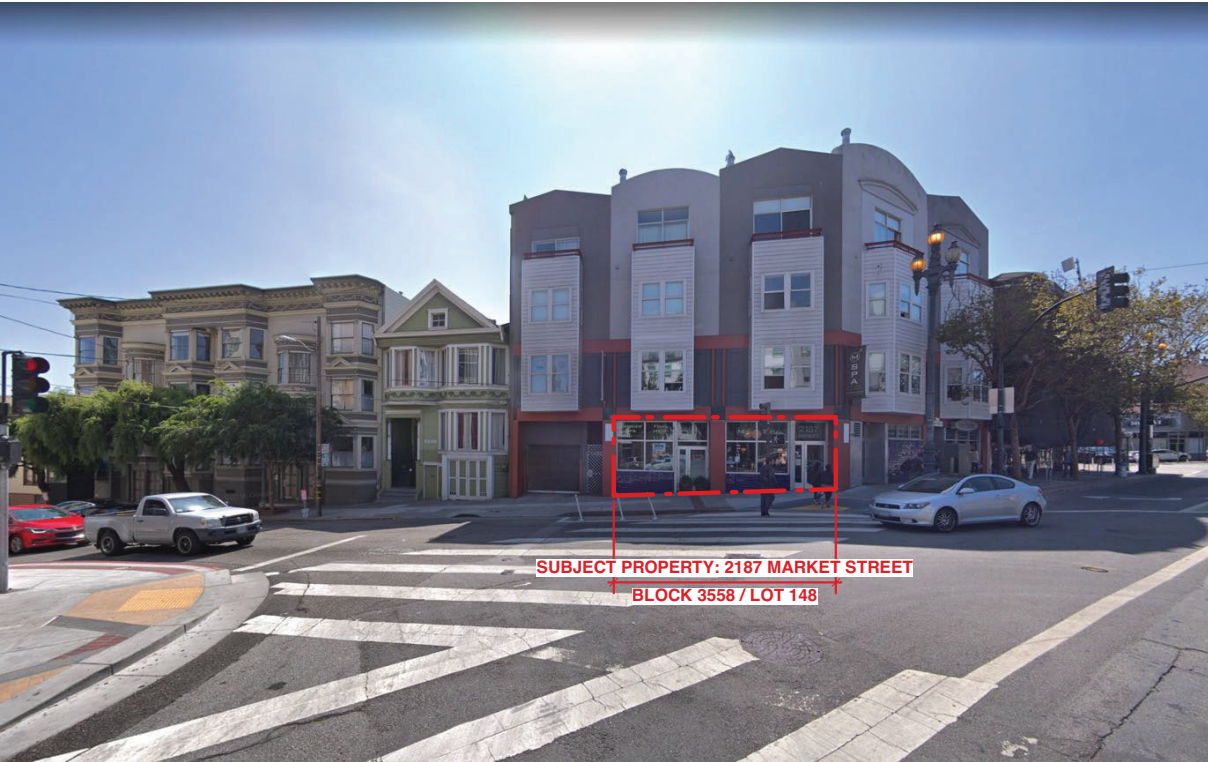
BLOCK / LOT: 3558 / 148
ZONING: NCT - UPPER MARKET NCT
HEIGHT/BULK DISTRICT: 60/65-X
HEIGHT OF BUILDING: +/- 52'-7"
TYPE OF CONSTRUCTION: III
NUMBER OF STORIES: 1
EXISTING USE: 1ST FLOOR B - BARBER/BEAUTY SALON
2ND FLOOR R-2 - RESIDENTIAL
3RD FLOOR R-2 - RESIDENTIAL
4TH FLOOR R-2 - RESIDENTIAL
PROPOSED USE: 1ST FLOOR B - MASSAGE ESTABLISHMENT
2ND FLOOR R-2 - RESIDENTIAL
3RD FLOOR R-2 - RESIDENTIAL
4TH FLOOR R-2 - RESIDENTIAL
FIRE SPRINKLERING: FULLY SPRINKLERED
OCCUPANCY COUNT: <50

SHEET INDEX:

A1.1 PROJECT TITLE SHEET & SITE PLAN
A1.2 SITE PHOTOGRAPHS
A1.3 DISABLED ACCESS CHECKLIST FORMS
A2.1 1ST FLOOR (AREA OF WORK) - EXISTING
A2.2 1ST FLOOR (AREA OF WORK) - PROPOSED
A4.1 EXTERIOR ELEVATIONS - EXISTING/PROPOSED

VICINITY PLAN:
2187 MARKET ST
SAN FRANCISCO, CA 94114





475 VALENCIA ST.
SAN FRANCISCO, CA
BLK 3554 LOT 018

SITE
PHOTOGRAPHS

6		
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4		
3		
2	05.14.2019	PERMIT REV1
1	11.16.2018	REVIEW
#	DATE	DESC.

SCALE:	DATE:
NTS	03/28/2018

SHEET #:

A1.2

D.A. CHECKLIST (p. 1 of 2): The address of the project is : 2187 MISSION STREET

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

1. The proposed use of the project is MESSAGE ESTABLISHMENT (e.g. Retail, Office, Restaurant, etc.)
2. Describe the area of remodel, including which floor: 1ST FLOOR MESSAGE ESTABLISHMENT
3. The construction cost of this project excluding disabled access upgrades to the path of travel is \$ NO WORK which is (check one) more than / less than the Accessibility Threshold amount of \$150,244.00 based on the "2013 ENR Construction Cost Index" (The cost index & threshold are updated annually).
4. Is this a City project and/or does it receive any form of public funding? Check one: Yes / No Note: If Yes, then see Step 3 on the Instructions page of the Disabled Access Upgrade Compliance Checklist package for additional forms required.

Conditions below must be fully documented by accompanying drawings

5. Read A through D below carefully and check the most applicable boxes. Check one box only:

☒ **A:** All existing conditions serving the area of remodel fully comply with access requirements. No further upgrades are required. Fill out page 2 of D.A. Checklist

☐ **B:** Project Adjusted cost of construction is greater than the current valuation threshold: Fill out and attach page 2 of D.A. Checklist and any other required forms to plans

☐ **C:** Project adjusted cost of construction is less than or equal to the current valuation threshold: List items that will be upgraded on Form C. All other items shall be checked on page 2 of the D.A. Checklist in the "Not required by code" column.

☐ **D:** Proposed project consists entirely of Barrier removal: Fill out and attach Barrier removal form to Plans

☐ **E: Proposed project is** minor revision to previously approved permit drawings only. (Note: This shall NOT be used for new or additional work) Provide previously approved permit application here: . Description of revision:

CBC chapter 2 section 202 Definitions:

Technically Infeasible. An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Unreasonable Hardship. When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

- The cost of providing access.
- The cost of all construction contemplated.
- The impact of proposed improvements on financial feasibility of the project.
- The nature of the accessibility which would be gained or lost.

5. The nature of the use of the facility under construction and its availability to persons with disabilities

The details of any Technical Infeasibility or Unreasonable Hardship shall be recorded and entered into the files of the Department. All Unreasonable Hardships shall be ratified by the AAC.

D.A. CHECKLIST (p. 2 of 2): The address of the project is : 2187 MISSION STREET

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

	Existin g Fully Compli ng	Will be Up- graded to Full Complia nce	Equival ent facilitati on will provide full access	Complia nce is Technic ally infeasib le	Appro ved in compli ance with immedi ately preced ing code	Not requ ired by Cod e (and for non e exist ing)	Non-compli ant request URH Must be ratified by AAC	Location of detail(s)- include detail no. & drawing sheet (do not leave this part blank!). Also clarification comments can be written here.
A. One accessible entrance including: approach walk, vertical access, platform (landings), door / gate and hardware for door/ gate	X							1 / A2.1
B. An accessible route to the area of remodel including: Parking/access aisles and curb ramps						X		
Curb ramps and walks						X		
Corridors, hallways, floors	X							1 / A2.1
Ramps elevators, lifts	X							1 / A2.1
C. At least one accessible restroom for each sex or a single unisex restroom serving the area of remodel.	X							1 / A2.1
D. Accessible public pay phone.						X		
E. Accessible drinking fountains.						X		
F. Additional accessible elements such as parking, stairways, storage, alarms and signage.	X							1 / A2.1
See the requirements for additional forms listed below	1.	2.	3.	4.	5.	6.	7.	

- No additional forms required
- No additional forms required
- Fill out Request for Approval of Equivalent Facilitation form for each item checked and attach to plan.

- Fill out Request for Approval of Technical Infeasibility form for each item checked and attach to plans.
- Provide details from a set of City approved reference drawings, provide its permit application number here: and list reference drawing number on plans.
- No additional forms required
- Fill out Request for an Unreasonable Hardship form for each item checked and attach to plan. All UHR must be ratified by the Access Appeals Commission (see UHR form for details)

Form C: DISABLED ACCESS 20% RULE

This form is only required for projects equal to or under the valuation threshold when box "C" is checked off on the D.A. Checklist and is for providing an itemized list of the estimated costs for the expenditures used for disabled access upgrades for this project. Reproduce this form along with the D.A. Checklist and any required form(s) on the plans.

