

SAN FRANCISCO PLANNING DEPARTMENT

# Executive Summary Conditional Use

**HEARING DATE: JANUARY 30, 2020** 

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

Reception: 415.558.6378

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Planning Information: **415.558.6377** 

Record No.:	2019-017082CUA	41
Project Address:	1610 Post Street	Pla
Zoning:	Japantown Neighborhood Commercial District (NCD) Zoning District	Inf
	50-X Height and Bulk District	41
	Japantown Special Use District	
Block/Lot:	0686/052	
Project Sponsor:	Juanxiu Jian	
	1610 Post Street, Suite #103 & #105	
	San Francisco, CA 94115	
Property Owner:	Stacy Seiki	
	San Francisco, CA 94115	
Staff Contact:	Katie Wilborn – (415) 575-9114	
	Katherine.Wilborn@sfgov.org	
Recommendation:	Approval with Conditions	

# **PROJECT DESCRIPTION**

The Project is a request for Conditional Use Authorization to establish a Massage Use (d.b.a. "Jan Massage") at the basement level of a three-story-over-basement commercial building within the Japantown Neighborhood Commercial District (NCD) and a 50-X Height and Bulk District. The project proposes no expansion of the existing tenant space or building envelope and would occupy the existing 650 square foot tenant spaces (suites #103 and #105), where chair massage services are currently offered.

# **REQUIRED COMMISSION ACTION**

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 721, to allow a Massage Establishment use within the Japantown NCD District and a 50-X Height and Bulk District.

## **ISSUES AND OTHER CONSIDERATIONS**

• **Public Comment & Outreach.** The Planning Department has not received any public comments on the Project as of the date of this Executive Summary.

# ENVIRONMENTAL REVIEW

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

#### RECORD NO. 2019-017082CUA 1610 Post Street

## **BASIS FOR RECOMMENDATION**

The Department finds that the Project is, on balance, consistent with the Objectivres and Policies of the General Plan. The Project will occupy its existing, chair-massage tenant space in the basement of a diverse commercial building that does not offer any other massage services. The Department finds the project to be necessaary, 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 with Conditions of Approval Exhibit B – Plans and Renderings Exhibit C – Environmental Determination Exhibit D – Land Use Data Exhibit E – Maps and Context Photos



# SAN FRANCISCO PLANNING DEPARTMENT

# **Planning Commission Draft Motion**

HEARING DATE: JANUARY 30, 2020

Record No.:	2019-017082CUA
Project Address:	1610 POST STREET
Zoning:	NCD - Japantown Neighborhood Commercial District
	50-X Height and Bulk District
Block/Lot:	0686/052
Project Sponsor:	Juanxiu Jian
	1610 Post Street, Suite #103 & #105
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 303.1, 703.4, and 721 TO ESTABLISH A MASSAGE USE AT 1610 POST STREET, LOT 052 IN ASSESSOR'S BLOCK 0686, WITHIN THE JAPANTOWN NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) ZONING DISTRICT AND A 50-X HEIGHT AND BULK DISTRICT.

# PREAMBLE

On September 19, 2019, Juanxiu Jian (hereinafter "Project Sponsor") filed Application No. 2019-017082CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization to establish a Massage Establishment use (d.b.a. "Jan Massage") at 1610 Post Street, Suites #103 and #105 (hereinafter "Project"), Lot 052 within Assessor's Block 0686 (hereinafter "Project Site") in the Japantown Neighborhood Commercial District.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2019-017082CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On January 30, 2020, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on the Application.

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. 2019-017082CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

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## 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.

**Project Description.** The Project includes the creation of a Massage Establishment use (d.b.a. "Jan Massage") to an existing, chair-massage service, basement unit of a three-story building within the Japantown Neighborhood Commercial District. Jan Massage currently operates as a chair massage establishment with three independent massage contractors, within the same location as proposed. The project would allow Jan Massage to expand its massage services for its clientele and employ six new independent massage contractors. The proposed Massage Establishment use would occupy the 650 square foot space on the basement level, currently occupied by Jan Massage as a chair-massage establishment. No exterior alterations are proposed.

