

# SAN FRANCISCO PLANNING DEPARTMENT

# Executive Summary Conditional Use

**HEARING DATE: SEPTEMBER 24, 2015** 

3995 Alemany Blvd, Suite 4001 (Oceanview Village Shopping Center)

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

Reception: **415.558.6378** 

Date: September 14, 2015

Fax:

Case No.: 2015-005723CUA

415.558.6409

Zoning: NC-S (Neighborhood Commercial Shopping Center)

Planning

40-X Height and Bulk District

Information: **415.558.6377** 

Block/Lot: 7126A / 012

Project Address:

Project Sponsor: 24-Hour Fitness Corporation

27921 La Paz Road, Suite B Laguna Niguel, CA 92677

Agent: Jody Knight

Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, CA 94104

(415) 567-9000

jknight@reubenlaw.com

Staff Contact: Colin B. Clarke, AICP (415) 575-9184

Colin.Clarke@sfgov.org

#### PROJECT DESCRIPTION

This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections <u>178(c)(3)</u>, <u>303</u>, <u>303.1</u>, <u>703.3</u>, and <u>703.4</u>, for a change of ownership from a Formula Retail - Personal Service (d.b.a. Bally Total Fitness) to a Formula Retail - Personal Service (d.b.a. 24-Hour Fitness) and to allow an accessory use Formula Retail - Limited Restaurant (d.b.a. 24-Hour Fitness juice bar) per Planning Code Section <u>703.2</u>, within the existing <u>27,168-square-foot</u> gym, located within the Neighborhood Commercial Shopping Center (NC-S) Zoning District. The Project includes minor tenant improvements and new signs. A **Conditional Use Authorization** is required for the intensification of a Formula Retail use because <u>24-Hour Fitness</u> has more locations than Bally Total Fitness and because the proposed accessory use juice bar is also considered a Formula Retail use. The total floor area of the space will not change with this Project.

#### SITE DESCRIPTION AND PRESENT USE

The Project Site, north of Interstate-280, is located at the southwest corner of the Oceanview Village Neighborhood Commercial Shopping Center (a Planned Unit Development) between Saint Charles Avenue & Worcester Avenue in the Ocean View neighborhood east of the Lakeshore neighborhood, surrounded by RH-1 Zoning. The Project Site (Lot 012 in Assessor's Block 7126A) is one component of a larger mixed-use commercial and residential site, Oceanview Village, at 3995 Alemany Boulevard (Lot 009 in Assessor's Block 7126A). Motion #16116 enacted Conditional Use Authorization Case No. 2000.1108C, previously considered and approved by the Commission on March 15, 2001, to allow a

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Personal Service establishment (d.b.a. Bally Total Fitness) of approximately 25,800 square feet in size pursuant to Planning Code Sections 713.21 and 121.2(a). The total site is approximately 7.5 acres with 370 dwelling units on four upper levels and approximately 92,372 square feet of commercial space on the ground floor fronting Alemany Boulevard. The 27,168-square-foot space intended for the Project has been active under 24-Hour Fitness operation since December 20, 2014 and was formerly occupied by a Formula Retail - Personal Service (d.b.a. Bally Total Fitness), which closed on December 19, 2014. Chase Bank, Post Net, Subway, Hertz Car Rental, Extreme Pizza, and an Alemany Dental office (non-retail) occupy the remainder of the commercial space on the ground floor. Vacant spaces were formerly occupied by Albertson's, Post Net, and Walgreens. The Site has garage and surface lot off-street parking, including a minimum of 95 spaces dedicated to the subject gym tenant. The parking garage also includes eight (8) bicycle parking spaces.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site, north of Interstate-280, is located at the southwest corner of the Oceanview Village Shopping Center in the Ocean View neighborhood east of the Lakeshore neighborhood. The Oceanview Village Neighborhood Shopping Center NC-S District, developed circa 2000, spans the equivalent of approximately 2-3 east-west blocks immediately south of Alemany Boulevard and immediately north of Interstate-280, between Saint Charles Avenue on the western border of the NC-S District and Worcester Avenue to the east. Oceanview Village is a multi-purpose car-oriented medium-scale mixed-use residential and commercial district. The area is accessible via MUNI Line 54; other bus lines serve the area, such as MUNI Lines 28 and 85. Because of the 0.5 mile proximity to the Daly City BART station, and the M-line streetcar (along 19th Avenue, West Portal Avenue, and Market Street), the district has quick and easy transit access to downtown.

Per Planning Code Section <u>713</u>, the Neighborhood Commercial Shopping Center (NC-S) Zoning Districts are intended to serve as small shopping centers or supermarket sites that provide retail goods and services for primarily car-oriented shoppers. NC-S districts commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings (this district has the Alemany Dental office). The range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street.

Of the approximate 11 retail storefronts in the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District, there are approximately 5 Formula Retail storefronts (6 Formula Retail establishments if counting the Formula Retail juice bar located within the gym). In addition to the gym, the other Formula Retail businesses within the shopping center include: Chase Bank, PostNet, Subway, Extreme Pizza, amounting to 45% Formula Retail storefronts. This NC-S District (an auto-oriented shopping center) has a high concentration of Formula Retail businesses, but the frontage dedicated to Formula Retail will not increase as a result of this Project. Other retail establishments include Hertz Car Rental and an Alemany Dental office that occupies the remainder of the commercial space on the ground floor. Vacant spaces were formerly occupied by Albertson's (whose subtenant Oceanview Supermarket vacated in 2013), PostNet (which downsized from two retail spaces to a single retail space in December 2012), and Walgreens drugstore (until July 8, 2015).

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Within 300-foot of the shopping center property edge, there are zero (0) gyms, and zero (0) juice bars.

The following table is identical for both the Commercial use summary and the Formula Retail use summary.

Table 1. Oceanview Shopping Center (NC-S) Ground Floor Frontage Breakdown per Land Use<sup>1</sup>

LAND USE TYPE	NC-S FRONTAGE TOTAL (# STOREFRONTS)	NC-S Concentration
Financial Services	1	8%
Professional Service	1	8%
Personal Service	1	8%
Restaurant	2	17%
Limited Restaurant	1	8%
Automobile Sale or Rental	1	8%
Vacant	4	36%
Total	11	100%

*Vacancy.* The shopping center's anchor store spaces are vacant. There are four (4) vacant storefronts within the 300-foot vicinity and four (4) within the Oceanview Village Shopping Center (NC-S District). The retail vacancy rates within 300-feet of the property are currently higher than average. Albertson's subtenant, Oceanview Supermarket, vacated its space in 2013; this space remains vacant. In addition, Walgreens closed on July 8, 2015. Vacant retail uses comprised of 36% of the ground floor frontage, the majority, with 17% Restaurant uses, and the remaining ground floor frontage occupied by 8% each: Limited Restaurant, Financial Service, Automobile Rental, Medical Service, and Personal Service.

Zoning surrounding the Project Site is primarily Residential House – One Family (RH-1).

There are a limited number of fitness/health clubs in the City overall and the nearest 24-Hour Fitness location in San Francisco is 1.3 miles away. The nearest **gym** locations include:

- Snap Fitness, Daly City 1.2 miles
- 24-Hour Fitness 1850 Ocean Ave, SF, CA 94112 (West of Twin Peaks) 1.3 miles
- Fog City Fitness, Daly City 1.4 miles
- The Village Fitness Center, 750 Font Boulevard #5000 (Lakeshore) 1.6 miles
- CCSF Fitness Center, 50 Phelan Ave (Outer Mission / West of Twin Peaks) 1.9 miles
- Stonestown Family YMCA, 333 Eucalyptus Drive (Lakeshore) 1.9 miles
- Fitness USA, 3251 20th Avenue (Lakeshore) 1.9 miles

Other 24-Hour Fitness gym locations in San Francisco include:

- 3800 24th Street, Suite 2, San Francisco, CA 94114 (Noe Valley) 4.5 miles
- 2145 Market Street, San Francisco, CA 94114 (Castro/Upper Market) 5.7 miles
- 1645 Bryant Street, San Francisco, CA 94103 (Mission) 6.6 miles

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The Oceanview Village Shopping Center NC-S Land Use table was developed using data collected during a foot survey performed by Gillian Allen, Paralegal for Reuben, Junius & Rose LLP, in July 2015.

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- 303 Second Street, San Francisco, CA 94107 (South of Market) 8.0 miles
- 45 Montgomery St., San Francisco, CA 94104 (Financial District) 8.7 miles
- 100 California St, Suite 200, San Francisco, CA 94111 (Financial District) 9.0 miles
- 1200 Van Ness Ave, San Francisco, CA 94109 (Downtown/Civic Center) 9.1 miles
- 350 Bay Street, San Francisco, CA 94133 (North Beach) 9.8 miles

The nearest juice bar (blending/mixing smoothies and shakes) locations include:

- Jamba Juice 340 Westlake Center, Daly City 1.3 miles
- Jamba Juice 127 Serramonte Center, Daly City 3.3 miles
- Surf City Squeeze 109 Serramonte Center, Daly City 3.7 miles
- 24-Hour Fitness juice bar 7.0 miles 1200 Van Ness Avenue (website 7/30/2015)

The proposed Formula Retail uses, 24-Hour Fitness and the 24-Hour Fitness juice bar, will occupy an existing shopping center storefront previously occupied by a Formula Retail gym (d.b.a. Bally Total Fitness and juice bar) and therefore will have no adverse effect on the architectural and aesthetic character of the district. The proposed Formula Retail uses are compatible within the existing architectural and aesthetic character of the district. Storefront Transparency guidelines are met, as greater than 60% of ground floor street frontage allows visibility into the building with transparent glass.

#### **ENVIRONMENTAL REVIEW**

This is not considered a Project under the California Environmental Quality Act (CEQA), and does not require environmental review.

#### **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 4, 2015	August 28, 2015	27 days
Posted Notice	20 days	September 4, 2015	August 27, 2015	28 days
Mailed Notice	30 days	August 25, 2015	August 25, 2015	30 days

The proposal requires a Section <u>312</u> neighborhood notification, which was conducted in conjunction with the Conditional Use Authorization notification process.

#### **PUBLIC COMMENT**

• The Department has received zero emails from neighbors supporting the project and zero emails of general inquiry regarding the operational specifics of deliveries for the subject 24-Hour Fitness.

#### ISSUES AND OTHER CONSIDERATIONS

The Planning Department completed a study in 2014 on Formula Retail establishments in the City, which resulted in legislation in December 2014 that expands the Citywide definition of Formula Retail to include businesses that have 11 or more locations worldwide, to include businesses that are at least 50% owned by a Formula Retail business and in any of the following.

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Land use categories: Limited Financial Service, Fringe Financial Service, Business and Professional Service, <u>Personal Service</u>, Massage Establishment and Tobacco Paraphernalia Establishment, which were not previously included in the City's Formula Retail definition. The Project applicant is not affected, as the 24-Hour Fitness gym is already considered a Formula Retail use with 452 locations worldwide (11 in San Francisco). The 24-Hour Fitness juice bar is already considered a Formula Retail use with 29 locations worldwide (2 in San Francisco).

- The Project would replace an existing Formula Retail use (d.b.a. Bally Total Fitness) with a new Formula Retail use that has more locations worldwide (d.b.a. 24-Hour Fitness), but will <u>not</u> result in a net increase in the number of Formula Retail uses within the NC-S District.
- There are approximately five (5) existing Formula Retail uses out of 11 total retail uses within the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District, amounting to a concentration of approximately 45%. The proposed use would not increase the number or concentration of Formula Retail uses.

#### REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization to allow the change of ownership and occupancy from a Formula Retail - Personal Service (d.b.a. Bally Total Fitness) to a Formula Retail - Personal Service (d.b.a. 24-Hour Fitness,) and to allow an accessory use Formula Retail - Limited Restaurant (d.b.a. 24-Hour Fitness juice bar) within the existing 27,168-square-foot gym, within the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District, pursuant to Planning Code Sections 178(c)(3), 303, 303.1, 703.2, 703.3, and 703.4.

#### BASIS FOR RECOMMENDATION

- The Project would not increase the concentration of Formula Retail uses in the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District. The Project Sponsor is occupying a space formerly occupied by a formula retail gym (d.b.a. Bally Total Fitness).
- The Project would prevent an increase in the vacancy rate which already exceeds 36% in the shopping center.
- The Project meets all applicable requirements of the Planning Code.
- The Project is desirable for, and compatible with the surrounding neighborhood.

#### RECOMMENDATION:

#### **Approval with Conditions**

#### **Attachments:**

Parcel Map Sanborn Map Zoning Map Aerial Photograph Site Photograph Sponsor's Brief Reduced Plans Executive Summary Hearing Date: September 24, 2015

CASE NO. 2015-005723CUA 3995 Alemany Blvd, Suite 4001

Attac	hment	Che	cklist
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Executive Summary		Project sponsor sub	mittal
Draft Motion		Brief Letters in supp	ort
Environmental Determination		Drawings: Proposed	l Project
Zoning District Map		Check for le	gibility
Height & Bulk Map			
Parcel Map		RF Report	
Sanborn Map		Community Meetin	g Notice
Aerial Photo		Inclusionary Afford Affidavit for Compl	lable Housing Program
Context Photos			
Site Photos			
Exhibits above marked with an "X" are inc	clude	d in this packet	<u>CBC</u>
			Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only II applicable)	
☐ Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)
☐ Jobs Housing Linkage Program (Sec. 413)	☐ Child Care Requirement (Sec. 414)

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

Reception: 415.558.6378

415.558.6409

### **Planning Commission Motion No. XXXXX**

□ Other

**HEARING DATE: SEPTEMBER 24, 2015** 

Planning Information: 415.558.6377

 Date:
 September 14, 2015

 Case No.:
 2015-005723CUA

Project Address: 3995 Alemany Blvd, Suite 4001 (Oceanview Village Shopping Center)

Zoning: NC-S (Neighborhood Commercial Shopping Center)

40-X Height and Bulk District

Block/Lot: 7126A / 012

☐ Downtown Park Fee (Sec. 412)

Project Sponsor: 24-Hour Fitness Corporation

27921 La Paz Road, Suite B Laguna Niguel, CA 92677

Agent: Jody Knight

Reuben, Junius & Rose, LLP One Bush Street, Suite 600 San Francisco, CA 94104

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Staff Contact: Colin B. Clarke, AICP (415) 575-9184

Colin.Clarke@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 178(c)(3), 703.3, 703.4, 303 AND 303.1 OF THE PLANNING CODE TO ESTABLISH A FORMULA RETAIL - PERSONAL SERVICE (D.B.A. 24-HOUR FITNESS), INCLUDING AN ACCESSORY 679 SQUARE-FOOT 24-HOUR-FITNESS-BRANDED LIMITED-RESTAURANT IN THE 27,168 SQUARE-FOOT TENANT SPACE PREVIOUSLY OCCUPIED BY A FORMULA RETAIL - PERSONAL SERVICE (D.B.A. BALLY TOTAL FITNESS), LOCATED WITHIN THE OCEANVIEW VILLAGE NC-S (NEIGHBORHOOD COMMERCIAL SHOPPING CENTER), AND A 40-X HEIGHT AND BULK DISTRICT.

#### **PREAMBLE**

On May 7, 2015, Jody Knight on behalf of 24-Hour Fitness Corporation (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections <u>178(c)(3)</u>, <u>303</u>, <u>303.1</u>, <u>703.3</u>, and <u>703.4</u>, for a change of ownership from a Formula Retail - Personal Service (d.b.a. Bally Total Fitness) to a Formula Retail -

Personal Service (d.b.a. 24-Hour Fitness, with a maximum 458-person capacity) and to allow an accessory use Formula Retail - Limited Restaurant (d.b.a. 24-Hour Fitness juice bar) within the existing 27,168square-foot gym, located within the Neighborhood Commercial Shopping Center (NC-S) Zoning District, and a 40-X Height and Bulk District. The Project includes minor tenant improvements and new signs.

On September 24, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-005723CUA.

This is not considered a Project under the California Environmental Quality Act, and does not require environmental review.

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. 2015-005723CUA, 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.** The Project Site, north of Interstate-280, is located at the southwest corner of the Oceanview Village Neighborhood Commercial Shopping Center (a Planned Unit Development) between Saint Charles Avenue & Worcester Avenue in the Ocean View neighborhood east of the Lakeshore neighborhood, surrounded by RH-1 Zoning. The Project Site (Lot 012 in Assessor's Block 7126A) is one component of a larger mixed-use commercial and residential site, Oceanview Village, at 3995 Alemany Boulevard (Lot 009 in Assessor's Block 7126A). Motion #16116 enacted Conditional Use Authorization Case No. 2000.1108C, previously considered and approved by the Commission on March 15, 2001, to allow a Personal Service establishment (d.b.a. Bally Total Fitness) of approximately 25,800 square feet in size pursuant to Planning Code Sections 713.21 and 121.2(a). The total site is approximately 7.5 acres with 370 dwelling units on four upper levels and approximately 92,372 square feet of commercial space on the ground floor fronting Alemany Boulevard. The 27,168-square-foot space intended for the Project has been active under 24-Hour Fitness operation since December 20, 2014 and was formerly occupied by a Formula Retail - Personal Service (d.b.a. Bally Total Fitness), which closed on December 19, 2014. Chase Bank, Post Net, Subway, Hertz Car Rental, Extreme Pizza, and an Alemany Dental office (non-retail) occupy the remainder of the commercial space on the ground floor. Vacant spaces were formerly occupied by Albertson's, Post Net, and Walgreens.

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The Site has garage and surface lot off-street parking, including a minimum of 95 spaces dedicated to the subject gym tenant. The parking garage also includes eight (8) bicycle parking spaces.

3. **Surrounding Neighborhood.** The Project Site, north of Interstate-280, is located at the southwest corner of the Oceanview Village Shopping Center in the Ocean View neighborhood east of the Lakeshore neighborhood. The Oceanview Village Neighborhood Shopping Center NC-S District, developed in 2002, spans the equivalent of approximately 2-3 east-west blocks immediately south of Alemany Boulevard and immediately north of Interstate-280, between Saint Charles Avenue on the western border of the NC-S District and Worcester Avenue to the east. Oceanview Village is a multi-purpose car-oriented medium-scale mixed-use residential and commercial district. The area is accessible via MUNI Line 54; other bus lines serve the area, such as MUNI Lines 28 and 85. Because of the 0.5 mile proximity to the Daly City BART station, and the M-line streetcar (along 19th Avenue, West Portal Avenue, and Market Street), the district has quick and easy transit access to downtown.

Per Planning Code Section 713, the Neighborhood Commercial Shopping Center (NC-S) Zoning Districts are intended to serve as small shopping centers or supermarket sites that provide retail goods and services for primarily car-oriented shoppers. NC-S districts commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings (this district has the Alemany Dental office). The range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street.

Shopping centers and supermarket sites are removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists primarily of trips between the parking lot and the stores on-site. Ground and second stories are devoted to retail sales and some personal services and offices. The NC-S standards and use provisions allow for medium-size commercial uses in low-scale buildings. Most neighborhood-serving retail businesses are permitted at the first and second stories

Zoning surrounding the subject site is primarily Residential House – One Family (RH-1).

4. **Project Description.** Motion #16116 enacted Conditional Use Authorization Case No. 2000.1108C to allow a Personal Service establishment (d.b.a. Bally Total Fitness) approximately 25,800 square feet in size pursuant to Planning Code Sections 713.21 and 121.2(a). This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections 178(c)(3), 303, 303.1, 703.3, and 703.4 for a change of ownership from a Formula Retail - Personal Service (d.b.a. Bally Total Fitness) to a Formula Retail - Personal Service (d.b.a. 24-Hour Fitness) and to allow a 679-square-foot Formula Retail - Limited Restaurant (d.b.a. 24-Hour Fitness juice bar) accessory use per 703.2, within the existing 27,168-square-foot gym, located within the Neighborhood Commercial Shopping Center (NC-S) Zoning District. The Project includes minor tenant improvements and new signs. A **Conditional Use Authorization** is required for the intensification of use because 24-Hour Fitness has more locations than Bally Total Fitness. The total floor area of the space will not change with this Project.

- 5. **Public Comment**. The Department has received zero emails from neighbors supporting the Project and zero emails of general inquiry regarding the operational specifics of deliveries for the subject 24-Hour Fitness.
- 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. **Formula Retail.** Planning Code Sections 303.1 provides additional criteria for the Planning Commission to consider when considering any discretionary review pursuant Section 703.4, Formula Retail Uses:
    - a. The existing concentrations of Formula Retail uses within the NC-S Zoning District.

There are approximately 11 existing Formula Retail storefronts out of approximately 11 retail storefronts within the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District. One of those retail storefronts contains two distinct Formula Retail Uses (24-Hour Fitness gym and juice bar). The existing intensity of Formula Retail uses is approximately 45% of all businesses within the district. This NC-S District (an auto-oriented shopping center) has a high concentration of Formula Retail businesses, but the frontage dedicated to Formula Retail will not increase as a result of this Project. 24-Hour Fitness is headquartered in San Ramon, with more than 450 fitness clubs in 17 of the United States.

b. The availability of other similar retail uses within the district.

Across the approximate 7.5-acre area of the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District, there are no other similar uses.

c. The compatibility of the proposed Formula Retail use with the existing architectural and aesthetic character of the district.

The proposed Formula Retail gym, 24-Hour Fitness, will occupy an existing storefront previously occupied by a Formula Retail gym (d.b.a. Bally Total Fitness) and therefore will have no adverse effect on the architectural and aesthetic character of the district. The proposed Formula Retail use is compatible within the existing architectural and aesthetic character of the district. Storefront Transparency guidelines are met: greater than 60% of ground floor street frontage allows visibility into the building with transparent glass. See images in Exhibit B.

d. The existing retail vacancy rates within the district.

There are currently 4 vacancies out of 11 retail storefronts. Approximately 3,029 of 8,008 linear feet or 38% of the total street frontage is vacant.

e. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district.

Nearly all retail uses in the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District are neighborhood-serving.

f. Additional data and analysis set forth in the Performance-Based Design Guidelines adopted by the Planning Commission.

Of the approximate 11 retail storefronts in the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District, there will be approximately 5 Formula Retail storefronts, including the proposed 24-Hour Fitness (6 Formula Retail "establishments" if counting two-in-one Formula Retail including the gym and the juice bar within the gym), Chase Bank, PostNet, Subway, and Extreme Pizza. The existing concentration of Formula Retail storefronts is the same, at approximately 45% of all businesses within the district. This NC-S District (an auto-oriented shopping center) has a high concentration of Formula Retail businesses, but the frontage dedicated to Formula Retail will not increase as a result of this Project.

