



# EXECUTIVE SUMMARY

## CONDITIONAL USE AUTHORIZATION

**HEARING DATE: SEPTEMBER 30, 2021**

**CONTINUED FROM: JULY 29, 2021**

**Record No.:** 2020-008347PRJ  
**Project Address:** 811 Clay Street  
**Zoning:** Chinatown Visitor Retail (CVR) Zoning District  
50-N Height and Bulk District  
**Block/Lot:** 0225/031  
**Project Sponsor:** Calvin Y. Louie  
950 Grant Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94108  
**Property Owner:** Chin Wing Chuen Benevolent  
San Francisco, CA 94108  
**Staff Contact:** Linda Ajello Hoagland – (628) 652-7320  
[linda.ajellohoagland@sfgov.org](mailto:linda.ajellohoagland@sfgov.org)

**Recommendation:** Approval with Conditions

### Project Description

The Project includes a request for Conditional Use Authorization to convert a 1,023 square foot Foot/Chair Massage Establishment to a Full Massage Establishment (d.b.a. Top Therapy Academy) on the ground floor of an existing four-story commercial building. No tenant improvements are proposed. The change of use will be achieved by replacing 4 existing foot massage chairs with full body massage beds.

### Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 811 and 303 to allow a massage establishment on the ground floor within the Chinatown Visitor Retail (CVR) Zoning District and a 50-N Height and Bulk District.

## Issues and Other Considerations

- **Public Comment & Outreach.** To date, the Department has received one letter in support of the Project from the Chinatown Neighborhood Association. One letter of opposition was received, expressing concerns about unlawful activity occurring at the establishment.
- **Licenses and Operation.** The operator holds a valid Permit to Operate a General Massage Establishment, issued by the Department of Public Health. The six employees are certified massage therapists licensed by the California Massage Therapy Council. All existing windows and doors on the façade will be clear and unobstructed.

## Environmental Review

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

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Project will continue to provide an active use at the ground floor of an existing commercial building, located on a mid-block lot, in the Chinatown Visitor Retail (CVR) District and will maintain the prevailing character of the neighborhood and the diversity of goods and services provided. 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 with Conditions of Approval (Exhibit A)
- Exhibit B – Plans and Renderings
- Exhibit C – Environmental Determination
- Exhibit D – Maps and Context Photos



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: SEPTEMBER 30, 2021**

**Record No.:** 2020-008347CUA  
**Project Address:** 811 CLAY STREET  
**Zoning:** Chinatown Visitor Retail (CVR ) Zoning District  
50-N Height and Bulk District  
**Block/Lot:** 0225/031  
**Project Sponsor:** Calvin Y. Louie  
950 Grant Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94108  
**Property Owner:** Chin Wing Chuen Benevolent  
San Francisco, CA 94108  
**Staff Contact:** Linda Ajello Hoagland – (628) 652-7320  
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ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 811 AND 303 TO CONVERT A 1,023 SQUARE-FOOT FOOT/CHAIR MASSAGE USE TO FULL MASSAGE AT THE GROUND FLOOR OF AN EXISTING FOUR-STORY COMMERCIAL BUILDING.

## PREAMBLE

On September 18, 2020, Calvin Y. Louie (hereinafter "Project Sponsor") filed Application No. 2020-008347CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to convert a Foot/Chair Massage Establishment to a Massage Establishment (d.b.a. Top Therapy Massage Academy) on the ground floor of an existing 4-story commercial building (hereinafter "Project") at 811 Clay Street, Block 0225 Lot 031 (hereinafter "Project Site").

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

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2020-008347CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

On July 29, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-008347CUA and continued it to the hearing on September 30, 2021.

On September 30, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-008347CUA.

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 approves the Conditional Use Authorization as requested in Application No. 2020-008347CUA, 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 Project includes a request for Conditional Use Authorization to convert a Foot/Chair Massage Establishment to a Massage Establishment (d.b.a. Top Therapy Academy) on the ground floor (1,023 square feet) of an existing four-story commercial building.
3. **Site Description and Present Use.** The Project is located on a mid-block lot located on Clay Street with approximately 36.6-ft of frontage along Clay Street. The Project Site contains a four-story, approximately 10,200 square foot, commercial building. The ground floor contains approximately 1,823 square feet of commercial space divided into two tenant spaces. Top Therapy Academy occupies one tenant space and the second space is occupied by a Personal Service Use. The upper three floors are occupied by a non-profit organization.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the CVR District and Chinatown Area Plan. The immediate neighborhood includes two-to-four-story mixed-use buildings with ground floor commercial/retail uses with residential and institutional uses above. Other zoning districts in the vicinity of the project site include: CRNC (Chinatown Residential Neighborhood Commercial District), CCB (Chinatown Community Business District), and P (Public) Zoning District.
5. **Public Outreach and Comments.** To date, the Department has received one letter in support of the Project from the Chinatown Neighborhood Association. One letter of opposition was received, expressing concerns about unlawful activity occurring at the establishment.
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 811 states that a Conditional Use Authorization for a massage establishment on the ground floor within the Chinatown Visitor Retail (CVR) District (see COA #8 below).
  - B. **Hours of Operation.** Planning Code Section 811 principally permits business hours between 6 a.m. to 11 p.m. A standard Condition of Approval for massage establishments limit the hours of operation from 7 a.m. to 10 p.m.

*The current hours of operation for Top Therapy Academy are 10 a.m. to 9 p.m. Monday to Sunday, and, therefore complies with Planning Code Section 811.*
  - C. **Transparency.** Planning Code Section 145.1 states that street frontages on new development lots must be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level. Section 145.1 applies to a “development lot” which includes new construction, building alteration that would increase the gross square footage of a structure by 20 percent or more

or a change to or from residential uses.

