



EXECUTIVE SUMMARY CONDITIONAL USE AUTHORIZATION

HEARING DATE: October 21, 2021

Continued From: September 9, 2021

Record No.: 2021-003396CUA
Project Address: 790 Valencia Street
Zoning: Valencia Street Neighborhood Commercial Transit (NCT) Zoning District
55-X Height and Bulk District
Mission Alcoholic Beverage Special Use Subdistrict
Fringe Financial Service Restricted Use District
Block/Lot: 3588/125
Project Sponsor: Kate McGee
KM Planning Strategy
2031 ½ Powell Street
San Francisco, CA 94133
Property Owner: Aralon Properties c/o Thomas Murphy
482 Bryant Street
San Francisco, CA 94107
Staff Contact: Ryan Balba – (628) 652-7331
Ryan.Balba@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project proposes the establishment of a Formula Retail Limited Restaurant Use (d.b.a Earthbar) within the ground floor retail space, measuring approximately 717 square feet, within an existing five-story mixed-use building. No tenant improvements are proposed. New signage will be processed under a separate sign permit.

Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303, 303.1, and 762 to allow the establishment of a Formula Retail use within the Valencia Street Neighborhood Commercial Transit (NCT) Zoning District.

Issues and Other Considerations

- **Public Comment & Outreach.**
 - **Support/Opposition:** The Department has received two letters in support, one with 14 signatures from local merchants and one with 42 signatures from the public. The Department has received one letter of opposition.
 - The opposition to the Project voiced concern that a Formula Retail use is not right for the area.
 - **Outreach:** The Sponsor hosted one Pre-Application meeting within the community on February 19, 2021.
- **Tenant History:**
 - The space is currently occupied by a limited restaurant use (d.b.a. Project Juice). The brand Project Juice merged with Earthbar in the year 2020.
- **Hours of Operation.**
 - The proposed hours of operation for Earthbar are from 7 a.m. to 5 p.m.

Environmental Review

The Project is not subject to the California Environmental Quality Act (“CEQA”).

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. Although the Project will increase the concentration and linear frontage of storefronts dedicated to Formula Retail, the Project will offer a specialized, daily need-serving use. 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 and Renderings
Exhibit C – Land Use Data
Exhibit D – Maps and Context Photos
Exhibit E - Project Sponsor Brief



PLANNING COMMISSION DRAFT MOTION

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 303, 303.1, AND 762 TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE AT 790 VALENCIA STREET, LOT 125 IN ASSESSOR'S BLOCK 3588, WITHIN THE VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT ZONING DISTRICT, AND 55-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 8, 2021, Kate McGee of KM Planning Strategy (hereinafter "Project Sponsor") filed Application No. **2021-003396CUA** (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a new Formula Retail Use in the ground floor retail space, measuring approximately 717 square feet, within an existing five-story mixed-use building (hereinafter "Project") at 790 Valencia Street, Block 3588 Lot 125 (hereinafter "Project Site").

The Project is not subject to the California Environmental Quality Act ("CEQA").

On September 9, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-003396CUA and continued the hearing to October 21, 2021.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-003396CUA is located at 49 South Van Ness Avenue, Suite 1400, 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. 2021-003396CUA, 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 proposes the establishment of a Formula Retail Limited Restaurant Use (d.b.a. Earthbar) within an existing ground-floor retail space occupied by a similar limited restaurant use (d.b.a. Project Juice), measuring approximately 717 square feet, in a five-story mixed-use building. No tenant improvements are proposed. New signage will be processed under a separate sign permit.
3. **Site Description and Present Use.** The Project is located on the west side of Valencia Street between 18th and 19th Streets, Lot 125 of Assessor's Block 3588. The Project Site is located within the Valencia Street Neighborhood Commercial Transit (NCT) Zoning District, Mission Alcoholic Beverage Special Use Subdistrict, Fringe Financial Service Restricted Use District, and a 55-X Height and Bulk District. The property is developed as a 5-story mixed-use building with the retail space on the ground floor. The subject parcel has a width of 100 feet and a depth of 100 feet, for a total lot area of 10,000 square feet. The subject property was constructed in 2013 and is not a historic resource.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the within the Valencia Street Neighborhood Commercial Transit (NCT) Zoning District, Mission Alcoholic Beverage Special Use Subdistrict, Fringe Financial Service Restricted Use District. The immediate context of the Project Site is mixed in character with residential and commercial uses. The immediately surrounding neighborhood includes one, two, and three-story mixed-use residential and commercial development. Other zoning districts in the vicinity of the project site include: P (Public), RTO-M (Residential Transit Oriented – Mission), RH-3 (Residential-House, Three Family), and the Mission Street Neighborhood Commercial Transit Zoning District.
5. **Public Outreach and Comments.** The Sponsor hosted one Pre-Application meeting within the community on February 19, 2021. The Department has received two letters in support, one with 14 signatures from local merchants and one with 42 signatures from the public. The Department has received one letter of opposition. The opposition to the Project voiced concern that a Formula Retail use is not right for the area.
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.** Planning Code Section 762 states that Formula Retail Uses require Conditional Use Authorization in the Castro Street Neighborhood Commercial Zoning District.

The Project is seeking a Conditional Use Authorization to establish a Formula Retail Limited Restaurant Use within the Valencia Street Neighborhood Commercial Transit Zoning District.
 - B. **Use Size.** Planning Code Section 762 principally permits non-residential uses up to 2,999 square feet in the Valencia Street Neighborhood Commercial Transit District. Non-residential uses 3,000 square

feet or larger require Conditional Use Authorization.

The Project proposes to establish a Formula Retail Use of approximately 717 square feet. No enlargement of the space is proposed.

- C. **Hours of Operation.** Planning Code Section 762 states that the principally permitted hours of operation in the Valencia Street Neighborhood Commercial Transit Zoning District are from 6 a.m. to 2 a.m.

The subject establishment will operate within the principally permitted hours of operation within the Valencia Street Neighborhood Commercial Transit Zoning District. The tentative hours of operation are from 7 a.m. to 5 p.m.

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC 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.

The subject commercial space has approximately 19-feet 9-inches of frontage on Valencia Street with approximately 13-feet devoted to either the restaurant entrance or window space. The windows are clear and unobstructed. Signs will be required to have a sign permit and comply with the requirements of Article 6 of the Planning Code and the Formula Retail sign guidelines. There are no changes proposed to the commercial frontage.

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 size of the proposed Formula Retail use is in keeping with other storefronts on the block face. The proposed use will not impact traffic or parking in the neighborhood and will provide a convenient and walkable location for those living in the neighborhood. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the 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.

- (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 parking or loading for a 717 square-foot full-service restaurant. The proposed use is designed to meet the needs of the immediate neighborhood and 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 proposed use is subject to the standard conditions of approval for Formula Retail uses and limited-service restaurants and outlined in Exhibit A.

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

The Project will not alter the site's vehicle parking, loading areas, or service areas. Signs will require a permit and must comply with the requirements of Article 6 of the Planning Code and the Formula Retail sign guidelines.

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

The Project is consistent with the stated purpose of the Valencia Street Neighborhood Commercial Transit Zoning District in that the intended use is located at the ground floor and will provide a specialized, but compatible, Citywide-serving retail use for the immediately surrounding neighborhoods during daytime hours.

8. Formula Retail Findings. 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. The existing concentration of Formula Retail uses within the District.

Within the 300-foot radius of 790 Valencia Street, there are approximately 40 commercial business storefronts on the ground floor. 2 businesses are Formula Retail which is a concentration of 5%. Of approximately 1,298 linear feet of commercial storefront within the 300-foot radius, 42 linear feet is Formula Retail which is a concentration of 3%.

