Executive Summary
Conditional Use Authorization

HEARING DATE: JULY 16, 2020

Date: July 2, 2020
Record No.: 2019-012206CUA
Project Address: 1430 VAN NESS AVENUE
Zoning: RC-4 (Residential-Commercial, High Density) Zoning District
Van Ness Special Use Subdistrict
Van Ness Automotive Special Use District
130-V Height and Bulk District
Block/Lot: 0667/011
Project Sponsor: Terri Dickerhoff (agent) Orangetheory Fitness (lessee)
CGR Development Contact: Marc Thomas, owner & area developer
5635 Evening Sky Drive 151 Kalmus Drive, Suite F-3A
Simi Valley, CA 93063 Costa Mesa, CA 92626
Property Owner: 1430 Van Ness Partners
C/o C. A. Brost, Inc.
768 Funston Avenue
San Francisco, CA 94118
Staff Contact: Sharon M. Young – (415) 558-6346
sharon.m.young@sfgov.org
Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1, and 209.3 to establish a Formula Retail Use within the RC-4 (Residential-Commercial, High Density) Zoning District, Van Ness Special Use Subdistrict, and a 130-V Height and Bulk District. The proposal is to convert a vacant ground floor commercial space with approximately 3,787 square feet in floor area (previously occupied by “The Vitamin Shoppe”, a Formula Retail Use) to another Formula Retail Use (d.b.a. Orangetheory Fitness). The proposal will involve interior tenant improvements to the ground floor commercial space and new canopies above the existing storefront windows and entry. There will be no expansion of the existing building envelope. New business signage will be filed under separate permit.

Orangetheory Fitness was established in 2007 and headquartered in Boca Raton, Florida. Orangetheory Fitness currently has approximately 900 worldwide locations. Orangetheory Fitness has four other locations in San Francisco at 215 King Street (South of Market neighborhood, 343 Sansome Street #125 (Financial District neighborhood), 8-10th Street (South of Market neighborhood), and 1633 Fillmore Street (Western Addition neighborhood). The proposed project will allow for the establishment of a new Orangetheory Fitness gym location in San Francisco located within the Nob Hill neighborhood along the Van Ness Corridor. According to the project sponsor, Orangetheory Fitness is a fitness studio open to members for class-based circuit training and gym equipment. The proposed hours of operation are between the hours of 5 a.m. to 9 p.m.
REQUIRED COMMISSION ACTION
In order for the Project to proceed, the Commission must grant Conditional Use Authorization to establish the proposed Formula Retail Use (d.b.a. Orangetheory Fitness) within the RC-4 (Residential-Commercial, High Density) Zoning District, Van Ness Special Use Subdistrict, Van Ness Automotive Special Use District, and 130-V Height and Bulk District pursuant to Planning Code Sections 303, 303.1, and 209.3.

ISSUES AND OTHER CONSIDERATIONS
▪ Public Comment & Outreach. The Planning Department has not received public comment on the Project as of the date of this Executive Summary. The project sponsors conducted a pre-application meeting on the proposed project on May 1, 2019; no persons other than the project sponsors were present at the pre-application meeting.

▪ Performance-Based Design Guidelines. As a Formula Retail Use, the Project has been reviewed for compliance with the Performance-Based Design Guidelines. The Project complies with the guidelines and does not have an adverse effect on the architectural and aesthetic character of the District. The proposed signage will be required to have a separate sign permit and comply with the requirement of the Planning Code and Formula Retail sign guidelines. The proposed project generally complies with the guidelines and Planning Code and does not have a significant adverse effect on the architectural and aesthetic character of the immediate neighborhood. The proposed business signs will involve replacing the existing two wall signs on the corner storefront to “Orangetheory Fitness”. Planning Department staff had recommended that the original proposed business sign facing Van Ness Avenue be reduced in size and a proposed blade sign be removed to be more consistent with the Formula Retail sign guidelines. The project sponsors complied with Planning Department’s staff’s direction and reduced the size of the proposed business sign facing Van Ness Avenue from 49.25 square feet to 41 square feet and removed the proposed blade sign.