*The Project Site was constructed in 1909, no additional square footage is proposed, and no change of residential uses is proposed. Therefore, the requirements of Planning Code Section 145.1 do not apply. Currently, the existing tenant space has a fully glazed storefront.*

**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 necessary and desirable in that it will expand the services at an existing foot/chair massage establishment and will remain in keeping with other storefronts on the block face. The proposed expanded massage services will not impact traffic or parking in the District because it is not a destination use. This will continue to complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (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 will not alter the existing appearance or character of the project 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 parking or loading for a massage use. The proposed expanded massage use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.*

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

*The proposed use is subject to the standard conditions of approval for massage establishments as outlined in Exhibit A.*

- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces,

parking and loading areas, service areas, lighting and signs;

*The proposed change of use from foot/chair massage to massage establishment does not require any additional tenant improvements.*

- 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 use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

*The proposed project is consistent with the stated purpose of CVR District in that the expanded massage services will continue to preserve the street's present character and scale and to accommodate uses primarily appealing to visitors.*

- 8. Massage Establishments.** With respect to Massage Establishments that are subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c) above, the Commission shall make the following findings:

- A. Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 29.10 of the Health Code;

*The applicant holds a valid Permit to Operate a General Massage Establishment from the Department of Public Health. Conditional of Approval No. 14 ensures that the Applicant maintains, in good standing, a permit for a Massage Establishment from the Department of Health. Failure to do so may result in the revocation of this Conditional Use Permit Authorization by the Planning Commission.*

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

- 1) 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;
- 2) windows that use clear, untinted glass, except for decorative or architectural accent;
- 3) 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% open to perpendicular view and no more than six feet in height above grade;

*The existing Foot/Chair Massage Establishment is located at the ground floor of an existing mixed-use building. No changes are proposed to the storefront as part of the expansion of*

*services to a Massage Establishment. All existing storefront windows and door will remain transparent and open to the public. The existing storefront is approximately 15 feet 8 inches, which is less than 25 feet, however, the entirety of the storefront is glazed and devoted to the entrance and windows to the tenant space. All existing windows and doors will use clear, untinted glass. No decorative railings or grillwork is currently proposed. Any future proposals for alterations to the façade must comply with the above findings regarding transparency.*

- 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;

*The Conditional Use Authorization does not currently propose any new exterior lighting. Any future building permits will comply with the City's requirements and the above findings. The existing street lighting along Clay Street 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. The Project is located on the ground-floor of a mid-block lot on Clay Street, between Grant Avenue and Waverly Place. The existing building design includes a fully glazed storefront, with large windows and a glass door which opens into the establishment's reception area. All doors will remain open during the business' hours of operation.*

- 9. **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 1.2**

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

*The Project will continue to provide a desirable service to individuals in the neighborhood. The Project will provide net benefits to the community by expanding the service available at the existing business and continuing operation of an established small business in the Chinatown Visitor Retail District.*

**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 neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

*The Project will expand the services of an existing business located in the Chinatown Visitor Retail District. The Project will continue to provide a neighborhood-serving small business service that responds to the neighborhood needs.*

10. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project 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 retain and existing retail sales and service use. This Conditional Use Authorization will permit the massage establishment subcategory of the retail sales and service land use category. The Project will provide future opportunities for resident employment in and ownership of such businesses.*

- 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 site does not possess any existing housing.*

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

*The Project does not currently possess any existing affordable housing.*

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

*The Project Site is served by nearby public transportation options. The Project is located along the 1 Muni bus line and within ¼ mile from over a dozen additional lines.*

- 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 includes the expansion of services at an existing foot/chair massage establishment to allow full-body massage. The change of use will allow the business to go from the Foot/Chair Massage subcategory into the subcategory of a Massage Establishment which will continue to provide opportunities for resident employment and ownership in these sectors.*

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

*The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The existing building on the Project Site is designated as a Contributor in the Chinatown Historic District. The Project would not alter the exterior of the building, and will continue to provide rental income to promote the ongoing economic viability and physical maintenance of the building.*

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

*The Project would not alter the physical envelope of the building, and will therefore have no effect on shadows cast on parks and open spaces.*

- 11.** The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

- 12.** The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2020-008347CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated March 20, 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 September 30, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: September 30, 2021

## EXHIBIT A

### Authorization

This authorization is for a conditional use to allow a change of use from a foot/chair massage establishment to a massage establishment (d.b.a. Top Therapy Massage Academy) on the ground floor of an existing 4-story commercial building located at 811 Clay Street, Block 0225, and Lot 031 pursuant to Planning Code Section(s) 303 and 811 within the Chinatown Visitor Retail (CVR) District and a 50-N Height and Bulk District; in general conformance with plans, dated March 20, 2020, and stamped "EXHIBIT B" included in the docket for Record No. 2020-008347CUA and subject to conditions of approval reviewed and approved by the Commission on September 30, 2021 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 September 30, 2021 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Design – Compliance at Plan Stage

- 6. Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7320, [www.sfplanning.org](http://www.sfplanning.org)*

- 7. 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 628.652.7320, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 9. 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 10. 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Operation

**11. 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.

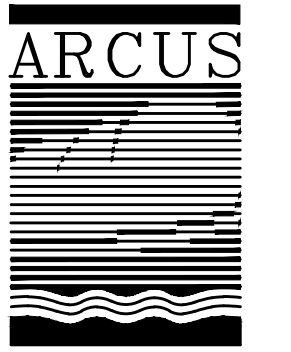
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, [www.sfpublicworks.org](http://www.sfpublicworks.org)*

**12. 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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.



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Project Title:  
**CUA  
MESSAGE  
ESTABLISHMENT**  
811 CLAY ST.  
SAN FRANCISCO, CA

Consultants:

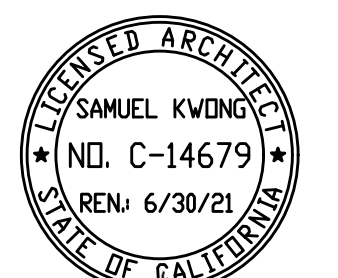
JOB NO. 2020-14

Date: 03/20/2020  
Checked By: -  
Drawn By: SG

ISSUANCES & REVISIONS:

No.	Date	Description

Stamp:



Sheet Title  
**EXISTING  
+PROPOSD  
FLOOR PLAN**

Sheet No.

**A-1**

**CONDITIONAL USE  
MESSAGE ESTABLISHMENT  
811 CLAY ST. SAN FRANCISCO  
TOP THERAPY ACADEMY (D.B.A.)**

**BUILDING INFORMATION**

PROJECT ADDRESS: 811 CLAY ST. SAN FRANCISCO, CA 94108  
BLOCK / LOT: 0225 / 031  
BUILDING TYPE: III-B W/O FIRE SPRINKLER  
ZONING: CVR  
EXISTING OCCUPANCY: B- MESSAGE FOOT-CHAIR  
PROPOSED OCCUPANCY: B- FULL MESSAGE ESTABLISHMENT  
TENANT AREA: 1023 S.F.  
PARCEL AREA: 2513 S.F.

**SCOPE OF WORK**

CONDITIONAL USE FOR FULL MESSAGE ESTABLISHMENT, ADD 4 NEW BODY MESSAGE TABLE. NO REMODEL WORK.