If approved, the Project would increase the concentration of Formula Retail uses in the 300-foot radius to 8% while the concentration of lot frontage devoted to Formula Retail uses would increase to 4%.

- B. The availability of other similar retail uses within the District.

Of the 40 occupied retail storefronts within 300 feet of the Project Site, three (3) are occupied by similar limited restaurant uses. The proposed use will serve the neighborhood, in whole or in significant part.

- C. The compatibility of the proposed Formula Retail use with the existing architectural and aesthetic character of the District.

The Project proposes only signage alterations to the front façade. Any sign alterations will require a Building Permit Application and comply with the requirements of both the Planning Code and Commission Guide for Formula Retail. Storefront transparency guidelines are met, with greater than 60% of the ground floor street frontage transparent. As such, the Project is compatible within, and will have no adverse effect on, the architectural and aesthetic characters of the District.

- D. The existing vacancy rates within the District.

Nine vacant retail storefronts were noted in the vicinity. The vacancy rate is 23%. Of approximately 1,901 linear feet of commercial storefront within the 300-foot radius, 378 linear feet is vacant which is a vacancy rate of 15%. The Project is replacing an existing limited-service restaurant use having similar operations. The Project proposes to establish Earthbar, a Formula Retail Limited Restaurant use, to replace Project Juice, a similar use; as the brand Earthbar merged with Project Juice in 2020. The Project will not have any effect on the existing vacancy rates within the District.

- E. The existing mix of Citywide-serving retail uses, and daily needs-serving retail uses within the District.

Daily Needs: There are currently 16 daily needs businesses within a 300-foot radius of the subject property. This is approximately 4% of the number of storefronts in this same area.

Citywide Services: There are currently 24 citywide service businesses within a 300-foot radius of the subject property. This is approximately 60% of the number of storefronts in this same area.

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

COMMERCE AND INDUSTRY

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.

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 attract new such activity to the city.

The Project proposes to establish a Formula Retail limited-service restaurant use, d.b.a. Earthbar to retain the existing limited-service restaurant use, d.b.a. Project Juice. The business Earthbar merged with Project Juice in 2020. This Project will continue the existing use to ensure substantial net economic benefits to the neighborhood

OBJECTIVE 6

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

Policy 6.1

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

EATING AND DRINKING ESTABLISHMENTS INCLUDE BARS, SIT-DOWN RESTAURANTS, FAST FOOD RESTAURANTS, SELF-SERVICE RESTAURANTS, AND TAKE-OUT FOOD. ASSOCIATED USES WHICH CAN SERVE SIMILAR FUNCTIONS AND CREATE SIMILAR LAND USE IMPACTS INCLUDE ICE CREAM STORES, BAKERIES AND COOKIE STORES. GUIDELINES FOR EATING AND DRINKING ESTABLISHMENTS ARE NEEDED TO ACHIEVE THE FOLLOWING PURPOSES:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

THE REGULATION OF EATING AND DRINKING ESTABLISHMENTS SHOULD CONSIDER THE FOLLOWING:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

Policy 6.2

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

Policy 6.3

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

POLICY 6.7

Promote high quality urban design on commercial streets.

POLICY 6.9

Regulate uses so that traffic impacts and parking problems are minimized.

The Project retains an existing daily-needs serving use and promotes an active storefront, thereby ensuring the surrounding neighborhood is economically vital. The Project is located along public transportation routes and thus, will not impede traffic and minimizes parking issues.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

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

Policy 1.7

Recognize the natural boundaries of districts and promote connections between districts.

The Project does not propose any external alterations or internal tenant improvements to the existing building. The existing building is compatible with the surrounding neighborhood in terms of architectural style and the Project retains the same characteristics.

The Project proposes the establishment of a Formula Retail Limited Restaurant Use (d.b.a Earthbar). The proposed use is Formula Retail but will provide desirable services to the neighborhood and will provide resident employment opportunities to those in the community. Additionally, the Project will preserve an existing commercial storefront and will bring additional pedestrian traffic into the area. The proposal includes some no tenant interior improvements. The project proposes to alter existing signage (1 sign) to reflect the change in name of the business that is compliant with the Planning Code and the Commission Guide for Formula Retail. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

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 site currently has a neighborhood-serving retail use. The Project proposes to retain the existing limited restaurant use, with the same services. The Project would enhance the District by continuing a new Limited Restaurant use which supports the viability of other businesses in the area. The Project will provide desirable services and will provide employment opportunities to those in the community.

- 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 is not anticipated to adversely affect the character or diversity of the neighborhood. No façade changes are proposed and only signage replacement is proposed. The Project would not impact the existing housing stock in the neighborhood.

- 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 will not adversely affect public transit or place a burden on the existing supply of parking in the neighborhood. The Project Site is in a location well-served by transit including the 14 Mission, 14R Mission Rapid, 33 Ashbury/18th Street, and 49 Van Ness/Mission MUNI Metro lines. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

- 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 does not include commercial office development. The Project will not displace or adversely affect any service sector or industrial business, or any related employment opportunities.

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

The Project does not involve structural and seismic improvements and will thus not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain 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 will have no negative effect on existing parks and open spaces and will not adversely affect their access to sunlight or 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. 2021-003396CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated August 9, 2021, 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 21, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: October 21, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a Formula Retail Limited Restaurant use (d.b.a. **Earthbar**) located at 790 Valencia Street, Lot 125 of Block 3588 pursuant to Planning Code Sections 303, 303.1, and 762 within the **Valencia Street Neighborhood Commercial Transit** Zoning District and a **55-X** Height and Bulk District; in general conformance with plans, dated **August 9, 2021**, and stamped “EXHIBIT B” included in the docket for Record No. **2021-003600CUA** and subject to conditions of approval reviewed and approved by the Commission on **October 21, 2021** 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 21, 2021** 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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463, www.sfplanning.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 628.652.7463,

www.sfplanning.org

Design – Compliance at Plan Stage

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7331, www.sfplanning.org

7. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7331, www.sfplanning.org

8. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7331, www.sfplanning.org

9. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7331, www.sfplanning.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 628.652.7463, www.sfplanning.org

- 11. 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 628.652.7463, www.sfplanning.org

Operation

- 12. Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in [Section 102](#), shall be subject to the following conditions:

- A. The business operator 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 Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, [Section 34](#) of the San Francisco Police Code.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpdpublicworks.org.

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

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at 415.252.3800, www.sfdph.org.

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 628.652.3200, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415.553.0123, www.sf-police.org

- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and

maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 628.652.7600, www.sfplanning.org

- D. 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 the Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org

- 13. 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, 628.271.2000, www.sfpublishworks.org

- 14. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator 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 628.652.7463, www.sfplanning.org

earthbar

790 VALENCIA STREET
SAN FRANCISCO, CA 94103

PROJECT SUMMARY

BUILDING TYPE:	NO CHANGE
USE:	LIMITED RESTAURANT
OCCUPANCY GROUP:	B
EXISTING S.F. OF SPACE:	700 S.F.
NEW S.F. OF SPACE:	NO CHANGE
NO. STORIES:	4 STORY
BUILDING A.P.N.:	3588/125
ZONING:	NCT
LANDMARKS:	NO
FLOODZONE:	NO