Based on CBC Section 11B-202.4 Exception 8, only projects with a construction cost less than or equal to the valuation threshold (current ENR Construction Cost Index Amount) are eligible for the 20% rule. In choosing which accessible elements to provide, priority should be as listed on p. 2 of the D.A. Checklist.

In general, projects valued over the threshold are not eligible for the 20% rule (see CBC 11B-202.4 Exceptions1 through 8 for other exceptions).

CBC Section11B-202.4, Exception 9 (abbreviated): In alteration projects involving buildings & facilities previously approved & built without elevators, areas above & below the ground floor are subject to the 20% disproportionality provisions described in Exception 8, even if the value of the project exceeds the valuation threshold in Exception 8. Refer to the Code for the types of buildings & facilities that qualifies for this 20% disproportionality provisions when project valuation is over the threshold.

	Contractor's Estimated Cost	DBI Revised Cost
A) Cost of Construction: (Excluding Alterations to the Path of Travel as required by 11B-202.4)	\$ NO WORK	\$
B) 20% of A) :	\$	\$
List the Upgrade Expenditures and their respective construction cost below:		
1.	\$	\$
2.	\$	\$
3.	\$	\$
4.	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
8.	\$	\$
9.	\$	\$

Total Upgrade Expenditures Should be approximately equal to, but not to exceed, Line B	\$ NO WORK	\$
---	------------	----



CONSULTING • DESIGN • CONSTRUCTION • MANAGEMENT

1019 HOWARD STREET
SAN FRANCISCO
CALIFORNIA 94103-2806
415-621-7533
415-621-7583 FAX

DRAWINGS PREPARED BY
JAMES BARKER
JAMES BARKER DESIGN

+1 (415) 420 9437
james@jamesbarkerdesign.com

475 VALENCIA ST.
SAN FRANCISCO, CA
BLK 3554 LOT 018

DISABLED
ACCESS
CHECKLIST
FORMS

6		
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4		
3	05.14.2019	PERMIT REV1
2	11.16.2018	REVIEW
1	09.17.2018	REVIEW
#	DATE	DESC.

SCALE:

NTS

DATE:

03/28/2018

SHEET #:

A1.3

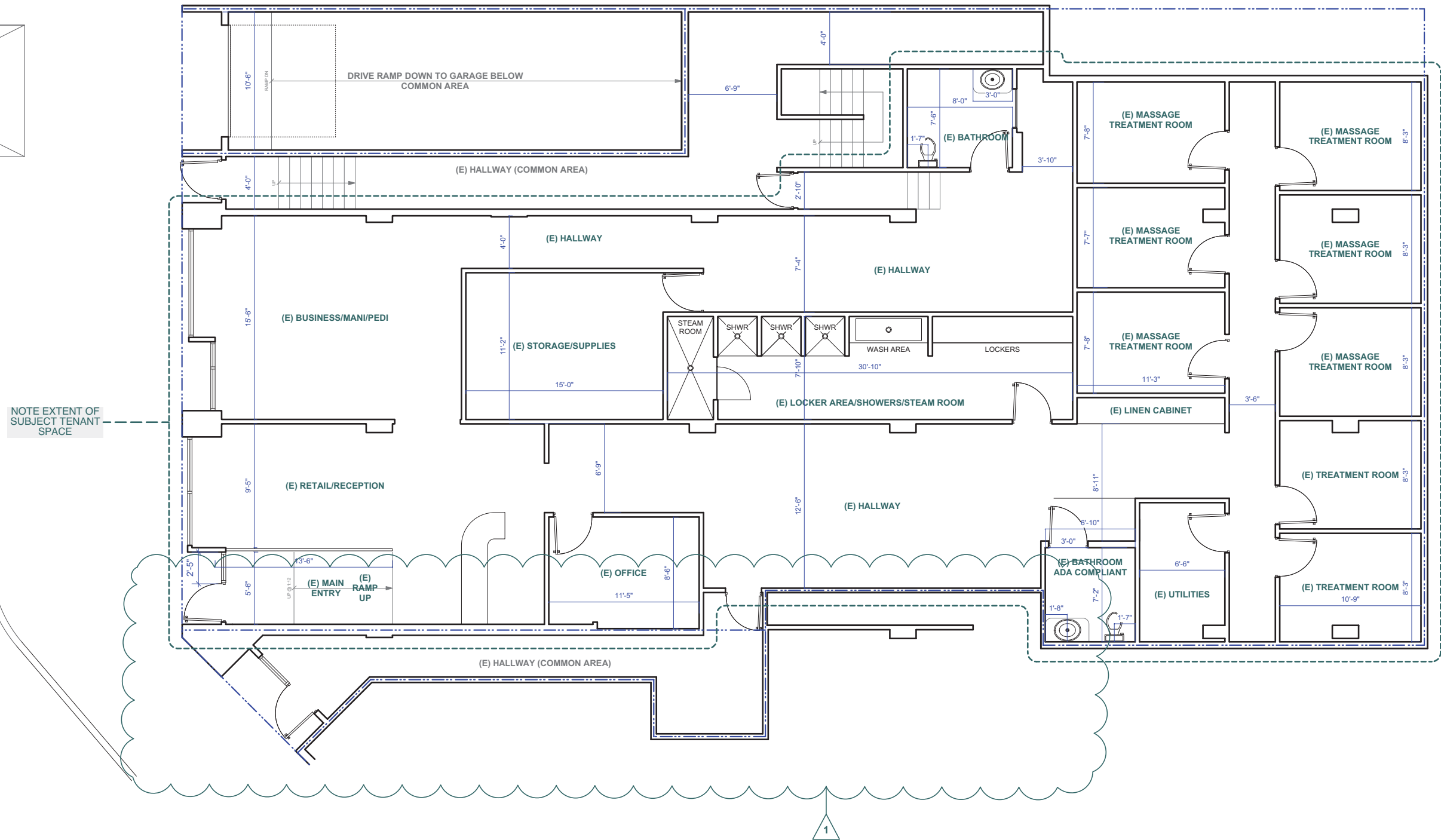
2187 MARKET ST
SAN FRANCISCO
CA 94114
BLK 3558 LOT 148

1ST FLOOR PLAN
(CUA SUBJECT
PROPERTY) -
EXISTING

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3	05.14.2019	PERMIT REV1
2	11.16.2018	REVIEW
1	09.17.2018	REVIEW
#	DATE	DESC.

SCALE:	DATE:
1/4"=1'-0"	03/28/2018

SHEET #:
A2.1





1019 HOWARD STREET
SAN FRANCISCO
CALIFORNIA 94103-2806
415-621-7533
415-621-7583 FAX

DRAWINGS PREPARED BY

JAMES BARKER
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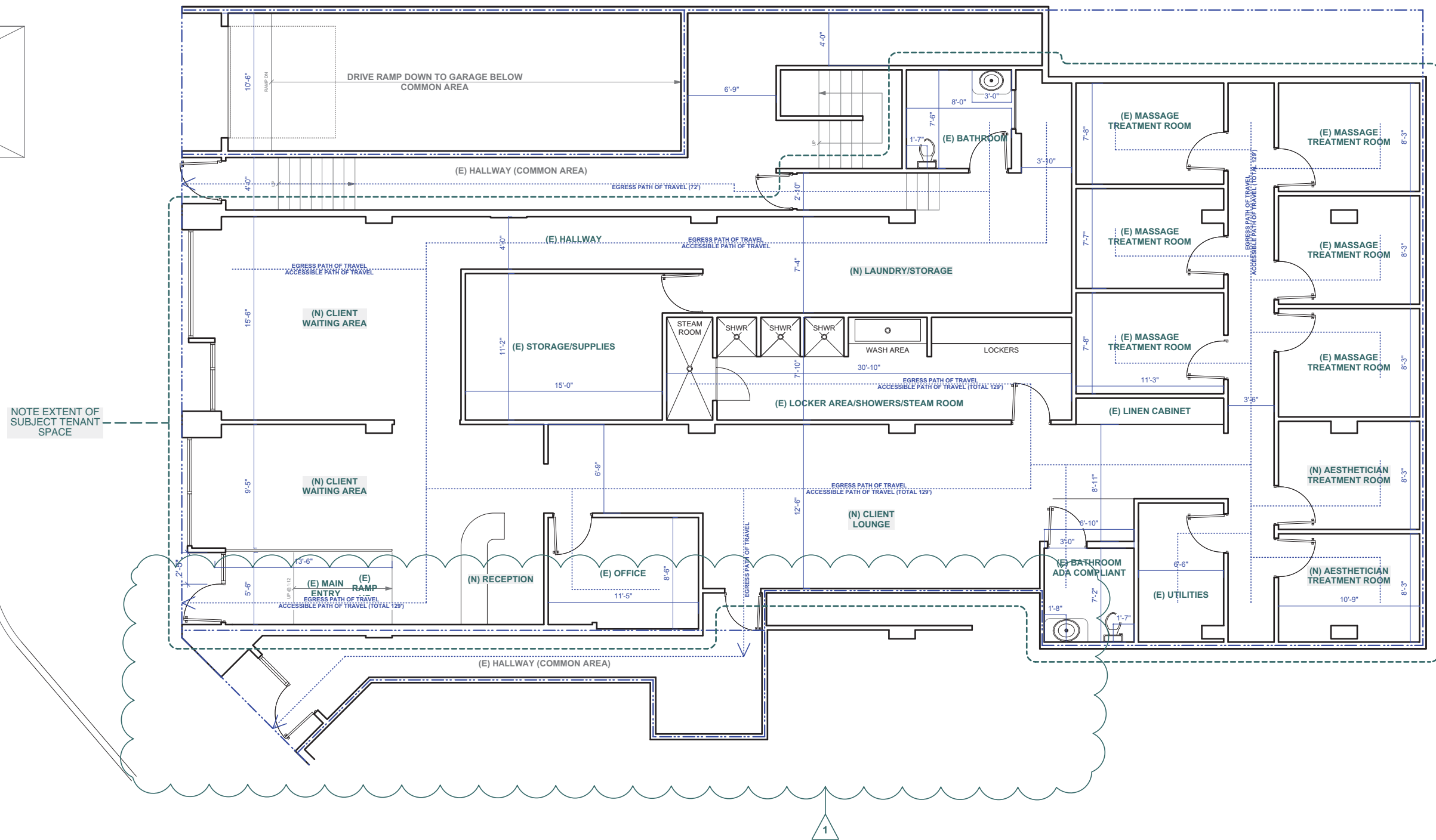
2187 MARKET ST
SAN FRANCISCO
CA 94114
BLK 3558 LOT 148