**CODE INFORMATION**

ALL CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING AND SAN FRANCISCO AMENDMENTS:  
2019 CALIFORNIA BUILDING CODE (CBC)  
2019 CALIFORNIA PLUMBING CODE (CPC)  
2019 CALIFORNIA MECHANICAL CODE (CMC)  
2019 CALIFORNIA ELECTRICAL CODE (CEC)  
2019 CALIFORNIA FIRE CODE (CFC)  
2019 CALIFORNIA RESIDENTIAL CODE (CRC)  
2019 CALIFORNIA ENERGY CODE  
2019 CALIFORNIA GREEN BUILDING CODE

**DIRECTORY**

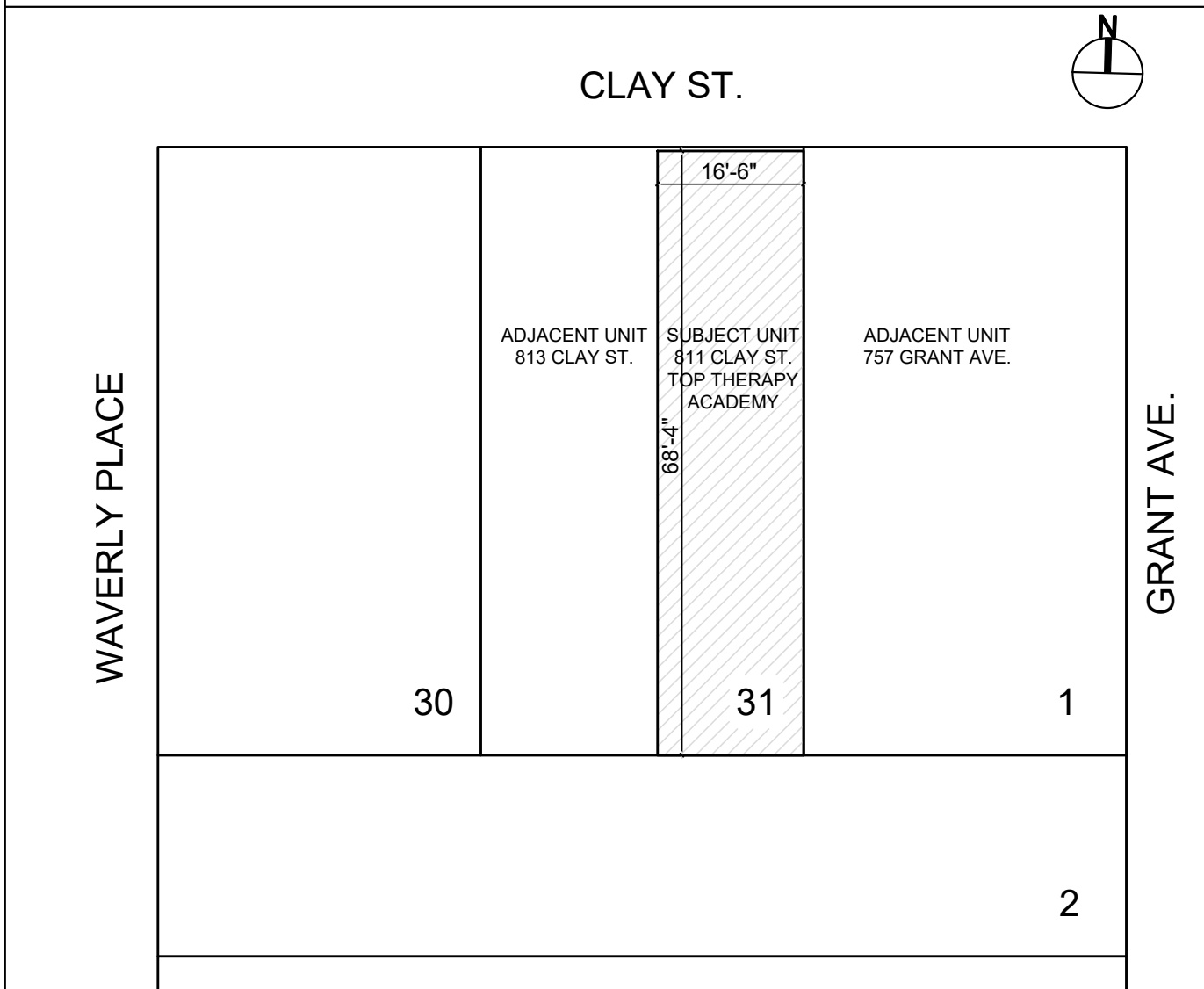
LESSEE: TOP THERAPY ACADEMY  
PROJECT SPONSOR: CALVIN LOUIE  
TEL: 415-350-3933  
EMAIL: CYLOUIECPA@AOL.COM

DESIGNER: ARCUS ARCHITECTURE & PLANNING  
CONTACT PERSON: SAMUEL KWONG  
TEL: 415-351-9882  
EMAIL: INFO.ARCUSARCHITECTURE@GMAIL.COM