NARRATIVE

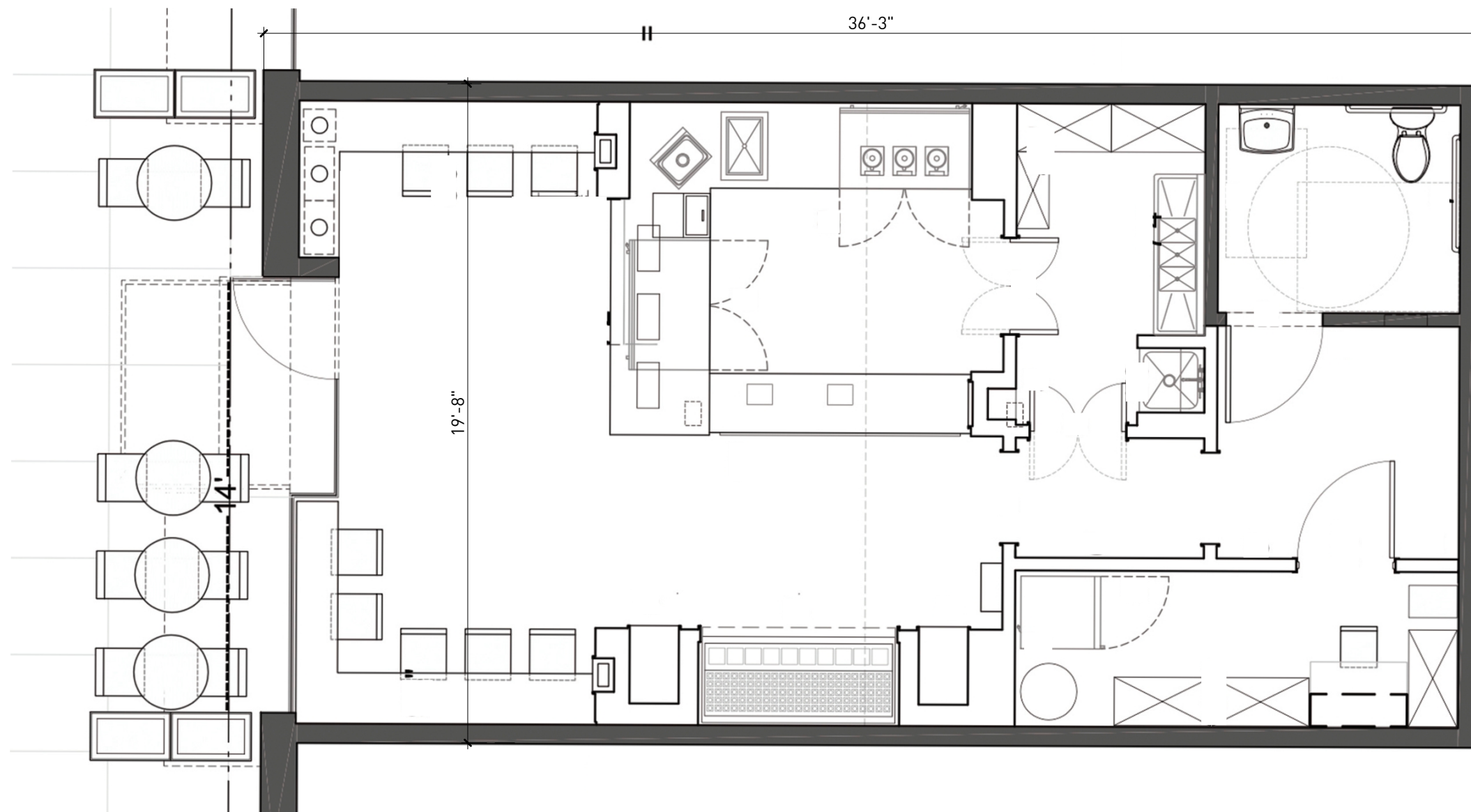
THE PROJECT INCLUDES MERGING THE EXISTING STORE, “PROJECT JUICE” WITH “EARTHBAR”, CLASSIFIED AS A FORMULA RETAIL USE (THE “PROJECT”). THE PROJECT WOULD NOT INCLUDE RENOVATIONS TO THE INTERIOR OF THE SPACE, ONLY REVISE THE EXISTING SIGNAGE TO REFLECT THE NEW NAME. EVERYTHING ELSE ABOUT THE USE WOULD REMAIN THE SAME, INCLUDING THE MENU AND NUMBER OF EMPLOYEES, WHICH IS CURRENTLY 11.

EXISTING USE
LIMITED RESTAURANT

PROPOSED USE
LIMITED RESTAURANT (FORMULA RETAIL)

