

FILE NO. 98-1303

RESOLUTION NO. 951-98

1 [Mission Massage Parlor Moratorium]

2 IMPOSING INTERIM ZONING CONTROLS FOR A PERIOD OF 18 MONTHS TO
3 ESTABLISH THE MISSION MASSAGE ESTABLISHMENT INTERIM MORATORIUM
4 SPECIAL USE DISTRICT IN THE AREA GENERALLY BOUNDED BY GUERRERO
5 STREET, FOURTEENTH STREET, CESAR CHAVEZ STREET, POTRERO AVENUE, SAN
6 JOSE AVENUE AND HIGHLAND AVENUE WHICH WOULD PROHIBIT NEW MASSAGE
7 PARLORS UNLESS ASSOCIATED WITH AN INSTITUTIONAL USE PURSUANT TO
8 SECTION 218.1 OF THE PLANNING CODE, AND MAKING DETERMINATION OF
9 CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.
10 (PROPOSITION M)

11 WHEREAS, The property in the area generally bounded by Guerrero Street,
12 Fourteenth Street, Cesar Chavez Street, Potrero Avenue, San Jose Avenue and Highland
13 Avenue (Mission Massage Establishment Interim Moratorium Special Use District) has a large
14 number of establishments which offer massage services that are not primarily therapeutic or
15 medicinal in nature; and,

16 WHEREAS, The concentration of these establishments throughout the various
17 commercial areas located in the Mission Massage Establishment Interim Moratorium Special
18 Use District has contributed directly to the increase in prostitution and related criminal activities
19 in the vicinity of these establishments, including loitering, littering, threatening behavior,
20 pedestrian and vehicular traffic obstructions, parking and noise problems, vandalism, graffiti,
21 and other behavior detrimental to the health, safety and welfare of neighborhoods located in
22 the Mission Massage Establishment Interim Moratorium Special Use District; and,

23 WHEREAS, The existence of such problems creates serious impacts on the health,
24 safety and welfare of residents, workers and visitors to the neighborhoods located in the
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1 Mission Massage Establishment Interim Moratorium Special Use District including fear for the
2 safety of children, elderly residents, and disabled persons; and,

3 WHEREAS, Such problems also cause the deterioration of the residential
4 neighborhoods located in the Mission Massage Establishment Interim Moratorium Special Use
5 District, the effect of which is the devaluation of property, and destruction of community values
6 and quality of life; and,

7 WHEREAS, Such adverse impacts also discourage more desirable and needed
8 commercial uses, such as neighborhood serving retail uses, from locating within the
9 neighborhoods comprising the Mission Massage Establishment Interim Moratorium Special
10 Use District; and,

11 WHEREAS, The proliferation of massage parlors for other than therapeutic or
12 medicinal benefits in these neighborhoods has had, and will continue to have, detrimental
13 impacts on the area; and,

14 WHEREAS, The procedure for consideration and imposition of interim zoning controls
15 by the Board of Supervisors is set forth in Section 306.7 of the City Planning Code; and,

16 WHEREAS, Planning Code Section 306.7 requires the Board of Supervisors to
17 consider the impact on the public health, safety, peace and general welfare if these interim
18 controls are not imposed; and,

19 WHEREAS, The imposition of these interim zoning controls is necessary to preserve
20 the status quo and minimize existing negative impacts on the neighborhoods located in the
21 Mission Massage Establishment Interim Moratorium Special Use District, allowing public
22 officials and members of the public to observe any changes resulting from the interim controls
23 and to direct their attention from piecemeal review of specific massage establishment
24 proposals, toward a discussion of the general issues surrounding massage establishments in
25 this area with the goal of establishing ((pending a study and a determination by the Department

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1 of Planning and the Board of Supervisors regarding the)) appropriate permanent controls for
2 massage parlor establishments ((for)) other than those accessory to medical or physical fitness
3 uses ((therapeutic or medicinal benefits)) in and about the neighborhoods located in the
4 Mission Massage Establishment Interim Moratorium Special Use District; and,

