



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: OCTOBER 3, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Record No.: 2019-005402CUA
Project Address: 50 Beale Street
Zoning: C-3-O(SD) District: Downtown Office Special Development
450-S Height and Bulk District
Transit Center C-3-O(SD) Commercial Special Use District
Block/Lot: 0646/003
Project Sponsor: David Penn
201 Noe Street
San Francisco, CA 94114
Property Owner: 50 Beale Street, LLC
1633 Broadway, Suite 1801
New York, NY 10019
Staff Contact: David Weissglass – (415) 575-9177
David.weissglass@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The Project includes the establishment of a massage use within a spa (d.b.a. "The Spa") as accessory to the primary gym use (d.b.a. "Equinox"). The spa use will be operated by Equinox Gym and accessed via the main Equinox entrance on Mission Street. The Spa itself will occupy approximately 650 square-feet within the 36,000 square-foot Equinox Gym and provide 2 treatment rooms in which massages will be administered. The primary gym use is principally permitted, was established by Building Permit Application No. 201809129903 and is currently under construction.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 210.2 and 303 to allow the establishment of a massage use within the C-3-O(SD) Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.**
 - **Support/Opposition:** The Department has not received any correspondence regarding the Project.

ENVIRONMENTAL REVIEW

The Project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Project will not have any direct or indirect physical change to the environment, and will result in the safe administering of massages from trained professionals employed by the Equinox Gym. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit G - Project Sponsor Brief



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

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Record No.: 2019-005402CUA
Project Address: 50 BEALE STREET
Zoning: C-3-O(SD) District: Downtown Office Special Development
450-S Height and Bulk District
Transit Center C-3-O(SD) Commercial Special Use District
Block/Lot: 3710 / 018
Project Sponsor: David Penn
201 Noe Street
San Francisco, CA 94114
Property Owner: 50 Beale Street, LLC
1633 Broadway, Suite 1801
New York, NY 10019
Staff Contact: David Weissglass – (415) 575-9177
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 210.2 AND 303 OF THE PLANNING CODE TO ESTABLISH A MESSAGE USE WITHIN A SPA AS ACCESSORY TO THE PRIMARY RETAIL/GYM USE (D.B.A. "EQUINOX") LOCATED AT 50 BEALE STREET, LOT 018 IN ASSESSOR'S BLOCK 3710 WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE SPECIAL DEVELOPMENT ZONING DISTRICT) AND A 450-S HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 18, 2019, David Penn of GBA, Inc. (hereinafter "Project Sponsor") filed Application No. 2019-005402CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a massage use within a spa (d.b.a. "The Spa") as accessory to the primary gym use (hereinafter "Project") at 50 Beale Street, Block 3710 Lot 018 (hereinafter "Project Site").

The Project is not a project under CEQA Guidelines Sections 151060(c) and 15378 because there is no direct or indirect physical change in the environment.

On October 3, 2019, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-005402CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-005402CUA is located at 1650 Mission Street, Suite 400, 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 Authorization as requested in Application No. 2019-005402CUA, 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. **Project Description.** The Project includes the establishment of a massage use within a spa (d.b.a. "The Spa") as accessory to the primary gym use (d.b.a. "Equinox"). The spa use will be operated by Equinox Gym and accessed via the main Equinox entrance on Mission Street. The Spa itself will occupy approximately 650 square-feet within the 36,000 square-foot Equinox Gym and provide 2 treatment rooms in which massages will be administered. The primary gym use is principally permitted, was established by Building Permit Application No. 201809129903 and is currently under construction.
3. **Site Description and Present Use.** The Project site is occupied by a 24-story commercial building with 137.5-ft of frontage along Mission Street and 229.167-ft of frontage along Beale Street. The gym use (d.b.a. "Equinox") was approved per Building Permit Application No. 201809129903 and is currently under construction.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the C-3-O(SD) Zoning District and is a part of the City's central business district. The immediate context is mixed-use in character with high-rise residential and commercial buildings. The immediate neighborhood includes high-rise commercial and residential development to the north, east, and west. The Transbay Transit Center development is about one block south of the subject property. The project site is located within the boundaries of the Transit Center C-3-O(SD) Commercial Special Use District. Other zoning districts in the vicinity of the project site include: P (Public), C-3-O (Downtown Office), and TB-DTR (Transbay Downtown Residential) Zoning Districts.
5. **Public Outreach and Comments.** The Department has not received any correspondence regarding the Project.
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.** Per Planning Code Section 210.2, Massage Establishments require a Conditional Use Authorization in the C-3-O(SD) Zoning District.

The Project Sponsor is requesting Conditional Use Authorization to allow massages to be administered in a spa accessory to the primary retail/gym use in the C-3-O(SD) Zoning District.