- 2. Site Description and Present use. The Project Site is located on the northwestern corner of Post Street and Laguna Street, on Assessor's Block 0686, Lot 052. The subject parcel has a width of 65 feet and a depth of 100 feet. The current building was constructed in 1984. The Project Site was developed into a three-story-over-basement, 3,500 square foot commercial building, with twenty businesses total. The basement level is divided into ten commercial spaces; two of which are occupied by Jan Massage's existing chair-massage use.
- 3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Japantown NCD (Neighborhood Commercial District) Zoning District, a 50-X Height and Bulk District, the Japantown Special Use District, and the Japantown Area Plan, as well as being within a Fringe Financial Services Restricted Use District and the Japantown Community Benefit District. The Japantown NCD is intended to have a walkable, commercial character to support its local and regional role. Neighborhood- and visitor- serving uses are encouraged at street level (such as eating, drinking, and retail uses), while less active commercial uses are encouraged elsewhere within the district's buildings.
- 4. **Public Outreach and Comments.** To date, the Department has not received any public comments on the Project.
- 5. **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. A *Massage Establishment* use is defined under Planning Code Section 102 and Health Code Section 29.5, as a type of Retail Sales and Service activity where more than one individual administers Massage for compensation, excluding those locations where Massage is provided only on an outcall basis or accessory to a principal use. Pursuant to Planning Code Section 721, *Massage Establishment* uses within the Japantown NCD Zoning District require Conditional Use Authorization. Planning Code Section 303 provides considerations for the Planning Commission to consider, and Section 303(n) provides additional criteria for Massage Establishments' Conditional Uses.

The Project would allow the establishment of a Massage Establishment Use (d.b.a. Jan Massage) in two suites at the basement level of the project site, comprising a combined, 650 square-foot project site. A Massage Establishment Use may be conditionally permitted per Planning Code Section 303 and 721.

b. **Retail Sales and Services Use within the Haight Street NCD Zoning District.** Section 721 of the Planning Code generally permits "retails sales and services use," as defined under Planning Code Section 102, on the first story (whereas basement levels shall be treated as such), to encourage the neighborhood's character of being largely commercial in nature.

The Project would allow a Retail Sales and Services use, which Massage Establishment is conditionally encompassed within, at the basement level of a three-story-over-basement, commercial building.

c. Hours of Operation. Planning Code Section 721 states that the permitted hours of operation for a commercial use are 6:00am to 2:00am the following day, as defined by Planning Code Section 102. However, massage establishments must comply with the hours of operation outlined in Ordinance 140-09, approved on July 2, 2019. This Ordinance amended the Health Code to limit the hours of permitted operation for massage establishments from 7:00am to 10:00pm.

The proposed hours of operation for Jan Massage are Monday-Friday: 11:00am to 9:00pm; Saturday-Sunday: 10:30am-9:00pm.

d. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has no exterior frontages. However, within the basement level, the suites currently have a transparent door and windows, which shall be clear, un-tinted, and unobstructed. There are no proposed changes to the exterior. Signs will be required to have a sign permit and comply with the requirements of Article 6 of the Planning Code. There is no signage proposed at this time.

e. **Use Size.** Planning Code Section 721 principally permits non-residential uses up to 2,499 square feet. Uses 2,500 square feet or larger require Conditional Use Authorization.

The Project proposes a total use size of approximately 650 square feet, which is principally permitted.

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

The project does not propose any signage at this time. If signage is to be proposed in the future, it shall be in accordance with Article 6 sign regulations and maintain the 75% storefront transparency requirement.

- 6. **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 size of the proposed use will remain as is and is in-keeping with other stores within the subject building. The proposed new Massage Establishment use will not affect traffic or parking in the District, as the business is expected to serve only a moderate number of customers, with sufficient off-street parking available. This will expand Jan Massage's current foot/chair massage service, which has prospered in the existing tenant space for over 4 years.

- 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 height and bulk of the existing building will remain the same and the Project will not alter the existing appearance or character in the vicinity. The proposed work will not affect the building envelope.

(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 Planning Code does not require off-street parking, although on-street parking is provided along the block face. It is unlikely that the use will generate significant vehicular trips citywide.* 

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

The proposed use will not generate significant noise, glare, dust, or odor.

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

The Project would not alter the site's landscaping, open space, or lighting. Windows shall be reviewed for compliance with Storefront Transparency, as outlined in the Planning Code. There is currently no new signage proposed.

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 proposed project is consistent with the stated purposed of the Japantown NCD District in that the intended use is commercial in nature, and being a less-active use (than an eating establishment or retail store), is appropriate to be located in a part of the building that is not street-facing. The new use will provide a compatible, convenient service for the immediately surrounding neighborhood during daytime hours.