Other retail establishments include Hertz Car Rental, not a Formula Retail use per Section 303.1, and an Alemany Dental office that occupies the remainder of the commercial space on the ground floor. Vacant spaces were formerly occupied by Albertson's (whose subtenant Oceanview Supermarket vacated in 2013), PostNet (which downsized from two retail spaces to a single retail space in December 2012), and Walgreens drugstore (occupied until July 8, 2015).

Table 1. Oceanview Shopping Center (NC-S) Ground Floor Frontage Breakdown per Land Use<sup>1</sup>

LAND USE TYPE	NC-S FRONTAGE TOTAL (# STOREFRONTS)	NC-S Concentration
Financial Services	1	8%
Professional Service	1	8%
Personal Service	1	8%
Restaurant	2	17%
Limited Restaurant	1	8%
Automobile Sale or Rental	1	8%
Vacant	4	36%
Total	11	100%

## The existing mix of Citywide-serving Commercial uses and Daily Needs-serving Commercial uses within the vicinity:

Six out of the eleven commercial storefronts (55%) in the 300-foot vicinity (and NC-S Zoning District) are considered to serve daily needs.

Table 2. Oceanview Shopping Center (NC-S) Ground Floor Frontage Breakdown per Land Use

LAND USE TYPE	NC-S FRONTAGE TOTAL (# STOREFRONTS)	NC-S Concentration
Citywide	1	9%
Daily Needs	6	55%
Vacant	4	36%
Total	11	100%

Table 3. Existing Concentration of Formula Retail Uses within the general vicinity of the proposed Project

		Concentratio n
a.	Total Formula Retail businesses within the NC-S: Oceanview Village Shopping Center, surrounded by RH-1 residential uses on all sides	5/11 (45%)
b.	Total Formula Retail businesses within the 300-feet vicinity	5/11 (45%)
C.	Formula Retail concentration as a percentage of all ground floor commercial uses within the NC-S District	5/11 (45%)
d.	Formula Retail concentration as a percentage of all ground floor commercial uses within the 300-feet vicinity	5/11 (45%)
e.	Total linear frontage of Formula Retail within the NC-S District	490/1,079 (45%)
f.	Total linear frontage of Formula Retail within the 300-feet vicinity	490/1,079 (45%)

<sup>&</sup>lt;sup>1</sup> The Oceanview Village Shopping Center NC-S Land Use table was developed using data collected during a foot survey performed by Gillian Allen, Paralegal for Reuben, Junius & Rose LLP, in July 2015.

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The use mix is varied in the subject NC-S District as seen in Table 1.

**Availability of similar uses in the general vicinity.** There are a limited number of fitness/health clubs in the City overall and the nearest 24-Hour Fitness location in San Francisco is 1.3 miles away. The nearest **gym** locations include:

- Snap Fitness, Daly City 1.2 miles
- 24-Hour Fitness 1850 Ocean Ave, SF, CA 94112 (West of Twin Peaks) 1.3 miles
- Fog City Fitness, Daly City 1.4 miles
- The Village Fitness Center, 750 Font Boulevard #5000 (Lakeshore) 1.6 miles
- CCSF Fitness Center, 50 Phelan Ave (Outer Mission / West of Twin Peaks) 1.9 miles
- Stonestown Family YMCA, 333 Eucalyptus Drive (Lakeshore) 1.9 miles
- Fitness USA, 3251 20th Avenue (Lakeshore) 1.9 miles

#### Other 24-Hour Fitness gym locations in San Francisco include:

- 3800 24th Street, Suite 2, San Francisco, CA 94114 (Noe Valley) 4.5 miles
- 2145 Market Street, San Francisco, CA 94114 (Castro/Upper Market) 5.7 miles
- 1645 Bryant Street, San Francisco, CA 94103 (Mission) 6.6 miles
- 303 Second Street, San Francisco, CA 94107 (South of Market) 8.0 miles
- 45 Montgomery St., San Francisco, CA 94104 (Financial District) 8.7 miles
- 100 California St, Suite 200, San Francisco, CA 94111 (Financial District) 9.0 miles
- 1200 Van Ness Ave, San Francisco, CA 94109 (Downtown/Civic Center) 9.1 miles
- 350 Bay Street, San Francisco, CA 94133 (North Beach) 9.8 miles

#### *The nearest juice bar* Limited-Restaurant locations include:

- *Jamba Juice 340 Westlake Center, Daly City 1.3 miles*
- *Jamba Juice 127 Serramonte Center, Daly City 3.3 miles*
- Surf City Squeeze 109 Serramonte Center, Daly City 3.7 miles
- 24-Hour Fitness juice bar 7.0 miles 1200 Van Ness Avenue (website 7/30/2015)
- g. For Formula Retail uses of 20,000 square feet or more, except for General or Specialty Grocery stores as defined in Articles 2, 7, 8 of this Code, the contents of an Economic Impact Study prepared pursuant to Section 303(i) of the Planning Code.

As the subject retail use already exists, an Economic Impact Study is not required. Section <u>303</u>(i) only requires this study for the "establishment of large-scale retail uses." The Formula Retail Use Conditional Use Authorization is required because of the change in ownership/operator – not for establishing the use.

- B. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section <u>145.1</u> requires the following:
  - a. Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes

mechanical features and is in keeping with the overall massing and architectural vocabulary of the building.

Off-street parking is provided at street grade in a surface parking lot for the subject shopping center. There are also two parking garages on the site for commercial customers. There are no changes proposed to any of the existing parking as part of this Project.

b. No more than one-third of the width or 20 feet, whichever is less, of any street frontage of a new or altered structure shall be devoted to parking and loading ingress or egress. The total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street parking shall be located at least six feet from a lot corner located at the intersection of two public rights-of-way. Off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces.

There are no changes proposed to any of the existing parking as part of this Project.

c. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above.

The first 25 feet of building depth on the ground floor is devoted to an active use.

d. Ground floor non-residential uses in all NC districts, shall have a minimum floor-to-floor height of 10 feet for lots in a 40-foot height district.

The existing ground floor has a height of at least 10 feet and is not being modified as part of this Project.

e. Street-facing ground-level spaces housing non-residential active uses in shopping centers shall open directly onto the street, rather than solely into lobbies and interior spaces of the buildings. Such required street-facing entrances shall remain open to the public during business hours.

The existing storefront opens directly onto the sidewalk of the shopping center and is not being modified as part of this Project.

f. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

The existing tenant space has approximately 80 feet of frontage, south of the shopping center surface parking lot, south of Alemany Boulevard. At least 48 feet of frontage or 60% is devoted to either entrances to the building or windows. The windows will be clear and unobstructed.

g. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75-percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The Project does not propose any decorative railings or grillwork in front of or behind ground floor windows.

C. **Parking Requirement.** Section <u>151</u> requires retail stores to provide one parking space for every 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The existing vehicle parking lot and garages are existing, non-conforming and are not proposed to change with this Project. There are 332 existing off-street vehicle parking spaces at the property, 60 of which are allocated to 24-Hour Fitness, i.e. 56 parking garage spaces and 4 surface parking lot spaces. No new curb cuts or exit points are proposed for vehicle parking.

Motion #16116 enacted Conditional Use Authorization Case No. 2000.1108C, previously considered and approved by the Commission on March 15, 2001, to allow a Personal Service establishment (d.b.a. Bally Total Fitness), requiring the provision of 95 off-street vehicle parking spaces, and the off-street parking previously approved for the Oceanview Village Shopping Center development project was adequate to meet that requirement. The Project is part of a 7.5-acre auto-oriented shopping center between Saint Charles Avenue & Worcester Avenue in the Ocean View neighborhood east of the Lakeshore neighborhood. There is a surface parking lot located in front of the shopping center in addition to two garage parking areas for commercial customers. With the proposed change of ownership and occupancy, the vehicle parking requirement at the site would not increase.

D. **Bicycle Parking**. Section <u>155.2</u> requires a 'Personal Service' to provide the minimum bicycle parking standard of one Class-1 space for every 7,500 square feet and one Class-2 space for every 750 square feet, per Table <u>155.2.16</u>.

The Project includes four (4) Class-1 spaces and 36 Class-2 spaces. There are four (4) existing U-racks providing a total of eight (8) Class-2 bicycle parking spaces in the covered garage area to be retained. The proposal includes the addition of 2 enclosed bicycle lockers with 2 bicycle parking spaces each, for a total of four (4) Class-1 spaces, as well as 14 new U-racks (with 28 bicycle spaces).

E. **Use Size**. Section <u>713.21</u> establishes size limits on nonresidential uses in the Oceanview Village Neighborhood Commercial Shopping (NC-S) District. Within the District, conditional use authorization is required for any nonresidential use that exceeds 4,000 square feet.

As the subject space is existing, the Project does not require Conditional Use authorization for use size.

G. Accessory Use Limited-Restaurant. A related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot.

The proposed Project includes a 24-Hour Fitness juice bar, previously operated by Bally Total Fitness, as an accessory use that will serve non-alcoholic drinks, such as smoothies and protein shakes, to customers for consumption. The juice bar is considered an accessory use as it occupies less than 1/3 of the floor area of the principal Personal Service Use, and complies with Planning Code Section 703.2(b)(1)(C).

- **H.** Conditional Use Authorization. Planning Code Section 303(c) 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 use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project is desirable because it will allow continued use of a gym convenient to the community, allowing for improved health and fitness. There are no other fitness facilities in close proximity to the Oceanview Village Shopping Center, and is a continuation of a previously permitted Formula Retail gym use. The use will add activity to a shopping center with greater than 36% vacancy and may provide customers for other businesses. The Planning Department has received zero letters from community members supporting the Project, and urging speedy approval of the establishment, substantiating the Project's desirability.

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:

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

Many of the Bally Total Fitness employees were retained to work for 24-Hour Fitness. The Project allows continued use of a gym and juice bar, adding activity to a shopping center with greater than 36% vacancy. The size and shape of the site and the size, shape, and arrangement of the

building will not be altered as part of this Project. The proposed Project will not affect the building envelope.

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

The Planning Commission affirmed issuance of a Final Negative Declaration for the Oceanview Village Shopping Center Project on October 21, 1999 (Case No. 99.194E), analyzing the Project's accessibility, traffic patterns, parking and loading, and finding that there would be no significant environmental impacts. The Project is not expected to increase traffic as the 24-Hour Fitness gym use will be the same as the Bally Total Fitness gym use. The Project will not affect public transit or overburden the existing supply of parking in the shopping center or in the neighborhood. Many of the customers live in the on-site residential units above the ground floor commercial spaces and the surrounding neighborhood, and access the gym by walking. The Project is not intended to be a destination use, but one that is meant to serve the needs of local residents who reside in or visit the area for other goods and services. Most of the employees at the 24-Hour Fitness use public transit, or walk to work, with approximately up to five (5) employees who utilize the vehicle parking.

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

The Project will not produce noxious or offensive emissions related to noise, glare, dust, or odor. All facility activities are within an enclosed building, most of which are in the basement, providing ample sound insulation. There is ample indoor garage parking available during the 5:00AM to 6:00AM time period, when other stores are closed, such that the relatively small number of patrons using the facility at that hour can park indoors and not create undue noise that might be disruptive to area residents.

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

The Project would not alter the site's landscaping, open spaces, vehicle parking and loading areas, service areas, and lighting. Any new signs will be required to comply with the requirements of the Planning Code and the Commission Guide for Formula Retail.