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 significantly change the amount of linear frontage dedicated to Formula Retail, will replacing another type of Retail Sales and Services Use which vacated the project site, it will lower the commercial vacancy rate within the District, and provide an active commercial use (gym use) in the neighborhood. 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
Exhibit A – Conditions of Approval
Exhibit B – Plans
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F – Project Sponsor Submittal (formula retail survey)
ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303, 303.1, AND 209.3 TO ESTABLISH A FORMULA RETAIL USE (D.B.A. ORANGETHEORY FITNESS) AT 1430 VAN NESS AVENUE, LOT 011 IN ASSESSOR’S BLOCK 0667, WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) ZONING DISTRICT, VAN NESS SPECIAL USE SUBDISTRICT, AND A 130-V HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 5, 2019, Terri Dickerhoff (hereinafter "Project Sponsor") filed Application No. 2019-012206CUA (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 303.1, and 209.3 to establish a Formula Retail Use (d.b.a. Orangetheory Fitness) at 1430 Van Ness Avenue (hereinafter “Project”), Lot 011 within Assessor’s Block 0667 (hereinafter “Project Site”).

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2019-012206CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On July 16, 2020, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2019-012206CUA.
The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2019-012206CUA, 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 proposal is for Conditional Use Authorization pursuant to Planning Code Sections 303, 303.1, and 209.3 to establish a Formula Retail Use within the RC-4 (Residential-Commercial, High Density) Zoning District, Van Ness Special Use Subdistrict, and a 130-V Height and Bulk District. The proposal is to convert a vacant ground floor commercial space with approximately 3,787 square feet in floor area (previously occupied by “The Vitamin Shoppe”, a Formula Retail Use) to another Formula Retail Use (d.b.a. Orangetheory Fitness). The proposal will involve interior tenant improvements to the ground floor commercial space and new canopies above the existing storefront windows and entry. There will be no expansion of the existing building envelope. New business signage will be filed under separate permit.

Orangetheory Fitness was established in 2007 and headquartered in Boca Raton, Florida. Orangetheory Fitness currently has approximately 900 worldwide locations. Orangetheory Fitness has four other locations in San Francisco at 215 King Street (South of Market neighborhood, 343 Sansome Street #125 (Financial District neighborhood), 8-10th Street (South of Market neighborhood), and 1633 Fillmore Street (Western Addition neighborhood). The proposed project will allow for the establishment of a new Orangetheory Fitness location in San Francisco located within the Nob Hill neighborhood along the Van Ness Corridor. According to the project sponsor, Orangetheory Fitness is a fitness studio open to members for class-based circuit training and gym equipment. The proposed hours of operation are between the hours of 5 a.m. to 9 p.m.

3. **Site Description and Present Use.** The project site at 1430 Van Ness Avenue is located on the northeast corner of Van Ness Avenue and Austin Street, Assessor’s Block 0667, Lot 011. It is located within the RC-4 (Residential-Commercial, High Density) Zoning District, Van Ness Special Use Subdistrict, Van Ness Automotive Special Use District, and 130-V Height and Bulk District. The subject lot is approximately 11,580 square feet (approximately 120 feet wide by 96.50 feet deep) in size and is occupied by an approximately 27,160 square foot one-story over basement commercial
building built in 1912. The existing building is currently not listed individually in the National and California Registers as having architectural significance (Category C–No Historic Resource Present). However, the Historic Resource Assessments surveys (Van Ness Automobile Survey–survey rating 6Z, Van Ness Area Plan Survey–survey rating C, and Foundation For San Francisco Architectural Heritage–survey rating C) indicated that the subject building is contributory and has contextual importance. The subject commercial space at 1430 Van Ness Avenue is one of three commercial spaces on the ground floor of the commercial building. The two other commercial spaces are occupied by other formula retail uses d.b.a. T-Mobile, a wireless communications retail store and d.b.a. Mancini’s Sleepworld, a retail mattress store. The subject vacant commercial space was previously occupied by another formula retail use (d.b.a. The Vitamin Shoppe) which vacated the premises.

4. **Surrounding Properties and Neighborhood.** The project site is located on the northeast corner of Van Ness Avenue and Austin Street within the RC-4 (Residential-Commercial, High Density) Zoning District, Van Ness Special Use Subdistrict, and a 130-V Height and Bulk District. The project site is also located in the Nob Hill neighborhood and the Van Ness Corridor. This portion of Van Ness Avenue is designated as US Highway 101 and is more auto oriented in nature. This RC-4 Zoning District covers approximately 16 blocks of Van Ness Avenue between Broadway in the north and Golden Gate Avenue in the south, as well as portions of Polk Street and several blocks of the Downtown/Civic Center neighborhood. The surrounding development consists of a variety of commercial and mixed-use buildings. The scale of development consists primarily of structures three to five stories in height with a few mid-rise buildings. Some of the commercial establishments on the subject block in include T-Mobile, Mancini World, and the subject vacant commercial tenant space (previously occupied by The Vitamin Shoppe). Some of the commercial establishments on the opposite block include Enoteca Vino Nostro and a vacant commercial space (previously occupied by Dolce Amore). The surrounding zoning in the area is RM-4 (Residential-Mixed, High Density) Zoning District, NC-3 (Moderate-Scale Neighborhood Commercial) Zoning, and Polk Street Neighborhood Commercial District Zoning.

