



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 18787

HEARING DATE: JANUARY 24, 2013

Date: January 28, 2013
Case No.: **2012.1291C**
Project Address: **369 - 3RD AVENUE**
Zoning: NC-3 (Moderate-Scale Neighborhood Commercial) District
 40-X Height and Bulk District
Block/Lot: 1435/047
Project Sponsors: Youhua Huang (applicant) William Fong c/o BaSalle Realty, Inc. (owner)
 381 Half Moon Lane 2543 Clement Street
 Daly City, CA 94015 San Francisco, CA 94121
 Michael Ryan (agent / architect)
 2539 Lake Street #4
 San Francisco, CA 94121
Staff Contact: Sharon M. Young – (415) 558-6346
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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 303 AND 712.54 TO CONVERT A VACANT GROUND FLOOR COMMERCIAL TENANT SPACE (FORMERLY OCCUPIED BY AN INSTITUTIONAL USE D.B.A. OXMAN COLLEGE) INTO A MASSAGE ESTABLISHMENT (D.B.A. HEALTHY LIVING MASSAGE) LOCATED AT 369 - 3RD AVENUE WITHIN THE NC-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 9, 2012, Michael Ryan on behalf of Youhua Huang (hereinafter “Project Sponsor”) made an application for Conditional Use authorization for the property at **369 - 3rd Avenue, Lot 047 in Assessor’s Block 1435** (hereinafter “Subject Property”), pursuant to Planning Code Sections 303 and 712.54 to establish a massage establishment (d.b.a. Healthy Living Massage) on the ground floor of a three-story, mixed-use building within the NC-3 District and a 40-X Height and Bulk District, in general conformity with plans dated September 24, 2012, and labeled “Exhibit B” (hereinafter “Project”). The proposal will involve interior tenant improvements to the ground floor commercial tenant space, and no expansion of the existing building envelope is proposed.

On **January 24, 2013**, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on **Conditional Use Application No. 2012.1291C**.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.1291C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 369 - 3rd Avenue is on the west side of 3rd Avenue between Clement Street and Geary Boulevard. It is located within the NC-3 (Moderate-Scale Neighborhood Commercial) District and 40-X Height and Bulk District. The subject lot is 8,370 square feet (69.75 feet wide by 120 feet deep) in size and it is occupied by a three-story mixed-use building constructed in 1977. The existing building is not listed in the Planning Department's 1976 Architectural Survey or the National and California Registers as having architectural significance. The subject vacant commercial space was previously occupied by an institutional use d.b.a. Oxman College on the ground floor of the building. There are eleven residential units on the second and third floors of the building.
3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Inner Richmond Neighborhood. Most of the surrounding development consists of a variety of mixed-use buildings and multi-family residential buildings two to four stories in height with a few commercial establishments (restaurants, specialty store, dry cleaners) on the subject and opposite blocks. Some of the commercial establishments include Burger King, Young's Cleaners, Kingdom Medical Supply, Sloat Garden Center, Giorgio's Pizzeria, and Bella. The surrounding zoning is RM-1 (Residential-Commercial, High Density) District and NC-3 (Neighborhood Commercial, Moderate-Scale) District zoning.
4. **Project Description.** The proposal is a request for Conditional Use authorization under Planning Code Sections 303 and 712.54 to convert vacant commercial tenant space (formerly occupied by an institutional use d.b.a. Oxman College) with approximately 2,730 square feet of floor area into a massage establishment (d.b.a. Healthy Living Massage) on the ground floor of a three-story, mixed-use building within an NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District. The proposal will involve interior tenant improvements to the ground floor commercial tenant space. There will be no expansion of the existing building envelope.

5. **Issues and Other Considerations.**

- The proposed massage establishment will be independently owned and is not considered a formula retail use under Section 703.3 of the Planning Code. The project sponsor has indicated that some but not all of the massage therapists that will be employed at the proposed massage establishment are certified by the California Massage Therapy Council (CAMTC) but have their permit licenses to provide massage services in San Francisco.
- The project sponsor has indicated that the reception area will be visible from the street with open clear glass windows and lighting to provide a nice “day spa” style entrance. A traditional eastern style archway will lead to an open area of the massage establishment that is right behind the reception area wall; the open area will be arranged with about eight massage chairs of the type that allow for foot and lower leg massage for traditional Chinese style massage (comparable to shiatsu style massage) as opposed to western style shoulder and back chair massage. There will be four other massage rooms, two shower table massage rooms (which utilize a jet of warm water to massage clients’ backs and legs while laying prone on the table), and a sauna.

6. **Public Comment.** As of January 24, 2013, the Department received two letters to the proposal because of concerns that the proposed massage establishment would not be an appropriate addition to the mix of commercial establishments within the Inner Richmond Neighborhood. At the January 24th Planning Commission hearing, there was one member of the public who testified in opposition to the proposal.

7. **Use District.** The project site is within the NC-3 Zoning District. The NC-3 Zoning District controls are intended to provide the opportunity for a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Zoning Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

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

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

A. **Planning Code Section 712.54 – Massage Use.** Section 712.54 allows massage establishments with Conditional Use authorization in the NC-3 Zoning District and requires that the Planning Commission shall make findings as outlined in Planning Code Section 790.60(c) in addition to those required under Planning Code Section 303(c), based on the following criteria:

1. Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code.