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

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

g. 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 Oceanview Village Neighborhood Shopping (NC-S) District in that the intended use is located at the ground floor, will provide a compatible, convenience service for the immediately surrounding neighborhoods during daytime hours, and is compliant with the limitations on certain uses within the Oceanview Village NC-S.

8. **General Plan Compliance.** The Project is, on balance, consistent with the 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 WORKINIG 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.

#### Policy 1.3:

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

The Project will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The conditions of approval will ensure that the use meets minimum, reasonable performance standards. Further, the Project Site is located within a Neighborhood Commercial Shopping Center (NC-S) District and is thus consistent with activities in 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 new such activity to the City.

The Project will continue to fill a retail space with a higher than average vacancy with commercial activity, and will help maintain the diverse economic base of the City.

#### **OBJECTIVE 6:**

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

#### Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

No commercial tenant would be displaced and the Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood. The Project will replace a retail space previously used as a Formula Retail gym and juice bar.

- 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 Project would add to the mix of neighborhood-serving retail uses, and provide future opportunities for resident employment. Most of the employees at the former Bally Total Fitness were retained to be employed at the 24-Hour Fitness.

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 would not impact the character or diversity of the neighborhood.* 

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

The Project would not have any adverse effect on the City's supply of affordable housing.

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

The Project would not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is well-served by off-street parking. Many of the gym customers visit during off-peak hours, limiting the amount of traffic added during commute hours. Many of the customers also live in the on-site residential units above the ground floor commercial spaces and the surrounding neighborhood, and access the gym by walking. The Project is not intended to be a destination use, but one that is meant to serve the needs of local residents who reside in or visit the area for other goods and services. Most of the employees at the 24-Hour Fitness use public transit, or walk to work, with approximately up to five employees who utilize the vehicle parking.

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 service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be adversely affected by this Project.

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

This Project will not adversely affect the property's ability to withstand an earthquake. The Project conforms to the structural and seismic requirements of the San Francisco Building Code.

G. That landmarks and historic buildings be preserved.

The existing building is not a landmark and it is not historically rated.

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

The Project will have no negative effect on existing parks and open spaces. The Project does not have an adverse effect on open spaces, access to sunlight, or vistas.

- 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. 2015-005723CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 7, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19334. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the Project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 24, 2015.

Jonas P. Ionin Commission Se	cretary
AYES:	
NAYS:	
ABSENT:	
ADOPTED:	September 24, 2015

### **EXHIBIT A**

#### **AUTHORIZATION**

This authorization is for a Conditional Use Authorization to allow the change of ownership and occupancy from a Formula Retail - Personal Service (d.b.a. Bally Total Fitness) to a Formula Retail - Personal Service (d.b.a. 24-Hour Fitness, with a maximum 458-person capacity) and to allow a 679-square-foot Formula Retail - Limited Restaurant (d.b.a. 24-Hour Fitness juice bar) accessory use per 703.2, within the existing 27,168-square-foot gym located at 3995 Alemany Boulevard, Lot 012 in Assessor's Block 7126A, pursuant to Planning Code Sections 178(c)(3), 303, 303.1, 703.3, and 703.4, within the Oceanview Village Neighborhood Commercial Shopping Center (NC-S) Zoning District, and a 40-X Height and Bulk District; in general conformance with plans, dated August 7, 2015 and stamped "EXHIBIT B" included in the docket for Case No. 2015-005723CUA and subject to conditions of approval reviewed and approved by the Commission on September 24, 2015 under Motion No. XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator. Conditions of Approval from Conditional Use Authorization Case No. 2000.1108C found within Motion #16116, previously considered and approved by the Commission on March 15, 2001, are still in effect unless otherwise stated.

#### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 24**, **2015** under Motion No. **XXXXX**.

#### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

#### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

#### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

#### Conditions of Approval, Compliance, Monitoring, and Reporting

#### **PERFORMANCE**

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org"><u>www.sf-planning.org</u></a>

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

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#### **DESIGN - COMPLIANCE AT PLAN STAGE**

6. Final Materials. The Project Sponsor shall continue to work with the Planning Department on the sign design and to comply with the <u>Commission Guide for Formula Retail</u>. Where Planning Code and the Guide conflict, the more restrictive requirement(s) shall apply. Final materials, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.

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

- 7. Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
  - For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <a href="https://www.sf-planning.org">www.sf-planning.org</a>
- 8. **Signs.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code and the <u>Commission Guide for Formula Retail</u>. Where the requirements conflict, the more restrictive shall apply.

#### MONITORING - AFTER ENTITLEMENT

- 9. **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
- 10. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

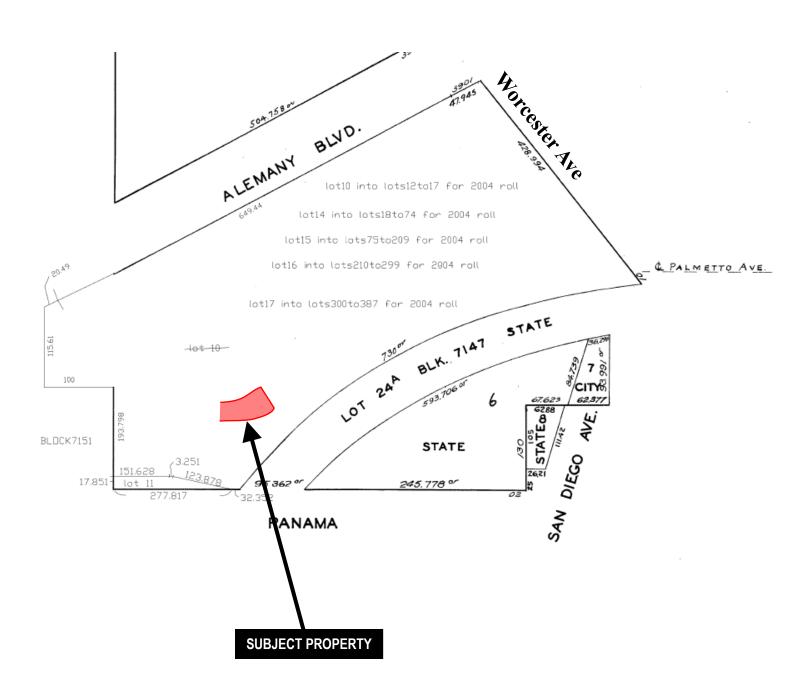
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <a href="https://www.sf-planning.org">www.sf-planning.org</a>

#### **OPERATION**

- 11. **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, <a href="http://sfdpw.org">http://sfdpw.org</a>
- 12. **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, <a href="http://sfdpw.org">http://sfdpw.org</a>
- 13. **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, <a href="https://www.sfdph.org">www.sfdph.org</a>
  - For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, <a href="https://www.sfdbi.org">www.sfdbi.org</a>
  - For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, <a href="https://www.sf-police.org">www.sf-police.org</a>
- 14. **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

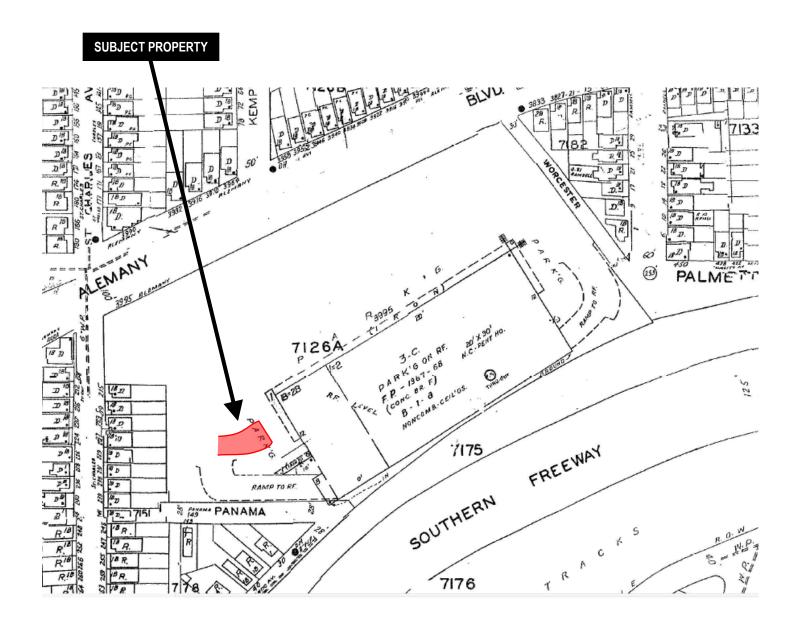
### **Parcel Map**





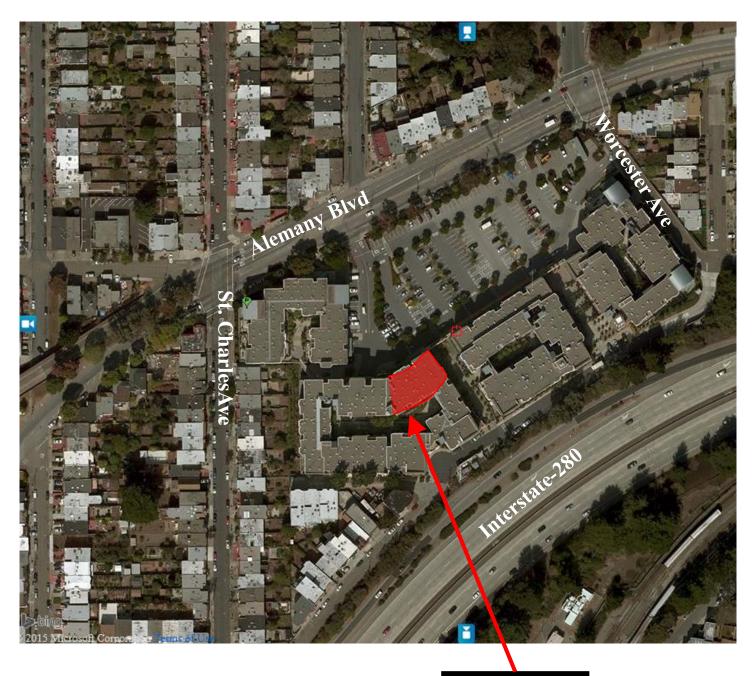
Conditional Use Authorization **Case Number 2015-005723CUA** 24-Hour Fitness gym & juice bar 3995 Alemany Boulevard, Suite 4001

## Sanborn Map\*



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

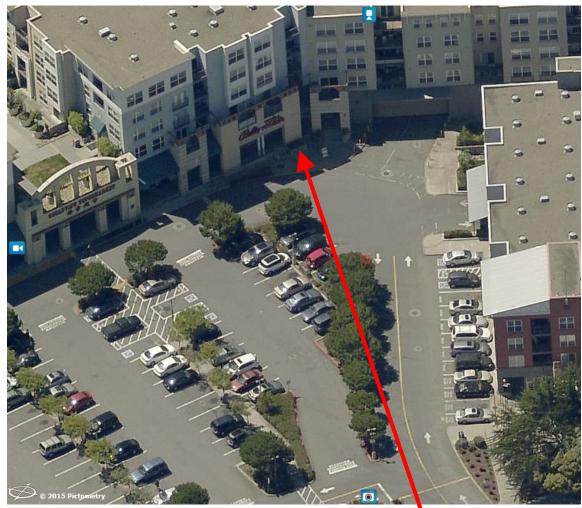




SUBJECT PROPERTY



Conditional Use Authorization **Case Number 2015-005723CUA** 24-Hour Fitness gym & juice bar 3995 Alemany Boulevard, Suite 4001



