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9 CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF SAN FRANCISCO

13 UNLIMITED JURISDICTION

14 CITY AND COUNTY OF SAN
FRANCISCO, a Municipal Corporation; and
15 the PEOPLE OF THE STATE OF
CALIFORNIA, by and through San Francisco
16 City Attorney DENNIS J. HERRERA,

17 Plaintiffs,

18 vs.

19 TIAN YI ZHAO, individually and d/b/a
Paradise Health Center, CHIU HUNG PAUL
20 TAM, individually and d/b/a Paradise Health
Center, LISA S TANG as trustee of the
21 VINCENT C AND LISA S TANG FAMILY
TRUST, and DOE ONE THROUGH DOE
22 FIFTY,

23 Defendants.
24
25

Case No.

CGC-17-561648

COMPLAINT FOR INJUNCTIVE RELIEF AND
OTHER RELIEF

[REAL PROPERTY]

Type of Case: (42) Other Complaint

26 The CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, and the PEOPLE
27 OF THE STATE OF CALIFORNIA, by and through San Francisco City Attorney DENNIS J.
28 HERRERA (collectively the "PLAINTIFFS") file their Complaint against TIAN YI ZHAO, an

ENDORSED
FILED
San Francisco County Superior Court

OCT 02 2017

CLERK OF THE COURT
BY: KALENE APOLONIO
Deputy Clerk

individual and d/b/a Paradise Health Center, CHIU HUNG PAUL TAM, an individual and d/b/a Paradise Health Center, LISA S TANG as trustee of the VINCENT C AND LISA S TANG FAMILY TRUST, and DOES ONE THROUGH DOE FIFTY (collectively the "DEFENDANTS").

PLAINTIFFS hereby allege as set forth below:

INTRODUCTION

1. This action arises out of DEFENDANTS' ownership, operation, management, and maintenance of the massage establishment known as Paradise Health Center ("PARADISE BUSINESS") and the real property upon which it sits, Assessor's Block 1546, Lot 019, in the City and County of San Francisco, commonly known as 242 Balboa ("PARADISE PROPERTY") (collectively "PARADISE"), as a place of prostitution, assignation, and lewdness, in violation of the California Penal Code and local health and safety laws, and as a public nuisance that substantially endangers the health, welfare, and safety of the citizens of the City and County of San Francisco, and the People of the State of California.

2. Since at least October 2012, DEFENDANTS have maintained, permitted, and encouraged prostitution, assignation, and lewdness at PARADISE. This is a *per se* public nuisance, in violation of the California Red Light Abatement Law, California Penal Code sections 11225, *et seq.*, as well as a General Public Nuisance under Civil Code sections 3479, 3480, 3491, and 3494. Further, DEFENDANTS have maintained PARADISE in violation of its conditional use authorization and notice of special restrictions, which is a violation of the San Francisco Planning Code. Additionally, by maintaining, permitting, and encouraging prostitution, assignation, and lewdness at PARADISE and by maintaining PARADISE in violation of the San Francisco Planning Code, DEFENDANTS have engaged in, and continued to engage in, unfair and unlawful business practices in contravention of the Unfair Competition Law, California Business and Professions Code Sections 17200, *et seq.*

3. DEFENDANTS continue to carry on with this public nuisance, despite numerous Department of Public Health violations, administrative penalties, and law enforcement inspections. PLAINTIFFS file this action to enjoin DEFENDANTS from maintaining, permitting, encouraging, and profiting from this nuisance, to abate this nuisance, and to obtain all additional relief to which

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1 PLAINTIFFS are entitled on behalf of the City and County of San Francisco and the People of the
2 State of California.

3 **PARTIES AND SUBJECT PROPERTY**

4 4. Plaintiff City and County of San Francisco is a consolidated charter city and county
5 under the laws of the State of California and brings this action under the San Francisco Planning Code
6 and California Civil Code section 3494.

7 5. Plaintiff People of the State of California, by and through Dennis J. Herrera, City
8 Attorney of the City and County of San Francisco, brings this action pursuant to California Penal Code
9 Section 11225, *et seq.* (the "Red Light Abatement Law"), the California Business and Professions
10 Code Sections 17200 and 17204, (the "Unfair Competition Law"), California Civil Code Section
11 3494, and California Code of Civil Procedure Section 731.

12 6. At all times herein mentioned in this Complaint, Defendants Tian Yi Zhao and Chiu
13 Hung Paul Tam have been the legal owners, lessees, managers, operators, and maintainers of the
14 PARADISE BUSINESS located upon the PARADISE PROPERTY.

15 7. At all times herein mentioned in this Complaint, Defendant Lisa S. Tang as Trustee of
16 the Vincent C. and Lisa S. Tang Family Trust has been and continues to be the legal owner, lessor,
17 manager, operator, and maintainer of the PARADISE PROPERTY. The PARADISE PROPERTY is
18 more particularly described in **Exhibit A**, which is attached hereto and incorporated as part of this
19 Complaint.

20 8. DEFENDANTS DOES ONE THROUGH FIFTY are sued herein under fictitious
21 names. PLAINTIFFS do not at this time know the true names and capacities of DOES ONE
22 THROUGH FIFTY, but pray that the same may be inserted herein when ascertained.

23 9. Each DEFENDANT is sued in his/her/its capacity as the owner, manager, lessor, and/or
24 maintainer of PARADISE, and as the person or entity committing the acts alleged in this Complaint or
25 the person or entity directing the commission of the acts alleged in this Complaint.

26 10. Actions taken or omissions made by DEFENDANTS' employees, agents, or
27 representatives in the course of their employment, agency, or representation shall be considered
28 actions or omissions of DEFENDANTS for the purposes of this Complaint.