1ST FLOOR PLAN
(CUA SUBJECT
PROPERTY) -
PROPOSED

SCALE: 1/4"=1'-0"	DATE: 03/28/2018
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SHEET #:

A2.2





2187 MARKET ST
SAN FRANCISCO
CA 94114
BLK 3558 LOT 148

EXTERIOR
ELEVATIONS
(NORTH) -
EXISTING

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3	05.14.2019	PERMIT REV1
2	11.16.2018	REVIEW
1	09.17.2018	REVIEW
#	DATE	DESC.

SCALE:
1/4"=1'-0"

DATE:
03/28/2018

SHEET #:

A4.1



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2187 MARKET ST		3558148
Case No.		Permit No.
2017-001427PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Conditional Use Authorization to permit the change of use from a barber/beauty salon to a massage establishment with an accessory personal service use and for establishment of a use size greater than 3,000 sq.ft.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? <i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Gabriela Pantoja	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Gabriela Pantoja 06/27/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
2187 MARKET ST		3558/148
Case No.	Previous Building Permit No.	New Building Permit No.
2017-001427PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:

Parcel Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

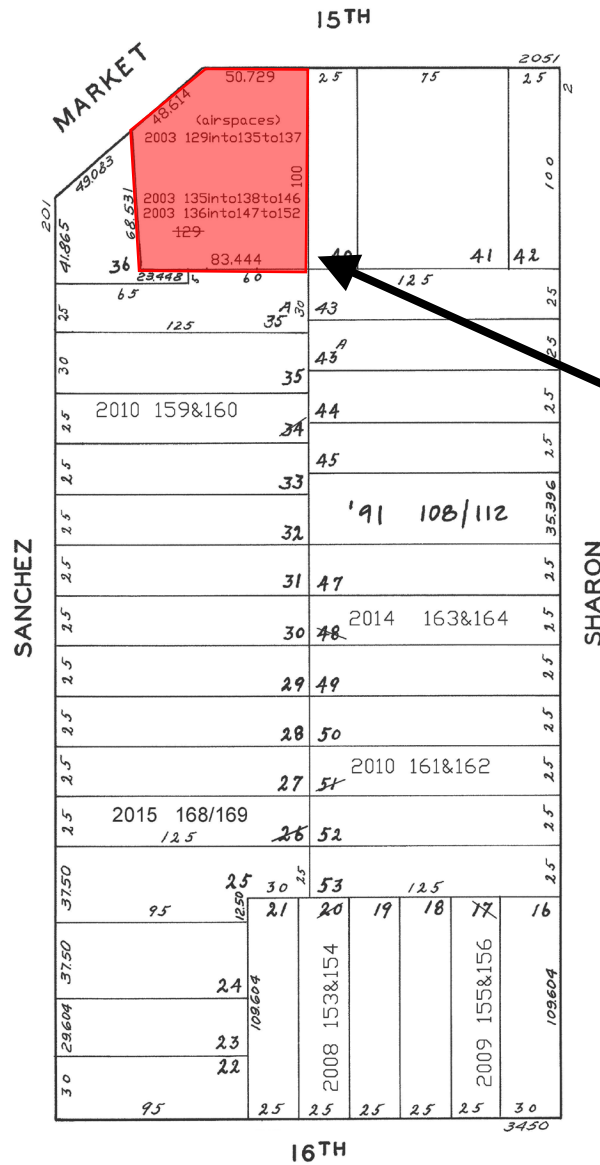
lot55 into lots133&134 for 2002 roll
lot14 into lots130/132 for 2002 roll
lots37to39 into lot129 for 2002 roll
lot129 into lots135to137 for 2003 roll
lot135 into lots138to146 for 2003 roll
lot136 into lots147to152 for 2003 roll
lot20 into lots153&154 for 2008 roll
lot17 into lots155&156 for 2009 roll
lot34 into lots159&160 for 2010 roll
lot51 into lots161&162 for 2010 roll
lot154 into lots163&164 for 2014 roll
lot48 into lots163&164 for 2014 roll
lot11 into lots165/167 for 2014 roll
Lot 26 into lots 168 & 169 for 2015 roll
Lot 58 into lots 170 & 171 for 2018 roll

3558

MISSION BLK. 96

SHEET 1

REVISED '82

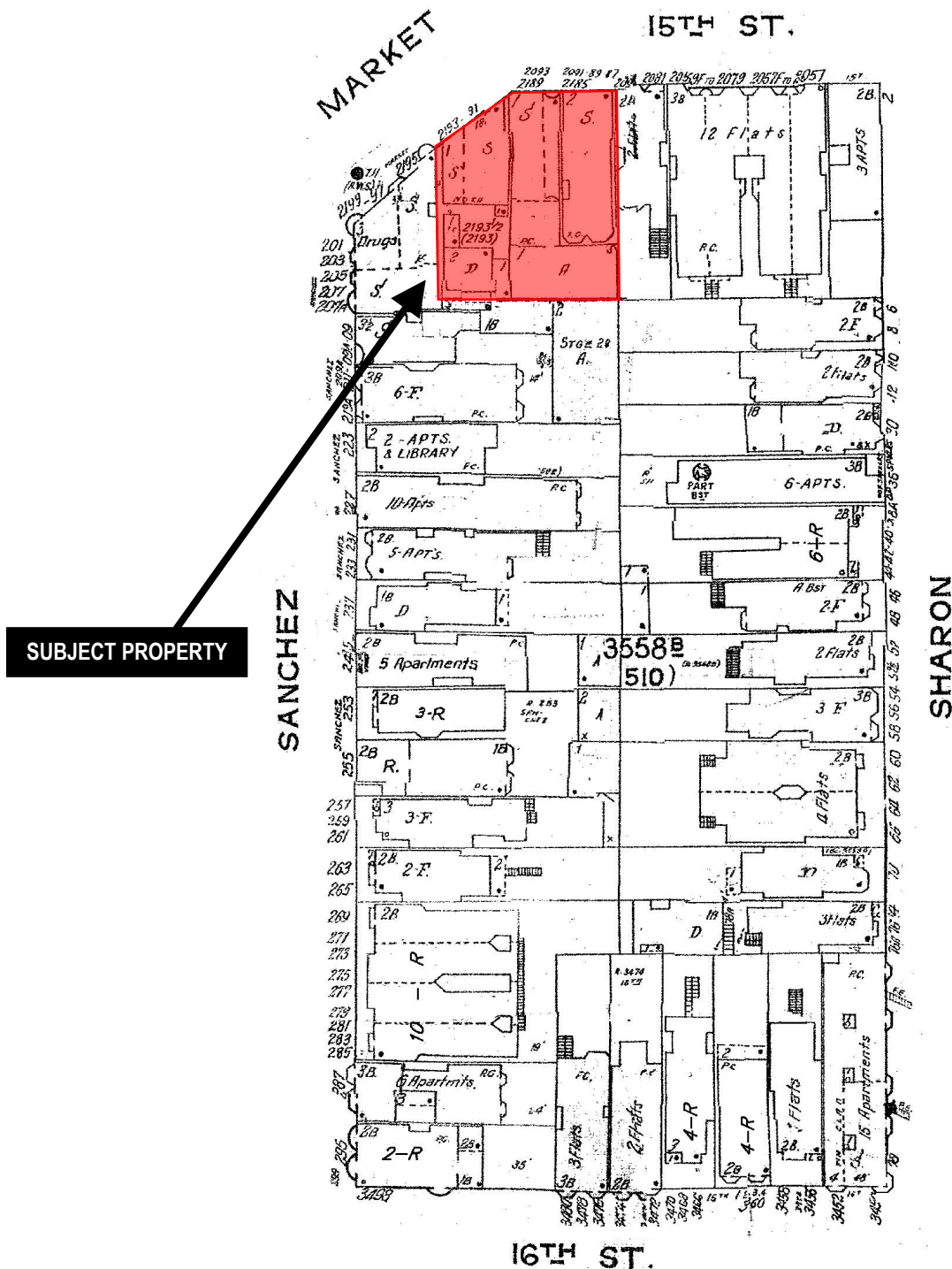


SUBJECT PROPERTY

Conditional Use Authorization
Record No. 2017-001427CUA
2187 Market 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 Authorization
Record No. 2017-001427CUA
2187 Market Street