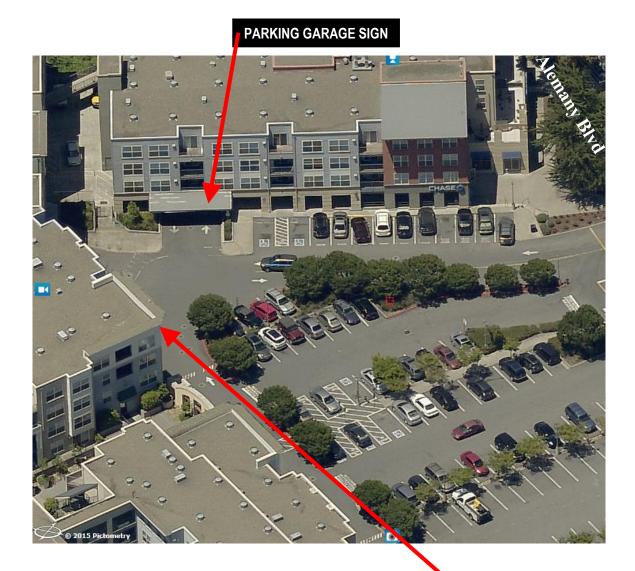
**Alemany Blvd** 

SUBJECT PROPERTY



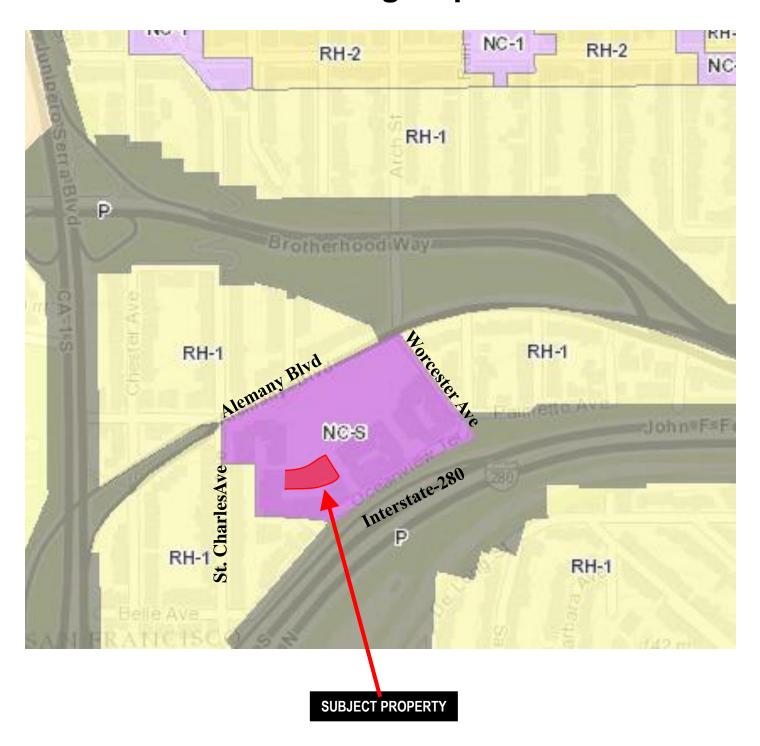






SUBJECT PROPERTY

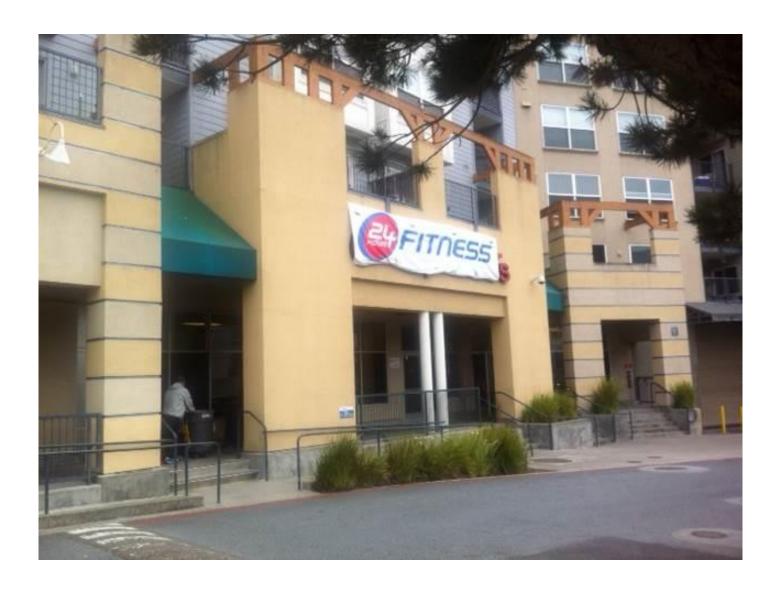
## **Zoning Map**



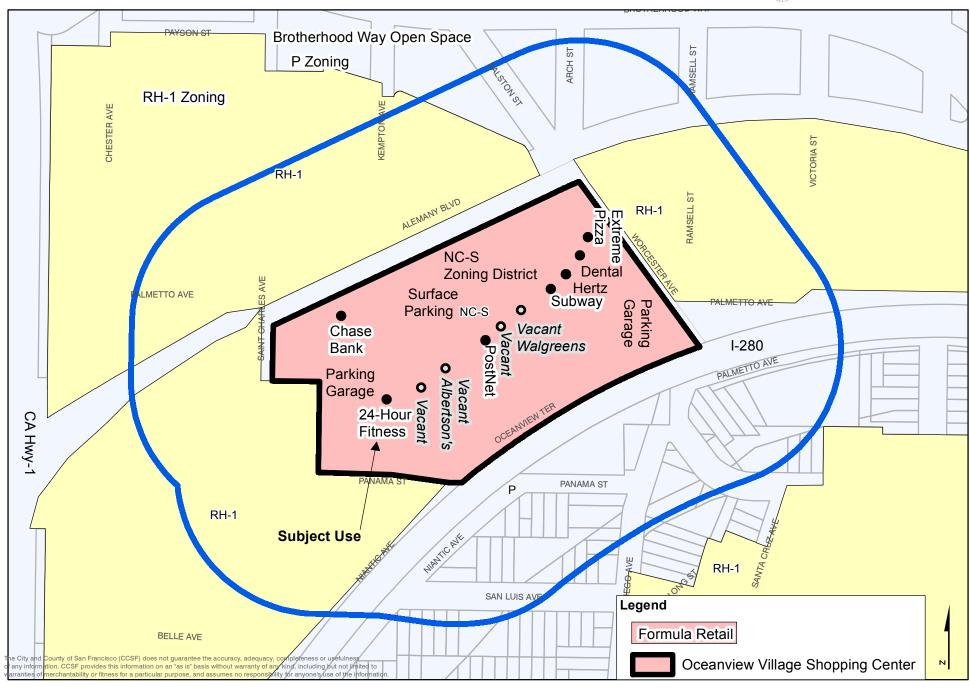


Conditional Use Authorization **Case Number 2015-005723CUA** 24-Hour Fitness gym & juice bar 3995 Alemany Boulevard, Suite 4001

### **Site Photo**







### REUBEN, JUNIUS & ROSE, LLP

September 3, 2015

#### **By Electronic Delivery**

President Rodney Fong San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

Re: Formula Retail Approval for 24 Hour Fitness at 3995 Alemany Boulevard

Planning Case Number 2015-005723PRJ

Hearing Date: September 24, 2015

Our File No.: 8823.01

Dear President Fong and Commissioners:

Our office represents 24 Hour Fitness, which seeks formula retail approval of a gym at 3995 Alemany in the Oceanview Shopping Center (the "Site"). 24 Hour Fitness took over the property from Bally's Fitness, which operated a gym at that site beginning in 2000, and has continued gym operations, including hours of operation, as the gym was operated under Bally's. The area where the gym is located has no other gyms in the immediate vicinity and provides a valuable resource for residents of the area, as well as specifically residents of the condominium development that is part of the mall. 24 Hour Fitness respectfully requests that the Planning Commission grant conditional use authorization under Sections 303 and 703.4 of the San Francisco Planning Code to authorize a formula retail use for 24 Hour Fitness at the Site.

#### A. Surrounding Neighborhood

The Oceanview Shopping Center is in a largely residential area in San Francisco. There is limited retail in the area, and even in the Shopping Center itself there are currently vacancies. The Shopping Center has both commercial and residential development, and many of the residents are members of the gym in the mall (previously Bally's, now 24 Hour Fitness). The closest gyms are as follows:

- Snap Fitness Daly City 1.2 miles
- Fog City Fitness 1.3
- The Village Fitness Center 2.0 miles

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Tuija I. Catalano | Thomas Tunny David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman².³ | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600 San Francisco, CA 94104 President Fong and Commissioners San Francisco Planning Commission September 3, 2015 Page 2

- Fitness USA 2.4 miles
- Stonestown Family YMCA 1.9 miles
- 24 Hour Fitness 1.6 miles
- CCSF Fitness Center 1.9 miles

Therefore, there is a significant need and demand for a gym at the site.

#### **B.** Project Description

24 Hour Fitness seeks to continue the gym operation previously operated by Bally's. There will be essentially no changes to the operations. The only change in the space is that the spin room will be moved from the basement to the first floor, and the basement weight room will be expanded. The services and hours of operations will remain the same, as will the façade of the building, with the exception of 24 Hour Fitness signage. In addition, the Project will add Codecompliant bicycle parking.

#### C. Summary of Project Benefits

- Allows a neighborhood-serving use to continue. Approval of the conditional use contributes to neighborhood-serving retail uses by allowing continued gym use at the Site. There are no other gyms in the immediate vicinity, and area residents, who would otherwise be required to drive to a gym, depend on access to a gym at the mall.
- Adds a vibrant commercial use to a mall that has had vacancies. The gym provides vibrancy to a space that might otherwise sit vacant and brings in business for other retail businesses in the mall. The retail vacancy rates within 300 feet of the 24 Hour Fitness facility are high. Albertson's subtenant, Oceanview Supermarket, vacated their space in 2013; this space remains vacant. In addition, Walgreens closed their store in the Center on July 8th of this year. Currently, this Center has a higher than average vacancy rate. In addition, the gym provides opportunities for resident employment that would be lost if the use could not continue.
- Provides gym facilities where there is existing ample parking. The Site is served by existing mall parking and therefore will not overburden street parking. In addition, many of the users of the gym go on off hours and therefore do not significantly add to commuter traffic. In addition, many customers are from the residential units at the mall or the surrounding area and will access the Site on foot.

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tel: 415-567-9000 fax: 415-399-9480 President Fong and Commissioners San Francisco Planning Commission September 3, 2015 Page 3

• The Project will not alter the size of the use or operations or the hours. There will be no changes to the proposed size, shape and arrangement of the structure and no increase in noise or other potential negative impacts, as gym hours will remain the same. Hours are Monday through Friday 5:00 a.m. to 11:00 p.m. and Saturday and Sunday from 7:00 a.m. to 9:00 p.m.

## **D.** Community Outreach

The pre-application meeting was held on April 28, 2015. There was generally support expressed at the meeting, particularly from residents of the condominiums above the mall who rely on use of the gym facilities, and no opposition was voiced.

## E. Conclusion

Approval will allow 24 Hour Fitness to continue to serve the community with a muchneeded gym, without negatively impacting parking, noise or the surrounding community. We look forward to presenting the Project to you on September 24, 2015, and respectfully request your support.