1 11. Whenever reference is made in this Complaint to any act of DEFENDANTS, each such
2 allegation shall mean that each DEFENDANT acted both individually and jointly with all
3 DEFENDANTS. Whenever reference is made in this Complaint to any act or omission of
4 DEFENDANTS, each such allegation shall mean that all DEFENDANTS did or authorized the act or
5 omission, or recklessly and/or carelessly failed and omitted to supervise, control, or direct other
6 persons who engaged in the act or omission. Whenever reference is made in this Complaint to any act
7 of DEFENDANTS, each such allegation shall mean that each DEFENDANT acted as an agent and/or
8 an alter ego of every other DEFENDANT.

9 GENERAL ALLEGATIONS

10 12. PARADISE is a massage parlor brothel operated by DEFENDANTS under the guise of
11 a legitimate massage establishment.

12 13. Since at least October 2012, DEFENDANTS have regularly solicited prostitution at
13 PARADISE through advertisements on backpage.com and other online and print sources notorious for
14 soliciting erotic services. PARADISE's advertisements depict scantily clad women in provocative
15 poses and highlight the ethnicities of the women available to choose from for "massage."
16 DEFENDANTS' solicitation of prostitution through internet advertisements is continuous and
17 ongoing. A true and correct copy of an internet advertisement for PARADISE posted on
18 backpage.com on September 29, 2017, is attached hereto as **Exhibit B** and incorporated as part of this
19 complaint.

20 14. Since at least October 2012, the San Francisco Department of Public Health ("DPH")
21 has issued numerous violations of San Francisco Health Code Article 29 ("Article 29"), which governs
22 the "Licensing and Regulation of Massage Practitioners." DPH has witnessed prostitution, assignation,
23 and lewdness at PARADISE.

24 15. Since at least October 2012, the San Francisco Police Department ("SFPD") has
25 conducted Special Victims Unit inspections at PARADISE. SFPD has witnessed and been solicited for
26 prostitution, assignation, and lewdness at PARADISE.

27 16. PARADISE has a reputation in the community as a location where prostitution,
28 assignation, and lewdness take place.

1 17. PARADISE is located directly across Balboa Street from Peter's Place Nursery School,
2 where young children attend preschool only a matter of feet away from a brothel where prostituted
3 massage practitioners engage in countless sex acts with strangers on a daily basis. PARADISE is also
4 located less than a quarter of a mile from Frank McCoppin Elementary School. Further, PARADISE is
5 immediately adjacent to a Muni 31-Balboa Bus Line stop, which is frequented by elementary school
6 students.

7 18. Since at least October 2012, DEFENDANTS have maintained PARADISE in violation
8 of its conditional use authorization granted by San Francisco Planning Commission Motion 18506. A
9 true and correct copy of Planning Commission Motion 18506 is attached hereto as **Exhibit C** and is
10 incorporated as part of this Complaint. PARADISE's conditional use authorization explicitly requires
11 that PARADISE limit hours of operation to 7:00 AM to 10:00 PM, refrain from using security cameras
12 or buzzer systems, employ only licensed massage practitioners, and refrain from obstructing visibility
13 through the storefront windows or locking the front entrance during business hours.

14 19. Since at least October 2012, DEFENDANTS have maintained PARADISE in violation
15 of its "Notice of Special Restrictions Under the Planning Code" recorded on January 18, 2012. A true
16 and correct copy of the "Notice of Special Restrictions Under the Planning Code" recorded on January
17 18, 2012 is attached hereto as **Exhibit D** and is incorporated as part of this Complaint. PARADISE's
18 notice of special restrictions explicitly requires that PARADISE limit hours of operation to 7:00 AM
19 to 10:00 PM, refrain from using security cameras or buzzer systems, employ only licensed massage
20 practitioners, and refrain from obstructing visibility through the storefront windows or locking the
21 front entrance during business hours.

22 20. Since at least October 2012, DEFENDANTS have maintained security cameras on the
23 exterior of PARADISE.

24 21. Since at least October 2012, DEFENDANTS have maintained blinds, curtains, and/or
25 obstructions that block visibility through PARADISE's storefront windows during business hours.

26 22. Since at least October 2012, DEFENDANTS have kept PARADISE's front entrance
27 locked during business hours.

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1 23. Since at least October 2012, DEFENDANTS have used a buzzer system to control
2 entry into PARADISE.

3 24. On December 7, 2012, a massage practitioner was not fully clothed in proper attire
4 while working at PARADISE. Following the December 7, 2012 inspection at PARADISE, DPH
5 issued an Article 29 Violation for not being clothed in proper attire ("Improper Attire Violation") to
6 one PARADISE massage practitioner.

7 25. On July 19, 2013, PARADISE was operating between the hours of 10:00 PM and 7:00
8 AM. Following the July 19, 2013 inspection, DPH issued an Article 29 Violation to DEFENDANTS
9 for operating PARADISE between the hours of 10:00 PM and 7:00 AM ("After Hours Operation
10 Violation").

11 26. On January 10, 2014, a massage practitioner was not fully clothed in proper attire while
12 working at PARADISE. Following the January 10, 2014 inspection at PARADISE, DPH issued an
13 Article 29 Improper Attire Violation to one PARADISE massage practitioner.

14 27. On January 20, 2015, a massage practitioner was working at PARADISE without a
15 valid massage practitioner license.

16 28. On June 26, 2015, DEFENDANTS maintained security cameras on the exterior of
17 PARADISE. On June 26, 2015, DEFENDANTS locked PARADISE's front entrance during business
18 hours. On June 26, 2015, DEFENDANTS used a buzzer system to control entry to PARADISE during
19 business hours. On June 26, 2015, DEFENDANTS obstructed visibility through PARADISE's
20 storefront windows during business hours. On June 26, 2015, DEFENDANTS maintained doorstops
21 on the inside of PARADISE's massage treatment room doors.