5. **Public Outreach and Comments.** The Planning Department has not received any public correspondence as of the date of this Draft Motion. The project sponsors conducted a pre-application meeting on the proposed project on May 1, 2019; no persons other the project sponsors were present at the pre-application meeting.

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 Use.** A *Formula Retail Use* is defined under Planning Code Section 303.1 as a type of retail sales or service activity or retail sales or service establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise,
a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

Within the RC-4 (Residential-Commercial, High Density) Zoning District and Van Ness Special Use Subdistrict, Formula Retail Uses require Conditional Use Authorization under Planning Code Section 209.3. Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering any conditional use pursuant to Section 303.1, Formula Retail Uses:

The current proposal is to allow the establishment of a Formula Retail Use (d.b.a. Orangetheory Fitness, a gym) in an approximately 3,787 square foot vacant ground floor commercial space on the project site. A Formula Retail Use may be conditionally permitted per Planning Code Sections 303, 303.1, and 209.3. According to the project sponsors, the existing basement floor will not be utilized for the proposed use and is only accessed by the property owner.

B. Retail Sales and Services Use within the RC-4 (Residential-Commercial, High Density) Zoning District. Section 209.3 permits “retail sales and services use” establishments defined under Planning Code Sections 102 and 202.2(a) on the first story and required Conditional Use Authorization if located on the second story and above.

A Gym Use is defined under Planning Code Section 102 as a Retail Sales and Service Use including a health club, fitness, gymnasium, or exercise facility when including equipment and space for weight-lifting and cardiovascular activities.

The current proposal is to allow for the establishment of a formula retail use (d.b.a. Orangetheory Fitness) and the continuation of a ‘retail sales and service use’ on the ground floor of the commercial building.

C. Use Size. Planning Code Section 209.3 establishes size limits on non-residential use sizes in the RC-4 Zoning District. Under Planning Code Section 209.3, Conditional Use authorization is required for any non-residential use that meets or exceeds 6,000 square feet.

The proposed formula retail use, with approximately 3,787 square feet of floor area, is within the principally permitted use size limitations.

D. Ground Floor Commercial Uses. Section 145.1 of the Planning Code requires active commercial uses within Residential-Commercial Districts.

The current proposal is will allow for the establishment of a formula retail gym d.b.a. Orangetheory Fitness which will provide an active commercial use on the project site and immediate vicinity.

E. Ground Floor Ceiling Height. Section 145.1(c)(4) of the Planning Code requires a minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.
The proposed formula retail gym d.b.a. Orangetheory Fitness will occupy a vacant commercial tenant space which has a minimum floor-to-floor height of approximately 14 feet.

F. **Street Frontage in RC Districts.** Planning Code Section 145.1 requires that within RC Districts 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 from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that 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. 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.

Approximately 70% (28 feet) of the street frontage of the commercial space at the ground level on Van Ness Avenue and approximately 4 feet on Austin Street is fenestrated with transparent windows and doorways allowing for visibility to the inside of the building. The project does not propose any decorative railings or grillwork in front of or behind existing windows.

G. **Off-Street Parking.** Off-street parking is not required for non-residential uses in the RC-4 Zoning District per Planning Code Section 151.1.

The subject ground floor commercial space, with approximately 3,787 square feet of floor area, does not require any off-street parking spaces.

H. **Loading.** Planning Code Section 152 requires off-street freight loading for uses above a certain size. Retail uses up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

The proposed use will occupy less than 10,000 square feet in gross floor area and is not required to provide off-street freight loading.

I. **Van Ness Special Use Subdistrict.** Planning Code Section 243 establishes the Van Ness Special Use District in order to implement the objectives and policies of the Van Ness Avenue Area Plan.

The controls specified in Planning Code Section 243(c) are not applicable due to the proposed project. The proposed project does not include expansion of the existing building envelope or major storefront modifications. The proposed project will include interior modifications, new business signage, and new awnings.
J. Van Ness Automotive Special Use District. Planning Code Section 237 establishes the Van Ness Automotive Special Use District in order to provide a major automotive area with a citywide and regional market.