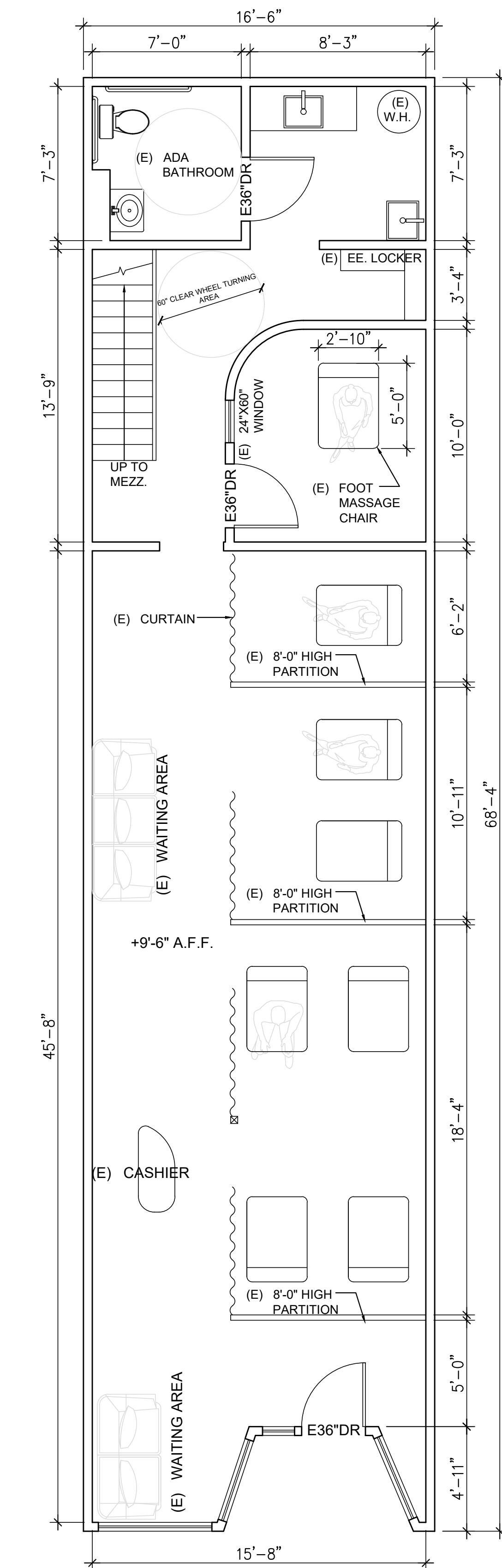
**SCHEDULE OF DRAWINGS**

A-1: PROJECT INFO., KEY PLAN, SCHEDULE OF DRAWINGS, SCOPE OF WORK EXISTING AND PROPOSED FLOOR PLANS

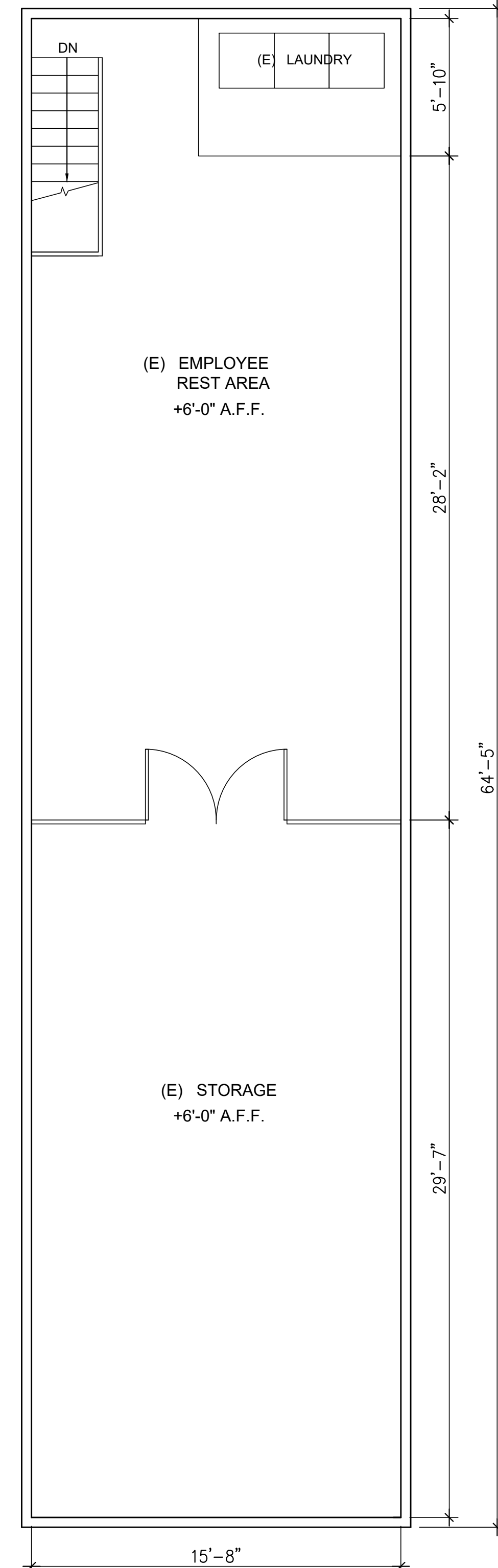
**KEY PLAN**



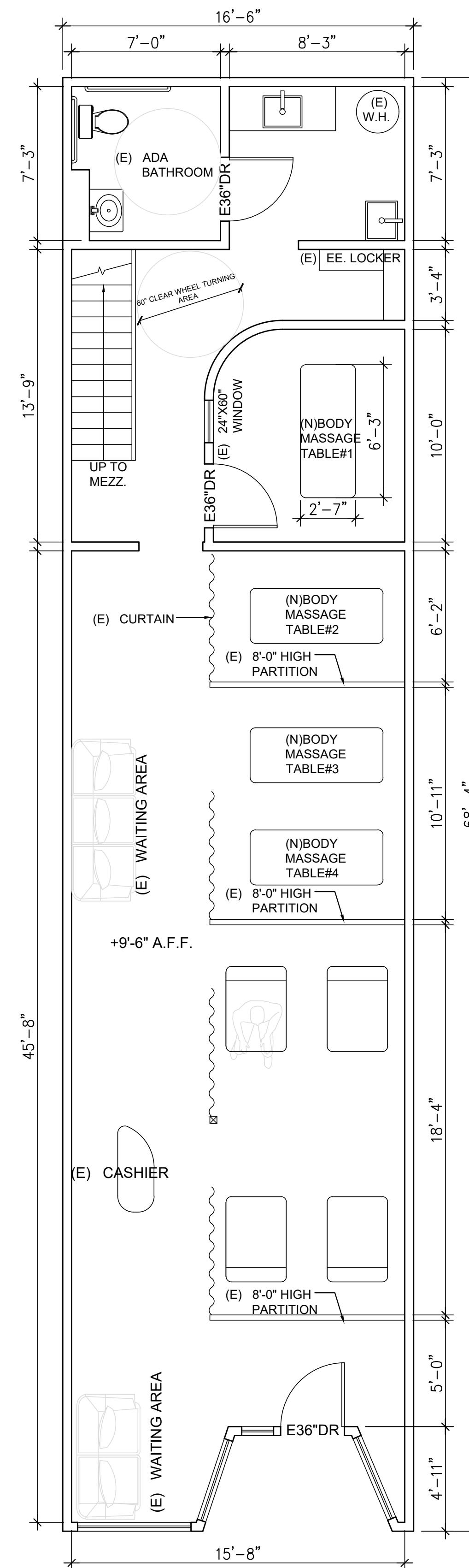
**LEGEND**  
—— (E) WALL



**1** EXISTING GROUND FLOOR PLAN  
SC: 1/4" = 1'



**2** EXISTING MEZZANINE FLOOR PLAN (NO CHANGE)  
SC: 1/4" = 1'



**3** PROPOSED GROUND FLOOR PLAN  
SC: 1/4" = 1'





**EXHIBIT**  
**C**

## CEQA Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
811 Clay Street		0225031
<b>Case No.</b>		<b>Permit No.</b>
2020-008347PRJ		
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b></p> <p>The proposal is for a Conditional Use Authorization to allow the existing foot massage establishment to change to full body massage use. The existing foot massage establishment is located in Chinatown Visitor Retail District, with a 1023 sq. ft. floor area in a 4-story commercial building. Existing establishment consist of reception/ waiting area, massage rooms. ADA bathroom, utility room, laundry room and employee resting area. There will be no remodel or any construction site. The change of use will be achieved by replacing existing 4 foot massage chairs with full body massage beds.</p>		