Very truly yours,

John Japan

REUBEN, JUNIUS & ROSE, LLP

Jody Knight

cc: Cindy Wu, Commission Vice-President Michael Antonini, Commissioner Rich Hillis, Commissioner Christine D. Johnson, Commissioner Kathrin Moore, Commissioner Dennis Richards, Commissioner Jonas Ionin, Commission Secretary John Rahaim, Planning Director Scott Sanchez, Zoning Administrator Mo Meyers, Think Architecture

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President Fong and Commissioners San Francisco Planning Commission September 3, 2015 Page 4

# **LIST OF EXHIBITS**

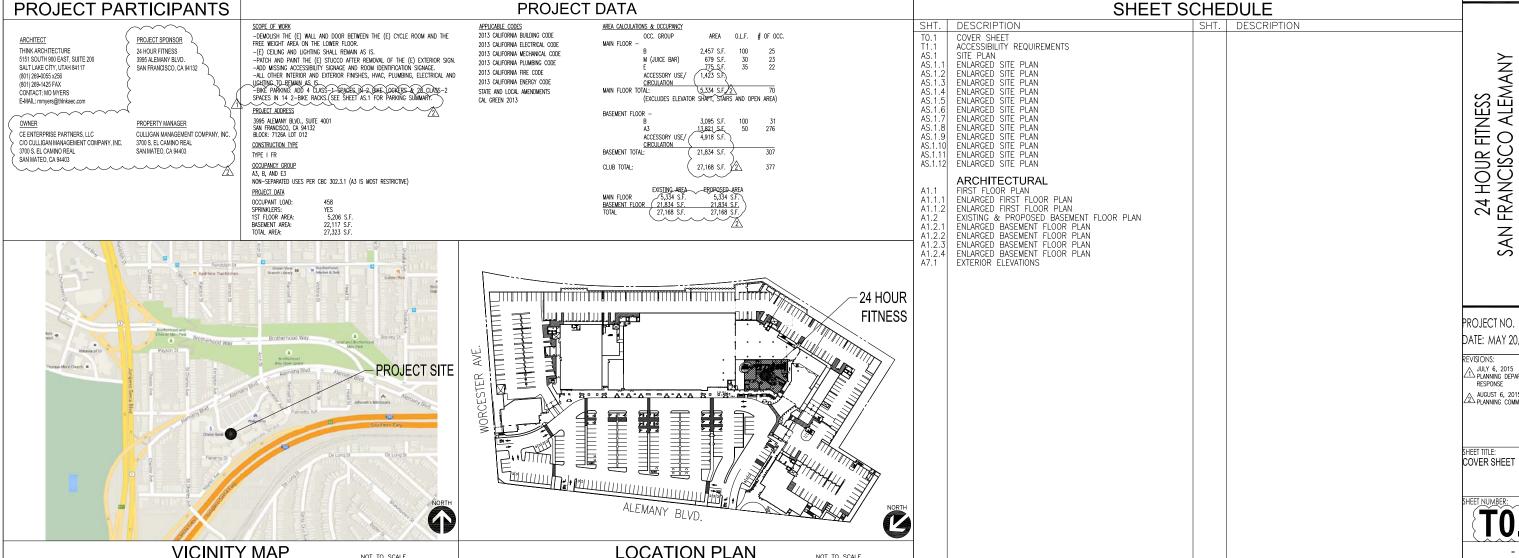
Exhibit A – Project Plans

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tel: 415-567-9000 fax: 415-399-9480



TENANT IMPROVEMENT 3995 ALEMANY BLVD., SUITE 4001 SAN FRANCISCO, CA 94132





## Architecture

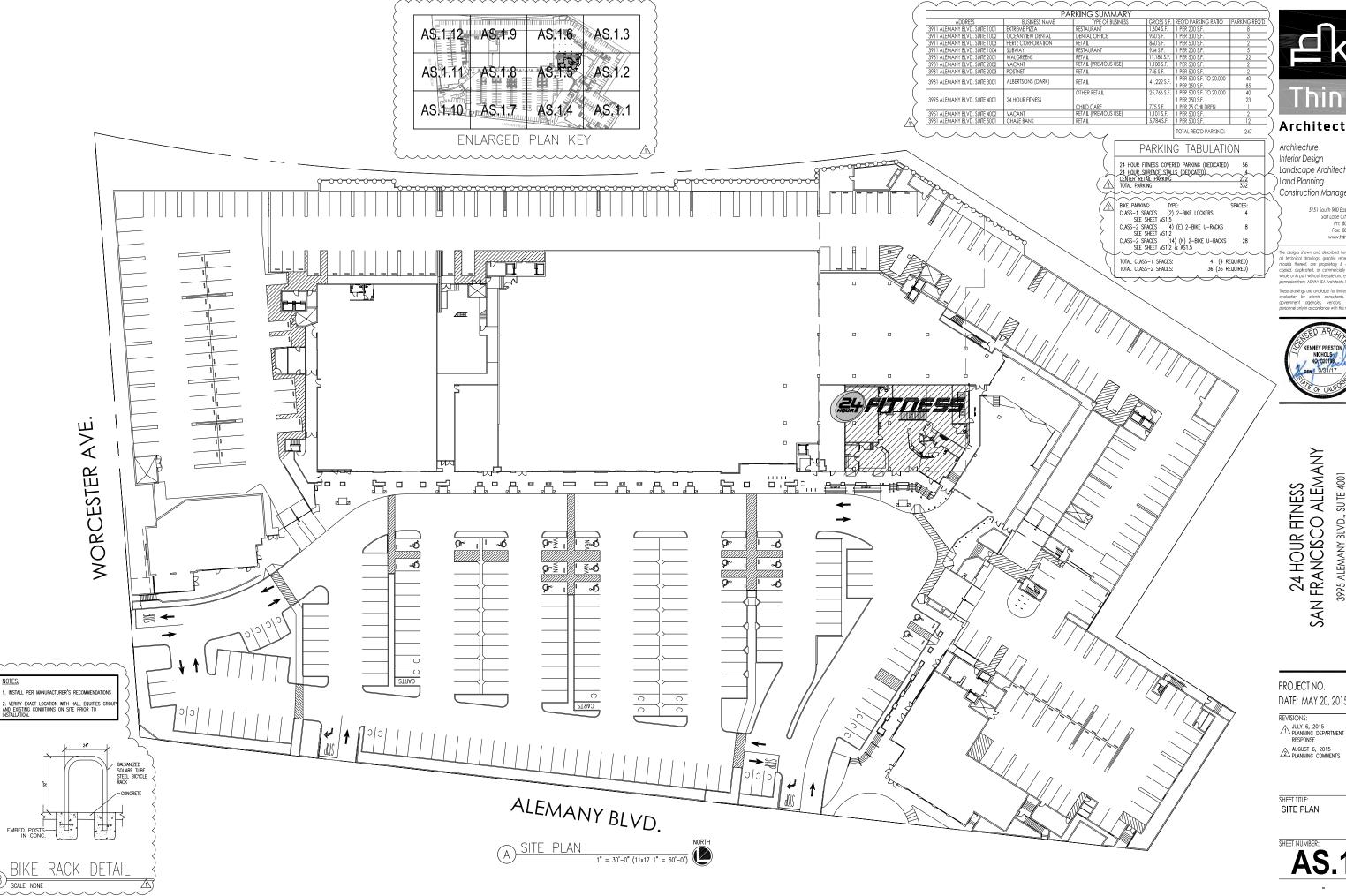
nterior Design Landscape Architecture Land Plannina Construction Management



DATE: MAY 20, 2015

JULY 6, 2015
PLANNING DEPARTMENT
RESPONSE AUGUST 6, 2015
PLANNING COMMENTS

COVER SHEET



## Architecture

Landscape Architecture Construction Management

5151 South 900 East, Suite 200 Salt Lake City, UT 84117 Ph: 801.269.0055 Fax: 801.269.1425 www.thinkaec.com

These drawings are available for limited review and evaluation by clients, consultants, contractors, government agencies, vendars, and office personnel only in accordance with this notice.



3995 ALEMANY BLVD., SUITE 4001 SAN FRANCISCO, CA 94132

PROJECT NO. 15-047 DATE: MAY 20, 2015

AUGUST 6, 2015
PLANNING COMMENTS

SHEET NUMBER:

AS.1





## Architecture

Architecture Interior Design Landscape Architecture Land Planning Construction Management

5151 South 900 East, Suite 200 Salt Lake City, UT 84117 Ph: 801.269.0055 Fax: 801.269.1425 www.thinkaec.com

These drawings are available for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.



# 24 HOUR FITNESS SAN FRANCISCO ALEMANY 3995 ALEMANY BLVD., SUITE 4001 SAN FRANCISCO, CA 94132

PROJECT NO. 15-047 DATE: MAY 20, 2015

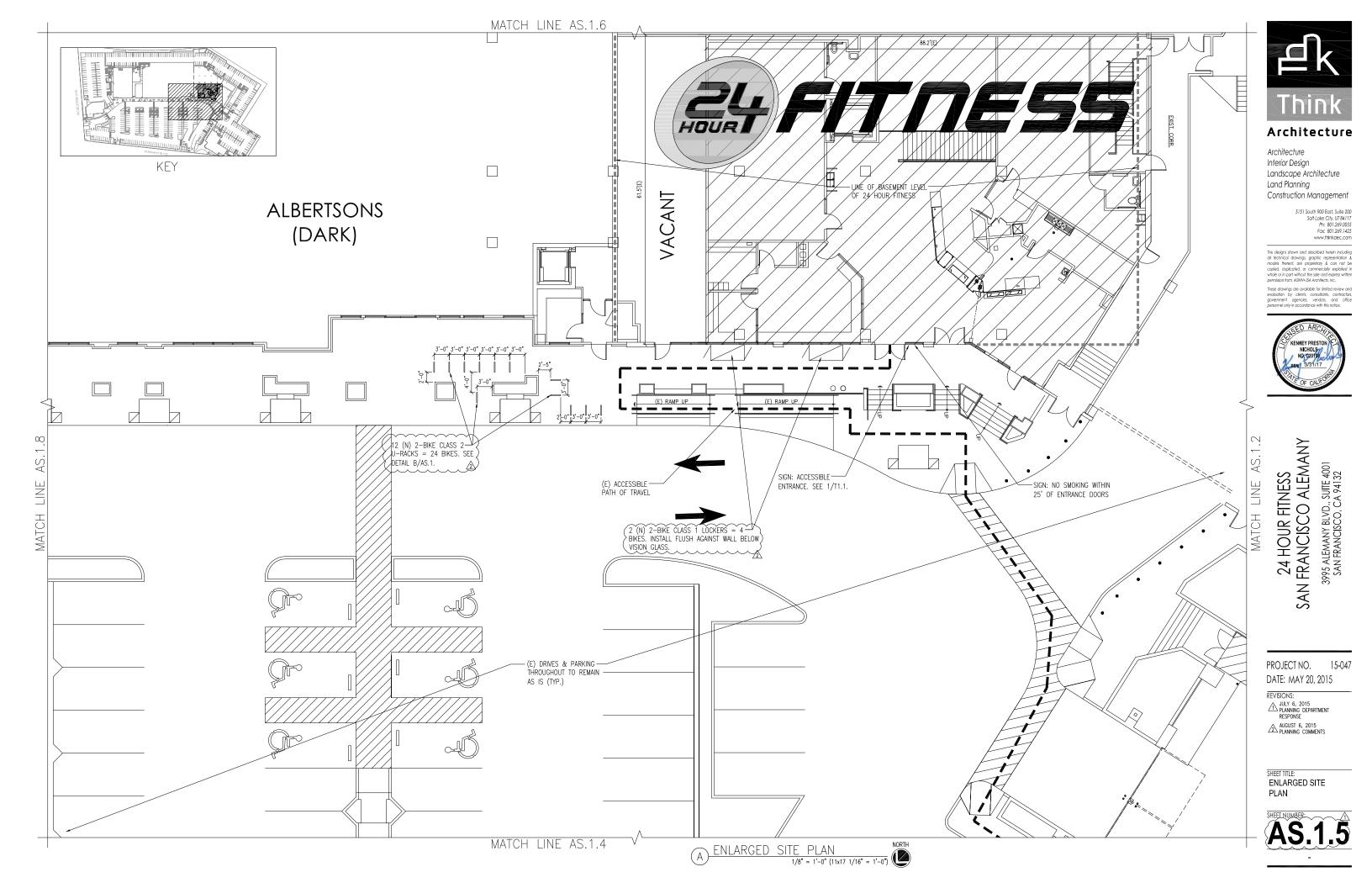
REVISIONS:

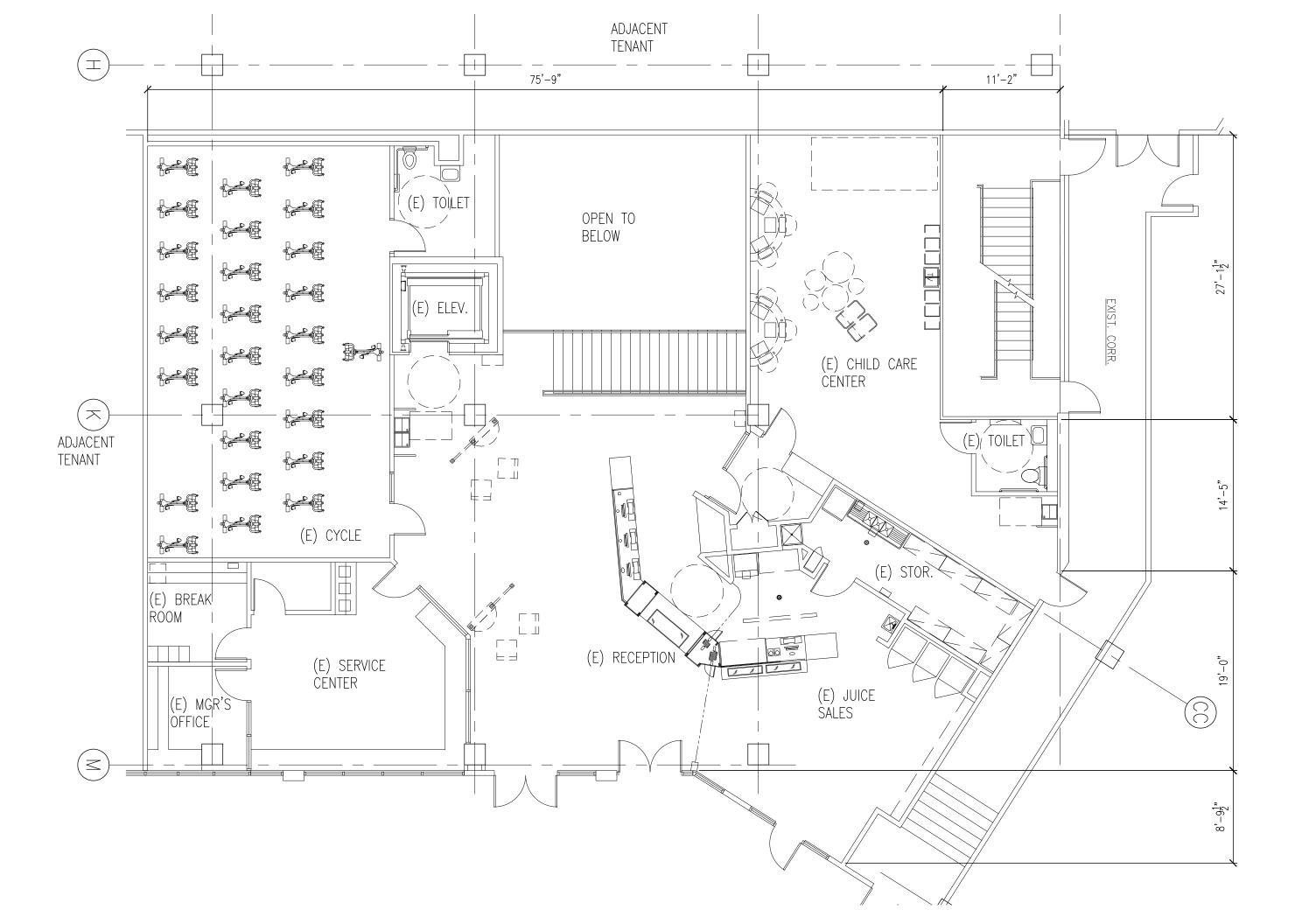
JULY 6, 2015
PLANNING DEPARTMENT
RESPONSE

AUGUST 6, 2015
PLANNING COMMENTS

SHEET TITLE:
ENLARGED SITE
PLAN









Architecture Interior Design Landscape Architecture Land Planning Construction Management

5151 South 900 East, Suite 200 Salt Lake City, UT 84117 Ph: 801.269.0055 Fax: 801.269.1425 www.thinkaec.com

The designs shown and described herein including all technical drawings, another representation, & models thread on experience and efficience are an experience and efficience and experience and experience and experience are an experience and experience and experience and experience are a support of the experience and ex

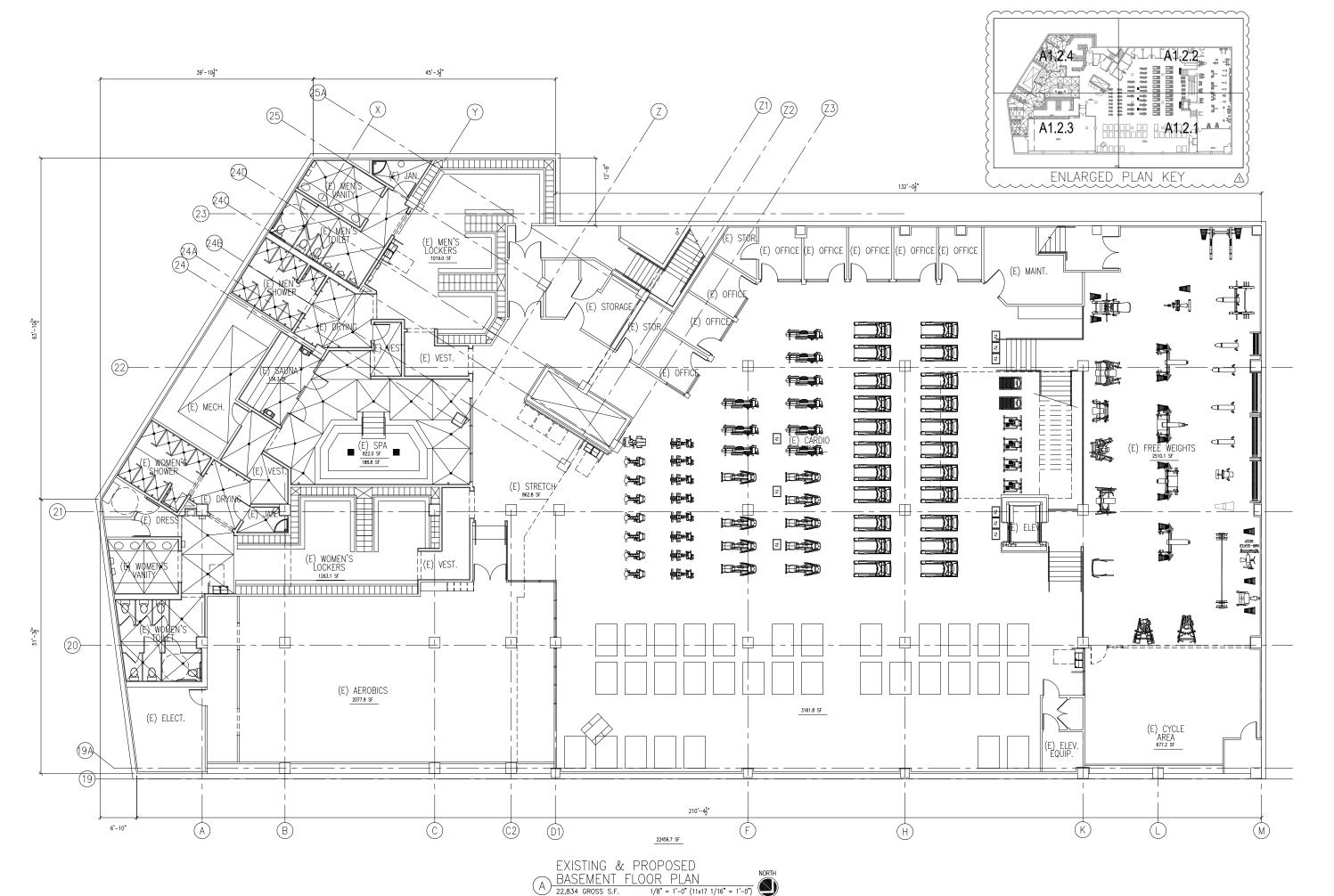
24 HOUR FITNESS SAN FRANCISCO ALEMANY 3951 ALEMANY BLVD. SUITE 4001 SAN FRANCISCO, CA 94132

PROJECT NO. 15047 DATE: APRIL 28, 2015 REVISIONS:

SHEET TITLE:

FIRST FLOOR PLAN SHEET NUMBER:

A1.1





## **Architecture**

Architecture Interior Design Landscape Architecture Land Planning Construction Management

5151 South 900 East, Suite 200 Salt Lake City, UT 84117 Ph: 801.269,0055 Fax: 801.269,1425 www.thinkaec.com

These drawings are available for limited review an intese arawings are avalable for timilied review and evaluation by clients, consultants, confractors, government agencies, vendors, and office personnel only in accordance with this notice.