SCOPE OF WORK
TO ADD A FORMULA RETAIL USE TO THE EXISTING LIMITED RESTAURANT

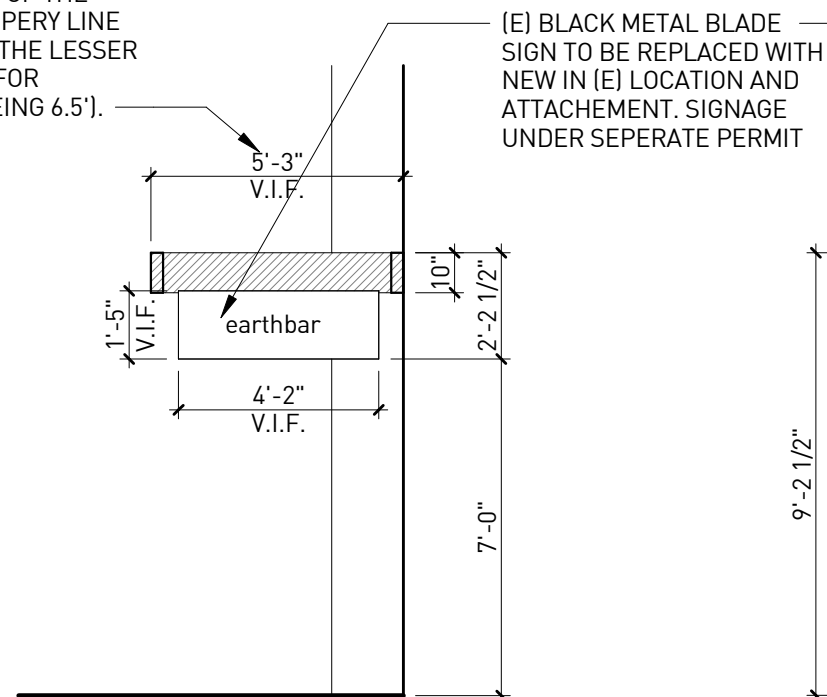




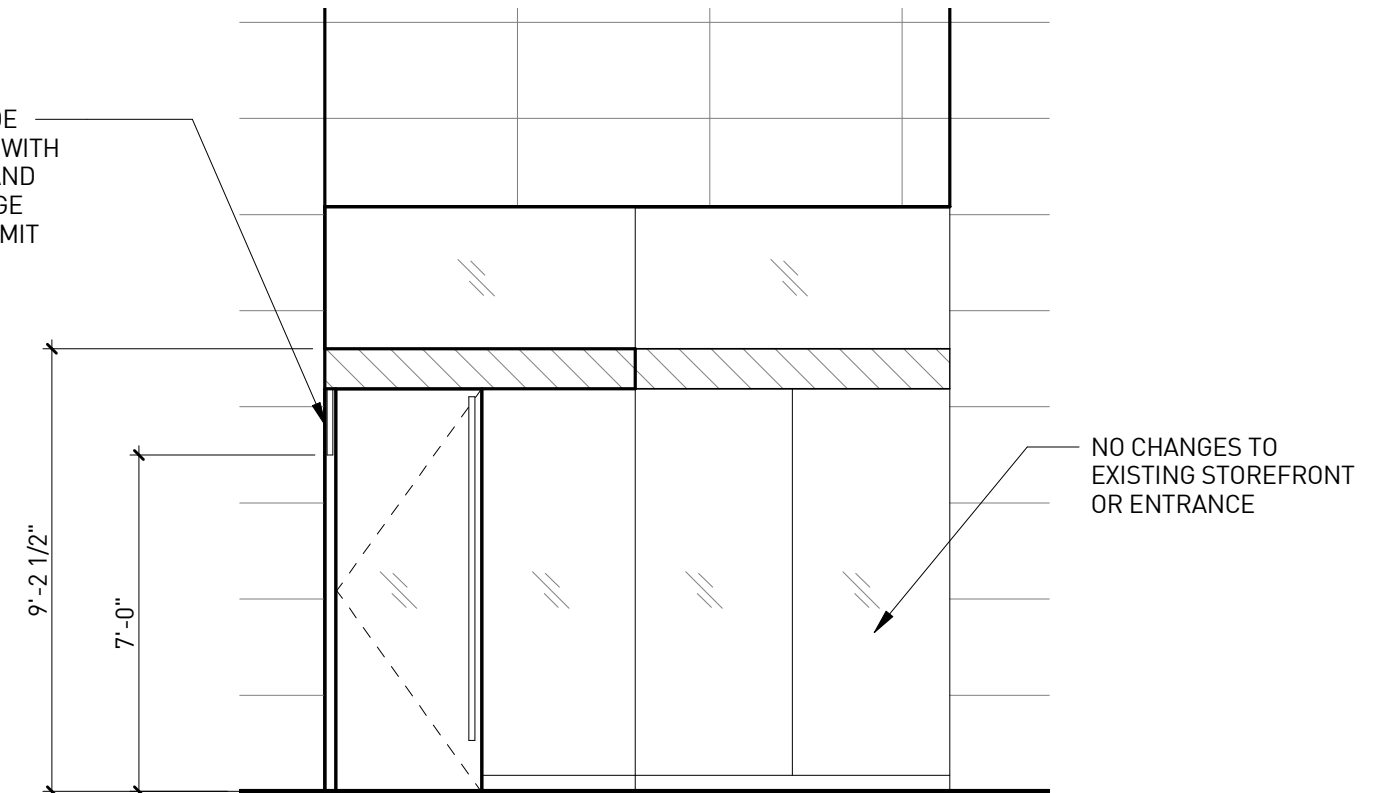
EXISTING AND PROPOSED FLOOR PLAN | 1

1/4" = 1'-0"

5'-3" CANOPY DEPTH TO COMPLY WITH SECTION 602, TO BE V.I.F. THIS DIMENSION IS 75% OF THE LENGTH FROM THE PROPERTY LINE TO THE FACE OF CURB. THE LESSER OF THE REQUIREMENT FOR PROJECTION (OTHER BEING 6.5').



BLADE SIGN | 2
1/4" = 1'-0"



EXTERIOR ELEVATION | 1
1/4" = 1'-0"



LAND USE INFORMATION

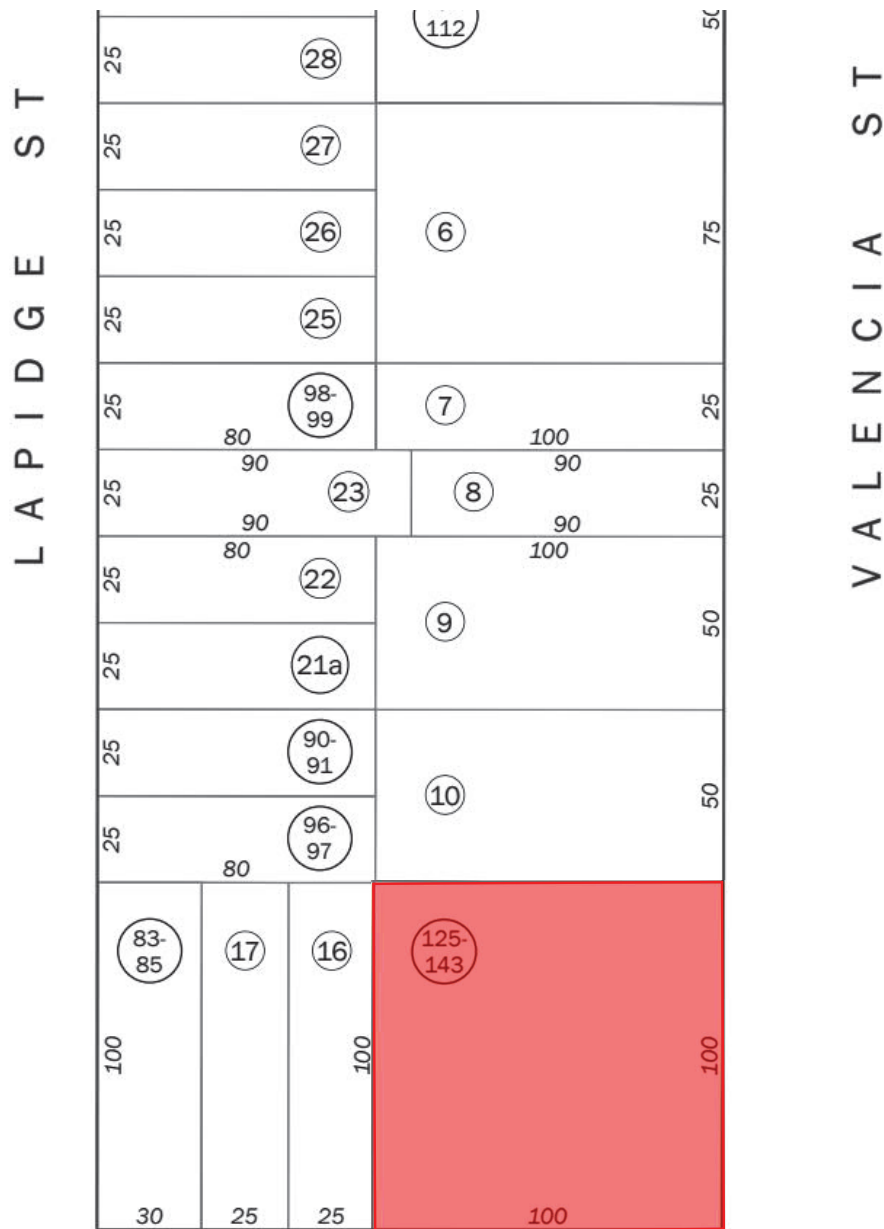
PROJECT ADDRESS: 506 CASTRO ST
RECORD NO.: 2021-003600PRJ

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	0	0	0
Residential GSF	0	0	0
Retail/Commercial GSF	717	717	0
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	0	0	0
Public Open Space	0	0	0
Other	0	0	0
TOTAL GSF	717	717	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Hotel Rooms	0	0	0
Number of Buildings	0	0	0
Number of Stories	0	0	0
Parking Spaces	0	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	0	0
Car Share Spaces	0	0	0
Other	0	0	0

Square footages pertain to project area only.

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	0	0	0
One Bedroom Units	0	0	0
Two Bedroom Units	0	0	0
Three Bedroom (or +) Units	0	0	0
Group Housing - Rooms	0	0	0
Group Housing - Beds	0	0	0
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	0	0	0