The proposed use is not an automotive use and the controls of this Special Use District do not apply.

K. Signage. Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

The proposed signage will be required to have a separate sign permit and comply with the requirement of the Planning Code and Formula Retail sign guidelines. The proposed project generally complies with the guidelines and Planning Code and does not have a significant adverse effect on the architectural and aesthetic character of the District. The proposed business signs will involve replacing the existing two wall signs on the corner storefront to “Orangetheory Fitness”.

7. Conditional Use Findings. Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The size and shape of the site and the arrangement of the structures on the site are adequate for the proposed project. There will be no physical expansion of the existing building.

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 in the area, in that:

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

Nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures are adequate for the proposed project.

(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;

Existing traffic patterns will not be significantly affected by the proposed project. Public transit (Muni Lines 1, 2, 3, 19, 47 and 49) is located within walking distance of the project site. There is on-street parking in front of the subject property and in the surrounding neighborhood.
(3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

No noxious or offensive emissions such as glare, dust, or odor are expected to be produced by the proposed project.

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

There will be no addition of off-street parking spaces, loading facilities, open space or service areas. All project signage and projections will be consistent with the controls of the Planning Code.

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

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

D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Zoning District.

The proposed project is consistent with the stated purpose of the RC-4 Zoning in that the intended use is a neighborhood-serving commercial use.

8. Formula Retail. Planning Code Section 303.1 provides additional criteria for the Planning Commission to consider when considering and Conditional Use pursuant to Planning Code Section 303.1, Formula Retail Uses:

[Note: This formula retail survey is hereinafter referred to as “the District” is a study area of ground floor commercial businesses within a 300-foot radius of the project site.]

a. The existing concentrations of formula retail uses within the district.

According to the project sponsor’s survey, there are approximately 11 existing ground-story Formula Retail establishments out of 67 ground floor retail establishments within a 300-foot radius of the project site. This comprises approximately 16.4% of the businesses. The length of the total linear frontage of buildings with formula retail uses is approximately 24.6% (762 feet of 3,102 feet) of the commercial frontage at the ground floor. Some of these formula retail businesses include Coldwell Banker, Wells Fargo, two Starbucks, Chevron, Mattress Firm, Batteries Plus, Modani, Peet’s Coffee, T-Mobile, and Mancini’s Sleepworld. The proposed Orangetheory Fitness would not result in a change in the existing number of formula retail establishments and formula retail linear commercial street frontage since proposed project would replace previous formula retail use on the project site.
b. The availability of other similar retail uses within the district.

There are other similar gym uses within the District. These businesses include Krav Maga Gym (1455 Bush Street), Synergy Fitness Studio (1217 Polk Street), Hit Fit SF and Rock Steady Boxing (1150 Sutter Street), 24 Hour Fitness (1200 Van Ness Avenue), Live Fit Gym (1630 Polk Street), and Roark Gyms (1810 Van Ness Avenue).

c. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the district.

The proposed project is a formula retail use which will occupy an existing location previously occupied by another formula retail use which vacated (d.b.a. The Vitamin Shoppe). The proposed project will include interior tenant improvements, new canopies, and new business signage for the commercial space. There will be no expansion of the existing building envelope.

d. The existing retail vacancy within the district.

According to the project sponsor’s survey, there are nine vacant storefronts within 300 feet of the subject property. This represents approximately 372 linear feet of 3,102 linear feet of buildings with commercial frontage, or approximately 12% of the total street commercial frontage that is vacant within a 300-foot radius of the project site.

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

The proposed formula retail use will be a neighborhood-serving and City-wide serving use which will complement the mix of goods and services currently available within this portion of the RC-4 Zoning District, which primarily includes a mixture of personal service establishments, restaurants, bars, financial service establishments, retail stores, gas stations, auto sales & auto repair services. According to the project sponsor, approximately 65.7% (44 locations) of the ground floor commercial uses in the district are “Daily-Needs” or neighborhood serving. Approximately 21% (14 locations) of the ground floor commercial uses in the district are considered “Citywide-serving”. The proposed formula retail use will complement the mix of goods and services currently available within this portion of the RC-4 Zoning District and 300-foot mile radius of the project site.


The proposed use is consistent with the existing character of the district, which is comprised of a wide variety of goods and services. The subject project would provide no change to the number of
existing formula retail establishments or change in the existing formula retail commercial frontage within the district.