Aerial Photo

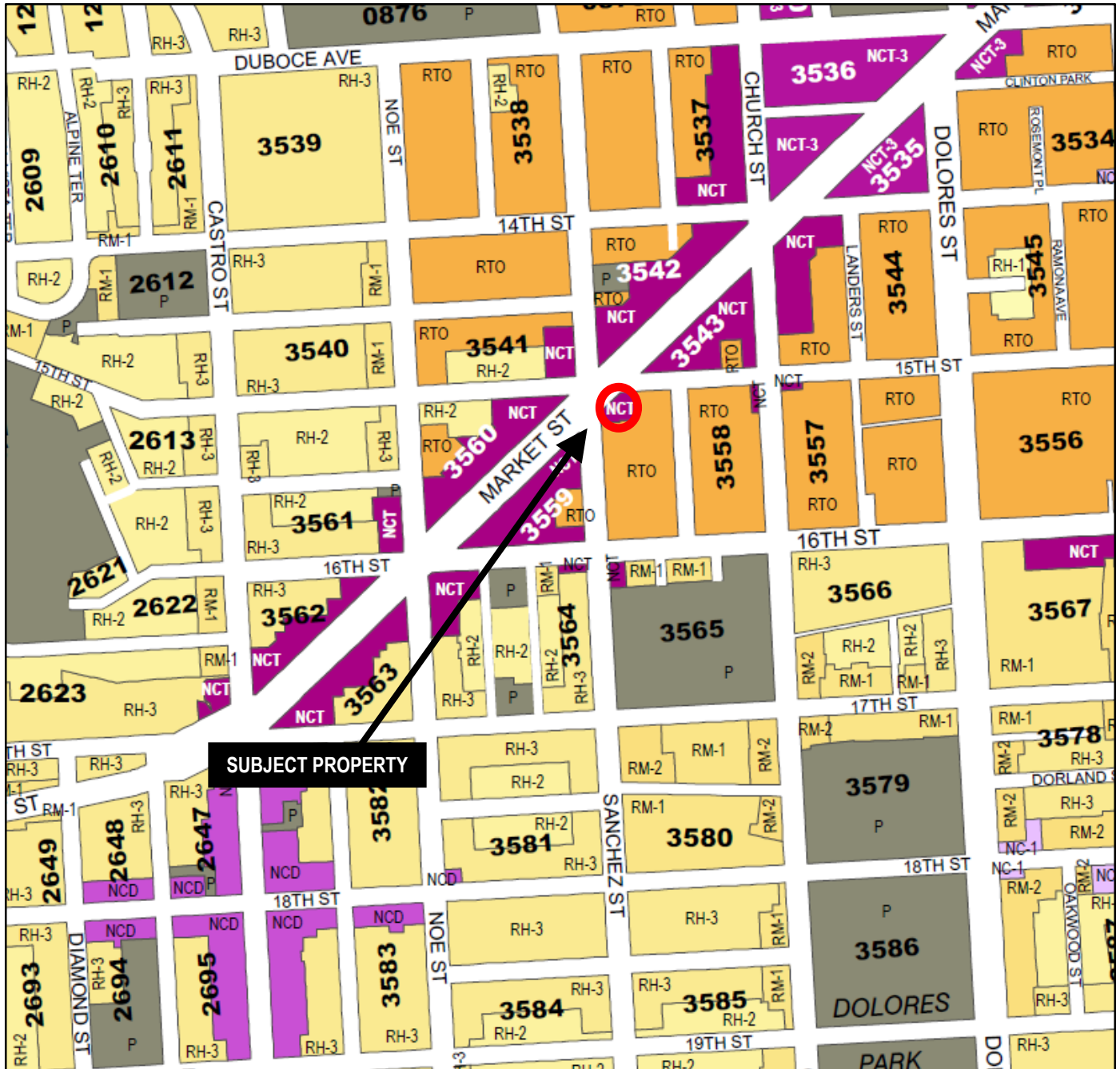


SUBJECT PROPERTY



Conditional Use Authorization
Record No. 2017-001427CUA
2187 Market Street

Zoning Map

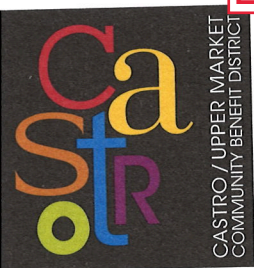


Conditional Use Authorization
Record No. 2017-001427CUA
2187 Market Street

Site Photo



Conditional Use Authorization
Record No. 2017-001427CUA
2187 Market Street



584 Castro Street #336
San Francisco, CA 94114
PH 415.500.1181
FX 415.522.0395
www.castrocbd.org
[www.facebook/
castrocbd](http://www.facebook/castrocbd)
[@visitthecastro](https://twitter.com/visitthecastro)

August 10, 2018

Rich Hillis, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Case# 2017-001427CUA

Dear President Hillis,

The Castro/Upper Market Community Benefit District (Castro CBD) is writing to express our support for M Spa's CUA. This is really a technical correction issue and the Castro CBD fully supports the continuation of M Spa, a spa and massage service for men at 2187 Market St.

If you have any questions, please do not hesitate to contact me at andrea@castrocbd.org.

Thank you.

Sincerely,

Andrea Aiello

cc: Andrew Tran
Ionin Jonas
Rafael Mandelman, Supervisor District 8
Tom Temprano, Legislative Aide Supervisor Mandelman

**584 Castro Street #333
San Francisco CA 94114-2512**

formerly "Merchants of Upper Market & Castro – MUMC"
415/431-2359

Info@CastroMerchants.com
www.CastroMerchants.com

August 13, 2018

By Email and USPS Hardcopy

Gabriela Pantoja, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103

Re: Conditional Use Authorization, Case 2017-001427CUA
M Spa, 2187 Market Street, Change of Use from "Barber/Beauty Salon" to "Massage Establishment"

Dear Mrs. Pantoja,

This confirms that Castro Merchants (formerly "Merchants of Upper Market & Castro – MUMC") **SUPPORTS** the Conditional Use Application of Andrew Tran and M Spa for the Change of Use described above.

Our SUPPORT includes for the Applicant's request when heard by the Planning Commission, not yet scheduled. It also includes applications for any related S.F. Departments of Building Inspection, Public Health and other City and State jurisdictions, and other entitlements related to the proposed Change of Use.

CM's support is based on information provided by Mr. Tran at a recent Castro Merchants Members Meeting. The support communicated in this letter remains in effect until withdrawn in writing. We have asked Mr. Tran to update us promptly, if there is any substantial change(s) in information or Conditions of Approval as M Spa nears its Planning Commission Hearing date and other approval milestones.

Castro Merchants represents business owners and managers in San Francisco's Castro-Upper Market area, generally along Upper Market Street from Castro Street to Octavia Blvd.; Castro from Market to 19th Street; and commercially-zoned portions of cross streets throughout that area. Castro Merchants has about 300 paid Members for 2018 through April 30, 2019. M Spa's location is within Castro Merchants' primary service area.

..... continued



CASTRO MERCHANTS

S.F. Planning Department

August 13, 2018

Re: Conditional Use Authorization, Case 2017-001427CUA

M Spa, 2187 Market Street, Change of Use from "Barber/Beauty Salon" to "Massage Establishment"

Let us know if you have any questions regarding Castro Merchants support for this Application. Please include this letter in the matter's permanent file and any successor files and assure that our support is communicated to all applicable Planning Staff and to all Commissioners prior to their Hearing on this matter, and to any Appeal panel(s) at the time that this matter is considered by them.

Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Bergerac", written over a light blue rectangular background.

Daniel Bergerac, President

email cc: S.F. District 8 Supervisor Rafael Mandelman, Staff Tom Temprano
SFPD Mission Station Captain Gaetano Caltagirone

cc: Andrew Tran, M Spa
Henry Karnilowicz, Occidental Express

,,, LtrPlanningMSpa081318



PROJECT APPLICATION (PRJ)

A Project Application must be submitted for any Building Permit Application that requires an intake for Planning Department review, including for environmental evaluation or neighborhood notification, or for any project that seeks an entitlement from the Planning Department, such as a Conditional Use Authorization or Variance.

For more, see the [Project Application Informational Packet](#).