22 29. On May 10, 2016, SFPD and DPH observed a massage practitioner engaging in a
23 sexual act with a customer at PARADISE. Following the May 10, 2016 inspection, DPH issued an
24 Article 29 Violation for engaging in lewd conduct ("Lewd Conduct Violation") and an Improper Attire
25 Violation to one PARADISE massage practitioner. DPH also issued two Article 29 Violations to
26 DEFENDANTS for allowing lewd conduct to occur and permitting practitioners to wear improper
27 attire at PARADISE. Following a DPH Director's Hearing, DEFENDANTS' massage business permit
28 was suspended by DPH for sixty days. This decision was upheld by the San Francisco Board of

1 Appeal. DEFENDANTS' massage business permit was suspended from March 27, 2017 until May 26,
2 2017.

3 30. Following the sixty-day suspension, DEFENDANTS resumed advertising PARADISE
4 on backpage.com and soliciting prostitution with photographs of provocatively dressed women and
5 promoting the ethnicities of the massage practitioners.

6 31. On September 15, 2017, SFPD conducted an undercover operation at PARADISE,
7 during which, a prostituted massage practitioner solicited an undercover officer for oral intercourse in
8 exchange for \$100.00 and vaginal intercourse in exchange for \$150.00.

9 32. The prostitution, assignation, and lewdness at PARADISE has been continuous and
10 ongoing since at least October 2012. This conduct requires constant attention from DPH and SFPD,
11 thereby diverting valuable resources that cannot be devoted to other areas. DEFENDANTS' business
12 model is built around the maintenance of this public nuisance. DEFENDANTS have treated the
13 resulting administrative penalties as the cost of doing business.

14 **FIRST CAUSE OF ACTION**
15 **FOR VIOLATION OF THE RED LIGHT ABATEMENT LAW BY PLAINTIFFS PEOPLE OF**
16 **THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS**
17 **[California Penal Code §11225, *et seq.*]**

18 33. PLAINTIFFS hereby incorporate by reference paragraphs 1-32 above, as though fully
19 set forth herein.

20 34. PLAINTIFFS bring this action pursuant to the Red Light Abatement Law, California
21 Penal Code Section 11225, *et seq.*, in the name of the PEOPLE OF THE STATE OF CALIFORNIA
22 for the purpose of enjoining and abating the prostitution, assignation, and lewdness, which are
23 continuous and ongoing at PARADISE.

24 35. Since at least October 2012, DEFENDANTS have violated and continue to violate the
25 Red Light Abatement Law by maintaining and allowing PARADISE to be used for the purposes of
26 prostitution, assignation, and lewdness.

27 36. PARADISE is a nuisance per se because of the prostitution, assignation, and lewdness,
28 which have been ongoing and continuous for nearly four years and must therefore be abated pursuant
to the Red Light Abatement Law.

37. Defendants Tian Yi Zhou and Chiu Hung Paul Tam are liable for violations of Penal Code section 11225 as business owners of PARADISE for conducting and maintaining it as a nuisance pursuant to Penal Code section 11126 and are responsible for the nuisance for the purposes of Penal Code section 11230.

38. Defendant Lisa S. Tang as Trustee of the Vincent C. and Lisa S. Tang Family Trust is liable for violations of Penal Code sections 11225 as property owner of PARADISE pursuant to Penal Code section 11226 and is responsible for the nuisance for the purposes of Penal Code Section 11230.

39. DEFENDANTS have shown outright refusal to abate the nuisance prior to the filing of this Complaint and unless stopped by this Court, DEFENDANTS will continue to maintain the PARADISE in the above-described nuisance condition.

40. PLAINTIFFS have no adequate remedy at law, and unless DEFENDANTS are enjoined and restrained by order of this Court, they will continue to maintain or permit prostitution, assignation, and lewdness at PARADISE in violation of the law. Accordingly, pursuant to the Red Light Abatement Law, PLAINTIFFS request that this Court issue an order of abatement, impose civil penalties, close PARADISE, and offer appropriate equitable relief.

SECOND CAUSE OF ACTION

FOR PUBLIC NUISANCE BROUGHT BY PLAINTIFFS CITY AND COUNTY OF SAN FRANCISCO AND PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS

(California Penal Code 11225, San Francisco Planning Code Sections 176, 202.2, and 303, California Civil Code Sections 3494, 3479, and 3480, and California Code of Civil Procedure Section 731)

41. PLAINTIFFS hereby incorporate by reference paragraphs 1-40 above, as through fully set forth herein.

42. PLAINTIFFS bring this action pursuant to California Penal Code 11225, San Francisco Planning Code sections 176, 202.2, and 303, California Civil Code sections 3494, 3479, and 3480, and California Code of Civil Procedure section 731, in the name of the CITY AND COUNTY OF SAN FRANCISCO and the PEOPLE OF THE STATE OF CALIFORNIA for the purpose of enjoining and abating prostitution, assignation, lewdness, and San Francisco Planning Code violations, which are continuous and ongoing at PARADISE.

1 43. PARADISE is a nuisance per se because of the prostitution, assignation, and lewdness,
2 which have been ongoing and continuous for nearly five years and must therefore be abated pursuant
3 to the Red Light Abatement Law.

4 44. PARADISE is a nuisance per se because now, and for a considerable time and at all
5 times herein mentioned, DEFENDANTS have maintained PARADISE in violation of its conditional
6 use authorization and its notice of special restrictions, in violation of San Francisco Planning Code
7 sections 303(d) and 176(a).

8 45. PARADISE is a nuisance per se because now, and for a considerable time and at all
9 times herein mentioned, DEFENDANTS have maintained PARADISE in violation of San Francisco
10 Health Code Article 29, in violation of San Francisco Planning Code sections 202.2(a)(4) and 176(a).

11 46. By permitting the above described illegal and criminal actions to occur and exist at
12 PARADISE, DEFENDANTS have caused and maintained a public nuisance within the meaning of
13 California Civil Code Section 3479 and 3480. These activities are injurious to health and offensive to
14 the senses so as to interfere with the comfortable enjoyment of life or property in an entire community
15 or neighborhood.