### STEP 1: EXEMPTION TYPE

<b>The project has been determined to be exempt under the California Environmental Quality Act (CEQA).</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<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.
<input type="checkbox"/>	<p><b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(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.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p><b>FOR ENVIRONMENTAL PLANNING USE ONLY</b></p>
<input type="checkbox"/>	<b>Other</b> _____
<input type="checkbox"/>	<b>Common Sense Exemption (CEQA Guidelines section 15061(b)(3)).</b> It can be seen with certainty that there is no possibility of a significant effect on the environment. <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>

## STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<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. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i>
<input type="checkbox"/>	<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? <b>Note that a categorical exemption shall not be issued for a project located on the Cortese List if box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant. (refer to The Environmental Information tab on the San Francisco Property Information Map)</b>
<input type="checkbox"/>	<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?
<input type="checkbox"/>	<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, archeology review is required.
<input type="checkbox"/>	<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 The Environmental Information tab on the San Francisco Property Information Map)</i> <b>If box is checked, Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Average Slope of Parcel = or &gt; 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to The Environmental Planning tab on the San Francisco Property Information Map)</i> <b>If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic Hazard:</b> <input type="checkbox"/> <b>Landslide</b> or <input type="checkbox"/> <b>Liquefaction Hazard Zone:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to The Environmental tab on the San Francisco Property Information Map)</i> <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b>	

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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> 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. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	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.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: ADVANCED HISTORICAL REVIEW  
TO BE COMPLETED BY PRESERVATION PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Reclassification of property status.</b> (Attach HRER Part I)  <input type="checkbox"/> Reclassify to Category A a. Per HRER b. Other (specify):  <input type="checkbox"/> Reclassify to Category C (No further historic review)
<input type="checkbox"/>	2. 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.
<input type="checkbox"/>	3. <b>Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.</b>
<input type="checkbox"/>	4. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. <b>Work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties (Analysis required)</i> :
<input type="checkbox"/>	9. <b>Work compatible</b> with a historic district (Analysis required):
<input type="checkbox"/>	10. <b>Work that would not materially impair</b> a historic resource (Attach HRER Part II).
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b> Change of use only, No modifications to the interior or exterior of the building.	
<b>Preservation Planner Signature:</b> Linda Ajello Hoagland	

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

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Planning Commission Hearing	<b>Signature:</b> Linda Ajello Hoagland
		06/04/2021
<p>Once signed or stamped and dated, this document constitutes a n exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code.          In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors 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.</p>		

## 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.

### MODIFIED PROJECT DESCRIPTION

Modified Project Description:
-------------------------------

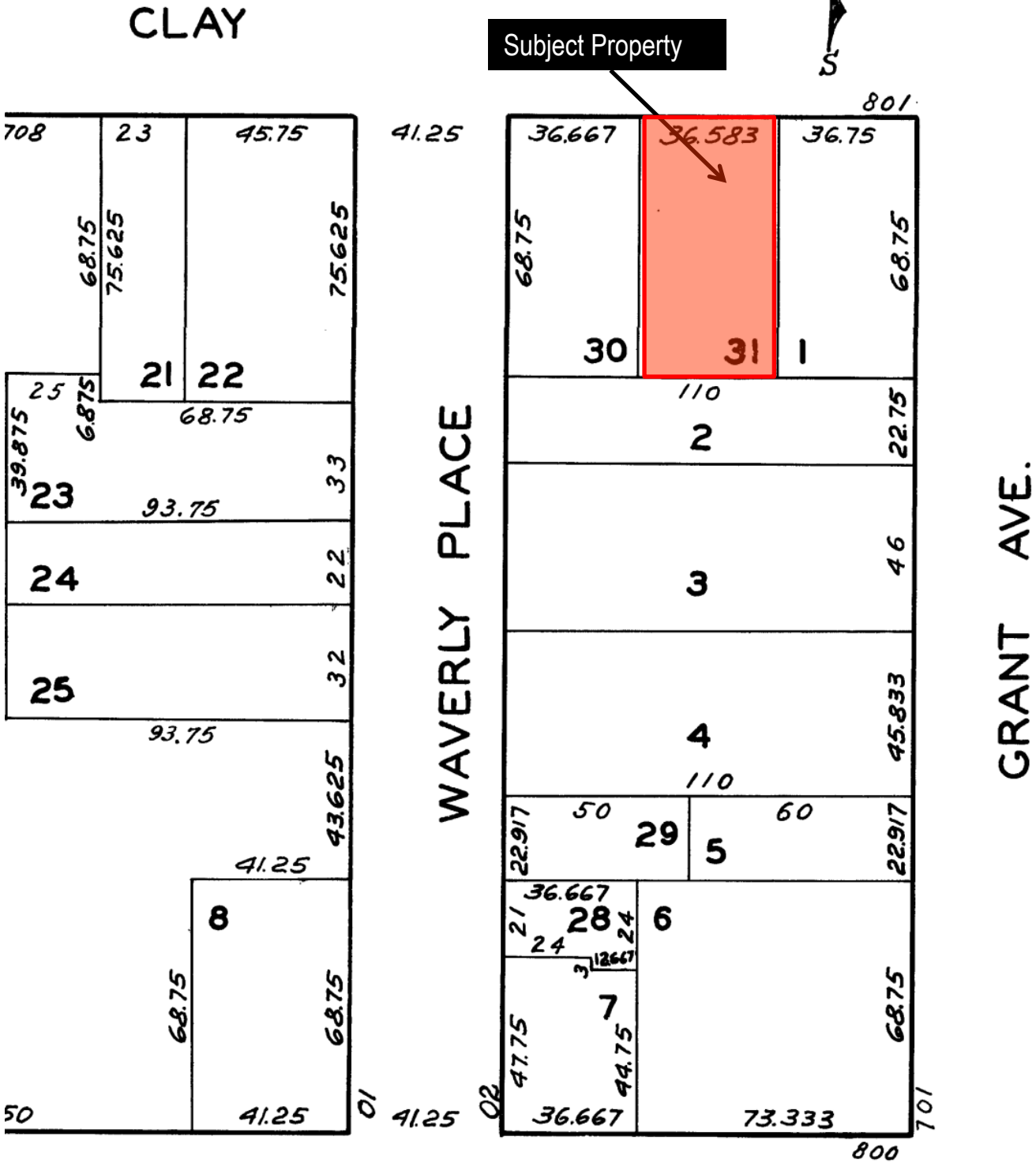
### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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?
<b>If at least one of the above boxes is checked, further environmental review is required.</b>	

### 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 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 to the Environmental Review Officer within 10 days of posting of this determination.	
<b>Planner Name:</b>	<b>Date:</b>