Cost for Time and Materials: Any time and materials exceeding initial fees charged for services provided are subject to billing.

For more information call 415.558.6377, or email the Planning Information Center (PIC) at pic@sfgov.org.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

BUILDING PERMIT APPLICATIONS

HOW TO SUBMIT:

For Building Permit Applications that require intake for Planning Department review, present this Project Application together with the Building Permit Application at the Planning Information Center (PIC), 1660 Mission Street, Ground Floor.

WHAT TO SUBMIT:

- ☐ One (1) complete and signed application.
- ☐ Two (2) hard copy sets of plans that meet the Department of Building Inspection's submittal standards. Please see the Planning [Department's Plan Submittal Guidelines](#) for more information.
- ☐ A Letter of Authorization from the owner(s) designating an Authorized Agent to communicate with the Planning Department on their behalf, if applicable.
- ☐ Pre-Application Meeting materials, if required. See the [Pre-Application Meeting Informational Packet](#) for more information.

Note: The applicable fee amount for Building Permit Applications will be assessed and collected at intake by the Department of Building Inspection at the Central Permitting Bureau at 1660 Mission St, Ground Floor.

(See [Fee Schedule and/or Calculator](#)).

ENTITLEMENTS

HOW TO SUBMIT:

For projects that require an entitlement from the Planning Department (e.g., Conditional Use, Variance), submit a Project Application and any required supplemental applications online at sfplanning.org, or to submit in person, you may schedule an intake appointment by sending an [Intake Request Form](#) to CPC.Intake@sfgov.org.

WHAT TO SUBMIT:

- ☐ One (1) complete and signed PRJ application, or complete online submittal, including the following:
- ☐ An electronic copy (online or USB drive) of plans formatted to print at 11" x 17". Please see the [Department's Plan Submittal Guidelines](#) for more information about the required contents of plan submittals.
- ☐ A Letter of Authorization from the owner(s) designating an Authorized Agent to communicate with the Planning Department on their behalf, if applicable.
- ☐ Pre-Application Meeting materials, if required. See the [Pre-Application Meeting Informational Packet](#) for more information.
- ☐ Current or historic photograph(s) of the property.
- ☐ All supplemental entitlement applications (e.g., Conditional Use, Variance) and information for environmental review, as indicated in this Project Application or in the Preliminary Project Assessment (PPA) letter.
- ☐ Payment via check, money order or debit/credit card for the total fee amount for all required supplemental applications. (See [Fee Schedule and/or Calculator](#)).



PROJECT APPLICATION (PRJ)

GENERAL INFORMATION

Property Information

Project Address: 2187 Market Street

Block/Lot(s): 3558/148

Property Owner's Information

Name: Rose Jade Management LLC

Address: San Pablo, CA 94806

Email Address:

Telephone:

Applicant Information

☐ Same as above

Name: Henry Karnilowicz

Company/Organization: Occidental Express

Address: 1019 Howard Street
San Francisco, CA 94103

Email Address: occexp@aol.com

Telephone: 415-420-8113

Please Select Billing Contact:

☐ Owner

☒ Applicant

☐ Other (see below for details)

Name: _____ Email: _____ Phone: _____

Please Select Primary Project Contact:

☐ Owner

☒ Applicant

☐ Billing

RELATED APPLICATIONS

Related Building Permit Applications

☒ N/A

Building Permit Application No(s):

Related Preliminary Project Assessments (PPA)

☒ N/A

PPA Application No:

PPA Letter Date:

PROJECT INFORMATION

Project Description:

Please provide a narrative project description that summarizes the project and its purpose. Please list any special authorizations or changes to the Planning Code or Zoning Maps if applicable.

Change of use of an existing barber/beauty shop into a Massage Establishment.

Project Details:

- ☒ Change of Use ☐ New Construction ☐ Demolition ☐ Facade Alterations ☐ ROW Improvements
- ☐ Additions ☐ Legislative/Zoning Changes ☐ Lot Line Adjustment-Subdivision ☐ Other _____

- Residential:** ☐ Senior Housing ☐ 100% Affordable ☐ Student Housing ☐ Dwelling Unit Legalization
- ☐ Inclusionary Housing Required ☐ State Density Bonus ☐ Accessory Dwelling Unit

Indicate whether the project proposes rental or ownership units: ☐ Rental Units ☐ Ownership Units ☐ Don't Know

- Non-Residential:** ☐ Formula Retail ☐ Medical Cannabis Dispensary ☐ Tobacco Paraphernalia Establishment
- ☐ Financial Service ☒ Massage Establishment ☐ Other: _____

Estimated Construction Cost: None

PROJECT AND LAND USE TABLES

		Existing	Proposed
General Land Use	Parking GSF		
	Residential GSF		
	Retail/Commercial GSF		
	Office GSF		
	Industrial-PDR		
	Medical GSF		
	Visitor GSF		
	CIE (Cultural, Institutional, Educational)		
	Useable Open Space GSF		
	Public Open Space GSF		

Project Features	Dwelling Units - Affordable		
	Dwelling Units - Market Rate		
	Dwelling Units - Total		
	Hotel Rooms		
	Number of Building(s)		
	Number of Stories		
	Parking Spaces		
	Loading Spaces		
	Bicycle Spaces		
	Car Share Spaces		
	Other: _____		


Land Use - Residential	Studio Units		
	One Bedroom Units		
	Two Bedroom Units		
	Three Bedroom (or +) Units		
	Group Housing - Rooms		
	Group Housing - Beds		
	SRO Units		
	Micro Units		
	Accessory Dwelling Units For ADUs, list all ADUs and include unit type (e.g. studio, 1 bedroom, 2 bedroom, etc.) and the square footage area for each unit.		

ENVIRONMENTAL EVALUATION SCREENING FORM





This form will determine if further environmental review is required.

If you are submitting a Building Permit Application only, please respond to the below questions to the best of your knowledge. You do not need to submit any additional materials at this time, and an environmental planner will contact you with further instructions.

If you are submitting an application for entitlement, please submit the required supplemental applications, technical studies, or other information indicated below along with this Project Application.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
1a. General	Estimated construction duration (months):	N/A	
1b. General	Does the project involve replacement or repair of a building foundation? If yes, please provide the foundation design type (e.g., mat foundation, spread footings, drilled piers, etc)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Transportation	Does the project involve a child care facility or school with 30 or more students, or a location 1,500 square feet or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit an Environmental Supplemental- School and Child Care Drop-Off & Pick-Up Management Plan .
3. Shadow	Would the project result in any construction over 40 feet in height?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, an initial review by a shadow expert, including a recommendation as to whether a shadow analysis is needed, may be required, as determined by Planning staff. (If the project already underwent Preliminary Project Assessment, refer to the shadow discussion in the PPA letter.) An additional fee for a shadow review may be required.
4a. Historic Preservation 	Would the project involve changes to the front façade or an addition visible from the public right-of-way of a structure built 45 or more years ago or located in a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a complete Historic Resource Determination Supplemental Application. Include all materials required in the application, including a complete record (with copies) of all building permits.
4b. Historic Preservation	Would the project involve demolition of a structure constructed 45 or more years ago, or a structure located within a historic district?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, a historic resource evaluation (HRE) report will be required. The scope of the HRE will be determined in consultation with CPC-HRE@sfgov.org .

 Please see the [Property Information Map](#) or speak with Planning Information Center (PIC) staff to determine if this applies.

Environmental Topic	Information	Applicable to Proposed Project?	Notes/Requirements
5. Archeology 	Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeologically sensitive area or eight (8) feet below grade in a non-archeologically sensitive area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, provide depth of excavation/disturbance below grade (in feet*): <i>*Note this includes foundation work</i>
6. Geology and Soils 	Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 20% or greater? ----- Area of excavation/disturbance (in square feet): _____ Amount of excavation (in cubic yards): _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project: <ul style="list-style-type: none"> ● The project involves: <ul style="list-style-type: none"> ○ excavation of 50 or more cubic yards of soil, or ○ building expansion greater than 1,000 square feet outside of the existing building footprint. ● The project involves a lot split located on a slope equal to or greater than 20 percent. <u>A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.</u>
7. Air Quality 	Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an Air Pollutant Exposure Zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, the property owner must submit copy of initial filed application with department of public health. More information is found here .
8a. Hazardous Materials	Would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a Phase I Environmental Site Assessment prepared by a qualified consultant.
8b. Hazardous Materials 	Is the project site located within the Maher area and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, submit a copy of the Maher Application Form to the Department of Public Health. Also submit a receipt of Maher enrollment with the Project Application. For more information about the Maher program and enrollment, refer to the Department of Public Health's Environmental Health Division . <u>Maher enrollment may also be required for other circumstances as determined by Environmental Planning staff.</u>

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

Signature 

Henry Karnilowicz
Name (Printed)

1/27/2017
Date

Applicant
Relationship to Project
(i.e. Owner, Architect, etc.)