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 is less than 20,000 square feet, an economic impact study is not required for the proposed project.*

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

**COMMERCE AND INDUSTRY ELEMENT**

**GENERAL/CITYWIDE**

**OBJECTIVE 1:**

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

**Policy 1:**

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

*The proposed project would be compatible with and complementary to the types of uses characterizing this portion of the RC-4 Zoning District, which primarily includes primarily a mixture of personal service establishments, restaurants, bars, financial service establishments, retail stores, gas stations, auto sales & auto repair services.*

**Policy 3:**

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

*Approval of the proposed project would be consistent with the mixed commercial-residential character of this portion of the RC-4 Zoning District along Van Ness Avenue. The proposed project would not adversely affect any affordable housing resources in the neighborhood as the proposed project will occupy an existing vacant commercial space which is not an existing residential use.*

**NEIGHBORHOOD COMMERCE**

Objectives and Policies
OBJECTIVE 6:

MAINTAIN AND STRENGTHEN Viable Neighborhood Commercial Areas Easily Accessible to City Residents.

Policy 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 existing commercial tenant will be displaced. The proposed project will not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Policy 3:
Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

The proposed project will help maintain the existing commercial-residential character in the neighborhood by occupying a vacant commercial space in the neighborhood with another Retail Sales and Services Use that vacated the project site.

Policy 4:
Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

The proposed project will be accessible to all residents in this portion of the RC-4 Zoning District.

Policy 8:
Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

The proposal will involve interior tenant improvements to the ground floor commercial tenant space which is compatible with the building’s existing architectural and aesthetic character. There will be no expansion of the existing building envelope.
Policy 9:
Regulate uses so that traffic impacts and parking problems are minimized.

The proposed project will replace a Retail Sales and Services Use (The Vitamin Shoppe) which previously existed on the project site. Many patrons would be able to walk from their residences or places of employment, and the proposed project is well served by public transportation. There is on-street parking in the surrounding neighborhood.

STREETSCAPE

OBJECTIVE 8:
CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

Policy 11:
Permit general advertising signs, business signs and other identifying signs. Permitted signs should meet the design criteria specified in the Van Ness Avenue Area Plan.

The proposed signage meets the design criteria specified in the Van Ness Avenue Area Plan and will comply with the sign requirements under Planning Code and Formula Retail guidelines.

CONSERVATION

OBJECTIVE 11:
PREERVE THE FINE ARCHITECTURAL RESOURCES OF VAN NESS AVENUE.

Policy 1.1:
Avoid demolition or inappropriate alteration of historically and architecturally significant buildings.

The project does not propose major alterations to the exterior of the building, with the exception of new business signage and canopies.

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 proposed project will be complementary to the existing commercial establishments within the immediate neighborhood. The proposed project will provide job opportunities to the City.
B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The proposed project will preserve and enhance the cultural and economic diversity of the neighborhood by helping to establishing an active commercial use in the area. Existing housing will not be affected by the proposed project.

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

The proposed project will not displace any affordable housing.

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

The proposed project would not significantly increase the automobile traffic congestion and parking problems in the neighborhood. The proposal is a neighborhood-serving use which residents can access by walking or taking public transit.

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

There is no commercial office development associated with the proposed project and there would be no displacement of any existing industrial or service businesses in the area.

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

The proposed project will comply with all applicable earthquake safety standards and built to the current standards of the California Building Code.

G. That landmarks and historic buildings be preserved.

The proposed project will not significantly affect any landmarks or historic buildings.

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

The proposed project will not affect any city-owned park or open space.

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. 2019-012206CUA subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated June 29, 2020, 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 July 16, 2020.

Jonas P. Ionin
Commission Secretary

AYES:
NAYS:
ABSENT:

ADOPTED:
SAN FRANCISCO PLANNING DEPARTMENT
EXHIBIT A

AUTHORIZATION

This authorization is for conditional use to allow the establishment of a Formula Retail Use (d.b.a. Orangetheory Fitness) at 1430 Van Ness Avenue in Assessor’s Block 0667, Lot 011 pursuant to Planning Code Sections 303, 303.1, and 209.3 within the RC-4 (Residential-Commercial, High Density) Zoning District, Van Ness Special Use Subdistrict, Van Ness Automotive Special Use District, and a 130-V Height and Bulk District in general conformance with plans, dated June 29, 2020, and stamped “EXHIBIT B” included in the docket for Case No. 2019-012206CUA and subject to conditions of approval reviewed and approved by the Commission on July 16, 2020 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.