7. **Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies 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 proposed Spa administering massages is to operate as accessory to the primary retail/gym use. The Spa will occupy approximately 650 square-feet out of the 36,000 square-foot Equinox gym. While it will only be accessible via the main Equinox entrance on Mission Street, The Spa will be open to Equinox members and non-members alike. As such the Project will provide a necessary and desirable service to local residents, employees, and visitors in a dense downtown neighborhood.

- 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:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope in any way.

- (2) 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 Code does not require additional parking or loading for this accessory massage use. This Project should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project does not propose any exterior alterations and will only operate as accessory to the principally permitted and approved Equinox retail/gym use. The Project will not emit noise, glare, dust, or odor to public or the vicinity.

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

The Project does not propose any exterior alterations and will only operate as accessory to the principally permitted and approved Equinox retail/gym use. No alterations to existing and approved landscaping, screening, open space, parking and loading area, service areas, lighting, or signage aspects of the building or use.

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

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

- D. That the use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The proposed project is consistent with the stated purposed of the C-3-O(SD) District in that the intended use of The Spa is to provide a desirable service to local residents and office workers in the dense district.

8. **Massage Establishments.** In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

- A. Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 29.10 of the Health Code.

The proposed massage establishment will be owned and operated by Equinox. Equinox will obtain all required massage business permits and licenses and ensure that all massage practitioners have their required licenses prior to beginning massage operations at The Spa.

- B. Whether the use's façade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a façade include:

- i. Active street frontage of at least 25 feet in length where 75 percent of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level;
- ii. Windows that use clear, untinted glass, except for decorative or architectural accent;
- iii. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75% open to perpendicular view and no more than six feet in height above grade.

The Spa is to be located on the 2nd floor and does not have ground-floor façade exposure. To access The Spa, patrons must enter through the main Equinox health club lobby on the ground floor, which will include a transparent active street frontage and other design elements that were reviewed and approved per building permit no. 201809129843.

- C. Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged.

The main Equinox health club entrance, through which the public may access The Spa, will be adequately lit and such lighting will be maintained along all public rights-of-way.

- D. Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

The main entrance to the Equinox health club is designed to be inviting to the public and facilitate public access. The entrance to The Spa within the Equinox health club will not include double doors, security cameras, or other discouraging features. The project's design ensures appropriate accessibility to The Spa from within Equinox via an internal stairway and elevator.

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

COMMERCE AND INDUSTRY ELEMENT

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.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial 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.

DOWNTOWN AREA PLAN

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 produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

OBJECTIVE 3:

IMPROVE DOWNTOWN SAN FRANCISCO'S POSITION AS THE REGION'S PRIME LOCATION FOR SPECIALIZED TRADE RETAIL.

Policy 3.1

Maintain high quality, specialty retail shopping facilities in the retail core.

Policy 3.5

Meet the convenience needs of daytime downtown workers.

OBJECTIVE 5:

RETAIN A DIVERSE BASE OF SUPPORT COMMERCIAL ACTIVITY IN AND NEAR DOWNTOWN.

Policy 5.1

Provide space for support commercial activities within the downtown and in adjacent areas.

TRANSIT CENTER DISTRICT PLAN

Objectives and Policies

OBJECTIVE 1.3:

CONTINUE TO FOSTER A MIX OF LAND USES TO REINFORCE THE 24-HOUR CHARACTER OF THE AREA.

OBJECTIVE 1.4:

ENSURE THE DISTRICT MAINTAINS AREAS THAT CONTAIN CONCENTRATION OF GROUND-LEVEL PUBLIC-SERVING RETAIL AND CONVENIENCE USES FOR WORKERS AND VISITORS.

The Project includes the establishment of a massage use within a spa (d.b.a. "The Spa") as accessory to the primary gym/health club use (d.b.a. "Equinox"). Access to the Spa will be maintained via the main entrance to the Equinox health club, and The Spa will be wholly operated by Equinox. The Spa will occupy approximately 650 square-feet within the 36,000 square-foot Equinox gym use and provide 2 treatment rooms in which massages will be administered. No commercial tenants are to be displaced as a result of the Project.

The Spa will serve the Objectives and Policies of The General Plan. The Spa will provide a desirable service to downtown residents, employees, and visitors in a safe manner with minimal detrimental impacts on the community. The Spa will support the Downtown Area and the Transit Center District by reinforcing the 24-hour character of the area and providing a public-serving retail facility that will be convenient and desirable for residents, workers, and visitors.

10. **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 complies 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 does not displace or otherwise impact existing retail uses. The massage establishment, as accessory to the health club use, will provide another convenient and desirable retail use to the neighborhood.