5 WHEREAS, These controls are intended and designed to ameliorate the problems and
6 conditions associated with massage parlor establishments located in the Mission Massage
7 Establishment Interim Moratorium Special Use District by prohibiting the location of massage
8 parlor establishments and expansion of existing massage parlor establishments during the
9 next eighteen (18) months; and,

10 WHEREAS, On September 22, 1998, the Planning Department issued a general rule
11 exclusion from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines
12 Section 15061(b)(3), determining that the proposed controls could not have a potentially
13 significant effect on the environment; and,

14 WHEREAS, The proposed interim zoning controls are consistent with the priority
15 policies of City Planning Code Section 101.1, in that the proposed zoning controls will not: 1.
16 adversely affect neighborhood-serving retail uses or local employment since the proposed
17 zoning would help achieve a better balance of uses, increasing the viability of neighborhood-
18 serving uses; 2. detrimentally impact existing housing and neighborhood character because it
19 would help to establish a neighborhood environment and image more conducive to family,
20 single-person and elderly households; 3. detrimentally affect the City's supply of affordable
21 housing because it would help to balance commercial uses and limit uses that can afford
22 higher rents thereby driving up rents of nearby commercial and residential properties; 4.
23 impede commuter traffic, neighborhood parking or transit service because the proposal would
24 not have any effect on the public thoroughfares; 5. displace any industrial establishments; 6.
25 diminish the City's ability to protect against injury and loss of life in an earthquake because it

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1 addresses only uses within buildings rather than building structure and would not discourage
2 reuse, remodeling or redevelopment; 7. alter existing land use controls on landmarks and
3 historic buildings as it addresses only uses within buildings rather than building structure and
4 would not discourage reuse, remodeling or redevelopment; and 8. reduce the amount of
5 accessible open space and parks because it does not address building envelopes or open
6 space encroachment; now, therefore, be it

7 RESOLVED, That by this resolution the Board of Supervisors hereby establishes the
8 Mission Massage Establishment Interim Moratorium Special Use District; and, be it

9 FURTHER RESOLVED, That for purposes of this interim control, "Mission Massage
10 Establishment Interim Moratorium Special Use District" shall mean the area generally bounded
11 by Fourteenth Street on the north, Potrero Avenue on the east, Cesar Chavez Street on the
12 south, and San Jose Avenue, Highland Avenue and Guerrero Street on the west, including the
13 properties fronting on each side of these street boundaries. The Mission Massage
14 Establishment Interim Moratorium Special Use District shall encompass all of the following
15 Assessor's block numbers: 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555,
16 3556, 3557, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3588, 3589, 3590,
17 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3609, 3610, 3611, 3612, 3613, 3614, 3615,
18 3616, 3617, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3901, 3902, 3903, 3904,
19 3905, 3906, 3920, 3921A, 3922A, 3923, 3924, 3925, 3926, 3927, 3928, 3930A, 3931A, 3962,
20 3963, 3965, 3966, 3967, 3968, 3969, 3979, 3971, 3973, 4014, 4015, 4016, 4017, 4018, 4019,
21 4020, 4021, 4022, 4023, 4024, 4025, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086,
22 4087, 4088, 4089, 4102, 4103, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153,
23 4206, 4207, 4208, 4209, 4210, 4211, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273,
24 4274, 4275, 4276, 4334, 4335, 4336, 4337, 4338, 6513, 6514, 6515, 6516, 6517, 6518, 6519,
25 6520, 6521, 6522, 6523, 6524, 6525, 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6568, 6569,