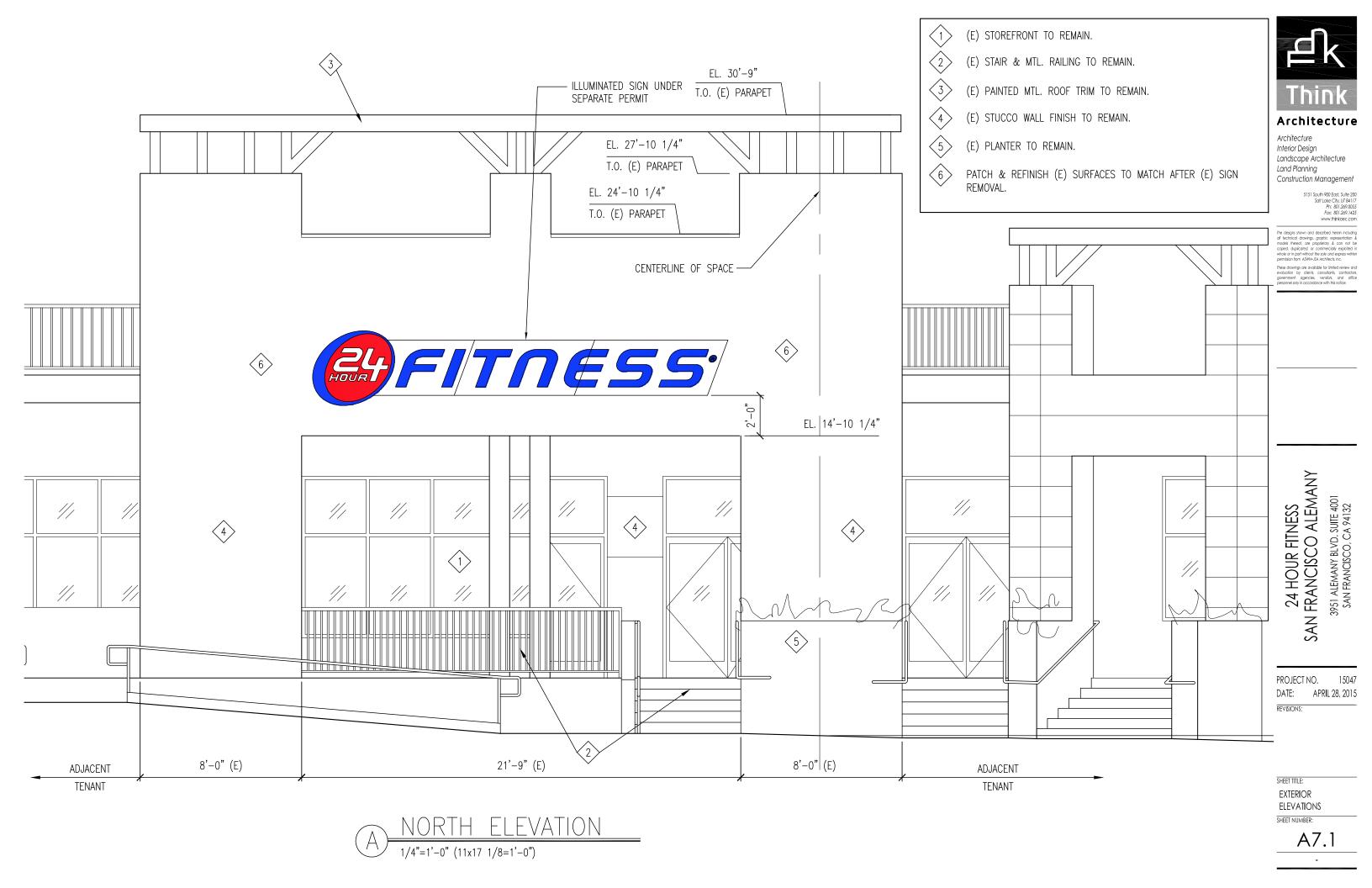
# 24 HOUR FITNESS SAN FRANCISCO ALEMANY 3995 ALEMANY BLVD., SUITE 4001 SAN FRANCISCO, CA 94132

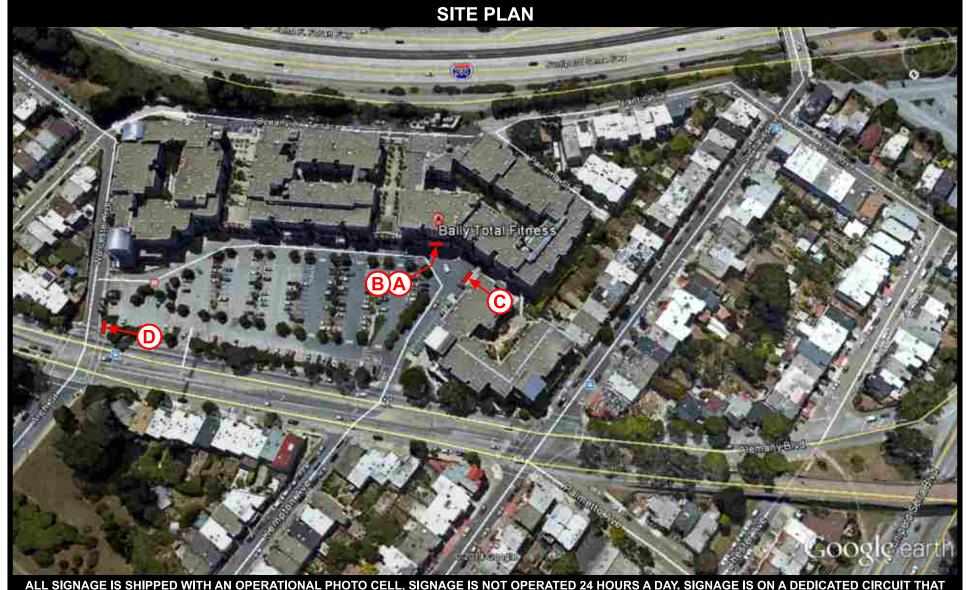
PROJECT NO. 15-047 DATE: MAY 20, 2015

REVISIONS:

JULY 6, 2015
PLANNING DEPARTMENT
RESPONSE

BASEMENT FLOOR PLAN





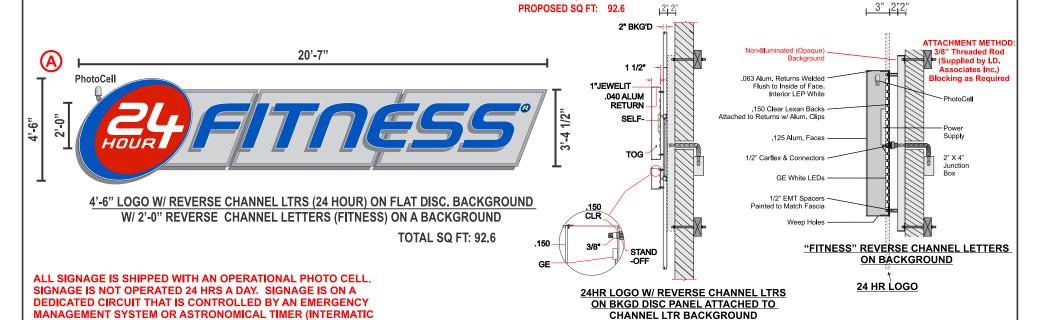
ALL SIGNAGE IS SHIPPED WITH AN OPERATIONAL PHOTO CELL, SIGNAGE IS NOT OPERATED 24 HOURS A DAY. SIGNAGE IS ON A DEDICATED CIRCUIT THAT IS CONTROLLED BY AN ENERGY MANAGEMENT SYSTEM OR ASTRONOMICAL TIMER (INTERMATIC ASTRO TIME CLOCK NEMA 1 120-277) OR EQUIVALENT.

DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.							
TD	CLIENT:	<b>24 HOUR FITNESS</b> COE #124302		R1 01/16/2015 kjr	REV:	REV.	
ASSOCIATES	LOCATION:	SAN FRANCISCO, CA 12/30/14	REV:	08/27/15 R2 CHANGED TO REVERSE CHANNEL LETTERS	REV:	REV:	
1771 INDUSTRIAL ROAD · DOTHAN, ALABAMA · 36303	ACCOUNT REP:	R. SNIDER DMS	REV:		REV:	REV.	
PH (888) 303-5534 · FAX (334) 836-1401 Www.idassociatesinc.com	DRAWING NO:	24HR_CA_SAN_FRANCISCO_R4	REV:		REV:	REV:	

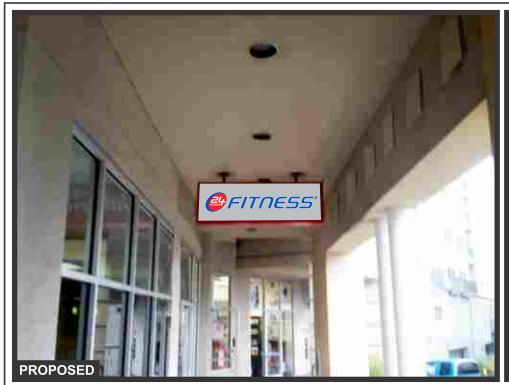


ASTRO TIME CLOCK NEMA 1 120-277) OR EQUIVALENT.





DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY. STORE NO. 273 COE #124302 REV: 24 HOUR FITNESS R1 01/16/2015 kir LOCATION: 08/27/15 R2 CHANGED TO REVERSE CHANNEL LETTERS SAN FRANCISCO, CA 12/30/14 ACCOUNT REP: 1771 INDUSTRIAL ROAD · DOTHAN, ALABAMA · 36303 R3 09/11/2015 kjr R. SNIDER **DMS** PH (888) 303-5534 · FAX (334) 836-1401 DRAWING NO: Underwriters Laboratories Inc R4 09/14/2015 kjr www.idassociatesinc.com 24HR CA SAN FRANCISCO R4





B

77 1/4"

24"



## REPLACEMENT FACE

- White Lexan with Vinyl Graphics First Surface
- Red 3M 3630-33 Vinyl
- Blue 3M 3630-97 Vinyl
- 1" Retainers

## WHITE OUTLINE:

Logo & Letters 3' & Less = 3/16" Border Logo & Letters 3' & Greater = 3/8" Border **COLORS:** 

PMS 293 3M 3630-97 BRISTOL BLUE



RED

3M 3635-0427 PERFORATED VINYL

Drawing 13 for conceptual furfuses unli, due to construction construction constraints, 512E5 and or latouts mat change slightly.								
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1771 INDUSTRIAL ROAD · DOTHAN, ALABAMA · 36303	ACCOUNT REP:	R. SNIDER	DMS	REV:		REV:	REV:	
PH (888) 303-5534 · FAX (334) 836-1401 www.idassociatesinc.com	DRAWING NO:	24HR_CA_SAN_FRA	ANCISCO_R4	REV:		REV:	REV:	

DRAWING IS FOR CONCERTUAL DURDOSES ONLY. DUE TO CONSTRUCTION CONSTRUITS, SIZES AND OR LAVOUTS MAY CHANGE SUIGHTLY





# © EXISTING SIGN TO REMAIN AS IS

DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.							
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1771 INDUSTRIAL ROAD · DOTHAN, ALABAMA · 36303	ACCOUNT REP:	R. SNIDER	DMS	REV:	R3 09/11/2015 kjr	REV:	REV:
PH (888) 303-5534 · FAX (334) 836-1401 www.idassociatesinc.com	DRAWING NO:	24HR_CA_SAN_FRA	NCISCO_R4	REV:	R4 09/14/2015 kjr	REV:	REV:





**(D)** 

64 3/8"

12"



## REPLACEMENT FACE

- Flat lexan faces with push thru copy
   & Vinyl Graphics First Surface
- Red 3M 3630-33 Vinyl
- Blue 3M 3630-97 Vinyl
- 1" Retainers

## WHITE OUTLINE:

Logo & Letters 3' & Less = 3/16" Border Logo & Letters 3' & Greater = 3/8" Border

## COLORS:

PMS 293 3M 3630-97 BRISTOL BLUE



3M 3630-33 RED

3M 3635-0427 PERFORATED VINYL

## DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY. 24 HOUR FITNESS | STORE NO. 273 | COE #124302 REV: R1 01/16/2015 kjr 08/27/15 R2 CHANGED TO REVERSE CHANNEL LETTERS ASSOCIATES SAN FRANCISCO, CA 12/30/14 ACCOUNT REP: 1771 INDUSTRIAL ROAD · DOTHAN, ALABAMA · 36303 **DMS** R. SNIDER PH (888) 303-5534 · FAX (334) 836-1401 DRAWING NO: Underwriters Laboratories Inc www.idassociatesinc.com 24HR\_CA\_SAN\_FRANCISCO\_R4