



SAN FRANCISCO PLANNING DEPARTMENT

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Planning Commission Motion No. 18543

HEARING DATE: FEBRUARY 9, 2012

Date: February 2, 2012
Case No.: **2010.0613AEC**
Project Address: **2055 UNION STREET (a.k.a Metro Theater)**
Zoning: Union Street Neighborhood Commercial District
 40-X Height and Bulk District
Block/Lot: 0541/018
Project Sponsor: Beachmont Development Co., LLC
 101 Nellen Avenue, Suite 250
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION, PURSUANT TO PLANNING CODE SECTIONS 303(c) AND (k), 725.21, AND 725.52, TO ALLOW THE DE-FACTO REMOVAL OF THE EXISTING SINGLE-SCREEN MOVIE THEATER (D.B.A. THE METRO THEATER) AND THE CHANGE OF USE TO A PERSONAL SERVICE (D.B.A. EQUINOX GYM) AT THE FIRST THROUGH FOURTH FLOORS WITH A USE SIZE EXCEEDING 2,499SF WITHIN THE UNION STREET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 1, 2011, Beachmont Development Co., LLC (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use authorization under Planning Code Sections 303(c) and (k), 725.21, and 725.52, to allow the de-facto removal of the existing single-screen movie theater (d.b.a. the Metro Theater) and the change of use to a Personal Service (d.b.a. Equinox Gym) at the first through fourth floors with a use size exceeding 2,499sf within the Union Street NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District.

On September 28, 2011 the Preliminary Mitigated Negative Declaration (PMND) for the Project was prepared and published for public review; and,

The PMND was available for public comment until October 18, 2011; and,

On November 2, 2011, the Planning Department adopted the Mitigated Negative Declaration (MND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On November 16, 2011, the Historic Preservation Commission granted a Certificate of Appropriateness through Motion No. 0142, and all findings are incorporated herein by reference.

On February 9, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0613AEC.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2010.0613AEC, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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. 2010.0613AEC, 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 property is located on the south side of Union Street, between Webster and Buchanan Streets, Block 0541, Lot 018, within the Union Street NCD (Neighborhood Commercial District) and 40-X Height and Bulk District. The lot measures approximately 91'-0" in width and 137'-6" in depth, and is developed with a single-screen motion

picture theater, designed and constructed in 1924 by the Reid Brothers – a San Francisco architecture firm – in the Spanish Colonial Revival style. The building was extensively remodeled in the Art Deco style in 1941 by architect Otto A. Deichmann, at which time the façade was largely stripped of the Spanish Colonial Revival-style ornamentation, the blade sign and marquee were replaced, the storefronts were altered, and the name of the theatre was shortened to “Metro” from the original “Metropolitan”. In 1998, the building underwent a second major renovation that resulted in the entry vestibule being enclosed and the eastern storefront being altered. The theatre closed operations in 2006 and is now currently vacant.

The building is a three-story reinforced concrete single-screen movie theatre with one ground floor retail space. The building is clad in smooth stucco and is capped by a flat roof. A vertical blade sign reading “Metro Theatre” in neon letters hangs in the center of the façade with a rectangular-shaped neon marquee below.

On July 14, 2009, the Board of Supervisors approved the historic designation of the Metro Theater (Ordinance No. 175-09), making the building City Landmark No. 261.