- 7. **Planning Code Section 303(n).** Planning Code Section 303(n) establishes additional criteria for the Planning Commission to consider when reviewing applications of 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 project sponsor currently has a massage establishment permit that is in good standing with the Department of Public Health. The Conditions of Approval in Exhibit A will help ensure that the applicant maintains the Massage Establishment Permit in good standing with the Department of Public Health. Failure to do so may result in this Conditional Use Authorization being revoked by the Planning Commission.

- B. Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include:
  - (1) An active street frontage of at least 25 feet in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level.

The proposed massage establishment use is located in the basement floor of the subject building and is accessed from an existing entry and staircase off of Post Street. Although the existing tenant commercial space is located in the basement, and has no exterior frontages, the suites currently have transparent windows and doors with windows. Additionally, the street entry and staircase are transparent.

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

The existing door and windows which give visibility from the interior vestibule into the Massage Establishment will remain clear and un-tinted.

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

*The commercial frontage is subterranean and does not have railing, grille work, or security bars on its immediate entry.* 

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

There is existing street lighting at the corner of Post and Laguna Streets, which provides adequate pedestrian-oriented lighting to the subject building.

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 existing or proposed in the applicant's plans. Access will be open and unobstructed. All doors will remain open during the hours of operation.

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

## **COMMERCE AND INDUSTRY**

#### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### Policy 1.1:

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

#### Policy 1.2:

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

#### Policy 1.3:

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

The proposed Massage Establishment use would provide a service to the neighborhood and will provide resident employment opportunities to those in the community. The Conditions of Approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is located within the Japantown NCD Zoning District that is part of a heavily trafficked area and is thus consistent with activities allowed in the commercial land use plan.

#### **OBJECTIVE 2:**

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

#### Policy 2.1:

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

The Project will allow the establishment of a new Massage Establishment commercial use into an existing storefront which provides foot/chair massage; whereas, encouraging the viability and retention of an existing commercial business, while maintaining a diverse economic base in the area.

#### **OBJECTIVE 3:**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.4:

SAN FRANCISCO PLANNING DEPARTMENT Assist newly emerging economic activities.

The Project will allow the establishment of a new Massage Establishment use that would employ six new independent contractors, which will enhance the diverse economic base of the City.

#### **NEIGHBORHOOD COMMERCE**

#### **Objectives and Policies**

#### **OBJECTIVE 6**:

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

#### Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

#### Policy 6.3:

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

The Project will promote the District to achieve optimal diversity in the types of goods and services available in the neighborhood, provided there is currently no other Massage Establishment within Subject Property and only one (1) other permitted massage establishment within the Japantown Neighborhood Commercial District, located at 1650 Post Street (d.b.a "Peal Spa").

- 9. **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 is not anticipated to significantly affect the existing mix of neighborhood-serving retail uses, and would provide future opportunities for resident employment. The Project would retain the current mix of neighborhood-serving commercial uses by providing a new Massage Establishment use. The Project will continue to provide desirable services and will continue to provide employment opportunities to those in the community.

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 is not anticipated to adversely affect the character or diversity of the neighborhood. There are no changes proposed to the façade or building exterior.* 

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

The Project would not have any adverse effect on the City's supply of affordable housing.

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

The Project Site is well-served by nearby public transportation options. The Project is located along two (2) Muni bus lines (2-Clement; 3-Jackson), and is within walking distance of numerous others (38-Geary; 38R-Geary Rapid; 22-Fillmore; 1-California; 49-Van Ness/Mission; and 47-Van Ness). The Project also provides metered street parking and sufficient on-street bicycle parking.

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

*The Project will not displace or adversely affect any service sector or industrial businesses as the Project will occupy an existing vacant commercial space.* 

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

*The Project will not adversely affect the property's ability to withstand an earthquake. The Project will comply with the requirements of the San Francisco Building Code.* 

G. That landmarks and historic buildings be preserved.

The Project is not located within a historic building or historic district but is within the Japantown Cultural Heritage District. However, the project proposes no exterior alterations or improvements which would adversely impact the City's stock of such historic buildings or cultural districts.

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

*The Project will have no negative effect on existing parks and open spaces, and will not adversely affect their access to sunlight, or vistas.* 

- 10. 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.
- 11. The Commission hereby finds that approval of the Conditional Use 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. 2019-017082CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 14, 2020, 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 January 30, 2020.

