



# EXECUTIVE SUMMARY CONDITIONAL USE AUTHORIZATION

**HEARING DATE:** September 9, 2021

**Record No.:** 2021-003600CUA  
**Project Address:** 506 Castro Street  
**Zoning:** Castro Street Neighborhood Commercial District (NCD) Zoning District  
40-X Height and Bulk District  
**Block/Lot:** 2695/001  
**Project Sponsor:** Kate McGee  
KM Planning Strategy  
2031 ½ Powell Street  
San Francisco, CA 94133  
**Property Owner:** Paul Langley Company c/o Misha Langley  
4111 18<sup>th</sup> St., Suite #1  
San Francisco, CA 94114  
**Staff Contact:** Ryan Balba – (628) 652-7331  
[Ryan.Balba@sfgov.org](mailto: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 1,100 square feet, within an existing two-story commercial 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 715 to allow the establishment of a Formula Retail use within the Castro Street Neighborhood Commercial Zoning District.

## Issues and Other Considerations

- **Public Comment & Outreach.**
  - **Support/Opposition:** The Department has received two letters in support, one with 16 signatures from local merchants and one from the Castro Community Benefit District. The Department has not received any letters of opposition.
  - **Outreach:** The Sponsor hosted one Pre-Application meeting within the community on February 18, 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

**HEARING DATE: SEPTEMBER 09, 2021**

**Record No.:** 2021-003600CUA  
**Project Address:** 506 Castro Street  
**Zoning:** Castro Street Neighborhood Commercial District (NCD) Zoning District  
40-X Height and Bulk District  
**Block/Lot:** 2695/001  
**Project Sponsor:** Kate McGee  
KM Planning Strategy  
2031 ½ Powell Street  
San Francisco, CA 94133  
**Property Owner:** Paul Langley Company c/o Misha Langley  
4111 18<sup>th</sup> St., Suite #1  
San Francisco, CA 94114  
**Staff Contact:** Ryan Balba – (628) 652-7331  
[Ryan.Balba@sfgov.org](mailto:Ryan.Balba@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 303, 303.1, AND 715 TO ALLOW THE ESTABLISHMENT OF A FORMULA RETAIL USE AT 506 CASTRO STREET, LOT 001 IN ASSESSOR'S BLOCK 2695, WITHIN THE CASTRO STREET NEIGHBORHOOD COMMERCIAL ZONING DISTRICT, AND 40-X HEIGHT AND BULK DISTRICT.

## PREAMBLE

On April 8, 2021, Kate McGee of KM Planning Strategy (hereinafter "Project Sponsor") filed Application No. **2021-003600CUA** (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 1,100 square feet, within an existing two-story commercial building (hereinafter "Project") at 506 Castro Street, Block 2695 Lot 001 (hereinafter "Project Site").

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

On September 9, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2021-003600CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2021-003600CUA 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. 2021-003600CUA, 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 1,100 square feet, in a two-story commercial 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 Castro Street between 18th and 19th Streets, Lot 001 of Assessor's Block 2695. The Project Site is located within the Castro Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. The property is developed as a 2-story commercial building with the retail space on the ground floor. The subject parcel has a width of 75 feet and a depth of 75 feet, for a total lot area of 5,625 square feet. The subject property was constructed in 1918 and is a historic resource.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Castro Street Neighborhood Commercial Zoning 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), RH-3 (Residential-House, Three Family), and the Upper Market Neighborhood Commercial Transit Zoning District.
5. **Public Outreach and Comments.** The Sponsor hosted one Pre-Application meeting within the community on February 18, 2021. The Department has received two letters in support, one with 16 signatures from local merchants and one from the Castro Community Benefit District. The Department has not received any letters of opposition.
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 715 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 Castro Street Neighborhood Commercial Zoning District.*
  - B. **Use Size.** Planning Code Section 715 principally permits non-residential uses up to 1,999 square feet in the Castro Street Neighborhood Commercial District. Non-residential uses 2,000 square feet or larger require Conditional Use Authorization.