# Block Book Map

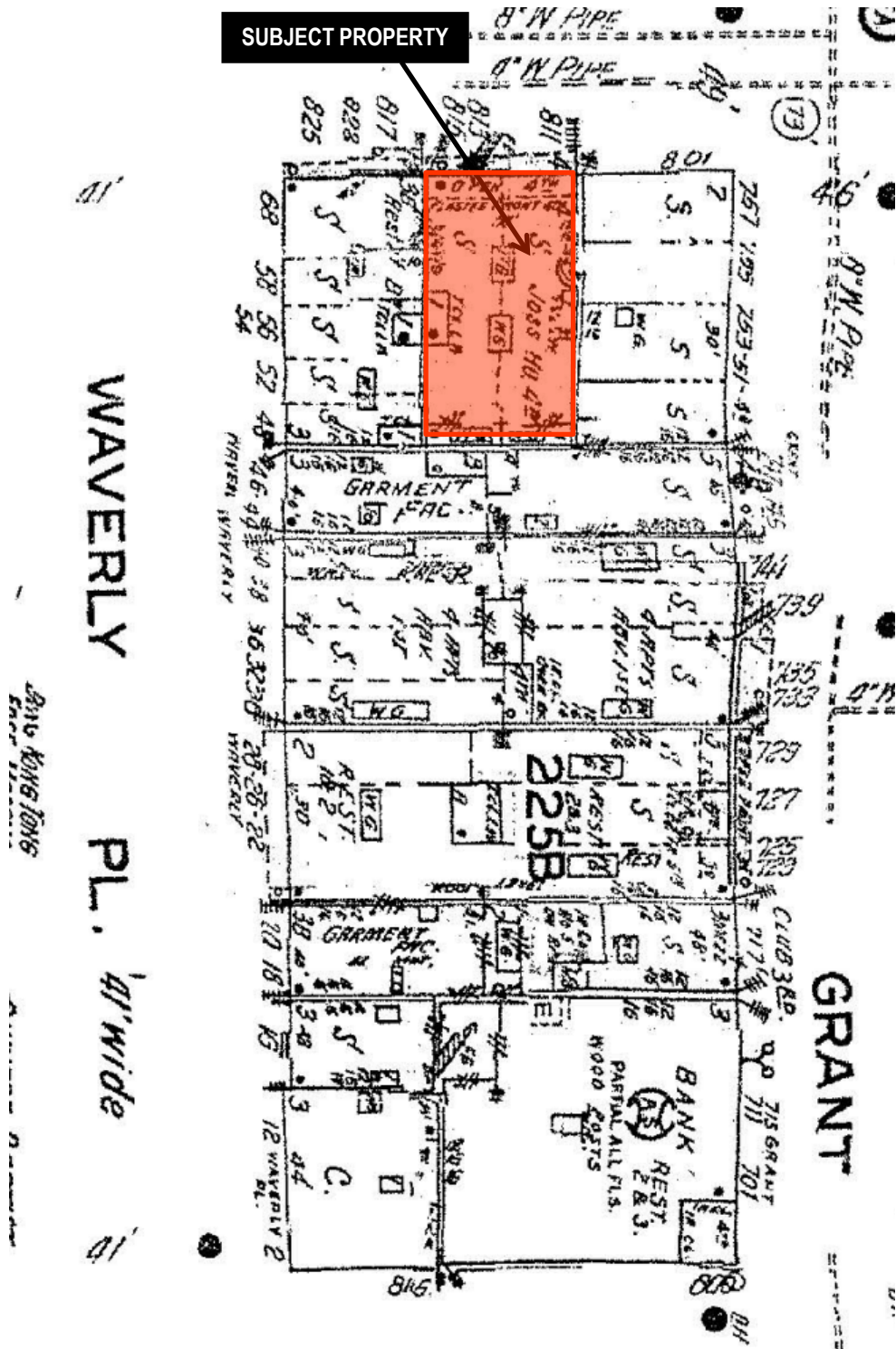


SACRAMENTO

Conditional Use Authorization  
Case Number 2020-008347CUA  
811 Clay Street



# Sanborn Map\*

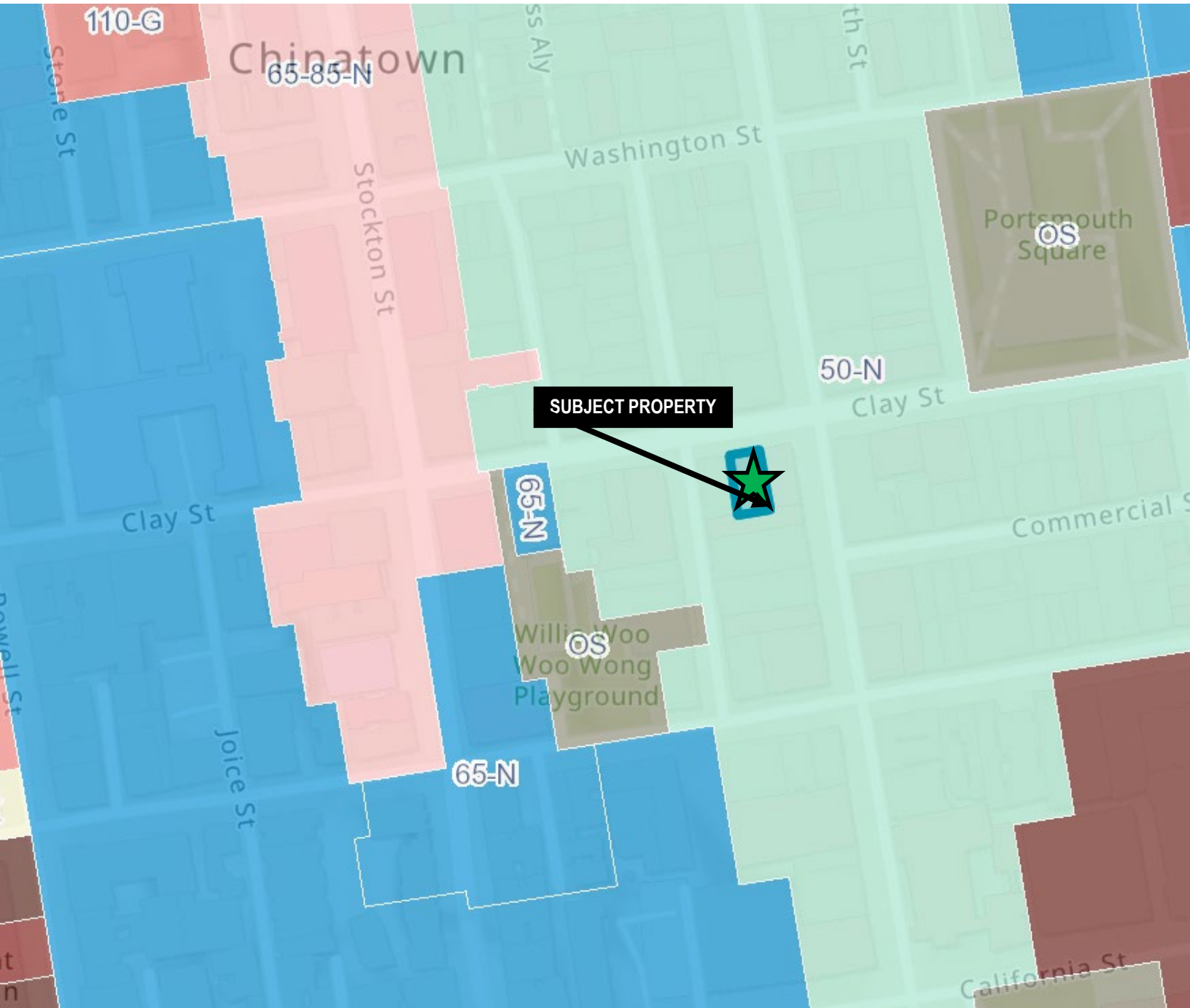