Jonas P. Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 30, 2020

# **EXHIBIT A**

# AUTHORIZATION

This authorization is for a conditional use to allow an existing foot massage use to become a new chair Massage Establishment (d.b.a. Jan Massage) located at 1610 Post Street, Block 0686, Lot 052, pursuant to Planning Code Sections 721 and 303 within the Japantown Neighborhood Commercial District and a 50-X Height and Bulk District; in general conformance with plans, dated January 14, 2020, and stamped "EXHIBIT B" included in the docket for Case No. 2019-017082CUA and subject to conditions of approval reviewed and approved by the Commission on January 30, 2020 under Motion No. #####. 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 **January 30, 2020 under Motion No. #####**.

# PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission **Motion No. #####** 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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

- 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, <u>www.sf-planning.org</u>

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, <u>www.sf-planning.org</u>

## DESIGN

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

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

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## **MONITORING – AFTER ENTITLEMENT**

- 7. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of the 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 action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
- 8. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

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, <u>www.sf-planning.org</u>.

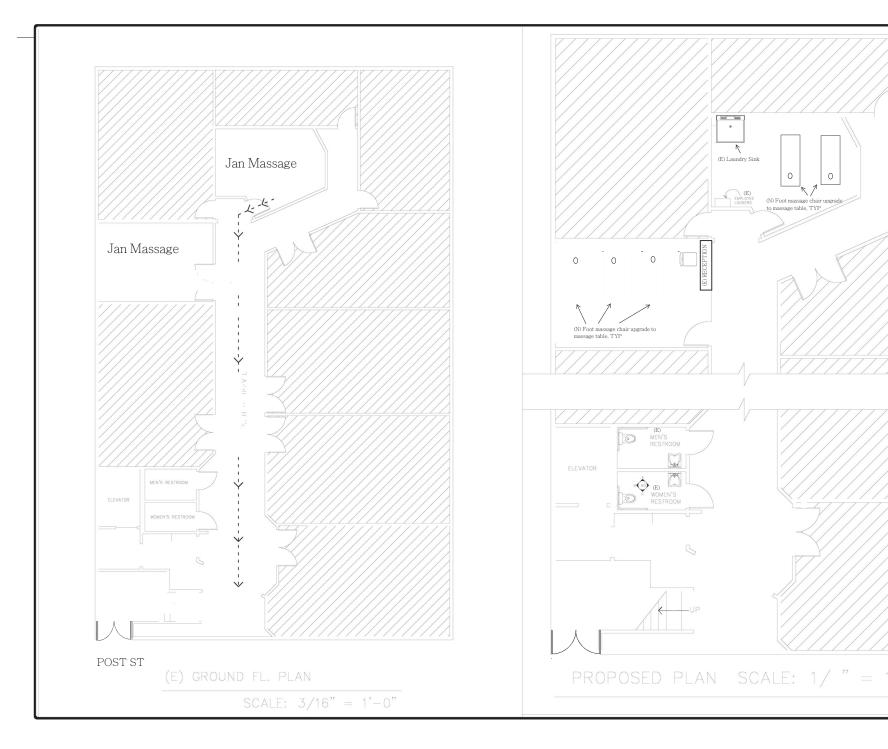
10. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the 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