- 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 have no impact on existing housing or neighborhood character.

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

The Project will not impact 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 is not expected to result in impeding MUNI transit service or overburdening the streets or neighborhood parking. The Spa will only operate as accessory to the primary Equinox gym use.

- 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 contribute to Downtown as a thriving economic center of the region. There is to be no displacement of industrial or service sector uses.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project does not include any alterations to existing building form and will therefore not impact any City landmarks or historic buildings.

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

The project does not include any alterations to existing building form and will therefore not impact parks and open space or their access to sunlight and vistas.

11. 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.
12. 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 Authorization Application No. 2019-005402CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 23, 2018, 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. 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 October 3, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

Draft Motion
October 3, 2019

RECORD NO. 2019-005402CUA
50 Beale Street

ADOPTED: October 3, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the establishment of a massage use within a spa (d.b.a. "The Spa") located at 50 Beale Street, Block 3710, Lot 018 pursuant to Planning Code Section(s) **210.2 and 303** within the **C-3-O(SD)** District and a **450-S** Height and Bulk District; in general conformance with plans, dated **October 23, 2018**, and stamped "EXHIBIT B" included in the docket for Record No. **2019-005402CUA** and subject to conditions of approval reviewed and approved by the Commission on **October 3, 2019** under Motion No **XXXXXX**. 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 **October 3, 2019** under Motion No **XXXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** 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, www.sf-planning.org

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, www.sf-planning.org

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, www.sf-planning.org

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, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

6. **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

7. **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

8. **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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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

9. **Massage Establishments.** All massage establishments shall comply with the following standard massage use operation standards.

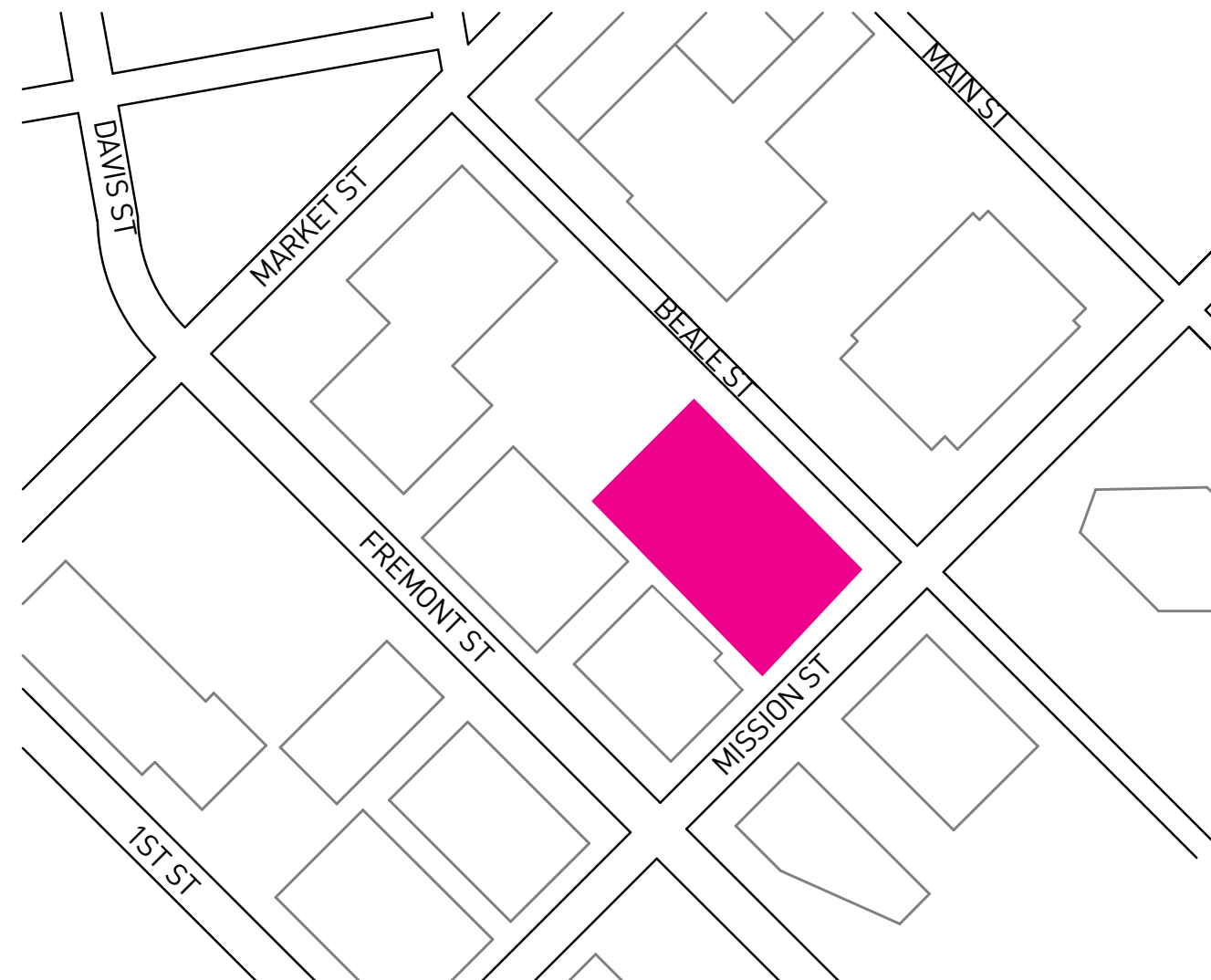
- A. The entry to the massage treatment room shall remain directly visible from the public right-of-way. If any additional doors are required under the Building Code for emergency egress purposes, such door shall be labeled "for emergency use only" and shall have an audible alarm that will go off when the door is opened.
- B. All interior alterations shall be reviewed by the Planning Department to verify compliance with these conditions.