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1 6570, 6571, 6572, 6573, 6574, 6575, 6576, 6595, 6596, 6597, 6598, 6635, 6660; and shall
2 encompass portions of the following Assessor's block numbers, as set forth herein: block
3 6577, lots 1, 2, 3, 4, 5, 6, 7, 8 and 9; block 6594, lots 1, 2, 3, 4, 5, 6, 6A and 7; block 6599, lots
4 1, 1A, 1B, 1C, 1D, 35, 36, 37, 39, 40, 41 and 42; block 6616, lots 1, 2, 3, 4, 5, 6, 7, 8 and 9;
5 block 6617, lots 2, 4 and 8; block 6634, lots 2A, 32 and 33; block 6636, lots 1, 4A, 5, 6 and 9;
6 block 6659, lots 2, 4, 5, 6, 7, 8, 9, 9A, 10 and 14; block 6657, lot 18; block 6661, lot 21; block
7 5501, lots 34, 44A, 45, 46, 47, 48, 49, 50, 51, 53 and 54; block 5518, lots 12, 14, 15, 16, 17,
8 18 and 19; block 5609, lots 12, 15, 16, 17, 28 and 29; block 5615, lots 28, 33, 34, 35, 36, 37,
9 38, 39, 40, 41, 42, 44, 49, 50, 51, 52, 70, 71, 72, 78, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91,
10 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, and 108,; block 5642,
11 lots 20, 27, 28, 49, 50 and 63; block 5673, lots 18, 19, 20, 21, 22, 23, 24, 25, 37, 39 and 40;
12 block 5674, lots 20, 21, 22 and 23; and block 5712, lots 30, 31, 32, 33, 34, 35, 36, 37, 38, 39,
13 40, 41, 42, 43, 44 and 45; and, be it

14 FURTHER RESOLVED, That massage parlor establishments located in the Mission
15 Massage Parlor Interim Special Use District shall be governed by the following provisions.
16 There shall be no new massage establishments located within the Mission Massage Parlor
17 Interim Special Use District except for those which are accessory to an institutional, residential
18 care, or legitimate recreational use and which are permitted by the underlying zoning controls,
19 including Section 218.1 of the Planning Code, and, be it

20 FURTHER RESOLVED, That these interim controls advance and are consistent with
21 the priority policies of Planning Code Section 101.1 in that they attempt to preserve and
22 enhance existing neighborhood-serving retail uses, conserve existing housing and
23 neighborhood character, preserve residential neighborhoods, conserve City commerce, and
24 control uses which have an adverse impact on City services, and, be it

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1 FURTHER RESOLVED, That these interim controls shall remain in effect for eighteen
2 (18) months or until the adoption of permanent legislation regulating the location and
3 expansion of massage parlor establishments in the Mission Massage Establishment Interim
4 Moratorium Special Use District, whichever occurs first.

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6 APPROVED AS TO FORM:

7 LOUISE H. RENNE, City Attorney

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9
10 By: _____


11 Ilene Dick
12 Deputy City Attorney
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City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails

Resolution

File Number: 981303

Date Passed:

Resolution imposing Interim Zoning Controls for a period of 18 months to establish the Mission Massage Establishment Interim Moratorium Special Use District in the area generally bounded by Guerrero Street, Fourteenth Street, Cesar Chavez Street, Potrero Avenue, San Jose Avenue and Highland Avenue which would prohibit new massage parlors unless associated with an institutional use pursuant to Section 218.1 of the Planning Code and making determination of consistency with the priority policies of Planning Code Section 101.1 (Proposition M).

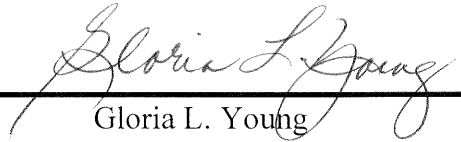
November 16, 1998 Board of Supervisors — ADOPTED

Ayes: 10 - Leno, Medina, Newsom, Teng, Yaki, Yee, Ammiano, Bierman, Brown,
Katz

Absent: 1 - Kaufman

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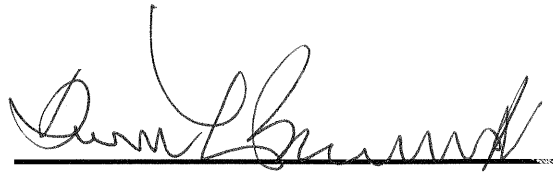
I hereby certify that the foregoing Resolution was ADOPTED on November 16, 1998 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

NOV 19 1998
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Date Approved



Mayor Willie L. Brown Jr.

File No. 981303 continued...