The proposal is to convert a vacant ground floor commercial space with approximately 3,787 square feet in floor area (previously occupied by “The Vitamin Shoppe”, a Formula Retail Use (d.b.a. Orangetheory Fitness). The proposal will involve interior tenant improvements to the ground floor commercial space and new canopies above the existing storefront windows and entry. There will be no expansion of the existing building envelope. New business signage will be filed under separate permit.

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 July 16, 2020 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, 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*
6. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code and Formula Retail guidelines for signage.

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

**OPERATION**

7. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

   For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org

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

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

**MONITORING - AFTER ENTITLEMENT**

10. **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

11. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
12. **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*

13. **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*
Exhibit B - Plans
PROJECT DATA

PROJECT NAME: ORANGETHEORY FITNESS
PROJECT LOCATION: 1430 VAN NESS AVE. SAN FRANCISCO, CA

GOVERNING CODES:
ALL WORK SHALL BE IN COMPLIANCE WITH, BUT NOT LIMITED TO THE REQUIREMENTS OF THE FOLLOWING AND ANY OTHER STATE AND LOCAL CODES HAVING JURISDICTION:

BUILDING: 2016 CALIFORNIA BUILDING CODE
MECHANICAL: 2016 CALIFORNIA MECHANICAL CODE
PLUMBING: 2016 CALIFORNIA PLUMBING CODE
ELECTRICAL: 2016 CALIFORNIA ELECTRICAL CODE
ENERGY: 2016 CALIFORNIA ENERGY CODE
ACCESSIBILITY: 2016 CBC CHAPTER 11

BUILDING TYPE: III-B

SPRINKLERS: NO
EXISTING TENANTS IN BUILDING: (COMMERCIAL RETAIL)

OCCUPANT LOAD

OCCUPANCY: A-3
GROSS AREA: 3,787 SF

PROJECT DESCRIPTION

PROJECT WILL CONSIST OF A TENANT IMPROVEMENT OF A NEW ORANGETHEORY FITNESS STUDIO. THE CURRENT SPACE CONSIST OF A GROUND LEVEL FLOOR AN ELEVATION CHANGE TOWARD THE BACK OF THE SPACE. THE EXERCISE STUDIO AND LOBBY WILL OCCUPY THE LOWER ELEVATION OF THE PLAN WHILE THE HIGHER LEVEL OF THE SPACE WILL BE OCCUPIED BY OFFICE AND STORAGE. WORK WILL INCLUDE DEMOLITION OF EXISTING ELECTRICAL LIGHTING AND POWER, WALLS AND CAPPING EXISTING PLUMBING BELOW 1ST FLOOR SLAB. NEW CONSTRUCTION WILL CONSIST OF NEW PARTITIONS, FINISHES, MECHANICAL SYSTEMS, PLUMBING AND ELECTRICAL WORK.

IN ADDITION, THE EXTERIOR OF THE BUILDING WILL REMAIN AS IS WITH THE EXCEPTION OF ADDING CANOPIES AND SIGNAGE ABOVE THE WINDOWS AND ENTRY ALONG VAN NESS AVENUE. A CANOPY WILL BE ADDED ABOVE THE WINDOW ALONG AUSTIN STREET CLOSEST TO VAN NESS AVENUE. SIGNS UNDER SEPARATE PERMIT BY VENDOR, SEE ATTACHED SIGN PACKAGE.

HOURS OF OPERATION: 5:00 a.m. - 5:00 p.m.
NUMBER OF EMPLOYEES: 4 MAX., TOTAL EMPLOYEES AT ONE TIME

TOTAL OCCUPANTS: 53 OCCUPANTS

EXIT REQUIREMENTS:
TOTAL NUMBER OF EXITS REQUIRED = 2
PROVIDED = 2

FINISHED CEILING HEIGHT IN STUDIO: 10'-0" AFF.

NO PUBLIC VEHICULAR PARKING.
NO BICYCLE PARKING.
NO LOADING ZONE.