- C. No locks shall be allowed on any interior door of the business except that a lock for privacy may be permitted on the bathroom door.
- D. Any blinds or curtains located behind the storefront windows must be kept open during business hours to allow for visibility into the tenant space from the street. No obstructions shall be located in front of any of the storefront windows that would prevent such visibility.
- E. The front door to the business must be open during business hours. The use of buzzers or a security camera is not permitted.
- F. The massage establishment shall comply with the hours of operation outlined in Ordinance 140-09, approved on July 2, 2009. This Ordinance amended the Health Code to limit the hours of permitted operation for massage establishments from 7:00 am to 10:00 pm.
- G. All persons engaged in performing massage shall be licensed for that purpose by the State of California and the licenses shall be prominently displayed on walls of the business.
- H. The Planning Commission may revoke this Conditional Use authorization if the Department of Public Health revokes the health permit for massage.

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



PROJECT LOCATION



VICINITY MAP



FREMONT ST

MISSION ST

(E) BUILDING N.I.C.
350 MISSION STREET
47 STORIES

(E) BUILDING N.I.C.
45 FREMONT STREET
34 STORIES

SALESFORCE ALLEY

EQUINOX ENTRY
(E) SIDEWALK

PROJECT SITE
(E) BUILDING
TYPE 1A
50 BEALE STREET

LINE OF (E) FIRST FLOOR SETBACK UNDER ARCADE
BOTH SIDES OF BUILDING

BUILDING MAIN ENTRY
(E) SIDEWALK

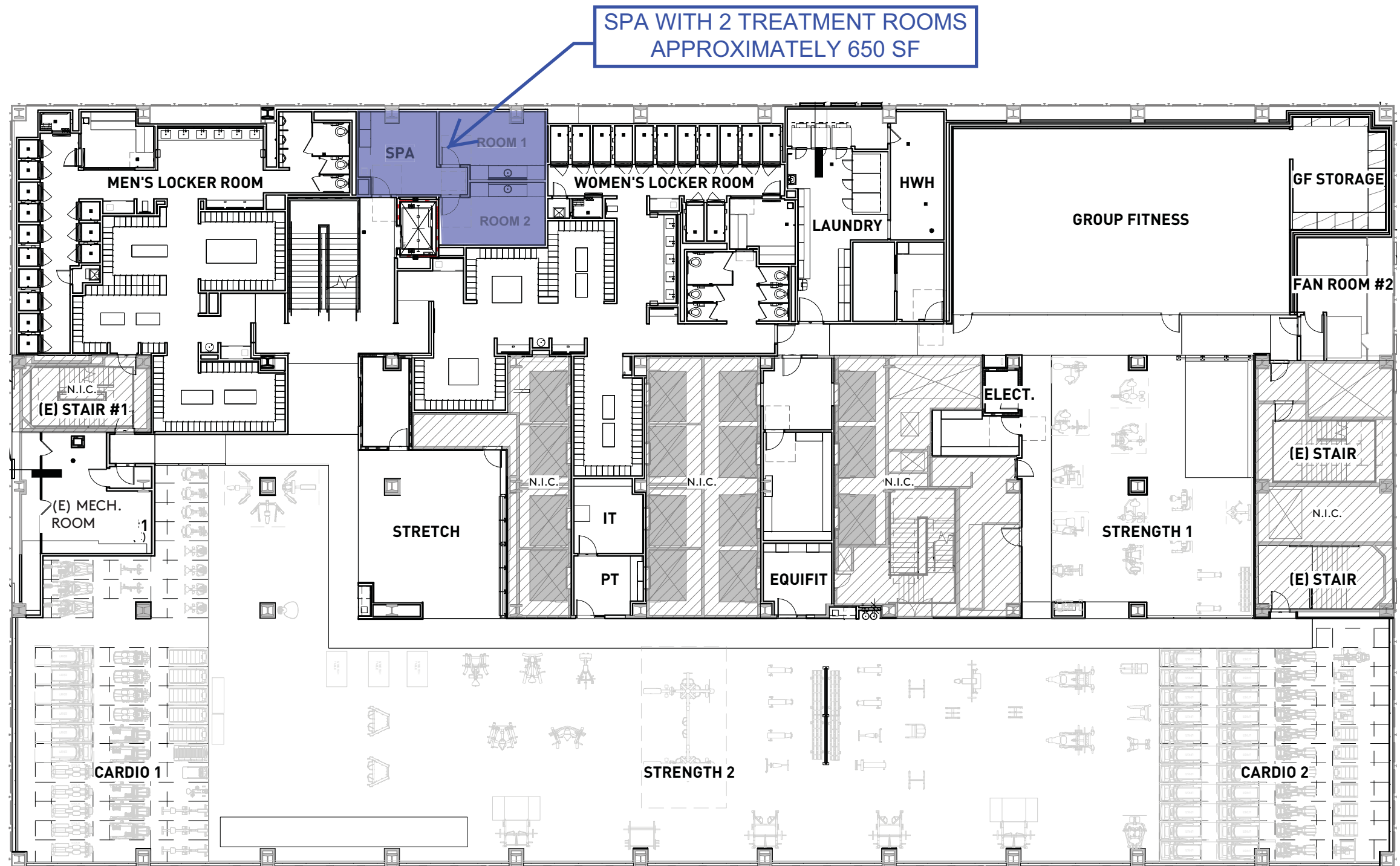
BEALE ST. PLAZA
(E) PARKING GARAGE
BELOW GRADE