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



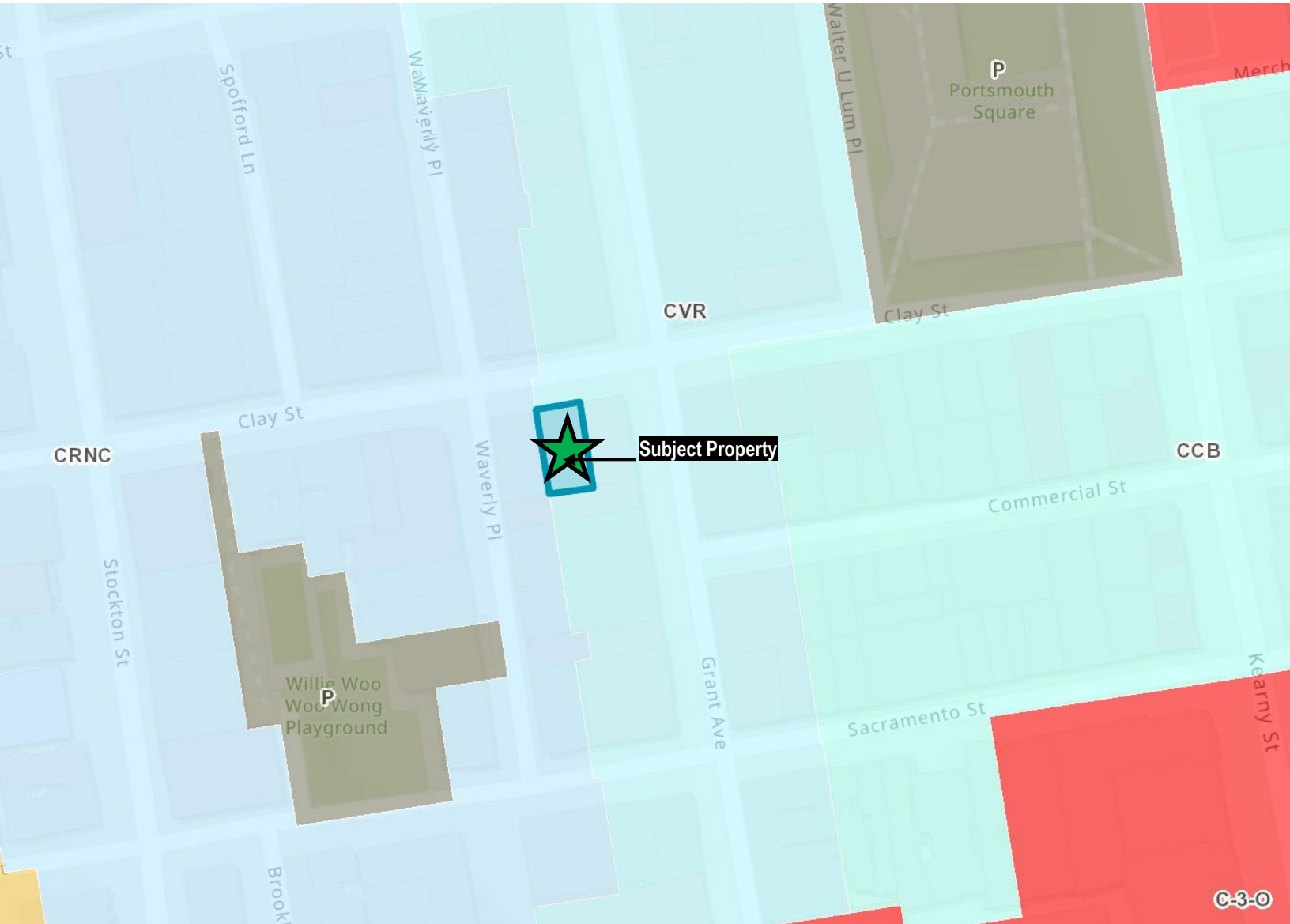
Conditional Use Authorization  
 Case Number 2020-008347CUA  
 811 Clay Street