16 47. DEFENDANTS have, by his/hers/their/its acts and failures to act, created and
17 maintained a condition that has been a nuisance for all who live, work, or spend time in the vicinity of
18 PARADISE and have irreparably harmed the citizens of San Francisco and the People of the State of
19 California.

20 48. At all times herein mentioned, DEFENDANTS had notice and knowledge that
21 PARADISE constituted a public nuisance.

22 49. PLAINTIFFS are informed and believe that DEFENDANTS will continue to maintain
23 PARADISE in the above-described condition as a public nuisance.

24 50. Unless said nuisance is abated, the surrounding community and neighborhood, and the
25 residents and citizens of the City and County of San Francisco and the People of the State of
26 California, will continue to suffer irreparable injury and damage, in that said conditions will continue
27 to be injurious to the enjoyment and the free use of the life and property of said citizens and residences
28 of the City and County of San Francisco and the People of the State of California.

1 51. PLAINTIFFS have no adequate remedy at law and DEFENDANTS have shown
2 outright refusal to abate the nuisance prior to the filing of this Complaint. Unless DEFENDANTS are
3 enjoined and restrained by order of this Court, they will continue to maintain or permit prostitution,
4 assignation, and lewdness, at PARADISE and continue to cause irreparable injury to the public's
5 health, safety, and welfare.

6 **THIRD CAUSE OF ACTION**

7 **FOR NON-COMPLIANCE WITH THE SAN FRANCISCO PLANNING CODE BROUGHT**
8 **BY PLAINTIFF CITY AND COUNTY OF SAN FRANCISCO AGAINST ALL DEFENDANTS**
9 **(San Francisco Planning Code Sections 176, 202.2, and 303).**

10 52. PLAINTIFFS hereby incorporate by reference paragraphs 1 to 51 above, as though
11 fully set forth herein.

12 53. PLAINTIFFS bring this action pursuant to the San Francisco Municipal Planning Code
13 in the name of the CITY AND COUNTY OF SAN FRANCISCO.

14 54. By maintaining and operating PARADISE in violation of its conditional use
15 authorization and its notice of special restrictions, DEFENDANTS are now, and for a considerable
16 period of time and at all times herein mentioned have been, maintaining PARADISE in violation of
17 the San Francisco Municipal Planning Code pursuant Planning Code section 303(d).

18 55. By maintaining and operating PARADISE in violation of San Francisco Health Code
19 Article 29, DEFENDANTS are now, and for a considerable period of time and at all times herein
20 mentioned have been, maintaining PARADISE in violation of San Francisco Planning Code section
21 202.2(a)(4).

22 56. By maintaining and operating PARADISE in a manner that violates the San Francisco
23 Planning Code, DEFENDANTS are subject to civil penalties of at least \$200 per day for each day that
24 the violations existed or were permitted to continue, as set forth in San Francisco Planning Code
25 section 176(c)(2).

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FOURTH CAUSE OF ACTION
FOR UNFAIR AND UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF
PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS
(California Business and Professions Code Sections 17200-17210)

57. PLAINTIFFS hereby incorporate by reference paragraphs 1-56 above, as though fully set forth herein.

58. PLAINTIFFS bring this cause of action in the public interest in the name of the PEOPLE OF THE STATE OF CALIFORNIA, pursuant to Business and Professions Code Section 17200, *et seq.*, in order to protect the public as consumers and competitors from unfair and unlawful business practices committed by DEFENDANTS in their operation and ownership of PARADISE.

59. The violations described herein have been and are being carried out wholly or in part within the City and County of San Francisco. The actions of DEFENDANTS are in violation of the laws and public policies of the City and County of San Francisco and the State of California, and are inimical to the rights and interest of the general public.

60. From October 2012, until present, DEFENDANTS violated the Unfair Competition Law by engaging in the following business acts and practices: prostitution, assignation, lewdness, conditional use authorization violations and notice of special restrictions violations, in violation of the Penal Code section 11225, *et seq.*, California Civil Code Sections 3479 and 3480, and the San Francisco Municipal Planning Code; violations of San Francisco Health Code Article 29 for lewd conduct, improper attire, and after hours operation; lewd conduct witnessed by SFPD or DPH or any other law enforcement agency; solicitation for prostitution, assignation, or lewdness made to representatives of SFPD or any other law enforcement agency; and every advertisement soliciting prostitution at PARADISE, and any act of prostitution, assignation, or lewdness otherwise described in this Complaint.

61. From October 2012, until present, DEFENDANTS violated the Unfair Competition Law by engaging in unfair, deceptive, untrue, or misleading advertising.

62. As a direct and proximate result of the foregoing acts and practices, DEFENDANTS have received income, profits, and other benefits, which they would not have received if

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1 DEFENDANTS had not engaged in the violations of the Unfair Competition Law described in this
2 Complaint.

3 63. As a direct and proximate result of these acts and practices described in this Complaint,
4 DEFENDANTS have obtained an unfair competitive advantage over similar businesses that have not
5 engaged in the violations of the Unfair Competition Law described in this Complaint.

6 64. The PLAINTIFFS have no adequate remedy at law in that damages are insufficient to
7 protect the public from the harm caused by the conditions described in this Complaint.

8 65. Unless injunctive relief is granted to enjoin the unlawful business practices of
9 DEFENDANTS, the PEOPLE will suffer irreparable injury and damage.

10 66. By engaging in unlawful business practices described herein, DEFENDANTS are each
11 subject to civil penalties pursuant to Business and Professions Code sections 17200, *et seq.*

12 **PRAYER**

13 WHEREFORE, PLAINTIFFS pray that the Court ORDER as follows:

14 **Declaratory Relief**

15 1. That PARADISE, DEFENDANTS, and each of them including all buildings and
16 structures thereon, be declared a public nuisance in violation of Civil Code sections 3479 and 3480,
17 Penal Code section 11225, *et seq.*, and the San Francisco Municipal Planning Code.