3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Union Street NCD, which is mixed-use in character. There are a variety of commercial establishments located within ground floor storefronts throughout the Union Street NCD, including restaurants, bars, apparel stores, personal services, and other types of retailers. Buildings in the vicinity typically range from one- to five-stories in height, and upper floors of buildings are generally occupied by offices, personal services, or residential units. Some of the existing commercial establishments on the block include Shaw (shoe store), Samsara (jewelry, accessories, etc.), Marmalade (clothing store), Ralph Lauren Rugby, Osha Thai Restaurant, Sephora Beauty, and Bebe (clothing store). Some of the commercial establishments on the opposite block include Café des Amis, Betelnut, Red Lantern (clothing store), Nettie’s Crab Shack, Milvali Salon, Omni Chemists, Nine West, and Armani Exchange. The cross streets of Buchanan and Webster Streets, which are zoned RM-1 (Residential, Mixed, Low Density) south of Union Street and RH-2 (Residential, House, Two-Family) north of Union Street, are primarily developed with two- to four-story residential buildings, with a few taller (6-9 story) apartment buildings found south of Union Street in the RM-1 District.
4. **Project Description.** The project sponsor proposes to seismically retrofit the closed 670-seat single-screen Metro Theater building at 2055 Union Street and convert it to a Personal Service use (d.b.a. Equinox Gym, a private fitness facility). The Metro Theater was declared a City Landmark in 2009. The existing ground floor retail space, currently located on the west side of the theater entry and occupied by Marmalade (a clothing store), will be retained but will increase in size from 520sf to 1575sf. A second 1575sf retail space will be added to the east side of the ground floor, to mirror the one on the west side. Such a retail space used to exist at this location, but was removed as part of a remodel that occurred in 1998. The project proposes interior tenant improvements, including the addition of interstitial floors (reconfiguring and dividing the existing interior theater space to create three full floor levels and one partial floor level) thereby increasing the gross floor area of the building from 13,470sf to 35,910sf (32,760sf of fitness space and 3,150sf of ground floor retail). The project would preserve the murals within the auditorium

by constructing the new floors away from the side walls, and would uncover and preserve the Ionic columns, grilles, and urns located inside the auditorium. The work would eliminate the sloped auditorium floor and the remaining finishes of the interior.

The primary use of the building is proposed to be a fitness facility, which is defined as a Personal Service under Planning Code Section 790.116; however, the interior renovations will also include a 470sf community room on the first floor that will be made available to neighborhood groups for meetings and events without fee, and the two-story, 2,000sf group fitness area will be available for the public as a multi-purpose auditorium up to 18 times per year, per an agreement between Equinox Fitness and the San Francisco Neighborhood Theater Foundation.

At the exterior, the proposal includes the alteration of the front façade by creating new window openings and by replacing the storefronts (which would replace non-historic storefronts installed in 1998) with new storefronts that would be contemporary in character, yet compatible with the historic character the theater. The project meets the Secretary of the Interior's Standards for Rehabilitation.

On November 16, 2011, the Historic Preservation Commission granted through Motion No. 0142, a Certificate of Appropriateness, finding that the proposed alterations are compatible with the character of the landmark, in that it preserves the building's distinctive exterior materials and features, including the multi-story form and massing, the projecting marquee with neon lighting, the vertical blade sign with neon lighting, and the Spanish Colonial and Art Deco Period façade elements. All new features would be contemporary in design and differentiated from the existing building, and could be reversed in the future without affecting the property's distinctive materials, features, spaces and form.

5. **Public Comment.** The Department has received four (4) letters in support of the project from neighborhood organizations, a petition in support signed by 71 residents, and one phone call in support from a Union Street property owner.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use Size.** Planning Code Section 121.2 requires Conditional Use authorization for each individual nonresidential use measuring 2,500gsf or more in the Union Street NCD.

The project proposes two separate ground floor retail uses, each measuring 1,575gsf, and one Personal Service use (Equinox Gym), which measures 32,760gsf. The Personal Service use exceeds the 2,499gsf principally-permitted use size limitation, and is thus subject to a Conditional Use authorization.

- B. **Street Trees.** Planning Code Section 138.1 requires one street tree for each 20 feet of street frontage when a project includes an addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building. For any remaining fraction of frontage measuring at least 10'-0", one additional street tree is required.

The property contains approximately 91'-0" of frontage and the building's floor area will increase by more than 20% (Existing=13,470gsf; Proposed=35,910sf). As such, the project requires five (5) new street trees. Due to the historic marquee, which extends over the sidewalk, three of the five required street trees cannot be installed. As such, the Project Sponsor will pay an in-lieu fee for those three street trees that cannot be installed, pursuant to Planning Code Section 428. The two street trees that can be installed will be planted one on either side of the marquee.