*The Project proposes to establish a Formula Retail Use of approximately 1,100 square feet. No enlargement of the space is proposed.*

- C. **Hours of Operation.** Planning Code Section 715 states that the principally permitted hours of operation in the Castro Street Neighborhood Commercial 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 Castro Street Neighborhood Commercial 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 16-feet 10-inches of frontage on Castro Street with approximately 15-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 1,100 square-foot Formula Retail limited 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 Castro Street Neighborhood Commercial 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 506 Castro Street, there are approximately 69 commercial business storefronts on the ground floor. 10 businesses are Formula Retail which is a concentration of 14%. Of approximately 1,901 linear feet of commercial storefront within the 300-foot radius, 391 linear feet is Formula Retail which is a concentration of 21%.*

*If approved, the Project would increase the concentration of Formula Retail uses in the 300-foot radius to 16% while the concentration of lot frontage devoted to Formula Retail uses would remain at 21%.*

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

*Of the 69 occupied retail storefronts within 300 feet of the Project Site, six (6) 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. Additionally, the subject property is a historic resource. The Project does not propose any alterations (interior and exterior) to the existing historic resource building. 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.

*Seventeen vacant retail storefronts were noted in the vicinity. The vacancy rate is 25%. 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 28 daily needs businesses within a 300-foot radius of the subject property. This is approximately 41% of the number of storefronts in this same area.*

*Citywide Services: There are currently 41 citywide service businesses within a 300-foot radius of the subject property. This is approximately 59% 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, which is a historical resource. 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, as the Project Site is currently a retail sales and services use with no residential use.*

- 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 24 Divisadero, 33 Ashbury/18<sup>th</sup> Street, 35 Eureka, 37 Corbett and L Taraval 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.

*Currently, the Project Site does not contain any City Landmarks. The subject property has a Planning Department Historic Resource Status of 'A' for its association with the Eureka Valley Historic Context Statement. The proposal does not alter the historic resource building, and the integrity and character of the building will be preserved.*

- 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. 2015-000123CUA** 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 June 2, 2019.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: September 9, 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 506 Castro Street, Lot 001 of Block 2695 pursuant to Planning Code Sections 303, 303.1, and 715 within the **Castro Street Neighborhood Commercial** Zoning District and a **40-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 **September 9, 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 **September 9, 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](http://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](http://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](http://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](http://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](http://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](http://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](http://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 628.652.7454, [www.sfplanning.org](http://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 628.652.7454, [www.sfplanning.org](http://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](http://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](http://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](http://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](http://www.sfdph.org).*

*For information about compliance with construction noise requirements, contact the Department of Building Inspection at 628.652.3200, [www.sfdbi.org](http://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](http://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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 628.652.7600, [www.sfplanning.org](http://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](http://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](http://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](http://www.sfplanning.org)*

# earthbar

506 CASTRO STREET  
SAN FRANCISCO, CA 94114

rdc.