18 2. That DEFENDANTS, their agents, officers, employees, and anyone acting on their
19 behalf be declared in violation of Business and Professions Code sections 17200, *et seq.*

20 **Injunctive Relief**

21 3. That the Court grant preliminary and permanent injunctions in accordance with Penal
22 Code section 11225 *et seq.*, California Civil Code section 3480, *et seq.*, California Code of Civil
23 Procedure section 731, and San Francisco Planning Code section 176, enjoining and restraining
24 DEFENDANTS, their agents, officers, employees, and anyone acting on their behalf, from
25 conducting, permitting, maintaining, either directly or indirectly, PARADISE as a public nuisance.

26 4. That this Court grant a preliminary and permanent injunction prohibiting
27 DEFENDANTS, their agents, officers, employees, and anyone acting on their behalf, from engaging

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1 in unfair or unlawful business practices or acts in violation of Business and Professions Code sections
2 17200, *et seq.*, at PARADISE.

3 5. That this Court grant a preliminary and permanent injunction prohibiting the
4 PARADISE PROPERTY from being used as a Massage Establishment, accessory or otherwise, with
5 the definition ascribed in Article 29.5 of the San Francisco Health Code or as establishment offering
6 Personal Services as defined by section 102 of the San Francisco Municipal Planning Code.

7 6. That this Court grant a preliminary and permanent injunction prohibiting
8 DEFENDANTS from operating a Massage Establishment, accessory or otherwise, with the definition
9 ascribed in Article 29.5 of the San Francisco Health Code or as establishment offering Personal
10 Services as defined by section 102 of the San Francisco Municipal Planning Code.

11 7. That pursuant to Penal Code section 11230, as part of the judgment, an Order of
12 Abatement be issued, and that PARADISE be closed for a period of one year, not to be used for any
13 purpose, and be under the control and custody of this Court for said period of time.

14 8. That, in the event the Court decides that any vacancy resulting from closure will be
15 harmful to the community, in lieu of closing the PARADISE, each DEFENDANT be ordered to pay
16 damages in an amount equal to the fair market rental value of the commercial space occupied by the
17 PARADISE for one year, pursuant to Penal Code section 11230;

18 9. That all fixtures and moveable property used in conducting, maintaining, and/or
19 permitting the nuisance at PARADISE be removed and sold pursuant to Penal Code section 11230.

20 10. That proceeds from said sale be deposited with this Court for payment of the fees and
21 costs of sale pursuant to Penal Code section 11231.

22 11. That pursuant to Penal Code section 11231, if proceeds of the sale do not fully
23 discharge all such costs, fees, and allowances, the PARADISE PROPERTY may also be sold, with the
24 proceeds applied in a like manner, with any excess monies remaining after payment of approved costs
25 delivered to the owner of PARADISE PROPERTY.

26 12. That DEFENDANTS be required to obtain the Court's approval prior to transferring,
27 conveying, or encumbering, for consideration or otherwise, any portion of PARADISE.

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1 13. That DEFENDANTS be ordered to immediately notify any transferees, purchasers,
2 commercial lessees, or other successors in interest to any portion of PARADISE of the existences and
3 application of any temporary restraining order, preliminary injunction, or permanent injunction to all
4 prospective transferees, purchasers, commercial lessees, or other successors in interest, before entering
5 into any agreement to sell, lease, or transfer for consideration or otherwise, all or any portion of
6 PARADISE that is the subject of this action.

7 14. That DEFENDANTS be ordered to immediately give a complete, legible copy of any
8 temporary restraining order, preliminary injunction, and/or permanent injunctions to all prospective
9 transferees, purchasers, commercial lessees, or other successors in interest to any portion of
10 PARADISE.

11 15. That DEFENDANTS be ordered to immediately request and procure signatures from
12 all prospective transferees, purchasers, commercial lessees, or other successors in interest to
13 PARADISE, which acknowledges his/her receipt of a complete, legible copy of any temporary
14 restraining order, preliminary and permanent injunction, and delivery a copy of such
15 acknowledgement to the San Francisco City Attorney's Office, c/o Deputy City Attorney Samuel Ray.

16 16. That DEFENDANTS be enjoined from spending, transferring, encumbering, or
17 removing from California any money received from PARADISE or in payment for the unfair and
18 unlawful acts alleged in the Complaint.

19 **Penalties**

20 17. That pursuant to Penal Code section 11230(b), DEFENDANTS be ordered to pay civil
21 penalties of up to twenty-five thousand dollars (\$25,000).

22 18. That pursuant to San Francisco Planning Code section 176(c)(2), DEFENDANTS be
23 ordered to pay civil penalties of no less than two hundred dollars (\$200) for each day that PARADISE
24 was operated and maintained in violation of the San Francisco Planning Code.

25 19. That pursuant to Business and Professions Code section 17206, DEFENDANTS be
26 ordered to pay a civil penalty of up to two thousand five hundred dollars (\$2,500) for each and every
27 unlawful business act, and every day that DEFENDANTS have maintained PARADISE as a nuisance,

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1 including and not limited to violations for Penal Code section 11225, *et seq.*, and violations of the San
2 Francisco Municipal Code.

3 20. That pursuant to Business and Professions Code section 17206, DEFENDANTS be
4 assessed a civil penalty of two thousand five hundred dollars (\$2,500) for each and every instance of
5 unfair, deceptive, untrue, or misleading advertising.

6 **Fees and Costs**

7 21. That PLAINTIFFS recover the costs of this action, including San Francisco Police
8 Department and San Francisco Department of Public Health investigative costs and reasonable
9 attorneys' fees pursuant to California Civil Code section 3496(b), *City of Oakland v. McCullough*
10 (1996) 46 Cal.App.4th 1, 4, *City of Santa Rosa v. Patel* (2010) 191 Cal.App.4th 65, 71-72, and San
11 Francisco Planning Code section 176(c)(2).