(E) GARAGE ENTRY
DN



BEALE ST







SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information*

PROJECT ADDRESS: 50 BEALE ST
RECORD NO.: 2019-005402CUA

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
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	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF			
Residential GSF			
Retail/Commercial GSF	35,350	650 ("The Spa")	36,000
Office GSF			
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>			
Medical GSF			
Visitor GSF			
CIE GSF			
Usable Open Space			
Public Open Space			
Other ()			
TOTAL GSF	35,350	650	36,000
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable			
Dwelling Units - Market Rate			
Dwelling Units - Total			
Hotel Rooms			
Number of Buildings			
Number of Stories			
Parking Spaces			
Loading Spaces			
Bicycle Spaces			
Car Share Spaces			
Other ()			

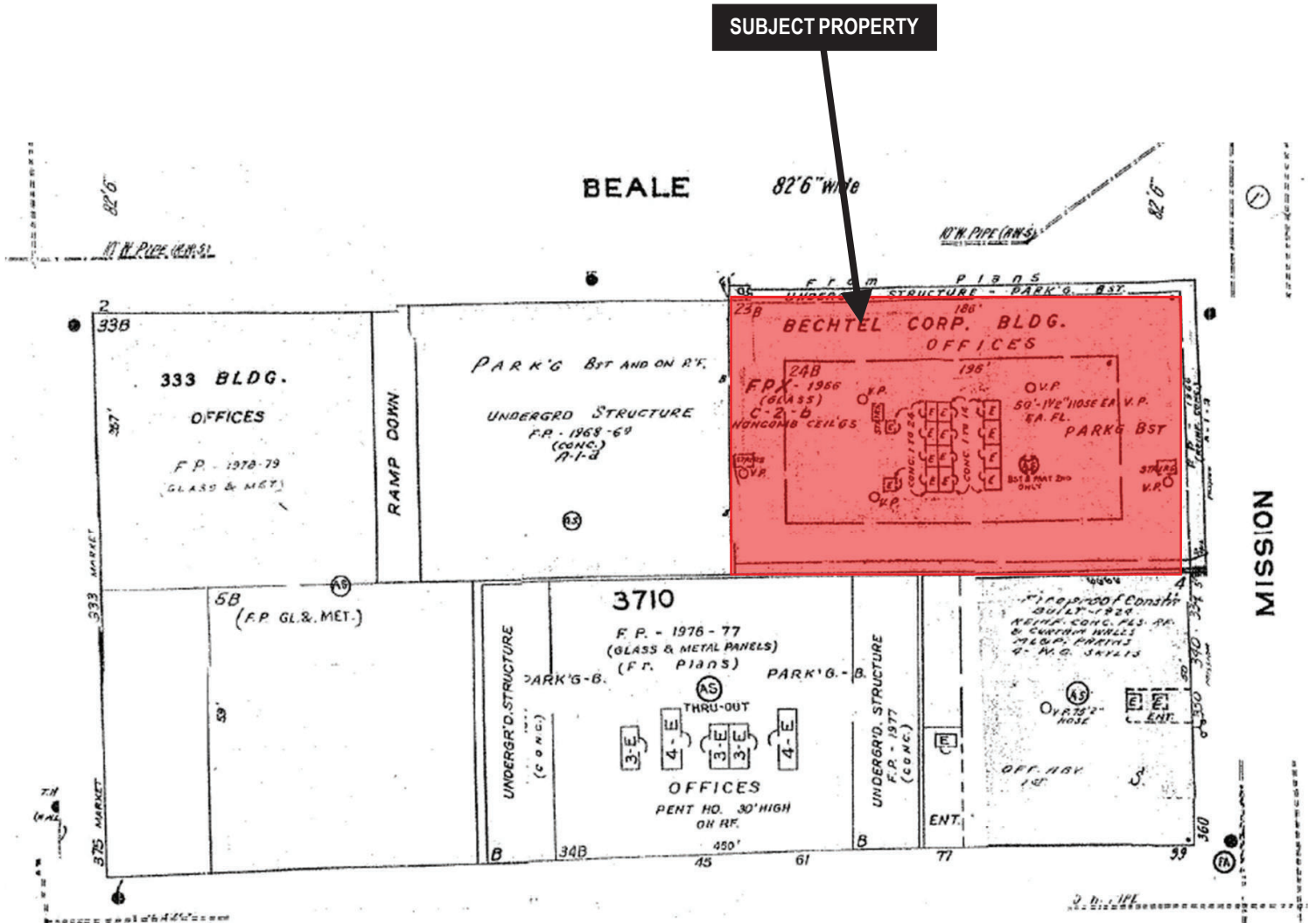
	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units			
One Bedroom Units			
Two Bedroom Units			
Three Bedroom (or +) Units			
Group Housing - Rooms			
Group Housing - Beds			
SRO Units			
Micro Units			
Accessory Dwelling Units			

**This Land Use Table includes only information related to the massage establishment ("The Spa"). This Table does not include information about the entire Equinox gym use nor the building as a whole.*

Parcel Map



Sanborn Map*



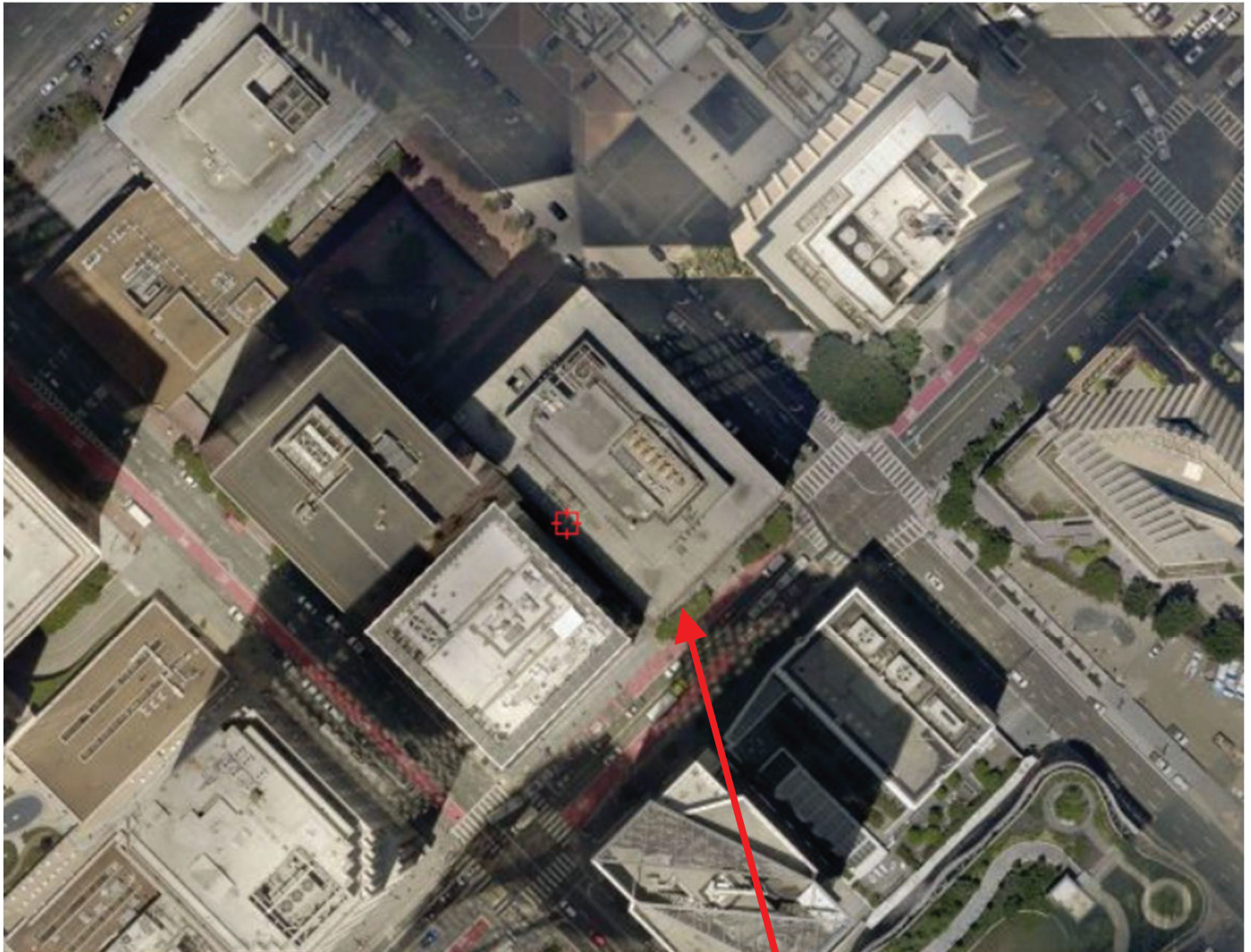
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