245 East Third Street  
Long Beach, Ca 90802  
t 562.438.8000  
rdcollaborative.com

## PROJECT SUMMARY

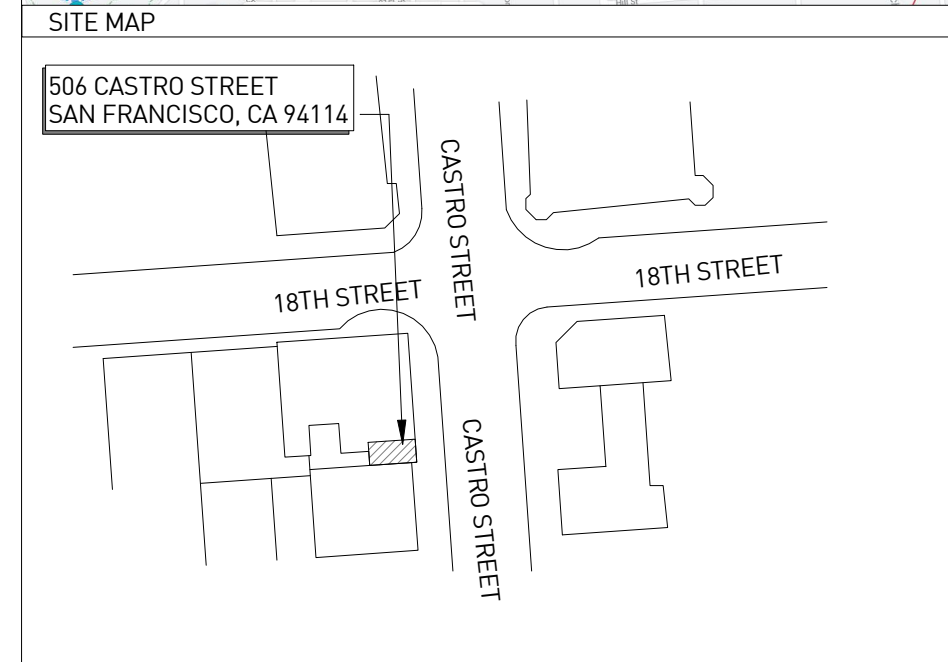
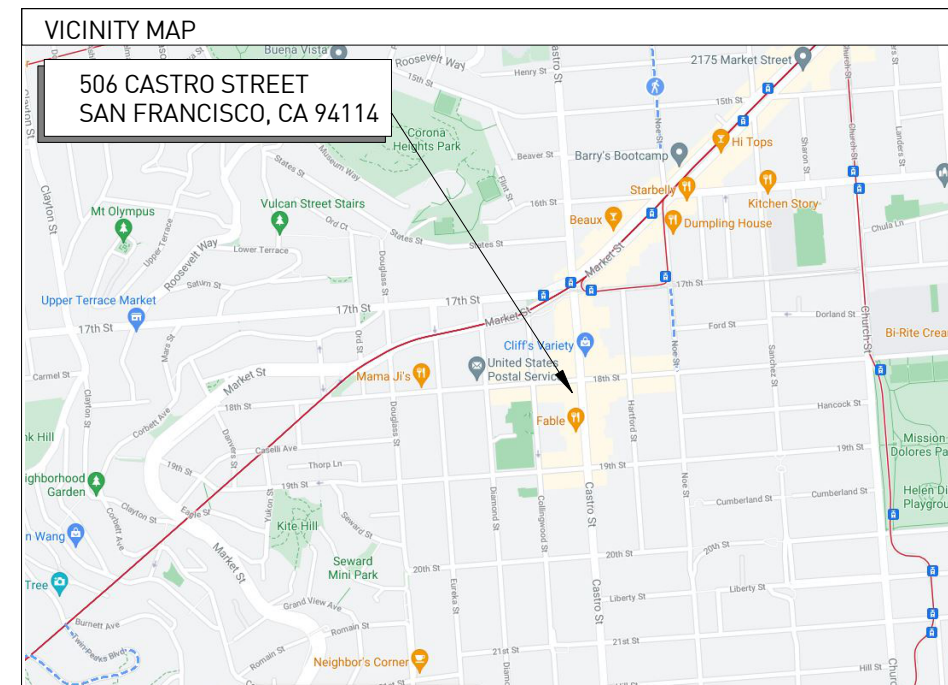
BUILDING TYPE:	NO CHANGE
USE:	LIMITED RESTAURANT
OCCUPANCY GROUP:	B
EXISTING S.F. OF SPACE:	1100 S.F.
NEW S.F. OF SPACE:	NO CHANGE
NO. STORIES:	2 STORY
BUILDING A.P.N.:	2695/001
ZONING:	NCD
LANDMARKS:	NO
FLOODZONE:	NO

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 17.