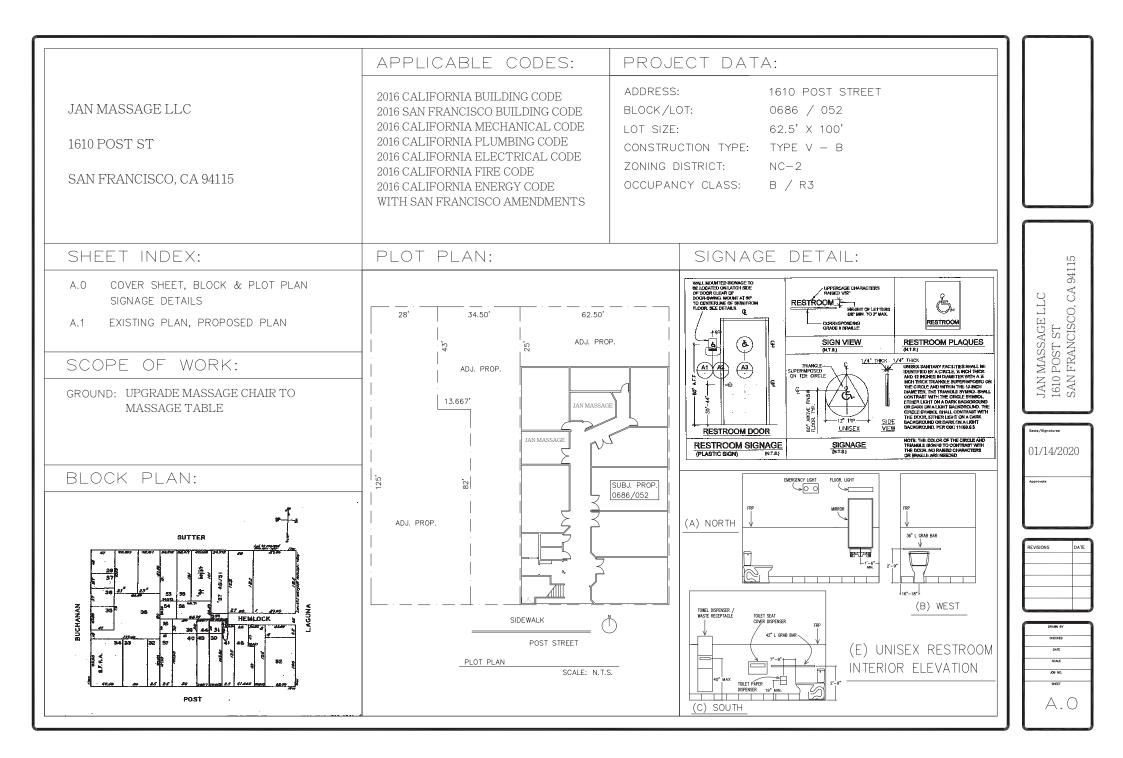
- 11. **Massage Establishments**. All massage establishments shall comply with the following standard massage use operation standards:
  - A. The entry to the massage treatment room shall remain directly visible from the public right-of-way. If any additional doors are required under the Building Code 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* 









# SAN FRANCISCO PLANNING DEPARTMENT

# **CEQA** Categorical Exemption Determination

## **PROPERTY INFORMATION/PROJECT DESCRIPTION**

Project Address		Block/Lot(s)	
1610 POST ST		0686052	
Case No.		Permit No.	
2019-017082PRJ		201510270849	
Addition/ Alteration	Demolition (requires HRE for Category B Building)	New     Construction	
Desired description for Disputer Description to reveal			

#### Project description for Planning Department approval.

Conditional Use Authorization to permit a change of use from Chair massage to Massage Establishment.

## **STEP 1: EXEMPTION CLASS**

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).		
	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.	
	<b>Class 3 - New Construction.</b> 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.	
	<ul> <li>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:</li> <li>(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.</li> <li>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</li> <li>(c) The project site has no value as habitat for endangered rare or threatened species.</li> <li>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</li> <li>(e) The site can be adequately served by all required utilities and public services.</li> <li>FOR ENVIRONMENTAL PLANNING USE ONLY</li> </ul>	
	Class	

#### STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

	<b>Air Quality:</b> 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.)? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone</i> )		
	<b>Hazardous Materials:</b> 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?		
	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).		
	<b>Transportation:</b> 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?		
	<b>Archeological Resources:</b> 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 ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area</i> )		
	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> ). If yes, Environmental Planning must issue the exemption.		
	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? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> ) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.		
	<b>Seismic: Landslide Zone:</b> 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.		
	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.		
Com	Comments and Planner Signature (optional):		

# STEP 3: PROPERTY STATUS - HISTORIC RESOURCE

TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)		
	Category A: Known Historical Resource. GO TO STEP 5.	
	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.	
	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.		
	1. Change of use and new construction. Tenant improvements not included.	
	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.	
	3. Window replacement that meets the Department's Window Replacement Standards. Does not include storefront window alterations.	
	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.	
	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.	
	<ol> <li>Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.</li> </ol>	
	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .	
	8. <b>Addition(s)</b> 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.		
	Project is not listed. GO TO STEP 5.	
	Project does not conform to the scopes of work. GO TO STEP 5.	
	Project involves four or more work descriptions. GO TO STEP 5.	
	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.		
	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.	
	2. Interior alterations to publicly accessible spaces.	
	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.	
	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.	
	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.	
	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.	