SAN FRANCISCO
PLANNING DEPARTMENT

Conditional Use hearing
Case Number 2019-005402CUA
Massage Establishment – The Spa at Equinox
50 Beale Street

Aerial Photo – View 1



SUBJECT PROPERTY



Zoning Map



Site Photo 1 (Mission Street)



Site Photo 2 (Beale Street)





CONDITIONAL USE AUTHORIZATION

SUPPLEMENTAL APPLICATION

Property Information

Project Address: 50 Beale Street, San Francisco, CA 941 Block/Lot(s): 3710 / 018

Action(s) Requested

Action(s) Requested (Including Planning Code Section(s) which authorizes action)

Conditional use authorization to operate a massage establishment, pursuant to Planning Code Sections 303(c) and (n).

Conditional Use Findings

Pursuant to Planning Code Section 303(c), before approving a conditional use authorization, the Planning Commission needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That 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 for, and compatible with, the neighborhood or the community. If the proposed use exceeds the non-residential use size limitations for the zoning district, additional findings must be provided per Planning Code Section 303(c)(1)(A-C).

The proposed massage establishment use for The Spa at Equinox is to be included as part of the new Equinox health club to be located in the existing commercial building at 50 Beale Street. The Spa will be accessed via the main Equinox entrance on Mission Street. Spa visitors will check in at the Equinox reception desk and proceed to the Spa, located on the 2nd floor of the health club. The Spa itself will occupy approximately 650 square feet of space within 36,000 square foot Equinox health club, and provide 2 treatment rooms. The area occupied by The Spa was previously occupied by offices and therefore this is not additional square footage but rather a change in use from one commercial use to another.

As an accessory use to the principal health club use, The Spa is desirable for and compatible with the Equinox health club, which is a principally permitted use in this district. Additionally, The Spa is accessible to members and non-members alike, creating a spa service open to the public in a bustling downtown area. Both, the Health Club and The Spa will be operated by Equinox.

2. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - b. 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;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

The project will pose no detriment to the health, safety, convenience or general welfare of residents or visitors in the vicinity. As noted above, the entrance to the massage facility is located on the ground floor, and the 650 square foot space for the 2 treatment rooms is on the 2nd floor and accessible only from inside the Equinox health club. As a result, and given its function as a spa and massage establishment, the project will not emit noise, glare, dust or odor to public or the vicinity.

The project is not anticipated to increase the amount of traffic to the area, given that it is an accessory use within the principally permitted Equinox health club. Parking for Equinox is available on-site, and can be utilized by visitors to The Spa as well. Both, the Health Club and The Spa will be operated by Equinox. Finally, the project will be designed, lit, and otherwise developed in accordance with the standard design scheme that Equinox health clubs use throughout the nation, including its three clubs in San Francisco at 747 Market Street, 301 Pine Street and 2055 Union Street.

3. That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

See attached.

4. The use or feature satisfies any criteria specific to the use of features listed in Planning Code Section 303(g), et seq.

See attached.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.



Signature

David Penn

Name (Printed)

4/4/2019

Date

Agent

Relationship to Project
(i.e. Owner, Architect, etc.)