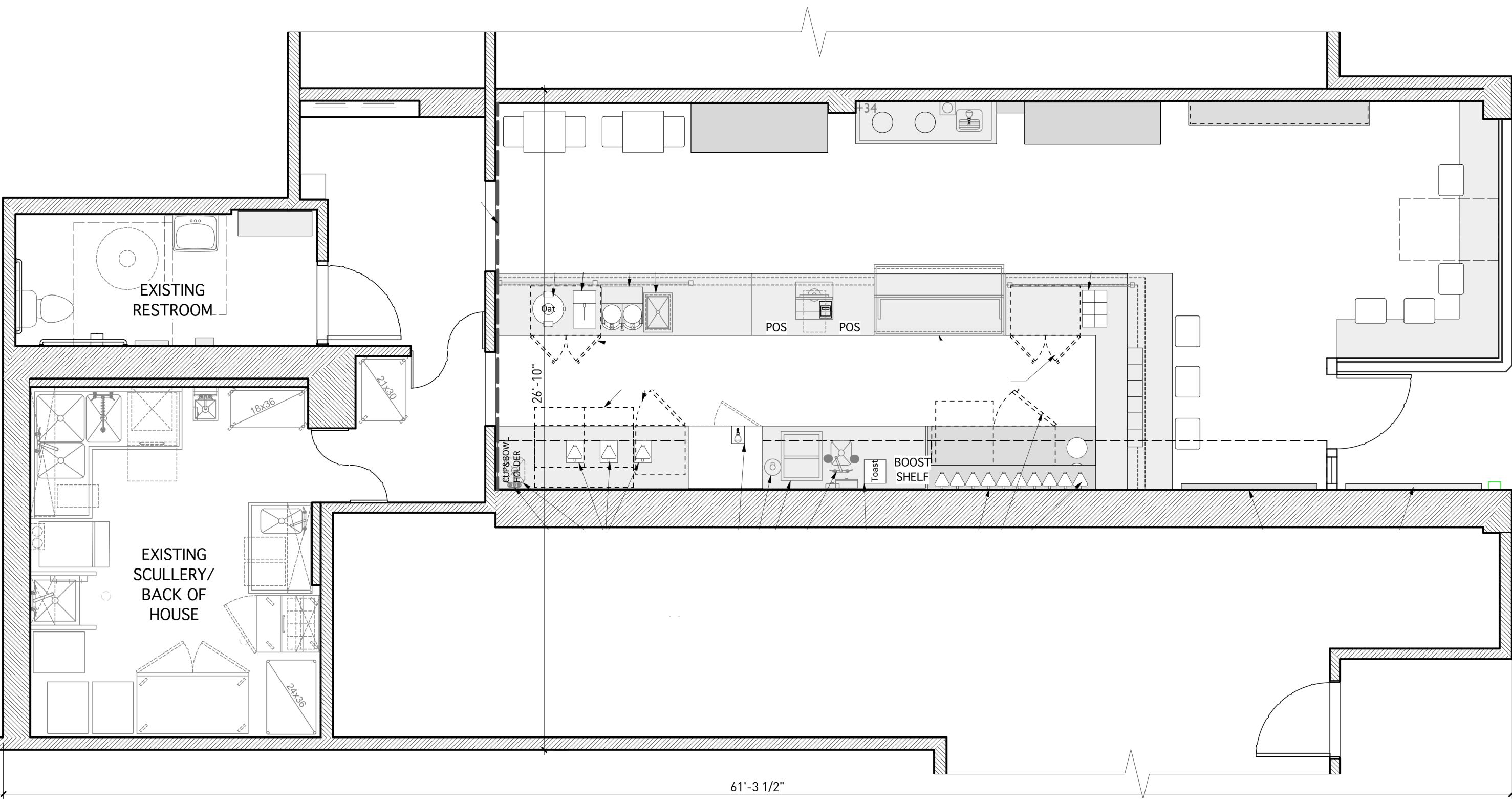
EXISTING USE  
LIMITED RESTAURANT

PROPOSED USE  
LIMITED RESTAURANT (FORMULA RETAIL)