# Height and Bulk Map

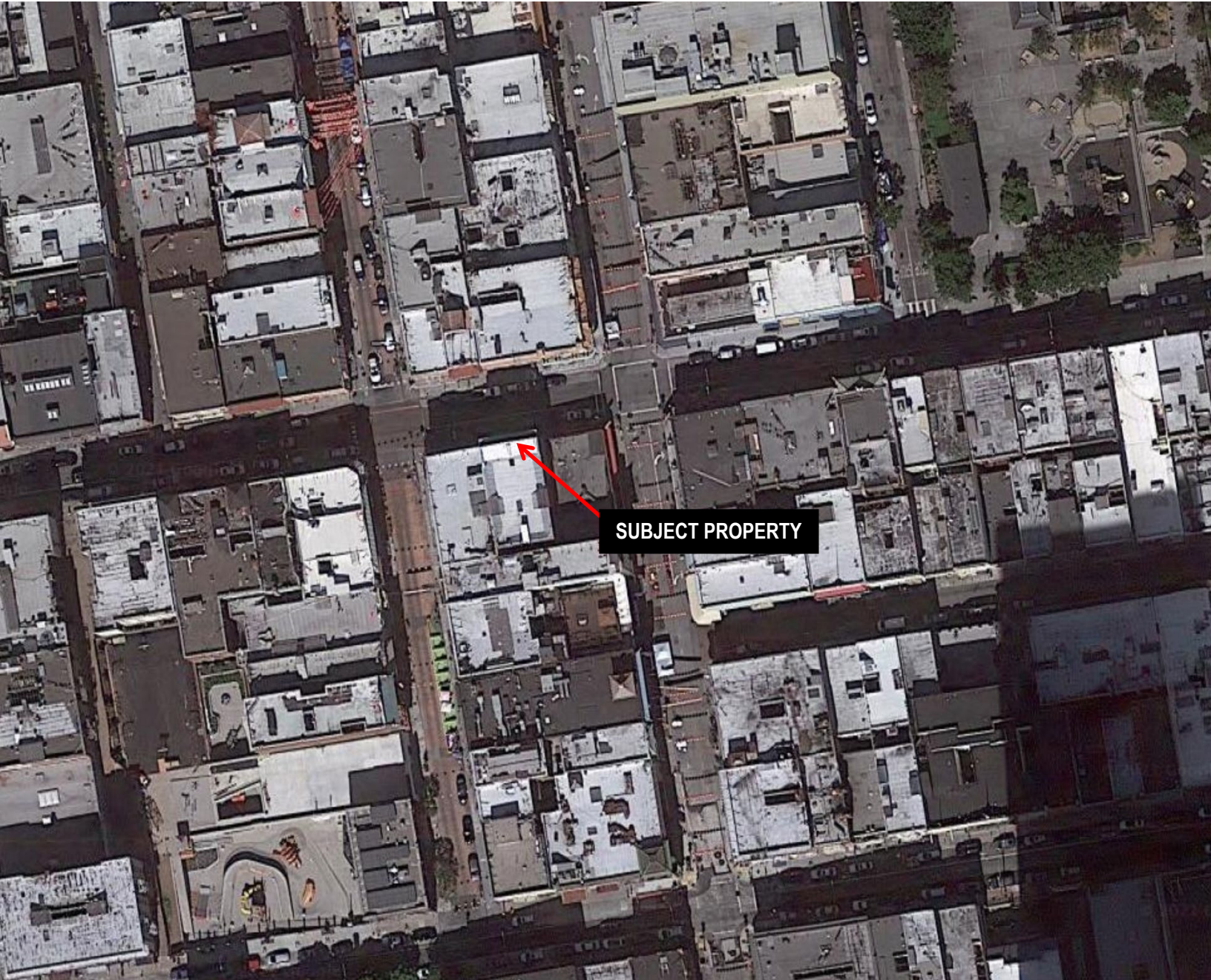




# Zoning Map



# Aerial Photo



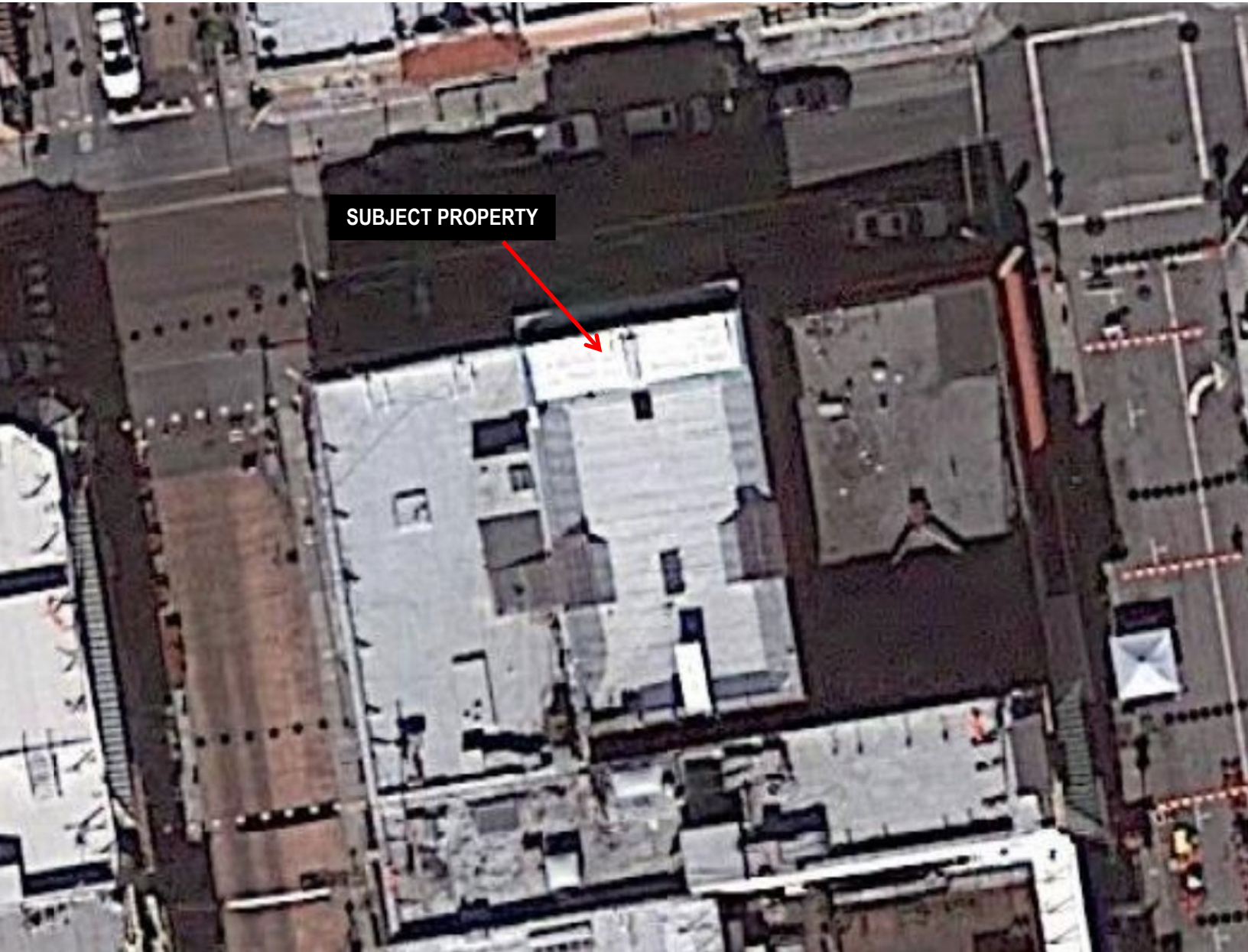
**SUBJECT PROPERTY**



Conditional Use Authorization  
Case Number 2020-008347CUA  
811 Clay Street



# Aerial Photo





# Site Photos

## SUBJECT PROPERTY ON CLAY STREET



Conditional Use Authorization  
Case Number 2020-008347CUA  
811 Clay Street



# Context Photo

## SUBJECT BLOCK FROM CLAY STREET



SUBJECT PROPERTY

Conditional Use Authorization  
Case Number 2020-008347CUA  
811 Clay Street



# Context Photo

OPPOSITE SIDE OF SUBJECT BLOCK ON CLAY STREET



**SUBJECT PROPERTY**

Conditional Use Authorization  
Case Number 2020-008347CUA  
811 Clay Street