415-420-8113
Phone

occexp@aol.com
Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

ANDREW TRAN
32 Campo Verde Circle
San Pablo, CA 94806
415.556.9101
e-mail: onesoy@yahoo.com

January 26, 2017

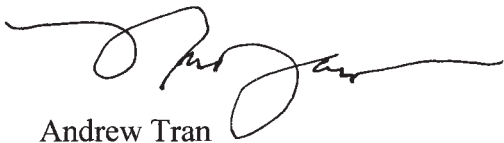
TO WHOM IT MAY CONCERN

RE:
2187 Market Street
San Francisco
Block 3558 Lot 148

Mr. Karnilowicz, of Occidental Express, is authorized as my agent and to act on my behalf on all matters relating to the permitting of a massage establishment.

Thank you.

Sincerely yours,



Andrew Tran

AT/hk

Project Address: 2187 Market Street Block/Lot #: 3558/148

Response to NOPDR dated 2017.11.06

Item #6. Operation Plan.

The business is called M Spa. There will be no name change. The business has operated under this name since 2016, when the current owners purchased it.

The hours of operation are as follows:

Mon - Fri: 11:00am - 8:00pm

Sat: 10:00am - 8:00pm

Sun: 11:00am - 7:00pm

The percentage of local employees is high. Overall there are approximately sixteen members of staff, with three employees and the rest contractors. All of the employees live in San Francisco, and 75% of the contractors also live in San Francisco. Combined that makes 79% of staff who live in San Francisco.

The certifications held by staff are licenses regulated by CAMTC, which is the California Massage Therapists Council, or operate with a license from the City of San Francisco, through the Department of Public Health/Environmental Health's Massage License Program.

The business is owned locally by Andrew Tran and his partner, Randy Carillo. They used to live in San Francisco, and recently moved to Oakland, CA. Since starting the business, they have also purchased the property.



CONDITIONAL USE AUTHORIZATION

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

Pursuant to Planning Code Section 303, the Planning Commission shall hear and make determinations regarding Conditional Use Authorization applications.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9120. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS A CONDITIONAL USE AUTHORIZATION?

A Conditional Use refers to a use that is not principally permitted in a particular Zoning District. Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. During this public hearing the Planning Commission will "condition" the use by applying operational conditions that may minimize neighborhood concerns as well as other conditions that may be required by the Department and the Planning Code. Conditional Use Authorizations are entitlements that run with the property, not the operator.

WHEN IS A CONDITIONAL USE AUTHORIZATION NECESSARY?

For each Zoning District, the Planning Code contains use charts that list types of uses and whether each is permitted as of right (P), conditionally permitted (C), or not permitted (NP or blank). In addition to those particular uses, the Conditional Use Authorization process is utilized for various other applications included but not limited to dwelling unit removal, Planned Unit Developments (PUD's), and for off-street parking in certain Zoning Districts. Please consult a planner at the Planning Information Counter (PIC) for additional information regarding these applications.

Fees

Please refer to the [Planning Department Fee Schedule](#) available at www.sfplanning.org or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at 415.558.6377.

Fees will be determined based on the estimated construction costs. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.



CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 2187 Market Street

Block/Lot(s): 3558/148

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Establishment of a Massage Establishment pursuant to Planning Code Section 764 and a land-use greater than 3,000 square feet pursuant to Planning Code Section 121.2.

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

See attached.

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

See attached.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

Signature 

Henry Karnilowicz
Name (Printed)

1/27/2017
Date

Applicant
Relationship to Project
(i.e. Owner, Architect, etc.)

415-420-8113
Phone

occexp@aol.com
Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

FRAME AND HANG IN PLAIN VIEW

PERMIT TO OPERATE

AND CERTIFICATE OF SANITARY INSPECTION

Issued according to the provisions of the San Francisco Health Code

M- 02484

AUTHORIZING conduct of the following class of

ISSUED ON:

MASSAGE BUSINESS: H67 General Massage Establishment

March 2, 2010

OPERATOR: M SPA LLC

DBA: M SPA

ADDRESS: 2187 Market St.
San Francisco, CA 94114

Valid only when accompanied by a receipt from the Tax Collector showing payment of current license fee. THIS PERMIT TO OPERATE MAY BE REVOKED OR SUSPENDED FOR CAUSE AND IS NOT TRANSFERABLE. CHANGE OF OWNERSHIP must be reported immediately.

PLANNING REQUIREMENTS

Continuation of a personal service use with accessory massage is permitted per Section 209. Limits include no more than 2 massage therapists at one time. No more than 300 sq ft devoted to massage.

DEPARTMENT OF PUBLIC HEALTH

Environmental Health Section
City & County of San Francisco

Inspector

Director of Environmental Health

Principal Inspector

Director of Public Health



San Francisco Department of Public Health
Environmental Health Section
1390 Market Street, Ste. 210

General Info No. 252-3882

District No.:

MASSAGE INSPECTION REPORT

Location Address:		Inspection Date: 6/18/15	Time In:
Business Name:		Re-Inspection Date:	Time Out:
Owner Name:		Inspection Type:	Total Time:
Location ID: 12873	Phone:	Citation <input type="checkbox"/> 31 Date:	Legal Action: Closure <input type="checkbox"/> 32 Hearing <input type="checkbox"/> 33

Facility Permit: Posted <input type="checkbox"/> Not Posted <input type="checkbox"/> 34	Facility License: Valid <input type="checkbox"/> Not Valid <input type="checkbox"/> 35 Posted <input type="checkbox"/> Not Posted <input type="checkbox"/> 36	Practitioners: List on Site: Yes <input type="checkbox"/> No <input type="checkbox"/> 37 ID card (s): Available <input type="checkbox"/> Not Available <input type="checkbox"/> 39 License: Yes <input type="checkbox"/> No <input type="checkbox"/> 38 Permit: Available <input type="checkbox"/> Not Available <input type="checkbox"/> 40
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Violations	The marked violations are Health Code violations which must be corrected by dates indicated. Failure to comply may result in permit suspension or revocation.	DATE
Structural		
1 Unapproved floors in Steam/Toilet/Shower rooms		
2 Unapproved ceiling & walls in Steam/Toilet & Shower rooms		
3 Floor drains not provided		

CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Project Address: 2187 Market Street

Block/Lot #: 3558/148

Conditional Use Findings 2018.08.31

1. The proposed use, which involves changing the designation of the business known as M Spa, from a beauty salon/barber shop, to a massage establishment with adjunct beauticians' services, will provide a development that is highly desirable for the community. The location has been in use as a beauty parlor/barbershop with two massage stations since before 2004. A massage establishment is a vital contribution to the local community. Possibly the strongest evidence for this is the demand for services, which is so high that M Spa has been unable so far to accommodate guests' appointment requests in the time frame requested. The fact that this is also true for the other massage establishment in the neighborhood, Always Tan, speaks to an enduring need.

The proposal is for six massage stations and two stations for aestheticians, with a total of eight treatment rooms. In order to support those services, and provide a vital and pleasing environment for guests, additional services such as retail sales, a refreshments bar, and a steam room are provided.

A day spa is meant to be a place for rejuvenation and restoration for the body, and to some extent for the mind as well. To that end M Spa offers a quiet, calm, peaceful and professional atmosphere. This satisfies a very great need in this busy city and in this hectic day and age. Indeed, hundreds of clients are so keen to take advantage of massage and aestheticians services that they attend up to three times a week. Many other guests also attend on a regular basis.

The number of guests at the spa increases later in the day as well as later in the week, and even later in the month. One possible explanation of this is that the further it gets from the weekend and people's opportunities for rest and recovery, the more tired and stressed they become, hence the greater the need for relaxation and restoration. The hours of operation of M Spa are compatible with those of surrounding businesses, and accommodate a wide variety of guests' travel and work schedules.

The location of M Spa at the corner of Market Street and 15th St. is very compatible with the neighborhood, as it is in the midst of an extensive variety of other commercial enterprises such as bars and restaurants, bookstores, banks,

theater venues, a hardware store and book store and many others, including the major Safeway plaza at the corner of Church and Market Streets. Some businesses close by offer related services, for example Tan Bella for tanning services and numerous nail salons and hair salons. There are also numerous gyms within a block or so of the spa: 24-Hour Fitness, Fitness SF Castro, Boombox studio, and Flagship Athletic. Both gym guests and trainers use M Spa for their pain relief and relaxation needs.

There are also several professional offices such as dentists and psychotherapists in the same building as M Spa on the second floor. While massage therapists do not undergo such extensive training as those professionals, massage therapists are also licensed and regulated by either CAMTC, which is the California Massage Therapists Council, or operate with a license from the City of San Francisco, through the Department of Public Health/Environmental Health's Massage License Program.

The variety of existing businesses and services, the close ties with places such as gyms, beauty salons and massage schools, and its location in a building with other health- and wellbeing- related services all indicate that M Spa is highly compatible with other businesses in the immediate vicinity and the surrounding neighborhood.

From the perspective of local residents, M Spa also is highly compatible with the neighborhood. The corner of Market Street and 15th Street where M Spa is located is surrounded by a residential neighborhood that has recently increased substantially in density. The property across the road at 2175 Market is a new apartment building with 90 units in 6 stories. At 2198 Market, which is not yet completed, is zoned for 15 units or more, and 2213-2241B Market Street/226-240 Sanchez Street, has 32 units. Thus hundreds more people now live virtually across the road from the spa.