Parcel Map

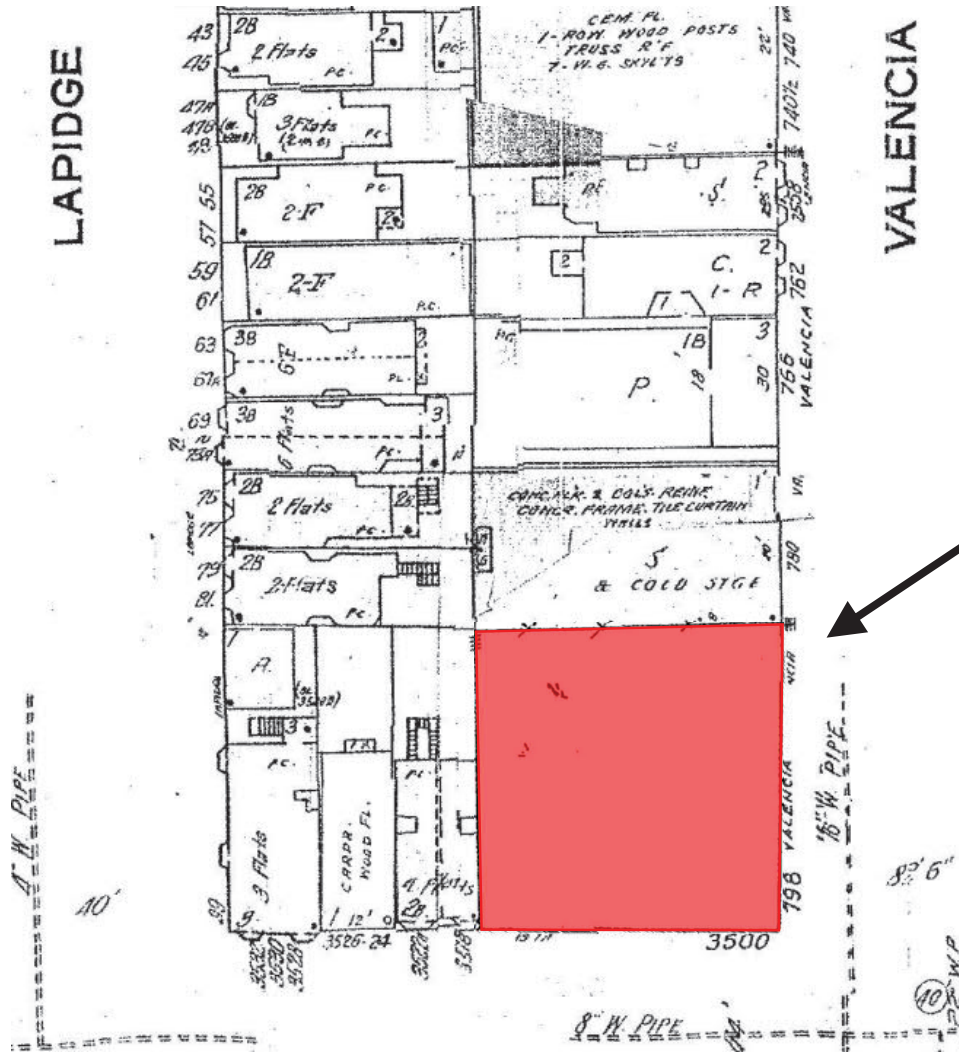


SUBJECT PROPERTY



Conditional Use Hearing
 Case Number 2021-003396CUA
 790 Valencia Street
 3588/125

Sanborn Map*

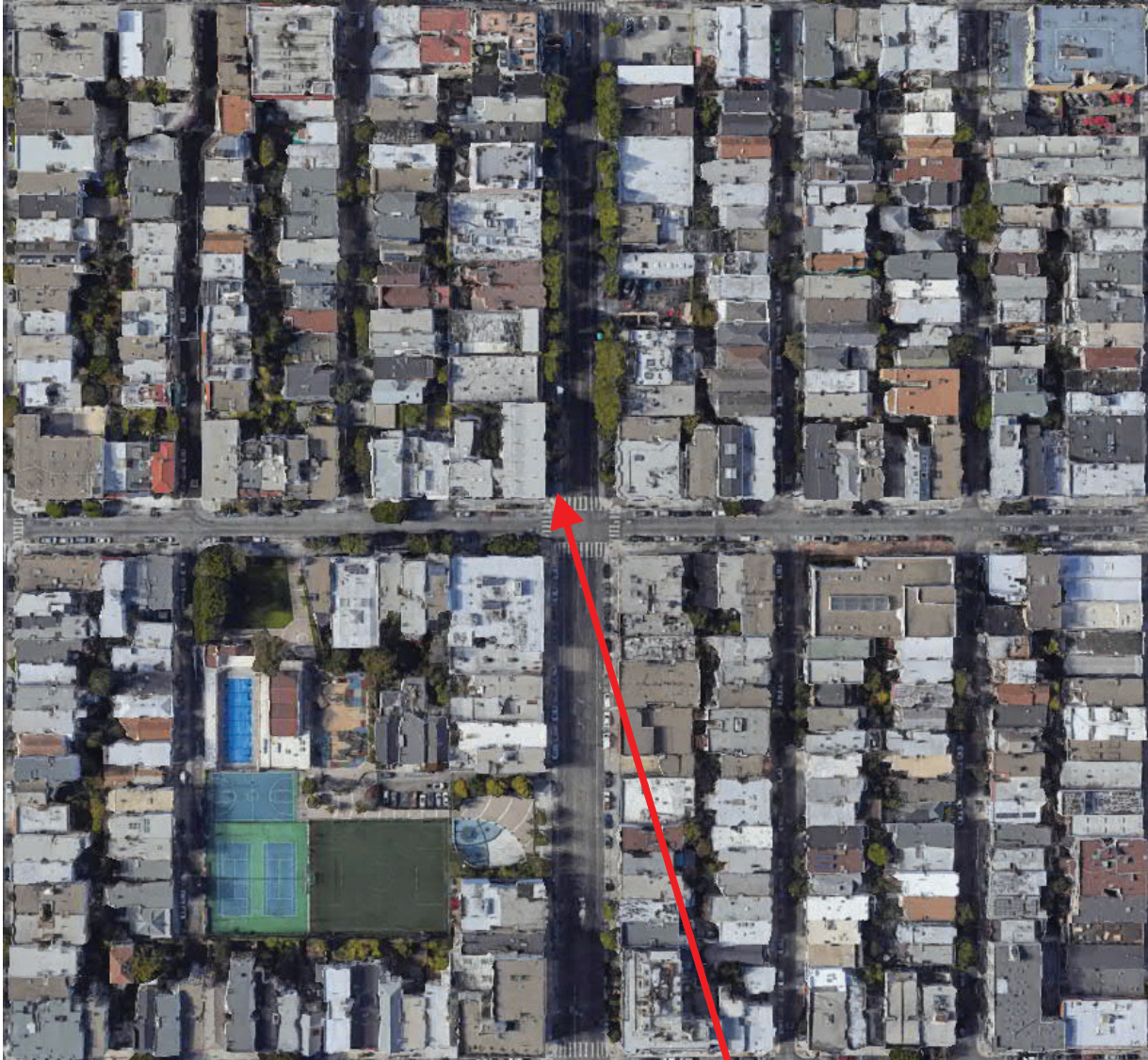


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing
Case Number 2021-003396CUA
790 Valencia Street
3588/125