	7. Addition(s), including mechanica and meet the Secretary of the Interi	l equipment that are minimally visible from a public right-of-way or's Standards for Rehabilitation.
	8. Other work consistent with the S Properties (specify or add comments):	Secretary of the Interior Standards for the Treatment of Historic
	Fropenies (specily of add comments).	
	9. Other work that would not materi	ally impair a historic district (specify or add comments):
	(Requires approval by Senior Prese	rvation Planner/Preservation Coordinator)
		atus. (Requires approval by Senior Preservation
	Planner/Preservation	
	Reclassify to Category A	Reclassify to Category C
	a. Per HRER or PTR dated	(attach HRER or PTR)
	b. Other (specify):	
	Note: If ANY box in STEP	5 above is checked, a Preservation Planner MUST sign below.
		cal exemption review. The project has been reviewed by the eed with categorical exemption review. GO TO STEP 6.
Comm	ents (optional):	
Preser	vation Planner Signature: K	atherine Wilborn
IUE	BE COMPLETED BY PROJECT PLAN	

No further environmental review is required. The project is There are no unusual circumstances that would result in a effect.	
Project Approval Action:	Signature:
Building Permit	Katherine Wilborn
If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	12/19/2019
Once signed or stamped and dated, this document constitutes a categorical e 31of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please	appeal of an exemption determination can only be

## 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 fror	Block/Lot(s) (If different than front page)	
1610 POST ST		0686/052
Case No.	Previous Building Permit No.	New Building Permit No.
2019-017082PRJ	201510270849	
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:		
	Result in expansion of the building envelope, as defined in the Planning Code;	
	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;	
	Result in demolition as defined under Planning Code Section 317 or 19005(f)?	
	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

	The proposed modification wo	uld not result in any of the above changes.			
approva website with Ch	f 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.				
Plan	ner Name:	Date:			



SAN FRANCISCO PLANNING DEPARTMENT

# Land Use Information

PROJECT ADDRESS: 1910 POST STREET RECORD NO.: 2019-017082CUA 1650 Mission St. Suite 400 San Francisco, CA 94103-2479

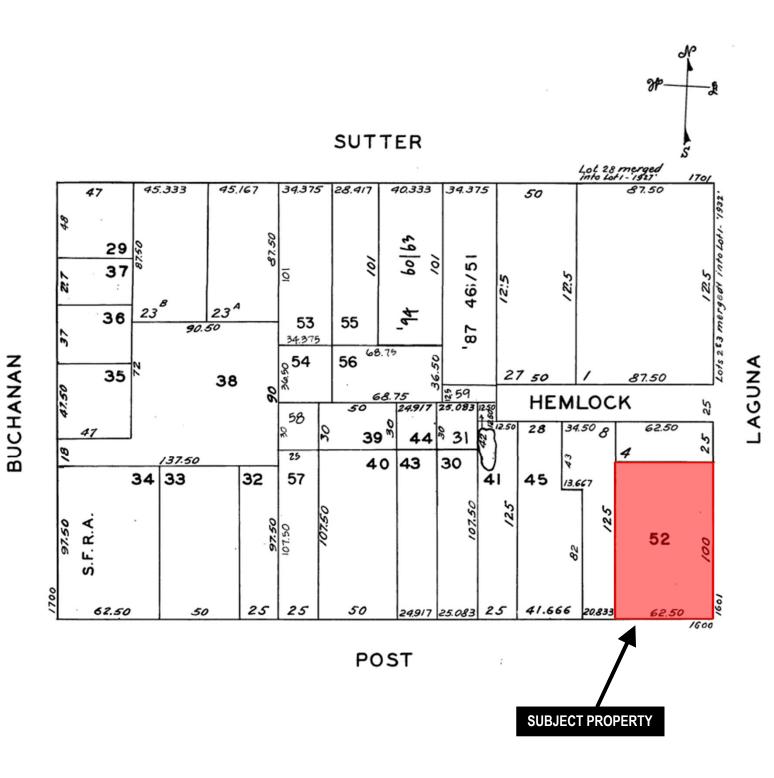
Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377** 