12 22. That PLAINTIFFS be awarded their costs incurred herein pursuant to Code of Civil
13 Procedure section 1032.

14 Dated: October 2, 2017

15 DENNIS J. HERRERA
16 City Attorney
17 PETER J. KEITH
18 Chief Attorney
19 SAMUEL C. RAY
20 Deputy City Attorney

21 By: 

22 SAMUEL C. RAY
23 Attorneys for Plaintiffs
24 CITY AND COUNTY OF SAN FRANCISCO and
25 PEOPLE OF THE STATE OF CALIFORNIA
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INDEX TO EXHIBITS

Exhibit Description

- A Property Description for 242-246 Balboa Street, San Francisco, California.
- B PARADISE backpage.com advertisement, dated September 29, 2017.
- C San Francisco Planning Commission Motion 18506.
- D "Notice of Special Restrictions" Recorded on January 18, 2012.

EXHIBIT A

Property Address: 242-246 Balboa Street

All that certain real property situated within the City and County of San Francisco, State of California, described as follows:

COMMENCING at a point on the northerly line of Balboa Street distant thereon 35 feet easterly from the easterly line of Fourth Avenue; running thence easterly along said line of Balboa Street 34 feet; thence at a right angle northerly 95 feet; thence at a right angle, 34 feet; thence at a right angle southerly 95 feet to the point of the beginning.

BEING part of Outside Land Block No. 286.

Assessor's Parcel No: Block 1546, Lot 19

Exhibit B

Post Ad

keyword

message



search

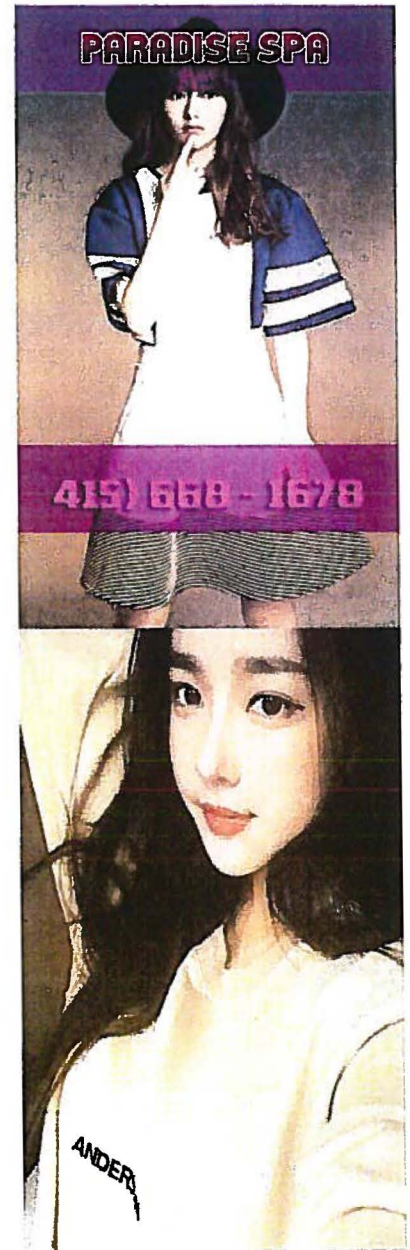
san francisco, ca free classifieds

[Home](#) > [San Francisco services](#) > [San Francisco massage](#)

Report Ad

♥♥♥♥♥ PARADISE MASSAGE ♥♥♥♥♥ ♥ BEST Asian
BODYWORK — NEW STAFF ♥ Best Massage & Service ♥♥♥♥♥

Posted: Friday, September 29, 2017 11:22 AM

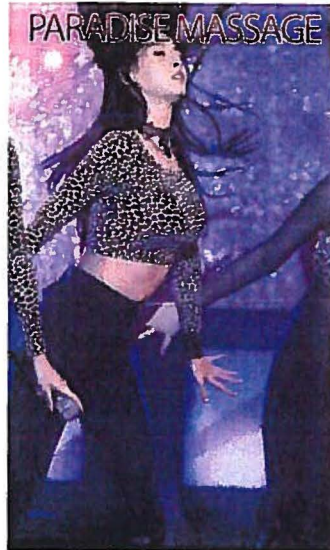


[Enlarge Picture](#)

Paradise Massage

✿ BEST ASIAN STAFF ✿

* Best Asian Massage *



* Best Asian Massage *

NEW YOUNG STAFFS



**** BEAUTIFUL SEXY CHARMING ASIAN GIRL
STAFF HERE TO PLEASE YOU ****

**** TABLE SHOWER & BODY SHAMPOO
AVAILABLE ***

**** open 7 days 9 am - 10 pm**

☒ <http://i.picasion.com/ql/81/5yQe.gif>">

☒ <http://i.picasion.com/ql/81/5yQs.gif>">
**242 Balboa St. San Francisco CA
94118**



PARADISE SPA



415) 668 - 1678



[Enlarge Picture](#)

* ACUPRESSURE * DEEP TISSUE MASSAGE
* ORIENTAL MASSAGE * BODY SHAMPOO
* Table Shower & Sauna
Walk In Welcome

• Location: San Francisco,
♥♥♥♥♥ 242 BALBOA ST. SAN
FRANCISCO 94118

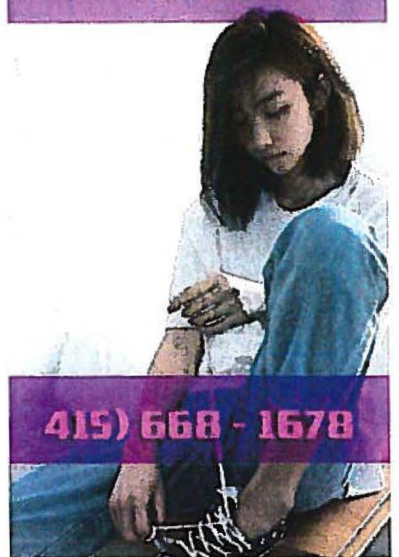
• Post ID: 25205811 sf

email to friend

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PARADISE SPA



[Enlarge Picture](#)