SHEET INDEX

T1 TITLE SHEET
A1 SITE PLAN
A2 EXISTING DEMO FLOOR PLAN
A3 PROPOSED FLOOR PLAN
A4 EXISTING FRONT ELEVATION
A5 EXISTING SIDE ELEVATION
A6 PROPOSED FRONT ELEVATION
A7 PROPOSED SIDE ELEVATION

SIGN SHEETS

WEST ELEVATION
SOUTH ELEVATION
WEST/SOUTH ELEVATION
SIGN LOCATION SITE PLAN

JOB NUMBER: 19-098
DATE: 06.29.20
DESIGNER: -
LAYOUT NO: T1
PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"
Bird Safety Compliance

Building does not have any safety issues with windows. Storefront windows on front and side elevations will have awnings added to help block the view of the glass from birds.

Low windows on the side elevations have existing security bars that will be painted and remain.

Higher windows on the side elevation are painted and will remain.

Proposed Front Elevation

Scale: 1/8" = 1'-0"
Project: Orange Theory Fitness
Address: 1430 Van Ness Ave. San Francisco, CA 94109
Number of Stories: 1
Present Use: Retail
Occupancy Class: 
Number of Units: 1
Scope of Work: Fabricate and Install Awnings and Two (2) Channel Letter Building Signs,

Table of Contents
Page 1: Cover
Page 2: West Elevation Proposed Signage
Page 3: South Elevation Proposed Signage
Page 4: Proposed Awning Detail
Page 5: Site Plan
All original ideas, designs and signage remain the property of Sign Design Lab until paid in full. Colors and designs are repr...
All original ideas, designs and signage remain the property of Sign Design Lab until paid in full. Colors and designs are representations of the final product. Final signage colors and build will be based on specifications noted on final proofs and/or invoice.
* West Elevation (3 Sets)
Drop = 2'
Projection = 3'
Length = 12'

* South Elevation
Drop = 2'
Projection = 3'
Length = 10'

West & South Elevation
Scale: 1/8'' = 1'
Exhibit C – Environmental Determination
# CEQA Categorical Exemption Determination

## PROPERTY INFORMATION/PROJECT DESCRIPTION

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Block/Lot(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1430 VAN NESS AVE</td>
<td>0667011</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Permit No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-012206PRJ</td>
<td></td>
</tr>
</tbody>
</table>

### Project description for Planning Department approval.

The proposed project is to allow the establishment of a Formula Retail Use (d.b.a. Orangetheory Fitness, a fitness studio) in an approximately 3,800 square foot vacant ground floor commercial space.

## STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).

- **Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.

- **Class 3 - New Construction.** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.

- **Class 32 - In-Fill Development.** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:
  (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
  (c) The project site has no value as habitat for endangered rare or threatened species.
  (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  (e) The site can be adequately served by all required utilities and public services.

**FOR ENVIRONMENTAL PLANNING USE ONLY**
## STEP 2: CEQA IMPACTS
### TO BE COMPLETED BY PROJECT PLANNER

<table>
<thead>
<tr>
<th><strong>Air Quality:</strong> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazardous Materials:</strong> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? <strong>Note that a categorical exemption shall not be issued for a project located on the Cortese List if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant</strong> (refer to EP_ArcMap &gt; Maher layer).</td>
</tr>
<tr>
<td><strong>Transportation:</strong> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</td>
</tr>
<tr>
<td><strong>Archeological Resources:</strong> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</td>
</tr>
<tr>
<td><strong>Subdivision/Lot Line Adjustment:</strong> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography). If yes, Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td><strong>Slope = or &gt; 25%:</strong> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography) <strong>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</strong></td>
</tr>
<tr>
<td><strong>Seismic: Landslide Zone:</strong> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <strong>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</strong></td>
</tr>
<tr>
<td><strong>Seismic: Liquefaction Zone:</strong> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <strong>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</strong></td>
</tr>
</tbody>
</table>

**Comments and Planner Signature (optional):**
STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)

☐ Category A: Known Historical Resource. GO TO STEP 5.
☐ Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
☒ Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.

☐ 1. Change of use and new construction. Tenant improvements not included.
☐ 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
☐ 3. Window replacement that meets the Department’s Window Replacement Standards. Does not include storefront window alterations.
☐ 4. Garage work. A new opening that meets the Guidelines for Adding Garages and Curb Cuts, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
☐ 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
☐ 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
☐ 7. Dormer installation that meets the requirements for exemption from public notification under Zoning Administrator Bulletin No. 3: Dormer Windows.
☐ 8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.

Note: Project Planner must check box below before proceeding.

☐ Project is not listed. GO TO STEP 5.
☐ Project does not conform to the scopes of work. GO TO STEP 5.
☐ Project involves four or more work descriptions. GO TO STEP 5.
☐ Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.