202-441-2757

Phone

david@gbasf.com

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

50 BEALE STREET
SUPPLEMENTAL CONDITIONAL USE AUTHORIZATION APPLICATION
SECTION 303(n) FINDINGS

*(n) **Massage Establishments.** With respect to Massage Establishments that are subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c) above, the Commission shall make the following findings:*

(1) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 29.10 of the Health Code;

The proposed Massage Establishment will be owned and operated by Equinox who will obtain the required massage business permit, and required massage practitioner permits or licenses, prior to commencing massage operations at The Equinox Spa.

(2) Whether the use's façade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a façade include:

The Spa is located on the 2nd floor and does not have a ground floor façade exposure. The entrance to The Spa will be through the Equinox health club lobby on the ground floor, which will include a transparent active street frontage and other design elements, featuring Equinox-branded lounge/reception and café seating area. The Equinox lobby was reviewed and approved under the tenant improvement permit 2018-0912-9843 and found to be in compliance with transparency, openness and active use requirements as well as more stringent preservation planning requirements as a historic building.

(A) active street frontage of at least 25 feet in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level;

See above.

(B) windows that use clear, untinted glass, except for decorative or architectural accent;

See above.

(C) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75% open to perpendicular view and no more than six feet in height above grade;

See above.

(3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged:

See above. The main Equinox health club entrance, through which the public can access The Spa, will be appropriately lit and such lighting will be maintained along all public rights-of-way, and appropriate lighting outside the inner entrance to The Spa on the 2nd floor will be provided.

(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

See above. The entrance to The Spa within the Equinox health club will not include double doors, security cameras, or other discouraging features. Rather, the project ensures appropriate accessibility to The Spa from within Equinox via an internal stairway and elevator. Additionally, the ground floor entrance to the health club, used by The Spa visitors, will be designed to facilitate public access and, among other inviting elements, will feature spacious reception/lounge area, retail clothing shop and café. An internal stair and elevator will conveniently connect the ground floor entrance with the Spa facilities on the 2nd floor.

**50 BEALE STREET
SUPPLEMENTAL CONDITIONAL USE AUTHORIZATION APPLICATION
GENERAL AND AREA PLAN COMPLIANCE**

GENERAL PLAN

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

The project enhances the principally permitted health club use by providing massage and other spa service to Equinox members and non-members. By using a portion of the previous office use and creating this massage establishment use, the project contributes to the overall commerce and economic growth in the area.

DOWNTOWN AREA PLAN

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

See above.

OBJECTIVE 3:

IMPROVE DOWNTOWN SAN FRANCISCO'S POSITION AS THE REGION'S PRIME LOCATION FOR SPECIALIZED RETAIL TRADE.

Policy 3.5:

Meet the convenience needs of daytime downtown workers.

The project is located within a bustling downtown area, with businesses along the Market Street and Beale Street. The accessibility of a massage establishment in this convenient location will meet the need of daytime downtown workers looking for a nearby spa experience.

Equinox Spa
50 Beale Street, San Francisco CA

Company Overview

Equinox is the leading operator of high-quality full-service health clubs offering a highly differentiated experience with fully integrated fitness and spa services. Having started in 1991, Equinox currently operates over 95 full-service clubs and spas throughout the US, Canada and the UK.

Equinox clubs are recognized for their landmark designs, quality, innovation and unparalleled focus on the member experience. The company provides a fully integrated selection of services and products, including fitness programming, group fitness classes, personal training, spa services, retail fitness apparel and accessories, and juice bars/cafes.

Project Description

At this location Equinox will be occupying approximately 36,000 SF over the 1st, 2nd and 3rd floor within the existing commercial building under building permit 2018-0912-9843. The proposed Equinox fitness club will comprise open fitness and exercise areas (cardio, strength, stretching); fitness studios for group and private exercise activities; lounge and relaxation areas throughout the club; a retail area and café selling related sportswear, accessories snacks and drinks; full-service day spa with massage treatments; ancillary spaces such as laundry, locker rooms.

The Spa at Equinox

Located on the 2nd floor level, the full-service day spa will occupy approximately 650 SF containing 2 treatment rooms. Services will focus on performance and restorative massage treatments, including both traditional and alternative treatments for face, body, and mind. Spa services will be available to all, members and non-members of the club.

Owned and operated by Equinox, The Spa is the heart of its regeneration. Experienced therapists will provide clients with the highest level of service, including deep massages, sumptuous facials and customized specialty treatments. Wide range of massages focus on muscle recovery, tissue regeneration, flexibility and more. Facial treatments improve the health and radiance of the skin while slowing signs of aging. Specialty services range from waxing to body wraps and more.

Spa Hours of Operation:

Monday – Friday: 7:00am – 10:00pm

Saturday – Sunday and Holidays: 7:00am – 9:00pm