Exhibit C



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18506

HEARING DATE: DECEMBER 15, 2011

Date: December 8, 2011
Case No.: 2011.1163C
Project Address: 242 BALBOA STREET
Zoning: NC-2 (Neighborhood Commercial, Small-Scale)
80-A Height and Bulk District
Block/Lot: 1546/019
Project Sponsor: Brian Hofer & Chijeh Hu
Law Office of Chijeh Hu
456 8th Street
Oakland, CA 94607
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTIONS 711.54 AND 303 TO CONVERT A VACANT GROUND FLOOR COMMERCIAL TENANT SPACE INTO A MASSAGE ESTABLISHMENT (D.B.A. PARADISE HEALTH CENTER) LOCATED AT 242 BALBOA STREET WITHIN AN NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL-SCALE) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 18, 2011, Brian Hofer and Chijeh Hu, acting agents on behalf of Huanzhi "Jennifer" Jiang (hereinafter "Project Sponsor") made an application for Conditional Use Authorization for the property at 242 Balboa Street, Lot 019 in Assessor's Block 1546 (hereinafter "Subject Property"), to convert a vacant commercial tenant space (previously occupied by a retail video store) with approximately 1,800 square feet in floor area into a massage establishment (d.b.a. Paradise Health Center) on the ground floor of the three-story, mixed-use building within an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District, in general conformity with plans dated May 2011, and labeled "Exhibit B" (hereinafter "Project").

On December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1163C. Under Sections 712.54 and 303 of the Planning Code, Conditional Use authorization is required to convert a

vacant ground floor commercial tenant space into a massage establishment within an NC-2 Zoning District and a 40-X Height and Bulk District.

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. 2011.1163C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the north side of Balboa Street between 3rd and 4th Avenues; on Lot 019 of Assessor's Block 1546. The proposed massage establishment is located within an NC-2 Zoning District and a 40-X Height and Bulk District. The subject lot is approximately 3,230 square feet (34 feet wide by 95 feet deep) in size and is occupied by a three-story, mixed-use building built circa 1900. The three-story building is occupied by a vacant commercial space of approximately 1,800 square feet on the ground floor with three dwelling units on the upper floors. The building is not listed in the Planning Department's 1976 Architectural Survey or the National or California Registers as having architectural significance. However, the building is included within the Inner Richmond Information Survey area.
3. **Surrounding Properties and Neighborhood.** The project site is located within the Inner Richmond neighborhood. The majority of the surrounding development consists of two- to four-story residential and mixed-use buildings within this portion of the NC-2 Zoning District. Generally, the commercial establishments characterizing this portion of Balboa Street include a mixture of restaurants, business and professional offices, retail stores, and other neighborhood-serving commercial uses. On 3rd and 4th Avenues, running east and west of the project site, there are primarily two- to four-story residential buildings within the RH-2 (Residential, House, Two-Family) Zoning District.

The property immediately adjacent to the west at 590 4th Avenue is a four-story apartment building containing 12 residential units. The property immediately adjacent to the east at 234-236 Balboa Street is a two-story mixed-use building containing two residential units and commercial space on the ground floor.

4. **Project Description.** The proposal is a request for Conditional Use Authorization under Sections 303 and 711.54 of the Planning Code to convert a vacant commercial space (formerly occupied by a retail video store) with approximately 1,800 square feet of floor area into a massage establishment (d.b.a. Paradise Health Center) on the ground floor of the three-story, mixed-use building within an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District. The proposal will involve interior tenant improvements to the ground floor commercial 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.
6. **Public Comment.** As of December 8, 2011, the Department did not receive any letters or phone calls in opposition to the project.
7. **Use District.** The project site is within an NC-2 Zoning District. The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes. These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage. Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition 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 711.54 – Massage Use.** Section 711.54 allows massage establishments with Conditional Use Authorization in the NC-2 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 Not Met

According to the agents, the applicant will be applying for a massage permit with the Department of Public Health. If granted Conditional Use Authorization by the Planning Commission for the proposed massage establishment use, the applicant will apply 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 have a frontage of approximately 13 feet, about 79% of which is committed to the commercial entrance and windows.

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

Criterion Met:

The subject tenant space has 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 a large window and door with clear glass. There are 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:

Existing overhead lighting in the building's front entrance will 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 711.21 establishes size limits on non-residential use sizes in the NC-2 Zoning District. Within the District, Conditional Use authorization is required for any non-residential use that meets or exceeds 3,999 square feet.

The proposed massage establishment, with approximately 1,800 square feet of floor area, is within the principally permitted use size limitations.

- C. Sections 711.22 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 1,800 square feet of floor area and thus does not require any off-street parking.

- D. Section 711.27 allows no limit on the hours of operation.

The proposed hours of operation of the proposed massage establishment are 10 a.m. to 10 p.m., seven days a week.

- E. Section 711.54 of the Planning Code allows massage establishments on the 1st floor in the NC-2 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 Lines 33-Balboa and 44-O'Shaughnessy) is within close proximity to the proposed massage establishment and within walking distance of the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood.

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

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-2 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-2 Zoning District, which is primarily a mixture of neighborhood-serving retail uses. 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 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 fill 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, to 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 approximately four massage employees.

- 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.

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

The proposed project will not have any impacts 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 to 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 achieves 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. 2011.1163C** 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. 18506. 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 December 15, 2011.