This fairly high residential density, and the existence of the commercial strip stretching for many blocks in both directions along Market Street, generates a significant amount of foot traffic. Spa staff estimate that approximately a third of all new guests first visit on a drop in basis as they are walking by. This recent upswing in density and associated increase in foot traffic might partially explain why M Spa is unable to keep up with demand at this time.

Approximately one third of all clients who visited the spa in the last two years live in San Francisco, and of those, almost two thirds live in the Castro, Twin Peaks, Haight Ashbury, Mission, and South of Market neighborhoods. This is very strong evidence to support the idea that this development is necessary, desirable for AND compatible with, the neighborhood and the community.

M Spa also has its share of national and international tourists from all over the world, as you would expect in San Francisco. Tourists visit from Asia, Australia, Central and South America, Europe and many other other places; whilst languages spoken by spa staff, besides English, are Spanish, Thai, Tagalog, Vietnamese, Khmer, French and Russian.

Tourist dollars are a key component of the economics of this city. It is also important to note that small businesses are the largest industry sector providing employment in the city. Therefore a development that holds strong appeal for both locals and tourists is highly desirable.

The proposed massage establishment not only provides a very beneficial service to spa guests, thus contributing to their wellbeing, but also serves the community through the hiring of recent graduates from the two massage schools nearby. One is the San Francisco School of Massage (SFSM) on Valencia Street, and the other is the National Holistic Institute on Market Street, both a scant six blocks or so from M Spa. The connection goes in both directions, as graduates find employment at the spa, and the spa's owners, Andrew Tran and Randy Carillo, also actively recruit people from both schools. Furthermore, many of the students live in San Francisco, so when those graduates find local employment, community ties are strengthened. As the graduates pursue their career paths, some of them will open their own businesses, using business and professional skills which they have acquired while working at M Spa. Hence M Spa serves the community in yet another way – by being an informal training ground for entrepreneurship in the profession of massage therapist.

Table I: WORKER LONGEVITY – INCLUDES ADMINISTRATIVE STAFF AND MASSAGE THERAPISTS

Less than 1 year	21%
1-3 years	47%
4-5 years	11%
More than 5 years	21%

The table above shows the spread of years of service for spa staff. About a third of the staff have been working there for four years or more. There are many more massage therapists than administrative staff, so that tells us that this business can give guests the often-sought-after stability and continuity of going to the same massage therapist repeatedly. It also indicates the value of the services offered, for if there were not a substantial, consistent ongoing need for these services, staff would have moved on long ago. A stable and long term staff as shown in the

above table of worker longevity indicates a high degree of compatability of the spa with the surrounding neighborhood.

Note that the current owners purchased the business in 2016, and more recently purchased the property as well. The above table shows that a substantial number of workers have continued in the business through the change of ownership.

Table II: PERCENTAGE OF WORKERS WHO LIVE IN SAN FRANCISCO –
INCLUDES ADMINISTRATIVE STAFF AND MASSAGE THERAPISTS

Employees	100%
Contractors	75%
Employees and Contractors combined	79%

As shown above in Table II, all of the administrative staff live in San Francisco, while three quarters of the massage therapists live in San Francisco. This is an indicator of the extent of the connectedness between the spa staff and the community it serves. People do not commute to work for the joy of it. So when workers and clients both have less travel time rather than more, it is a win win for everybody.

Also, there is a significant spread in age of the staff. This helps to provide diversity, which in turn contributes to overall community stability and longevity. The 18-25 year olds comprise the smallest group with 5% of the staff, and the next age bracket of 26 year olds to 35 year olds, is the biggest with 43% of staff. About a quarter of the staff are over 35 years old.

CONDITIONAL USE FOR OVER 3,000 SQUARE FEET

In addition to the above information, further information is required to address the issue of the establishment being over 3,000 sf in a residential neighborhood, with regard to the following items [Section 303 (c) (1) (A-C)]:

- (A) *The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.*

Regarding the question of the larger use, first of all, the area is already well-served by a large variety of services tailored to local needs as listed above; second, the popularity of the spa indicates that this is itself a needed use in the area; and third, other commercial storefront space is both available now, and more will become available in the foreseeable future, should other businesses wish to service the area or other needs arise.

Regarding the possibility of other needed uses: The Planning Department offers an article called Eight Elements of A Great Neighborhood, with a partial list of shops and services as highly desirable that includes corner groceries, day care, cafes and restaurants, banks, dry cleaners and bakeries. This neighborhood's stores and services include Safeway, Walgreens, an abundance of restaurants and cafes, hair and nail salons, a bookstore, hardware store, banks, a public library, dental, physiotherapy, psychotherapy and chiropractic care offices, a theater and bars, an insurance agency, several gyms, telephone services, real estate offices, a motel, a clothing consignment store, pet grooming services and more.

Of the list suggested by the Planning Department, two items are not readily visible from several tours undertaken around the neighborhood. The first is day care centers, which are unlikely to have storefronts on commercial strips for safety reasons, and are more likely to be operating inside private residences. This indicates that day care needs are unlikely to compete for commercial space in the vicinity. In addition, the adjacent neighborhood of Noe Valley is extremely well supplied with children's stores and services.

However as there are more dogs than children in this city, it is significant to note that the neighborhood is served by at least one pet grooming business.

In the course of several tours of the neighborhood, only one laundromat was sighted, a few blocks away from a main transit road. There may not be a high demand in this vicinity, as most of the housing has its own laundry facilities. Single family dwellings usually have laundry rooms and apartment buildings have shared laundry facilities. Hotel guests and other travelers have facilities available through their accommodation services.

With regard to the second point about needed uses, the need for the spa, as evidenced by its popularity, has been addressed earlier in this application.

Regarding the third point about vacant space, several tours of the neighborhood revealed that commercial store fronts of various sizes are available for lease throughout the neighborhood, including on Church Street and in the two new buildings on opposite corners of the intersection at which M Spa is situated.

(B) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

This section considers only the size features needed for M Spa to function. The ways in which the spa serve the neighborhood have been discussed above.

Massage services are a very specific type of service, with both a need and a want component. People may need a massage for pain relief, and/or they may want a massage for the pleasure of the relaxation and wellbeing it generates, whereas with the chiropractor or dentist or therapist, visits are usually generated by a compelling need alone. Patients want to get in, get out, and get it over with as quickly as possible. This explains why each of the medical offices on the second floor above M Spa is much smaller. The dental suite above M Spa has four treatment rooms and a small reception area. The chiropractor's office adjacent to the dental suite has about 600 sf of space and two chiropractors take turns using the space. The therapists' suite along the same corridor has a small reception area and one or two rooms. The bathrooms are shared. These spaces are fully sufficient for their needs.

The square footage of M Spa is 3,568 sf and is a combination of Lot 48 with 1644 sf and Lot 49 with 1924 sf. Neither of these smaller lots is sufficient on its own to sustain a business with the services of M Spa.

LAUNDRY SERVICES

One of the reasons M Spa needs additional space is to handle laundry services. When visiting a spa, fresh laundry is a basic expectation and a sanitary requirement. There are towels for the showers, robes for the guests and bedding in the treatment rooms to be taken care of. A single guest might generate up to half a load of laundry.

The scarcity of laundromats close by has already been mentioned. At the spa there is only one washer and dryer, and the machines are in use for most of the hours of operations. Thus it makes sense for the spa to have its own laundry facility which is managed by a spa attendant.

LOCKER ROOM, STEAM ROOM AND BATHROOMS

The spa also has a locker room and a steam room. It is a natural grouping to locate these areas adjacent to each other, yet each one requires a certain amount of discreet space: steam and showers are wet, while lockers, changing rooms, and bathrooms are dry. Bathrooms of course must be wheelchair accessible, and the two bathrooms combined need almost 100 sf.

GUEST LOUNGE & STAFF BREAK ROOM

Other areas requiring dedicated square footage are the lounge area for guests and the break room for staff. Since the spa is meant to be a place of relaxation – a mini-retreat or staycation if you will – guests may want to sit and chill and have a drink and a snack. This should be in a more secluded space away from the reception area.

Staff also need a quiet space for rest and recuperation between clients, away from the guests. It is well known that the profession of massage therapist is highly challenging, both physically and emotionally, and staff need to rest in order to avoid burnout.

OFFICE

There is a small office onsite, which helps to improve the efficiency of the operation. Also, one of the owners, who is also a licensed massage therapist, sometimes steps in to do massages in times of high demand.

TREATMENT ROOMS

Treatment rooms need to be big enough to allow for movement of the massage therapist around the massage table. A comparison could be made with a tanning booth, however a tanning booth would typically only accommodate one person.

Also, the two rooms for the aestheticians need to have basins with hot and cold running water, so the two largest rooms are used for those services.