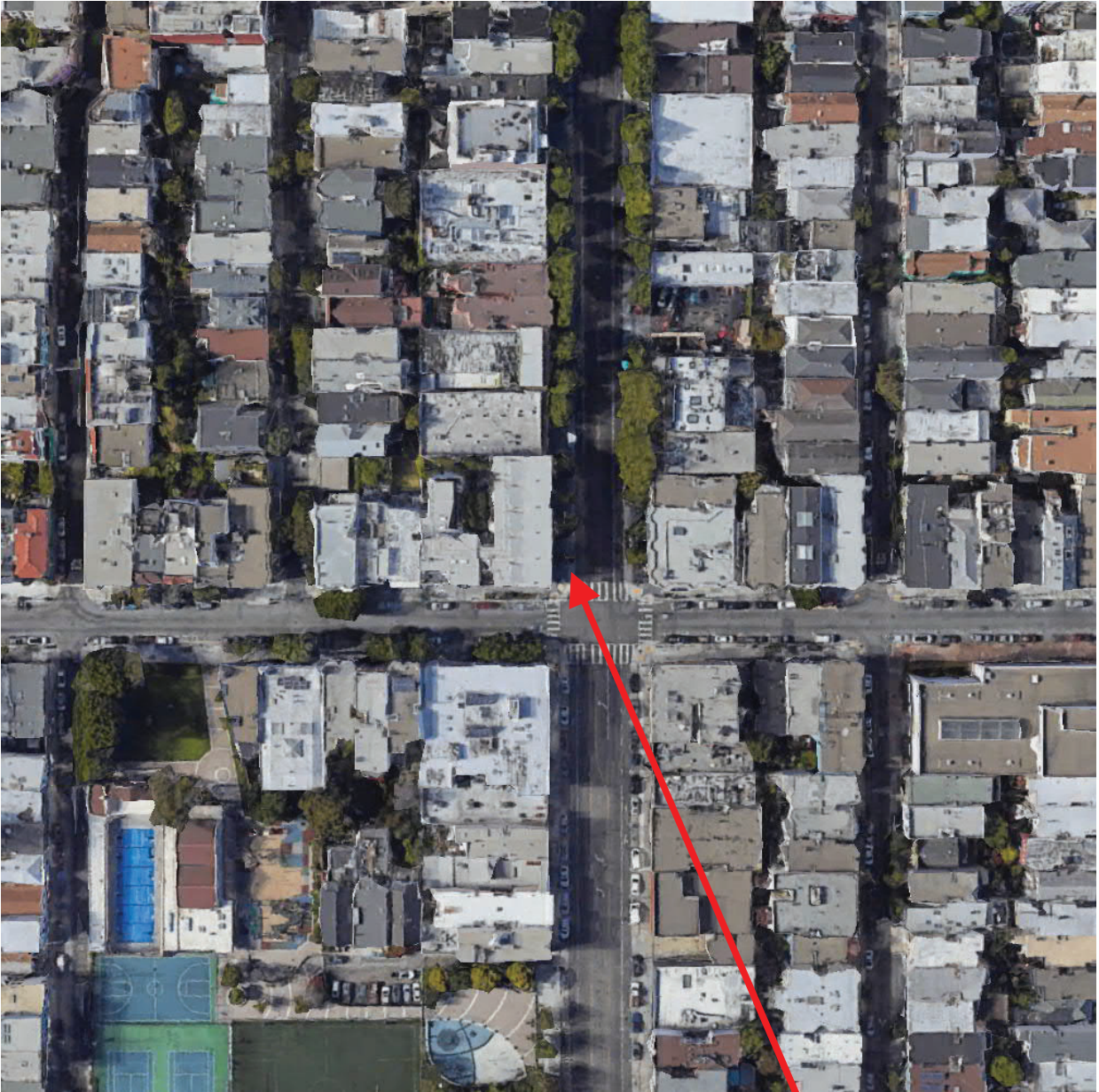
Aerial Photo – View 1



SUBJECT PROPERTY



Aerial Photo – View 2

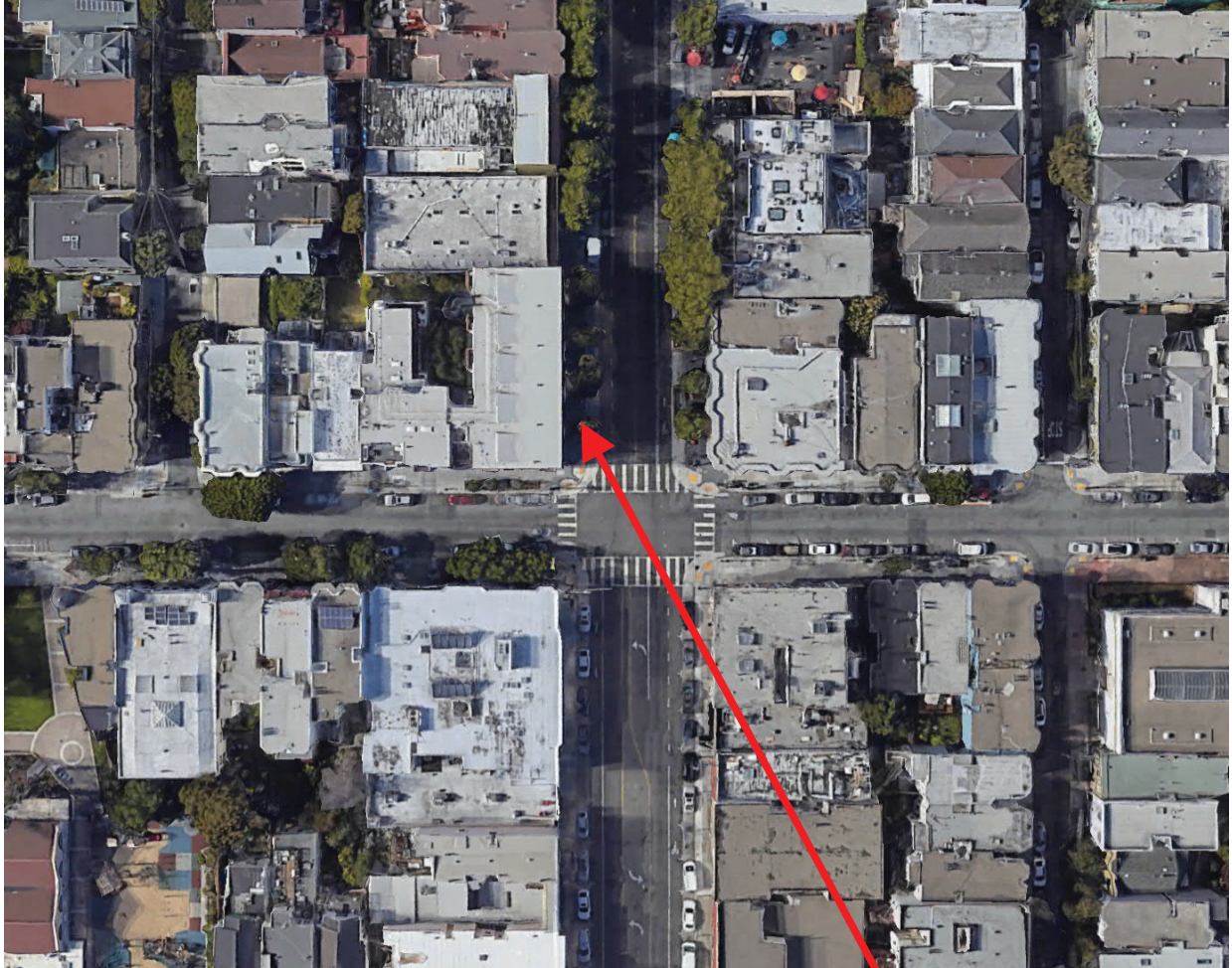


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2021-003396CUA
790 Valencia Street
3588/125