Linda D. Avery
Commission Secretary

AYES: Olague, Miguel, Antonini, Borden, Fong, Moore, Sugaya

NAYS: None

ABSENT: None

ADOPTED: December 15, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the change of use of an approximately 1,800 square-foot vacant ground floor commercial tenant space (formerly occupied by a retail video store) into a massage establishment (d.b.a. Paradise Center) located within a three-story, mixed-use building at 242 Balboa Street in Assessor's Block 1546, Lot 019, pursuant to Planning Code Sections 711.54 and 303 within an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated May 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1163C and subject to conditions of approval reviewed and approved by the Commission on December 15, 2011, under Motion No. 18506. 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 December 15, 2011 under Motion No 18506.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18506 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. **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

Exhibit D

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:

And When Recorded Mail To:

Name: Paradise Health Center
c/o Law Office of
Chieh Hu

Address: 456 8th St.

City: Oakland, CA 94607

California

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder

DOC- 2012-J335140-00

Wednesday, JAN 18, 2012 15:59:19

Ttl Pd \$35.00 Rpt # 0004318378

REEL K564 IMAGE 0851

afm/GG/1-a

Space Above This Line For Recorder's Use

I (We) Vincent C. Tang the
owner(s) of that certain real property situated in the City and County of San Francisco, State of
California, more particularly described as follows (or see attached sheet marked Exhibit A on
which property is more fully described):

(See Exhibit A attached)

CERTIFIED COPY

Being Assessor's Block 1546 Lot 019, commonly known as 242 Balboa Street, hereby
give notice that there are special restrictions on the use of said property under Part II, Chapter II
of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to Conditional Use Application No.
2011.1163C, authorized by the Planning Commission of the City and County of San Francisco
on December 15, 2011 as set forth in Planning Commission Motion No. 18506, to convert a
vacant ground floor commercial tenant space into a massage establishment (d.b.a. Paradise
Health Center) located at 242 Balboa Street within an NC-2 (Neighborhood Commercial,
Small-Scale) Zoning District and a 40-X Height and Bulk District.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The restrictions and conditions of which notice is hereby given are:

AUTHORIZATION

This authorization is for a conditional use to allow the change of use of an approximately 1,800 square-foot vacant ground floor commercial tenant space (formerly occupied by a retail video store) into a massage establishment (d.b.a. Paradise Center) located within a three-story, mixed-use building at 242 Balboa Street in Assessor's Block 1546, Lot 019, pursuant to Planning Code Sections 711.54 and 303 within an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated May 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1163C and subject to conditions of approval reviewed and approved by the Commission on December 15, 2011, under Motion No. 18506. 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 December 15, 2011 under Motion No 18506.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18506 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.

CERTIFIED COPY

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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. **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.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- 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

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Dated: 1/18/2012 at San Francisco, California


(Owner's Signature)

(Agent's Signature)

(See attached Acknowledgment)

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal.

CLgwf

CERTIFIED COPY

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco

On Jan. 18, 2012

before me,

Meng Pan

Here Insert Name and Title of the Officer

personally appeared

Vincent Chechang Tang

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Signature]

Notary Public

Place Notary Seal Above



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Notice of Special Restrictions Under The Planning Code

Document Date: 01 / 18 / 2012 Number of Pages: 5

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer is Representing: _____



CERTIFIED COPY

Exhibit A

Recording Requested By:

Attorney

When Recorded, Mail To:

VINCENT C. TANG
LISA S. TANG
246 Balboa Street
San Francisco, CA 94118

SAN FRANCISCO, CA RECORDER'S OFFICE
BRIAN J. WISOR, Recorder
DOC-- F385296

Received July 06, 1993 08:29:44am
Re: 4.00 --- Pe 2.00
Sl: 1.00 --- Mic 1.00
Ant 8.00 ---
TOTAL -> 98.00
REEL F914 IMAGE 0173

Mail Tax statements To:

VINCENT C. TANG
LISA S. TANG
246 Balboa Street
San Francisco, CA 94118

NO TRANSFER TAX DUE --
Conveyance to Grantor
Trust and No Actual
Change of Ownership.

QUITCLAIM DEED

The undersigned

VINCENT C. TANG and LISA SHIOU-MEI LIN TANG,
Husband and Wife, as Community Property.

hereby remise, release, and forever quitclaim to:

THE VINCENT C. TANG AND LISA S. TANG FAMILY TRUST OF 06/26/93
-- Vincent C. Tang and Lisa S. Tang, Trustees

that property in the City and County of San Francisco, State of
California, described as:

Legal Description set forth in EXHIBIT A attached hereto.

A.P.N. Block 1546 -- Lot 19.

242-244-246 Balboa Street, San Francisco.

Dated: June 28, 1993

VINCENT C. TANG

LISA SHIOU-MEI LIN TANG

State of California

County of San Francisco

On this date, before me, a Notary Public in and for the State of
California, personally appeared VINCENT C. TANG and LISA SHIOU-MEI
LIN TANG personally known to me to be the persons whose names are
subscribed to the within instrument and acknowledged to me that
they executed the same in their authorized capacities, and that by
their signatures on the instrument, the persons or the entity upon
behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Dated: June 28, 1993

Notary Public



CERTIFIED COPY

F385296

EXHIBIT 1

COMMENCING at a point on the northerly line of Balboa Street, distant thereon 35 feet easterly from the easterly line of Fourth Avenue; thence easterly along said line of Balboa Street 134 feet; thence at a right angle northerly 98 feet; thence at a right angle 34 feet; thence at a right angle southerly 95 feet to the point of beginning.

BEING part of Outside Land Block No. 286.

A.P.N. Block 1546 - Lot 19.

242-244-246 Balboa Street, San Francisco.

CERTIFIED COPY

CERTIFIED COPY

This is a true certified copy of the record
if it bears the seal, imprinted in purple ink
of the Assessor-Reorder



SEP 11 2017 CARMEN CHU

ASSESSOR - RECORDER
SAN FRANCISCO COUNTY CALIFORNIA
BY

Julia Leiva
Julia Leiva