- C. **Parking.** Planning Code Section 151 typically requires one off-street parking space for each 500sf of occupied floor area up to 20,000sf where the occupied floor area exceeds 5,000sf, plus one additional off-street parking space for each 250sf of occupied floor area in excess of 20,000sf.

The existing building is a City Landmark, thus no off-street parking is required, pursuant to Planning Code Section 161(k).

- D. **Bicycle Parking.** Planning Code Section 155.4 requires the installation of three (3) Class 1 or Class 2 bicycle parking spaces for renovated commercial buildings between 25,000 and 50,000sf.

The project includes eight (8) Class 2 bicycle parking spaces within the walkway to the west of the building, which meets and exceeds this Planning Code requirement.

- E. **Height.** The Subject Property is located in the 40-X Height and Bulk District. No feature may be constructed above the height limit, unless it complies with Planning Code Section 260(b).

The existing building is noncomplying with regard to height, measuring 48'-0" tall, to the top of the finished roof. The project does not include any expansions to the existing building envelope, but does propose the installation of new mechanical equipment and an elevator shaft on the roof of the building. The mechanical equipment will not exceed a total height of 50'-0", and the elevator shaft will not exceed a total height of 56'-0", both of which are consistent with Planning Code Section 260(b), as exemptions from the height limit.

- F. **Single-Screen Theater Removal.** Planning Code Section 303(k) requires Conditional Use authorization for the removal of a single-screen movie theater.

The project is seeking Conditional Use authorization for the de-facto removal of the existing single-screen movie theater, pursuant to Planning Code Section 303(k). Although the facility will install a new permanent retractable movie screen, the Department has determined the project to be a "de-facto" removal, since the single-screen use will no longer be the primary use of the building.

- G. **Use: Personal Service.** Planning Code Section 725.52 requires a Conditional Use authorization to establish a Personal Service use on the third floor and above within the Union Street NCD.

The project is seeking Conditional Use authorization, pursuant to Planning Code Section 725.52, to allow a Personal Service use (i.e. a fitness facility) on the third and four floors of an existing building within the Union Street NCD. A Personal Service use is principally permitted on the first and second floors.

- H. **Formula Retail.** Planning Code Section 703.3 requires Conditional Use authorization for retail sales establishments that have eleven (11) or more other locations throughout the United States.

Although there are more than eleven Equinox Gym facilities throughout the United States, the proposed use is classified as a Personal Service, which is not defined in the Planning Code as a retail use, and is thus not subject to the Formula Retail controls of Planning Code Section 703.3.

- I. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that specific uses in NC Districts, including Personal Service and Retail uses, have at least ½ the total width of new or altered structures at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The existing structure has approximately 75'-0" of frontage along Union Street with approximately 20'-0" currently devoted to the retail entrance or window space; the rest of the frontage is currently boarded-up, with no transparency. The project will restore the active ground floor of the building, resulting in approximately 65'-0" of the commercial street frontage being devoted to entrances to commercially used space or windows at the pedestrian eye-level. All proposed entrances and windows will use clear, un-tinted glass and will be unobstructed.

7. **Planning Code Section 303(c)** establishes criteria for the Planning Commission to consider when reviewing general applications for Conditional Use approval, and **Planning Code Section 303(k)** establishes additional criteria for the Planning Commission to consider when reviewing applications for a change in use or demolition of a single-screen movie theater. 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.

The size of the proposed use is in keeping with the intensity of the historic use on the site: the theater could seat up to 670 people per show, and the proposed Personal Service use is expected to serve 660 patrons per day. Although the project results in an increase in use size due to the addition of three interstitial floors, the volume of the structure will not change. This adaptive reuse of a landmark building will complement the mix of goods and services currently available in the district and will contribute to the economic vitality of the neighborhood by removing a vacant storefront.