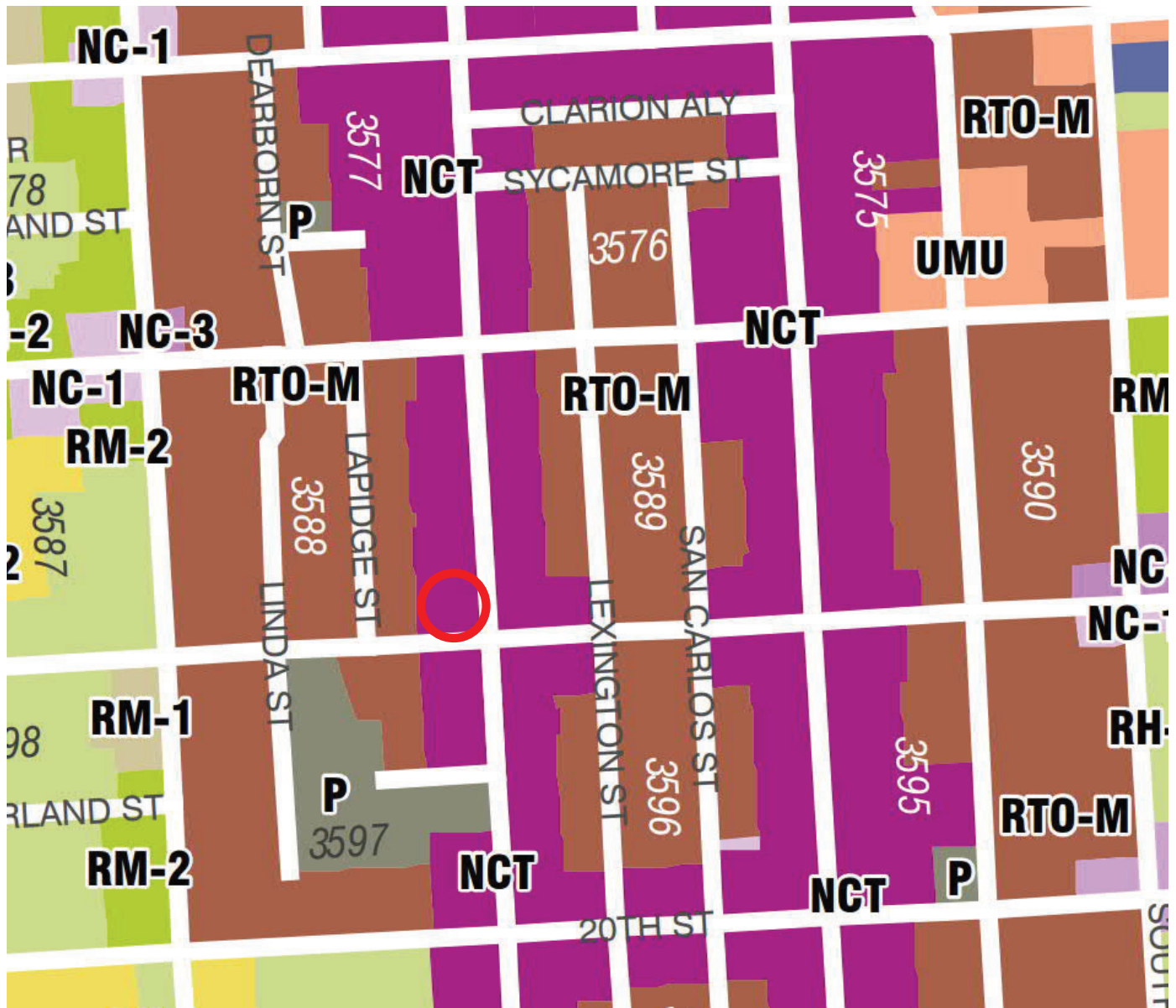
Aerial Photo – View 3



SUBJECT PROPERTY

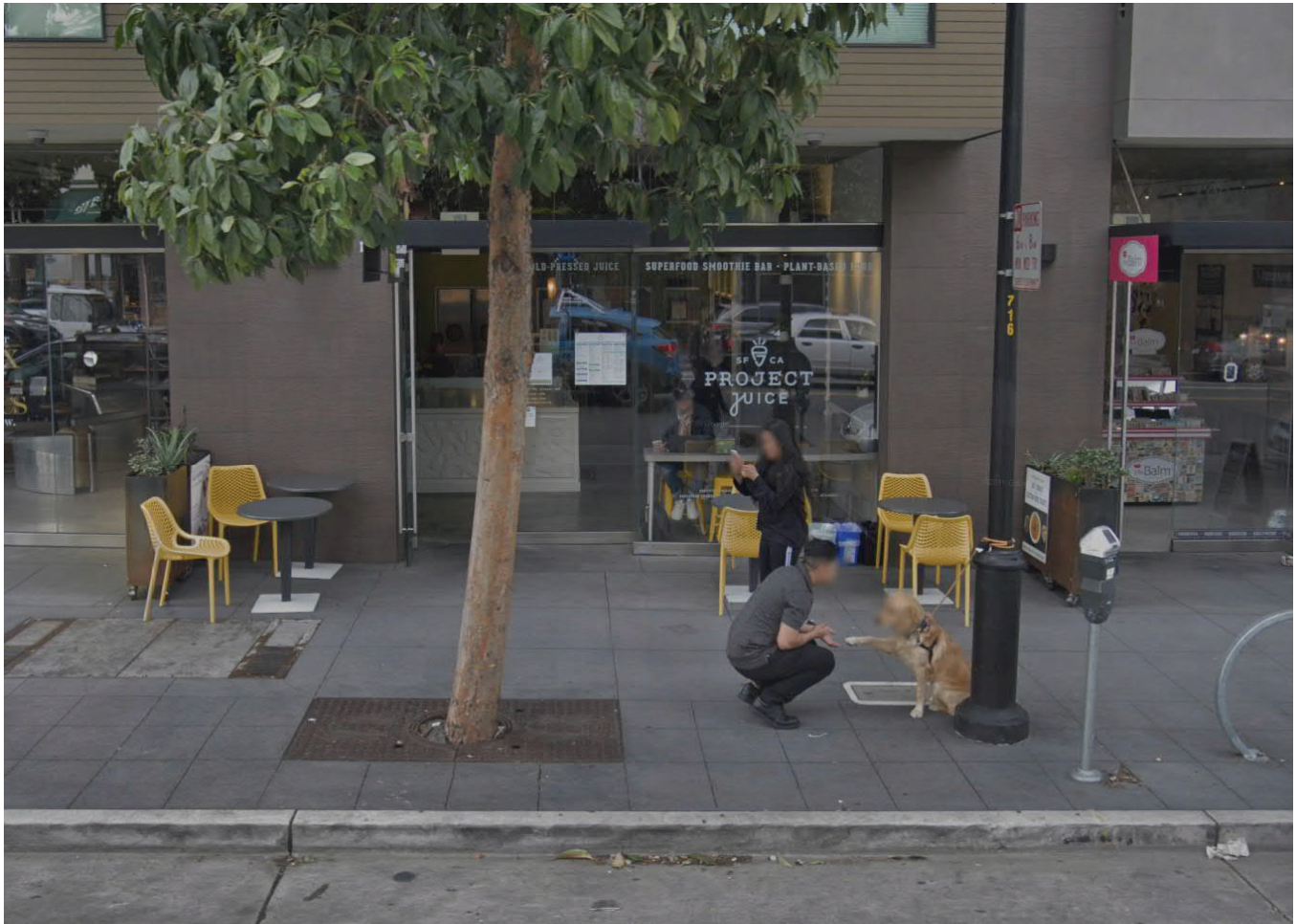


Zoning Map



Conditional Use Hearing
Case Number 2021-003396CUA
790 Valencia Street
3588/125

Site Photo



Site Photo





KM Planning Strategy
Kate McGee
kate@kmplanningstrategy.com

October 8, 2021

Delivered Via Email (ryan.balba@sfgov.org and kalyani.agnihotri@sfgov.org)

Joel Koppel, Commission President
San Francisco Planning Commission
49 South Van Ness Ave., Suite 1400
San Francisco, CA 94103

Re: 790 Valencia Street – Earthbar
Planning Case Number: 2021-003396CUA
Hearing Date: October 21, 2021

Dear President Koppel and Commissioners:

KM Planning Strategy represents Earthbar, LLC (“Earthbar”), the Project Sponsor of the proposed Earthbar store at 790 Valencia Street (the “Project”). The proposed conversion of Project Juice, LLC (“Project Juice”) to Earthbar is the result of the companies merge in 2020; the only changes to the store are related to the name and signage – everything else is expected to remain the same including the staff, menu items, interior layout, and exterior façade. The Project proposes to simply continue the existing limited restaurant use, providing fresh juice and light meals. The Project requires Conditional Use approval for a formula retail use.