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

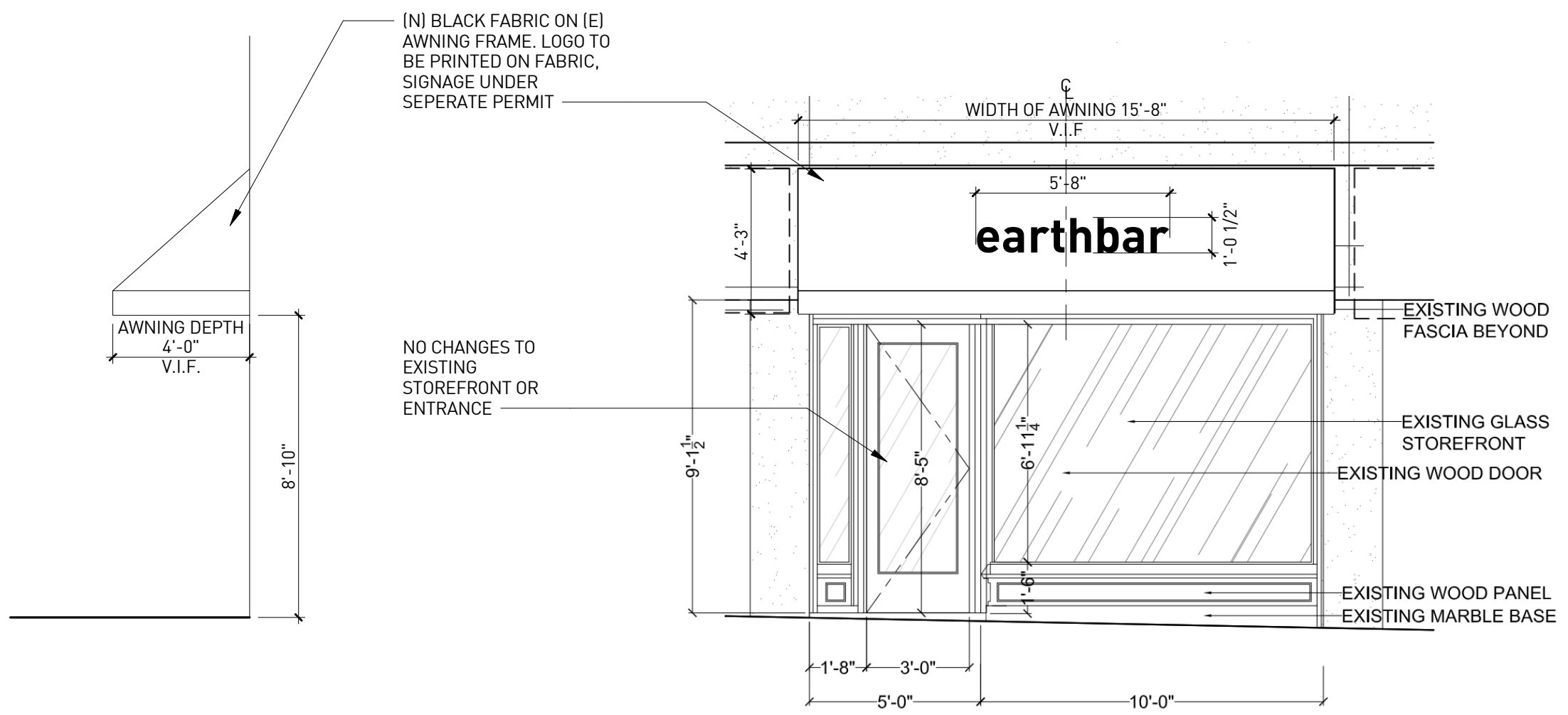


earthbar®



EXISTING AND PROPOSED FLOOR PLAN | 1

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
<b>GROSS SQUARE FOOTAGE (GSF)</b>			
Parking GSF	0	0	0
Residential GSF	0	0	0
Retail/Commercial GSF	1,100	1,100	0
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, &amp; 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
<b>TOTAL GSF</b>	<b>1,100</b>	<b>1,100</b>	<b>0</b>
	EXISTING	NET NEW	TOTALS
<b>PROJECT FEATURES (Units or Amounts)</b>			
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

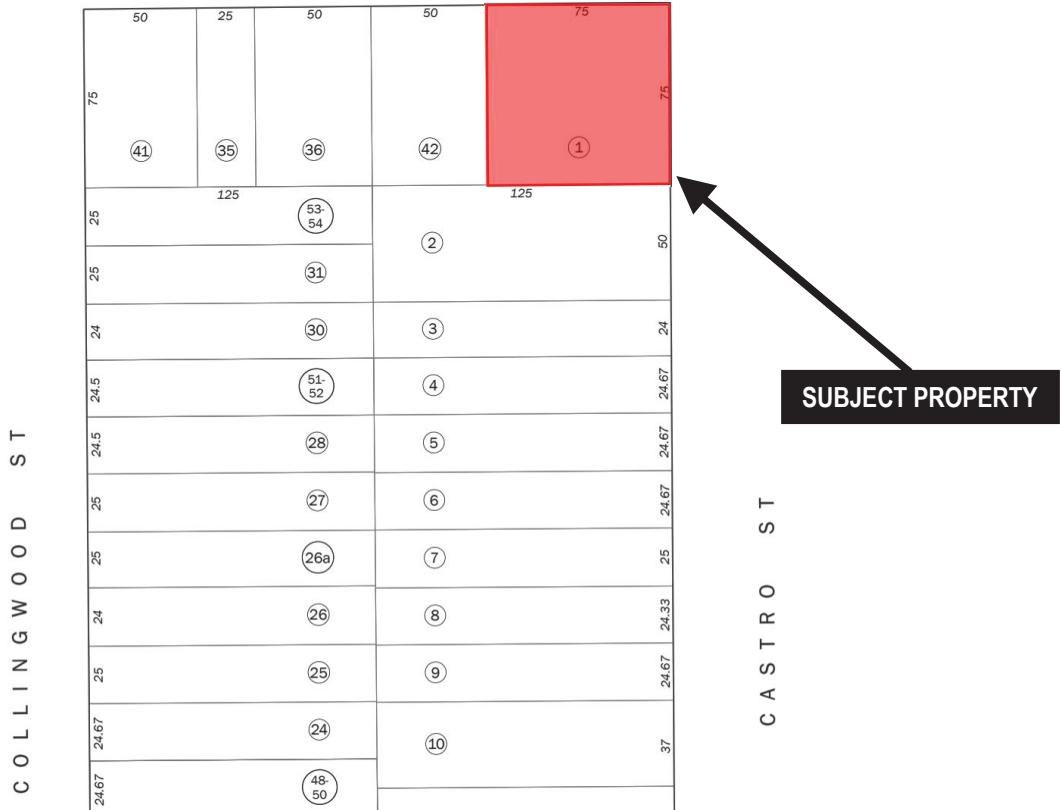
Square footages pertain to project area only.