- B. In Neighborhood Commercial Districts, if the proposed use is to be located at a location in which the square footage exceeds the limitations found in Planning Code § 121.2(a) or 121.2(b), the following shall be considered:
- i. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and
 - ii. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and
 - iii. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

The proposed use, at the size proposed, will not likely adversely affect other neighborhood-serving Personal Services, since most other Personal Service uses in the area that are functioning as fitness facilities (other than boutique exercise studios) are larger than the principally-permitted use size of 2,499sf. The proposed use will serve the surrounding neighborhood, which has a demand for fitness facilities. Furthermore, fitness facilities typically require larger use sizes, in order to accommodate all of the standard amenities, such as men's and women's locker rooms; a daycare area; a spa; separate designated areas for group fitness classes, strength training, stretching, and cardio equipment; and separate rooms for spinning, Pilates, and yoga. The existing building is a City Landmark (No. 261), and has historically been occupied by one primary use. The change of use to a Personal Service (fitness facility) would respect the historic building's architecture and would not affect the exterior scale of the existing structure.

- C. 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 project will not alter the configuration of the existing site nor will it alter the building shape or mass. All proposed changes will occur internal to the existing building envelope (other than rooftop mechanical equipment), including the addition of three interstitial floors as part of a seismic retrofit. All exterior character-defining, historical design features will remain, in addition to key interior historic elements, including the Heinsbergen murals and original columns.

- 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;

Planning Code Section 161(k) exempts any City landmark building from the off-street parking and loading requirements of the Planning Code, when the building will be occupied by a principally or conditionally permitted use. The proposed Personal Service and retail uses are

conditionally and principally permitted, respectively, and thus are exempt from the off-street parking and loading requirements of the Planning Code.

Nonetheless, the intensity of use at the site will be comparable to the intensity of use of the theater: the theater had capacity for 670 patrons per show, and the proposed Personal Service use is expected to serve 660 patrons per day. Many patrons of the gym will either walk, bike, or take public transit to the gym; for those patrons who choose to drive, there is a public parking garage located on the same block as the subject property.

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

The proposed use as fitness facility will not create noxious or offensive emissions, dust, or noise.

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

Since the existing landmark building occupies nearly the entire site other than walkways along the side property lines, landscaping within the project site is not feasible. Two new street trees will be installed along the sidewalk, and the project sponsor will pay an in-lieu fee for the three street trees that cannot be installed due to the historic marquee. Mechanical equipment on the roof will be screened for both sound and sight, and all service and exiting areas will be well lit for safety. The building's historical lighting and signage will be restored as part of this project.

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

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

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

The project is consistent with the stated purposes of Union Street NCD, as it will complement the mix of retail uses along Union Street, draw additional patrons to the commercial district, and will consequently serve to enhance the economic vitality and attractiveness of the area as a shopping and dining destination.

- F. With respect to a change in use or demolition of a movie theater use as set forth in Section 703.2(b)(1)(B)(ii), in addition to the criteria set forth in Subsections above, the Commission shall make the following findings:

- i. Preservation of a movie theater use is no longer economically viable and cannot effect a reasonable economic return to the property owner, pursuant to Planning Code Section 228.4(a).

The property owner had a 0.4% return on investment in 2004 (two years before the theater closed), which is significantly below the 9% return on investment threshold established in Planning Code Section 228.4 for determining the economic viability of a movie theater use. This calculation is based on a 2004 appraisal of the property for \$2.7million, and the annual rental income of \$10,000 per year (\$833/month) that the United Artist/Regal cinemas paid (they were under contract at that rate through 2018).¹

The United Artist/Regal cinemas rent was \$833 per month (\$10,000 annually), which is the equivalent of approximately \$1 per square foot. Even at such a low rent, the United Artist/Regal cinemas were unable to stay in business and make a reasonable economic return. The theater sold on average, about 19 tickets per viewing, while the theater has seating for 670 people. Following the departure of United Artists/Regal cinemas, the property owner had discussions with Landmark Theaters, Lee Theaters, and the San Francisco Neighborhood Theater Foundation in order to gauge their interest in operating a theater at the subject property; no qualified operator was interested.²

- ii. The change in use of the movie theater use will not undermine the economic diversity and vitality of the surrounding Neighborhood Commercial District; and

The change of use of the movie theater to a Personal Service use will contribute to the economic diversity and vitality of the Union Street NCD by respecting the historic intensity of use at this site, complementing the mix of goods and services currently available in the district, and by removing a vacant storefront from the corridor. The adaptive reuse of this building will be an asset to the Union Street NCD by strengthening the visual quality of the street through the rehabilitation of the historic building's character-defining features.