	EXISTING	PROPOSED	NET NEW		
GROSS SQUARE FOOTAGE (GSF)					
Parking GSF	N/A	N/A	N/A		
Residential GSF	N/A	N/A	N/A		
Retail/Commercial GSF	3,500	0	3,500		
Office GSF	N/A	N/A	N/A		
Industrial/PDR GSF Production, Distribution, & Repair	N/A	N/A	N/A		
Medical GSF	N/A	N/A	N/A		
Visitor GSF	N/A	N/A	N/A		
CIE GSF	N/A	N/A	N/A		
Usable Open Space	N/A	N/A	N/A		
Public Open Space	N/A	N/A	N/A		
Other	N/A	N/A	N/A		
TOTAL GSF	3,500	0	3,500		
	EXISTING	NET NEW	TOTALS		
PROJECT FEATURES (Units or Amounts)					
Dwelling Units - Affordable	N/A	N/A	N/A		
Dwelling Units - Market Rate	N/A	N/A	N/A		
Dwelling Units - Total	N/A	N/A	N/A		
Hotel Rooms	N/A	N/A	N/A		
Number of Buildings	1	0	1		
Number of Stories	3+ Basement	0	3+ Basement		
Parking Spaces	N/A	N/A	N/A		
Loading Spaces	N/A	N/A	N/A		
Bicycle Spaces	N/A	N/A	N/A		
Car Share Spaces	N/A	N/A	N/A		
Other	N/A	N/A	N/A		

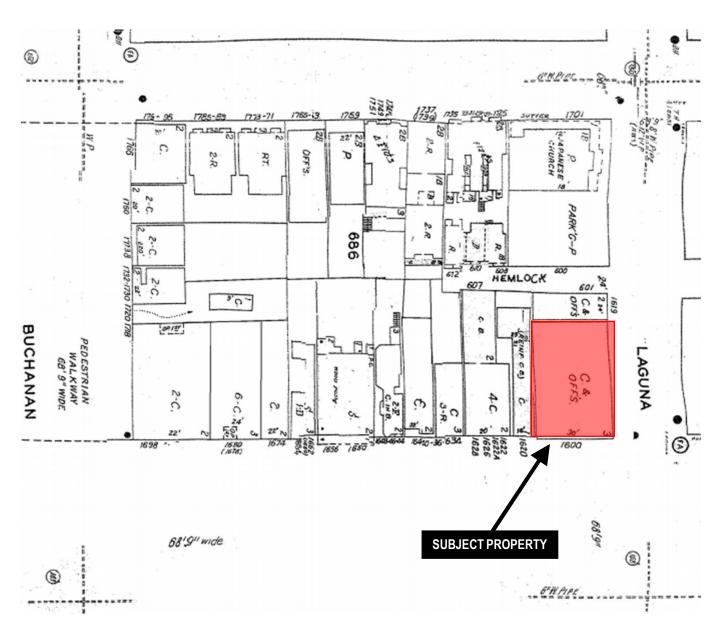
# **Parcel Map**



Conditional Use Authorization Hearing Case Number 2019-017082CUA Massage Establishment ("Jan Massage") 1610 Post Street, Suites #103 and 105