Project Benefits

The Project will benefit the community by providing healthy foods, employing local residents, and occupying retail space in a neighborhood commercial corridor. Local merchants and customers are in support of Earthbar.

- **Providing healthy food opportunities for the local community.** Earthbar will continue to serve the health and wellness products that are currently being served to the community under the Project Juice name.
- **Activating a retail location on a commercial corridor.** In 2020, Project Juice merged with Earthbar. Because Earthbar is considered formula retail and requires conditional use authorization to continue at the subject property, approval for the formula retail use here will allow the retail space to continue to be occupied.
- **Retaining jobs.** Earthbar seeks to retain the existing Project Juice workforce of 11 employees.
- **Customer and Merchant Support.** The proposal has received support from customers and merchants alike. 13 people representing 13 stores on Valencia Street within 2

blocks of the store location have signed in support of Earthbar. In addition, 42 customers have signed a petition in support of Earthbar, see attached.

The Project Meets All Relevant Conditional Use Criteria

The Project meets the requirements necessary to grant a Conditional Use for a formula retail use at the property. 3% of stores in the vicinity are formula retail and there are no other juice shops in the area. The Project is contained within a 4-story residential building constructed in 2013 with two commercial spaces on the ground floor and 17 residential units above. The project sponsor seeks to retain the existing interior and exterior elements and simply change the sign to reflect the new name. There is a 23% retail vacancy rate in the area; the project seeks to retain the occupancy of the subject retail location.

Conclusion

Project Juice first opened its doors on Valencia Street in 2014 and has been community-focused ever since. When Covid hit, Project Juice employees printed and installed signs around the neighborhood regarding the city mandated Covid protocols and donated free meals to the volunteers helping this effort. In March 2021, Project Juice helped with the success of "Help Light Up Valencia Street!", contributing to the campaign and spreading the word. Over the years the company has nurtured dozens of partnerships with local businesses and recently gifted A-frames to the Shared Space Program.

Earthbar looks forward to continuing these local efforts that foster community, save jobs, and empower wellbeing. For these reasons, we respectfully request that you approve the Project.

Sincerely,

KM Planning Strategy



Kate McGee

Enclosures:

Local Merchant Petition

Customer Petition

cc: Kathrin Moore, Commission Vice-President
Deland Chan, Commissioner
Sue Diamond, Commissioner
Frank S. Fung, Commissioner
Theresa Imperial, Commissioner
Rachael Tanner, Commissioner
Kalyani Agnihotri, Project Planner
Ryan Balba, Project Planner

earthbar®

Local Merchants Support Earthbar!

Yes, I support bringing Earthbar to the neighborhood.

In 2020 Project Juice merged with Earthbar. Earthbar is a company that focuses on holistic health supply and plans to sell juice and vitamins to our neighbors, much like Project Juice has over the years. As a manager/business owner in the neighborhood, I believe that Earthbar will support our local businesses and provide a need for the local community.

Business	Contact Name	Address	Email
Luna	Brandon Blackmon	694 Valencia	brandon@lunaSF.com
CTW	Bayle Schell	746 Valencia	bay.schell@gmail.com
CTW	Edwin Chomiso	758 Valencia	@SOVVLA.COM
Project Juice	Johana Bardales	790 Valencia	johana@projectjuice.com
VED OPTICS	Rana Khalil	798 Valencia St	rana@vedoptics.com

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Business	Contact Name	Address	Email
Parton Gate	Nick Gomez	824 Valencia St. San Francisco	nickgmez.98@gmail.com
Vanmoot	Folwert Salomons	886 Valencia Street	folwert@vanmoot.com
Golden Eagle	Sam malak	896 Valencia St	
NICE KICKS.	KEVIN LASTER	877 VALENCIA ST.	NK104VALENCIA@ STOPNICKICKS COM
Santora Supply	Roger Wong	825 Valencia St.	Santora @ Santorasupply.com

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Business	Contact Name	Address	Email
Valencia Pizza & Pasta		801 Valencia St.	valenciapizza&pasta@gmail.com
Rossi Mission SF	Sahar Milani	791 Valencia St.	Sahar@rossimissionSF.com
Yasmin	Eiad Eltamil	799 Valencia St.	Yasminesf@gmail.com
Tau delicious	Jhoseth Leon	741 Valencia St	Jhoseth@taudicious.com

We Support the Conversion of Project Juice to Earthbar!

On September 9, 2021, Earthbar, which is considered formula retail, will request conditional use authorization from the Planning Commission to continue the retail use at 790 Valencia Street.

Allowing Project Juice to become one with Earthbar means that we will be able to keep our vision of holistic wellness alive in the Mission. Earthbar will introduce a more expansive line of health and wellness products while the team, mission, and favorite menu items of Project Juice will remain the same. Signing this petition will save jobs and keep an active storefront which radiates positivity into our community.

Together, Earthbar and Project Juice are stronger. The companies carry the same principles of empowering wellbeing, but allow Project Juice to dream bigger and do better.

Please sign this petition to allow Project Juice to continue supporting the wellness journey of our community and team members through Earthbar.

Yes, I support bringing Earthbar to the neighborhood.

Name	Email	Phone Number
Lisa Kilde	lisamsimpson@yahoo.com	
ZULA BATTSEVEEN	SVGPRNCS@gmail.com	
Robert Miron	robertmiron1@gmail.com	
Suzanne Garnier	REINRAGSE@gmail.com	
DAVID MINKIE	dave	
DIANA AGILON	Divinity	
Maria Montoya	gilmontoya1994@gmail.com	
Angeliq Wilux	sfbae676@gmail.com	
Eleanor Dennis		
Dawid Hvie	dahvie@gmail.com	
GConxPpl	GConxPpl@gmail.com	

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Name	Email	Phone Number
Michelle Vackovich	miatonic@gmail.com	
Josh Frees	JPMFREES@AOL.COM	
Naomi Mbakwe	naomimbakwe@gmail.com	
Chelsea Phan	chelseapes@icloud.com	
Kelsey Pham	kelsey.pham@yahoo.com	
Kiyetet Mbukho	kiyetet@gmail.com	
Camila Kaul	camila.kaul@gmail.com	
Maryellen Massa	Mariposazul531@gmail.com	
Leigh Graner	leighgraner@gmail.com	
Zayla Smith	zsmith@dons.usf.edu	
Leah Clatterbuck	Leah-clatterbuck@gmail.com	

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Name	Email	Phone Number
Apple Belgira	applegracebelgira@gmail.com	707-334-8044
DYLAN MAC	DYLAN@WBSTOFPCOS.com	415 257-0000
Sean Hall	sean.hall538@gmail	
Angelica Soza	jellysoza@gmail.com	(209)324-8996
Andrew Harrison	andrew.josephharrison@gmail.com	765-461-7769
CRAIG MANIZQUE	MRQUIZZO@MAC.COM	415 250-7910
Lupe Cabrera	Lcabreru38@gmail.com	
Brandy Blay	bran724@yahoo.com	404)983-7475
Otto Chen	ottopchen@gmail.com	510 289 1580
Susy Ramos	ramos.bf15@gmail.com	(415) 713-0842

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Name	Email	Phone Number
Allison White	allisonw3@gmail	515 314 8008
Trinity Carr	TS.Frederickh	515 (1) 253 - 2128
Christine Reynolds	chrreynolds@gmail.com	954 655 0825
Rebecca Chao	rebeccachao2008@gmail.com	
Jack Stephens	jmswest119@gmail.com	415-260-8178
Dennis McCann	dennis.mccann@gmail.com	858 447 6446
Josie Valderama	josieval@gmail.com	415 828 8227
Kathryn Hernandez	hernando.ka@gmail	559-829-9638
Claire Grater	clairegrater@gmail	206 327 0836
Gina Senn	gsenns1@gmail.com	917-208-3663