The proposed project will also contribute to the economic diversity of the neighborhood by providing a 470 square foot community room on the first floor. This room will be available for neighborhood groups, meetings and events. In addition, a two-story 2,000 sq. ft. group fitness area will also serve periodically as a neighborhood multi-purpose auditorium, per an agreement between Equinox Fitness and the San Francisco Neighborhood Theater Foundation. This space could be used for a variety of neighborhood interest activities including lectures, music, dance and other types of recitals and presentations up to 18 times per year.

- iii. The resulting project will preserve the architectural integrity of important historic features of the movie theater use affected.

The project includes Rehabilitation of City Landmark No. 261, consistent with the Secretary of the Interior's Standards. Rehabilitation is the act or process of making possible a compatible

¹ Letter from Judy Lee-Strain, CPA. January 30, 2012.

² Letter from Stephane de Bord, property owner. January 30, 2012.

use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The project will preserve the historic theater's murals, and will uncover and preserve the Ionic columns, grilles, and urns located within the auditorium. The project will also preserve the building's distinctive exterior materials and features, including the multi-story form and massing, the projecting marquee with neon lighting, the vertical blade sign with neon lighting, and the Spanish Colonial and Art Deco Period façade elements. The Historic Preservation Commission granted a Certificate of Appropriateness for the project through Motion No. 0142, on November 16, 2011.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

The project will provide desirable services to the surrounding neighborhoods, rehabilitate and seismically strengthen one the City's Landmark buildings, bring additional foot traffic to the Union Street NCD, and bring additional employment opportunities to the neighborhood. There will be no expansion to the building envelope – other than some mechanical equipment and elevator shaft on the roof that will not be visible from the street – and the intensity of the use within the building will not be significantly different than the intensity of the previous single-screen theater use. The Rehabilitation of the building has been approved by the Historic Preservation Commission, through Motion No. 0142.

OBJECTIVE 2:

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

Policy 2.1:

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

Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The project is an adaptive reuse of a City Landmark building, attracting a new commercial tenant to occupy a vacant single-screen theater building. Re-purposing a historic building as a fitness facility will add to the desirability of the Marina/Cow Hollow neighborhood as a place to work and live.

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.

The project will provide between 50 and 100 new jobs, including several unskilled and semi-skilled positions.

OBJECTIVE 6:

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

Policy 6.2:

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

Policy 6.3:

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

Policy 6.7:

Promote high quality urban design on commercial streets.

Policy 6.8:

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

Policy 6.10:

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The appeal and vitality of a neighborhood commercial district depends largely on the character, amenities, and visual quality of its streets. The main function of neighborhood commercial streets is to provide retail goods and services in a safe, comfortable, and attractive pedestrian environment. The project will help to revitalize the subject block of Union Street by privately funding the Rehabilitation of a City Landmark building, which will contribute to the character of the Union Street NCD.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.3:

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The adaptive reuse of this building from a closed single-screen theater to a Personal Service fitness facility enables the retention and rehabilitation of an existing City Landmark; this building contributes to the character of the Union Street NCD.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Policy 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

Policy 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

This project includes the rehabilitation of City Landmark No. 261. The rehabilitation was reviewed and approved by the HPC, through Motion No. 0142; the project received a Certificate of Appropriateness, since it maintains and preserves the character-defining features of the Metro Theater for the future enjoyment and education of San Francisco residents and visitors.

OBJECTIVE 4:

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.8:

Provide convenient access to a variety of recreation opportunities.