	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

1 8 T H S T

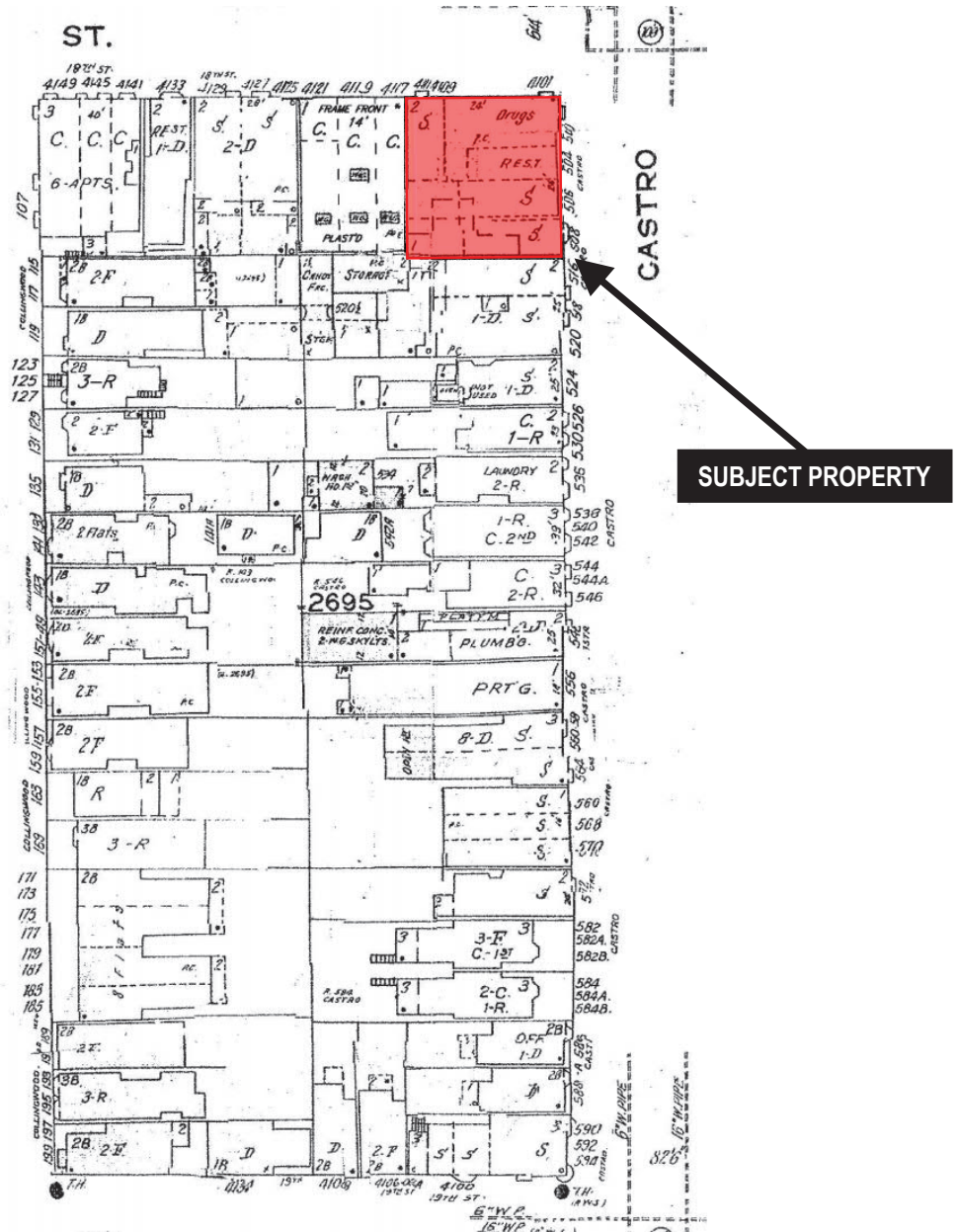


**SUBJECT PROPERTY**



Conditional Use Hearing  
 Case Number 2021-003600CUA  
 506 Castro Street  
 2695/001