☐ 1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
☐ 2. Interior alterations to publicly accessible spaces.
☐ 3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
☐ 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
☐ 5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
☐ 6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the Secretary of the Interior’s Standards for Rehabilitation.

8. **Other work consistent** with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):

9. **Other work** that would not materially impair a historic district (specify or add comments):

(Requires approval by Senior Preservation Planner/Preservation Coordinator)

10. **Reclassification of property status.** (Requires approval by Senior Preservation Planner/Preservation Coordinator)

   - Reclassify to Category A
     - a. Per HRER or PTR dated
     - b. Other (specify):
   - Reclassify to Category C

   (attach HRER or PTR)

   **Note:** If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.

- Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

**Comments (optional):**

**Preservation Planner Signature:**

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**

**TO BE COMPLETED BY PROJECT PLANNER**

- No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.

**Project Approval Action:** Planning Commission Hearing

**Signature:**

Sharon Young

06/29/2020

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action.

Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.
STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

<table>
<thead>
<tr>
<th>Compared to the approved project, would the modified project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Result in expansion of the building envelope, as defined in the Planning Code;</td>
</tr>
<tr>
<td>☐ Result in the change of use that would require public notice under Planning Code Sections 311 or 312;</td>
</tr>
<tr>
<td>☐ Result in demolition as defined under Planning Code Section 317 or 19005(f)?</td>
</tr>
<tr>
<td>☐ Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?</td>
</tr>
</tbody>
</table>

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

☐ The proposed modification would not result in any of the above changes.

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

Planner Name: Date:
Exhibit D - Land Use Data
# Land Use Information

**PROJECT ADDRESS:** 1430 VAN NESS AVENUE  
**RECORD NO.:** 2019-012206CUA

<table>
<thead>
<tr>
<th></th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>NET NEW</th>
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</thead>
<tbody>
<tr>
<td><strong>EXISTING</strong></td>
<td><strong>PROPOSED</strong></td>
<td><strong>NET NEW</strong></td>
<td></td>
</tr>
<tr>
<td><strong>GROSS SQUARE FOOTAGE (GSF)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Area</td>
<td>±11,580</td>
<td>±11,580</td>
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</tr>
<tr>
<td>Residential</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Commercial/Retail (subject commercial space)</td>
<td>Approx. ±3,787</td>
<td>Approx. ±3,787</td>
<td>No Change</td>
</tr>
<tr>
<td>Office</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Industrial/PDR</td>
<td>--</td>
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</tr>
<tr>
<td>Parking</td>
<td>--</td>
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<tr>
<td>Usable Open Space</td>
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</tr>
<tr>
<td>Public Open Space</td>
<td>--</td>
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</tr>
<tr>
<td><strong>Other ( )</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL GSF</strong></td>
<td>±3,787</td>
<td>±3,787</td>
<td>No Change</td>
</tr>
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</table>

<table>
<thead>
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<th><strong>EXISTING</strong></th>
<th><strong>NET NEW</strong></th>
<th><strong>TOTALS</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>PROJECT FEATURES (Units or Amounts)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Units - Market Rate</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Dwelling Units - Affordable</td>
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</tr>
<tr>
<td>Hotel Rooms</td>
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<td>Parking Spaces</td>
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<td>Car Share Spaces</td>
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<tr>
<td>Bicycle Spaces</td>
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</tr>
<tr>
<td>Number of Buildings</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Number of Stories (excludes existing basement)</td>
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<td>1</td>
</tr>
<tr>
<td>Height of Building(s)</td>
<td>Approx. 37 feet</td>
<td>Approx. 37 feet</td>
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<tr>
<td><strong>Other ( )</strong></td>
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Exhibit E - Maps and Context Photos
Parcel Map

SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2019-012206UA
1430 Van Ness Avenue
Sanborn Map*

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

SUBJECT PROPERTY

Conditional Use Hearing
Case Number 2019-012206UA
1430 Van Ness Avenue
Aerial Photo
Project Sponsor Site Photos

Conditional Use Hearing
Case Number 2019-012206UA
1430 Van Ness Avenue
Full Building for Project Site
Conditional Use Hearing
Case Number 2019-012206UA
1430 Van Ness Avenue
Site Photo

PORTION OF OPPOSITE BLOCK ON VAN NESS AVENUE

Conditional Use Hearing
Case Number 2019-012206UA
1430 Van Ness Avenue
Exhibit F - Project Sponsor Submittal

Formula Retail Survey
# Formula Retail Survey for 1430 Van Ness Avenue

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