Criterion Met

The applicant has applied for a massage permit with the Department of Public Health. Conditions of Approval will ensure that the applicant maintains the Massage Establishment Permit in good standing with the Department of Public Health. Failure to do so may result in this Conditional Use authorization being revoked by the Planning Commission.

2. 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:
 - i. An active street frontage of at least 25 feet in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level.

Criterion Partially Met:

The proposed massage establishment will be located on the ground floor of the subject building. The subject ground floor commercial tenant space has 29 feet of frontage on 3rd Avenue, approximately 52% of which is committed to the commercial entrances and windows.

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

Criterion Met:

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

- iii. 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.

Criterion Met:

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

3. 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.

Criterion Met:

Overhead lighting will be provided at the building's front entrance to provide adequate pedestrian-oriented lighting to the subject building.

4. 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.

Criterion Met:

No such barriers are proposed in the plans contained in Exhibit B of this Motion.

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

The proposed massage establishment, with approximately 2,730 square feet of floor area, is within the principally permitted use size limitations.

- C. **Sections 712.22 and 151** of the Planning Code requires off-street parking for every 300 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The proposed massage establishment will occupy approximately 2,730 square feet of floor area and thus does not require any off-street parking.

- D. **Section 712.27** puts no limit on the hours of operation in NC-3 Districts.

The proposed hours of operation of the proposed massage establishment are 10 a.m. to 10 p.m., Monday through Friday.

- E. **Section 712.54** of the Planning Code allows massage establishments on the 1st and 2nd floors in the NC-3 Zoning District with Conditional Use authorization.

The proposed massage establishment is located on the 1st (ground) floor.

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

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

Tenant improvements are proposed to the existing vacant ground floor commercial space. No changes will be made to the existing building envelope.

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

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site and the size, shape and arrangement of the building are adequate for the project. There will be no physical expansion of the existing building or commercial space.

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

Existing traffic patterns will not be significantly affected by the proposed project. Public transit (Muni Line 38 Geary) is within close proximity of the proposed massage establishment. There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

Given the nature of the proposed project (a massage service), it would not emit any glare, dust or odor.

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

The proposed project does not propose any exterior tenant improvements. There will be no addition of parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.

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

The proposed project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purpose of the NC-3 Zoning District in that the intended use is a neighborhood-serving business.

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

COMMERCE AND INDUSTRY ELEMENT

GENERAL/CITYWIDE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed massage establishment would be compatible with and complimentary to the type of uses characterizing this portion of the NC-3 Zoning District adjacent to Geary Boulevard, which is primarily a mixture of restaurants, specialty stores, business and professional establishments, auto repair shops, and business and professional offices. The proposed use would be consistent with the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.3:

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

The proposed project will retain and reactivate an existing vacant commercial space and will enhance the diverse economic base of the City.

OBJECTIVE 3:

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

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

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

The proposed project would provide enhanced opportunities for employment of neighborhood residents.

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.

The proposed project would occupy a vacant commercial space with a commercial use that would be complimentary to the type of neighborhood-serving uses within the immediate area.

Policy 6.2:

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

An independent entrepreneur is sponsoring the proposal. The proposed use is neighborhood-serving, and would occupy an existing vacant commercial space, thereby encouraging the vitality of the commercial corridor.

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposed project will preserve and enhance existing neighborhood-serving retail uses by continuing to occupy a space which was vacated by another commercial use and diversifying the type of commercial establishments within the immediate neighborhood. The proposed project will provide new job opportunities to the City by employing six massage therapists, in addition to a few receptionists and assistants.

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

The proposed project will not displace housing as no housing exists in the commercial space.

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

The proposed project will not have any effects on the City's supply of affordable housing. No housing will be removed as part of this project.

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

The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.

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

There is no commercial office development associated with the proposed project. No industrial or service sector uses would be displaced.

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

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

- G. That landmarks and historic buildings be preserved.

The proposed project will not affect any landmarks or historic buildings.

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

The proposed project will not affect any city-owned park or open space.

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

13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.1291C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18787. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 24, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Antonini, Borden, Hillis, Moore, Sugaya, Wu

NAYS: None

ABSENT: Commissioner Fong

ADOPTED: January 24, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to convert vacant commercial tenant space (formerly occupied by an institutional use d.b.a. Oxman College) with approximately 2,730 square feet of floor area into a massage establishment (d.b.a. Healthy Living Massage) on the ground floor of a three-story, mixed use building at 369 - 3rd Avenue in Assessor's Block 1435, Lot 047, pursuant to Planning Code Sections 303 and 712.54 within the NC-3 (Moderate-Scale Neighborhood Commercial) District and 40-X Height and Bulk District; in general conformance with plans and stamped "EXHIBIT B" included in the docket for Case No. 2012.1291C and subject to conditions of approval reviewed and approved by the Commission on January 24, 2013, under Motion No. 18787. 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 24, 2013 under Motion No. 18787.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18787 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

MONITORING - AFTER ENTITLEMENT

3. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

OPERATION

5. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by

the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>

6. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

7. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

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

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

9. **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 a.m. to 10:00 p.m.

- 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