RECEPTION AREA

None of these rooms or areas is large on its own. The sizes of rooms within the spa, such as the office (144 sf), treatment rooms (78 sf to 88 sf) and storage room (165 sf),

are similar to those of some of the older housing in the area. For example, a small living room in a Victorian home might be approximately 200 square feet, which is about the size of the retail/reception area of the spa (180 sf) and is the largest room or area. It functions similarly to a residential living room, where guests can meet a friend or partner, introductions to the therapists take place, and bookings and sales occur. These are the business conversations which need to take place away from the treatment rooms in the quiet zone.

Although the overall square footage of the spa is greater than three thousand sf, the increase is less than 20 percent. Each room or area within the spa is of modest dimensions, keeping a cozy, friendly vibe to the establishment, while respecting the varied personal space requirements of a mix of cultures.

The number and arrangement of rooms serves another function besides its stated use, which is to create a boundary between the more public and conversation-inducing areas and the quieter, more reflective zones and activities. The front windows of the reception and retail areas lend an inviting air and a sense of legitimacy, while another cluster of rooms at the back of the establishment, ie away from the front windows, gives an air of privacy and seclusion. Guests do not need to pass by the front windows on their way to and from the showers, lockers, bathrooms and treatment rooms. The front reception and retail areas provide a transitional space between the street and the private areas.

(C.) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The scale of development in the district is expressed in such features as height of the buildings, width of the storefronts, and ratios of front window glazing to other building materials and other properties.

Building heights of other properties of this 6-way intersection are shown in Table III which follows. The building in which M Spa is located is four stories high. It is flanked by two new apartment buildings, each six stories high. This demonstrates that the height of the subject building is clearly within the range of the heights of the other properties on that same intersection.

The last remaining two-story corner building at this six-way intersection, at 2201 Market Street, will be demolished to build a new 6-storey building with a mix of commercial first floor space and apartments above (BPA #201410078312). When this happens, the building inside which M Spa is located will become the “baby” of the block at only 4 stories high.

Table III: TABLE OF HEIGHTS OF CORNER BUILDINGS ON THE INTERSECTION OF MARKET, SANCHEZ AND 15TH STREETS

PROPERTY ADDRESS	BLOCK & LOT	# STORIES
2187 Market	3558/148 & 149	4
2201 Market	3559/001	2 stories/will be 6 stories
2176-2196 Market	3542/061	5-6 stories
2175 Market	3543/011	6 stories
2200 Market	3560/053	5 stories
2112 15 th Street	3541/010	2 stories

The width of other storefronts close by also contributes to a sense of overall scale. The storefront of the spa is 34’-6” wide, with a slight turn near one end. The spa also has a single front door, not double doors. Many commercial spaces very close by also have similar frontages and single doorways, for example Verizon, People Hair & Nails Spa, Pet Grooming, Fashion Exchange, Male Image, Tan Bella, Café du Nord and State Farm.

Another factor influencing the scale of a building compared with its neighbors is the glazing. Once again, in this respect the spa is very compatible in scale with the surrounding buildings. There are two main front windows, each 10’ wide and nearly 8’ high. This is similar to the other commercial establishments mentioned above. At the smaller end of the scale are residential windows which are typically approximately 3’ – 6” wide by 5’ – 0” feet high. An example of this is seen on the two-unit, three-story building adjacent to the spa, at 2081-2083 15th Street. At the larger end of the scale, the two new apartment buildings across the road have higher first floor ceilings and higher front glazing, which also begins closer to

pavement level. The taller windows and ceilings have a more modern vibe, and the wide vertical columns of other construction materials helps to keep a more unified look amongst the diverse architectural periods to be found in the vicinity.

The particular distribution of commercial and residential properties in the vicinity is another aspect that demonstrates compatibility or the lack thereof. For example, a high rise tower in the midst of farmland would be an absurd example of extreme incompatibility. In urban settings the differences are not necessarily so obvious. In this instance the two zoning designations of the pedestrian block on which the spa is located are NCT – Neighborhood Commercial Transit and RTO – Residential Transit Oriented District. This is expressed in the typical pattern of commercial storefronts at street level along each arm of the intersection up to about three doors down, moving away from the center of the star shaped intersection. An exception to this pattern is the property directly adjacent to M Spa along 15th Street, which is residential only. However, the wide variety of types of businesses, architectural styles, heights and other features of the buildings and the streetscape at this intersection serves to blur some of the distinctive demarcations of commercial and residential, with the result that the juxtaposition of residential and commercial at this location is not at all jarring.

In concluding this discussion of why the spa needs more than 3,000 sf to operate, according to the items listed in Section 303 (c) (1) (A-C), the spa is in harmony with the intensity of activity in the district, does not foreclose the location of other needed neighborhood-serving uses in the area, serves the neighborhood very well, needs the larger size to make the business functional, profitable and enjoyable, and the building within which it is located respects the scale of development of the district.

2. The proposed massage establishment is not in the least detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. In fact the opposite is true, as it is very beneficial for the locals to have such services close by. They can visit M Spa while traveling to or from work or other outings, thus reducing the number of miles traveled or driven. If the spa were to be staffed to capacity and utilized all day and all week at capacity, that would be approaching 500 visits a week.

Neither is the massage establishment injurious to any property improvements or potential development in the vicinity. The proposed site is in an existing building with other commercial suites and residential units above.

- a. The spa is a first floor commercial space with no stairs, and it provides easy wheelchair access from the street. There is an emergency exit with five stairs on the south side of the suite of rooms that comes out to 15th St. This emergency exit is shared by others in the building who are on the floors above. On the north side, an interior door leads to a lobby area in front of an elevator that descends to the parking garage below.

The massage establishment is a mostly rectangular shape with an interior corridor that loops almost completely around the central rooms, and provides easy access to all areas on both sides of the passageway. The central rooms are the steam room with lockers and showers, and a storage room. The other areas are the reception area, a lounge, bathrooms, general locker facilities, laundry facilities, a break room for staff, additional storage space, an office, and of course the eight treatment rooms. There is also a small open space adjacent to the lobby and reception area, currently being used as a yoga room or space to do light stretching.

HANDICAP ACCESSIBILITY

As stated above, there is wheelchair access directly from the street into the spa, via a code compliant doorway that leads into a code compliant ramp about 8' long, which is equipped along the pony wall side with a handrail. There is also a unisex handicapped bathroom, and a handicapped shower for men only.

Note that all areas and services are available to all genders, except the steam room with lockers and showers, which are available to men only.

- b. There is no parking available for either staff or guests. That means that they either walk, drive or take public transportation, including personal services such as cabs, Uber and Lyft. Fortunately the business is very well served by public transportation, such as the F, J, K, L and M streetcar Muni lines, and the 35 Muni bus route, and possibly others as well.

The maximum number of people on site at any one time, during the busiest periods, would be approximately twenty people. Of those, the staff of twelve would be there for their regular shifts, and eight guests would be arriving or departing at staggered periods, depending on the length of the service they are utilizing. Massage services are scheduled for either 50 minutes or 80 minutes. In addition, they may linger in the lounge or the steam room for a while. So the incoming and outgoing flow of people is spread out throughout the hours of operation, and is not detrimental or injurious to other people or property in the vicinity.

- c. There are no noxious or offensive emissions. For example, even if the spa were to play music for the guests, the volume of the music would be imperceptible from outside the spa's doors. The type of music would be suitably relaxing and calming in any case.

The amount of glare reflecting off the front windows in bright sunlight is what any glass storefront would generate. The storefront faces northeast, so direct sunlight hours are limited to morning hours. At night the lights inside the reception area that show through the uncurtained windows are subdued, and the doorway light is a down light installed on the overhead area inside the recessed entry way.

Likewise, there is no dust created by the spa, nor is there any odor. Any lotions used are specifically odorless to cater to those who have sensitivities to smells, so apart from an occasional use of incense or a diffuser, the spa itself is completely free of odor.

The laundry facilities onsite, including two washing machines and two dryers, are necessarily extremely quiet, as the machines are only a few feet away from the treatment rooms. The dryers are vented to the street approximately 10' above the sidewalk, thereby avoiding any disagreeable humidity or smell.

- d. Since the spa is situated on a corner of a busy urban intersection, there is no landscaping or open space connected with the spa. There is typical streetscaping such as streetlights, curb cuts and the necessary street signs. The spa itself has a frontage of approximately 34', with a large front window, which gives any passers by the opportunity to look in and evaluate the atmosphere for themselves.

The parking and loading situation is described above. Andrew Tran, one of the owners, has a designated space in the garage below street level. He can then use the elevator to bring goods and supplies up to street level and access the spa from an interior door that opens from the lobby area in front of the elevator.

Other service areas are all inside the spa itself and have no impact on other people or property in the vicinity.

The signage for the spa is a discreet canvas banner, approximately 2'-6" wide by 6' high, that is mounted vertically on the corner of the building. The mounting frame projects an additional 6" out from the wall.

3. It is clear from the above discussion that the establishment of M Spa as a massage and spa business in its current location will comply with the applicable provisions of the Code and will not adversely affect the General Plan.
4. The use or feature satisfies any criteria specific the use of features listed in Planning Code Section 303 (g), et seq. this section refers to Hotels and Motels, which are not part of this use.