Policy 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

This project allows for the adaptive reuse of City Landmark No. 261, which is a well-known and highly visible property within the neighborhood. As many different types of recreation space as possible should be provided throughout the City, in order to serve all age groups and interests. Although this facility serves a niche fitness market, it will serve the needs and interest of many people who live or work within the Marina, Cow Hollow, and Pacific Heights neighborhoods.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project 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 existing neighborhood serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced by the project because it will revive an existing retail space at the site and provide fitness services that draw additional patrons to the Union Street NCD.

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

The project will strengthen neighborhood character by respecting the character-defining features of the Landmark building in conformance with the Secretary of the Interior's Standards.

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

The project will not affect the affordable housing supply as there are no residential uses at the site.

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

The project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking, as many of the patrons of the proposed facility will work or live in the neighborhood, enabling them to walk or bike to the facility. The property is located along two MUNI

bus lines: the 41 and 45. Many customers will incorporate their workout into their daily routine on their way to or from work, making the facility's proximity to transit important. Furthermore, the property is located on the same block as a public parking garage, which should minimize the use of neighborhood street parking by patrons of Equinox.

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

The project will not displace any industrial and service sector jobs and will not include commercial office development.

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

Preparedness against injury and loss of life in an earthquake is improved by the project, by seismically upgrading the building. All renovations and construction will be done in conformity with applicable construction and safety measures of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The project is in conformity with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

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

The project will not affect the access to sunlight or vistas for the parks and open space, as there are no expansions to the building's envelope, other than minor mechanical and elevator equipment on the roof, all of which are exempt from Planning Code height limits.

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

11. The Commission hereby finds that approval of the Conditional Use 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. 2010.0613AEC** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 21, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MND and the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the MND and contained in the MMRP are included as conditions of approval.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

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. 18543. 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 February 9, 2012.

Linda D. Avery
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: February 9, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow the de-facto removal of the existing single-screen movie theater (d.b.a the **Metro Theater**) and the change of use to a Personal Service (d.b.a Equinox Gym) at the first through fourth floors with a use size exceeding 2,499 square feet located at 2055 Union Street, Block 0541, Lot 018, pursuant to Planning Code Sections 303(c) and (k), 725.21, and 725.52, within the Union Street NCD (Neighborhood Commercial District) and 40-X Height and Bulk District; in general conformance with plans dated **December 21, 2011**, and stamped "EXHIBIT B" included in the docket for Case No. **2010.0613AEC** and subject to conditions of approval reviewed and approved by the Commission on **February 9, 2012** under Motion No. **18543**. 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 **February 9, 2012** under Motion No **18543**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18543 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

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

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

Additional Project Authorization. The Project Sponsor must comply with all conditions of approval imposed by the Historic Preservation Commission through Motion No. 0142, and are incorporated by reference herein. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Rooftop Mechanical Equipment. Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Signage. The Historic Preservation Commission (HPC) reviewed and conditionally approved through Motion No. 0142 a general signage plan for the proposed Equinox Gym. All sign permits shall conform to the approved HPC signage plan, and must be in compliance with Article 6 of the Planning Code.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

Transformer Vault. The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

Street Trees. Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that two (2) street trees shall be provided. The street trees shall be located on either side of the historic marquee. Since DPW cannot grant approval for installation of the three (3) other required street trees due to interference with the historic marquee, the Project Sponsor shall pay an in-lieu fee for those three (3) street trees, pursuant to Planning Code Section 428.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

Bicycle Parking (Commercial Only). Pursuant to Planning Code Sections 155.1 and 155.4., the Project shall provide no fewer than **three (3)** Class 1 or Class 2 bicycle parking spaces.

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

Parking Requirement. Pursuant to Planning Code Section 161(k), the Project is not required to provide any independently accessible off-street parking spaces, since the building is a City Landmark.

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

Off-street Loading. Pursuant to Planning Code Section 161(k), the Project is not required to provide any off-street loading spaces, since the building is a City Landmark.

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

Managing Traffic During Construction. The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

First Source Hiring. The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

Transit Impact Development Fee. Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

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

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

Noise Control. The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

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

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

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>

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>

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