SAN FRANCISCO PLANNING DEPARTMENT

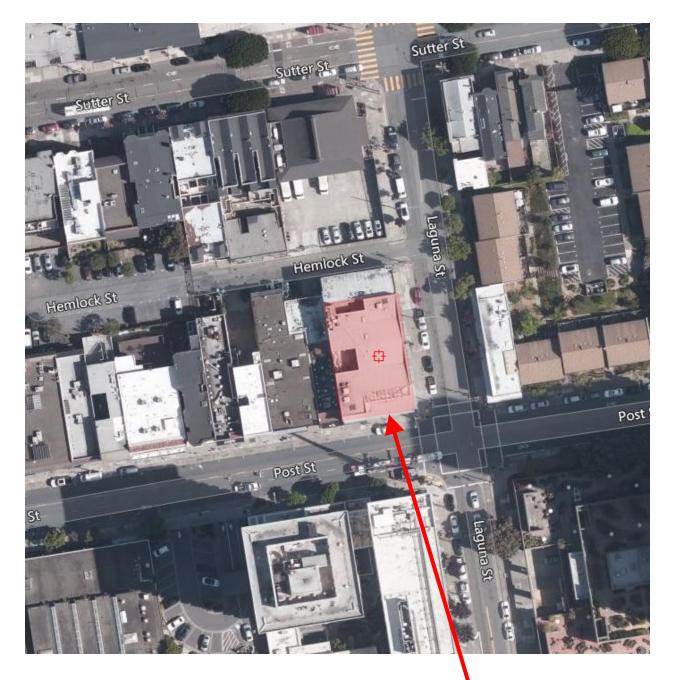
# Sanborn Map\*



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

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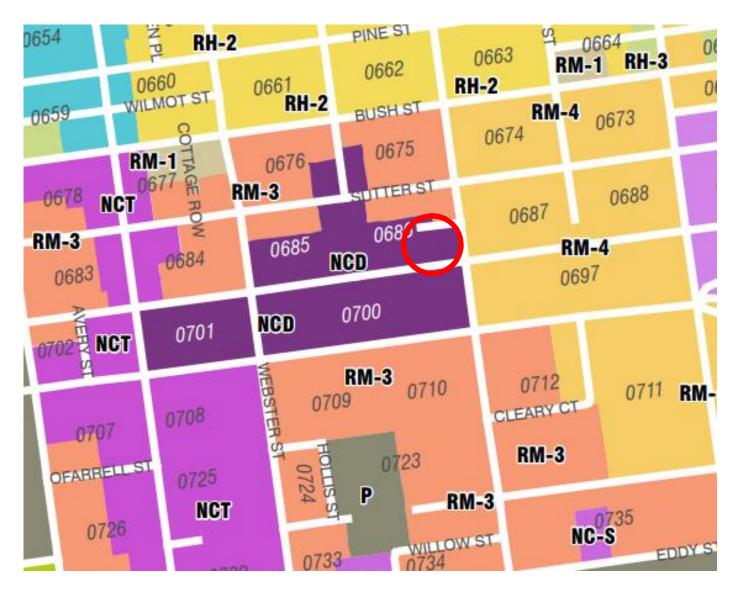
# **Aerial Photo**



SUBJECT PROPERTY



# **Zoning Map**

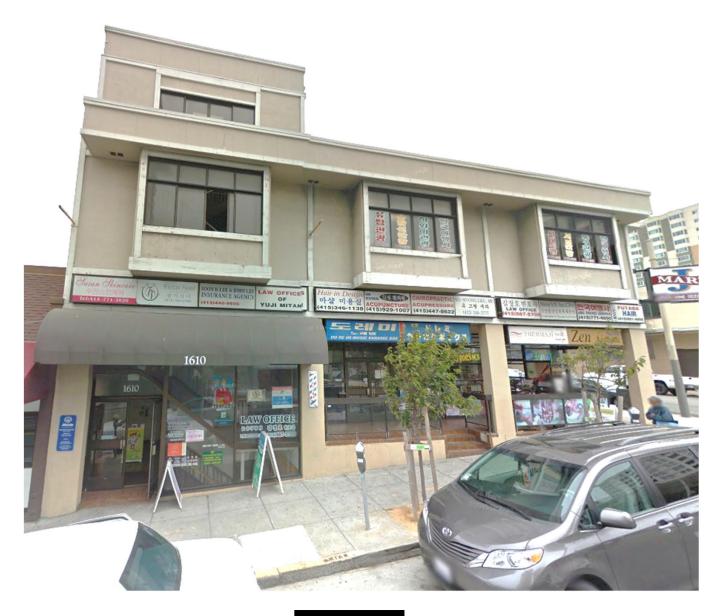




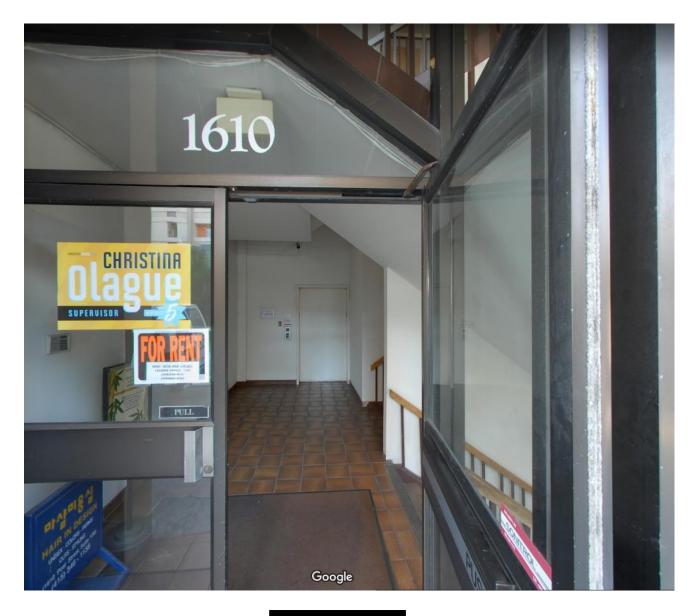


SUBJECT PROPERTY

SAN FRANCISCO PLANNING DEPARTMENT



**PROJECT SITE** 



**BASEMENT ENTRY** 



**BASEMENT LEVEL – PROJECT LOCATION**