# Sanborn Map\*

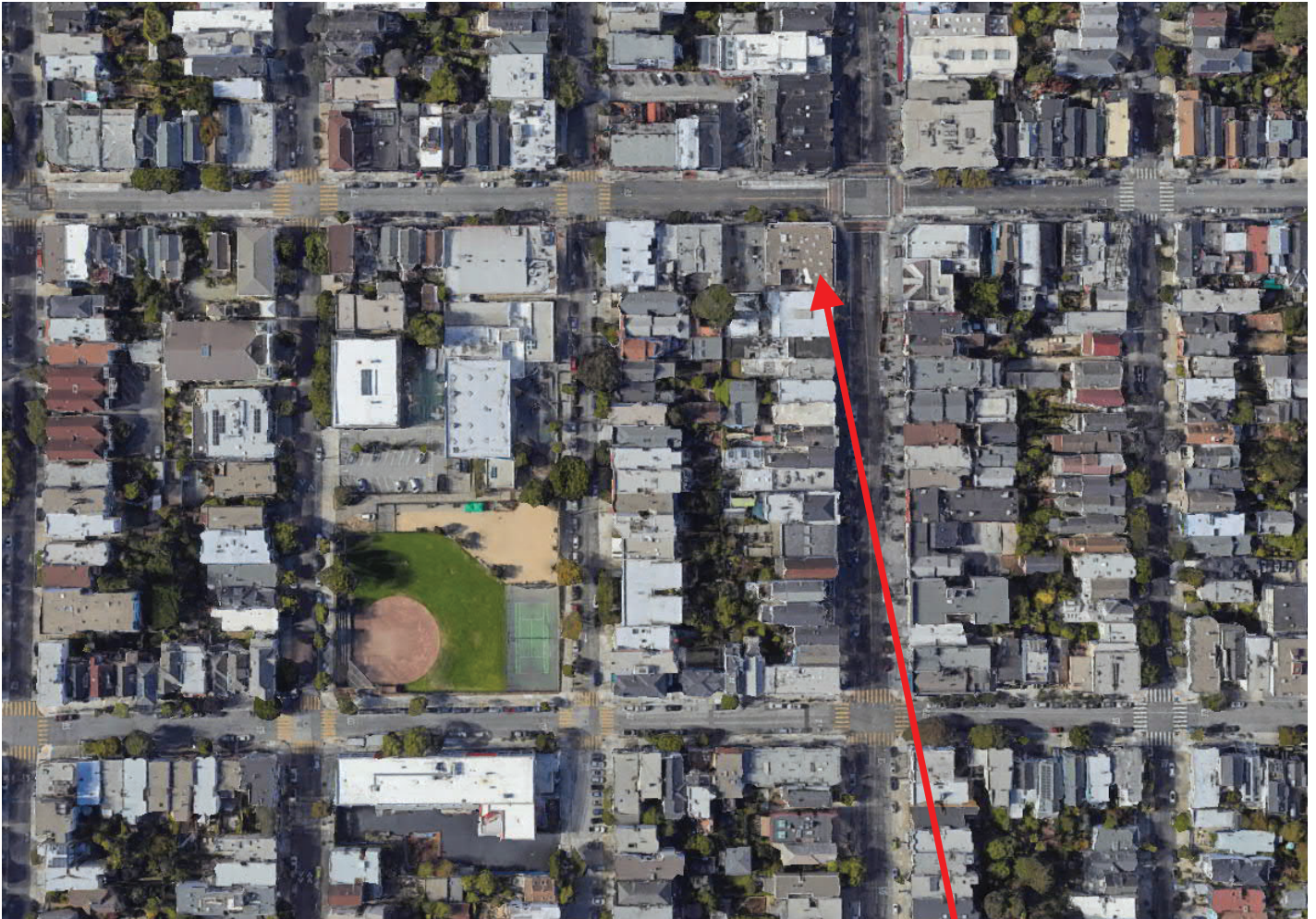


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
 Case Number 2021-003600CUA  
 506 Castro Street  
 2695/001

# Aerial Photo – View 1

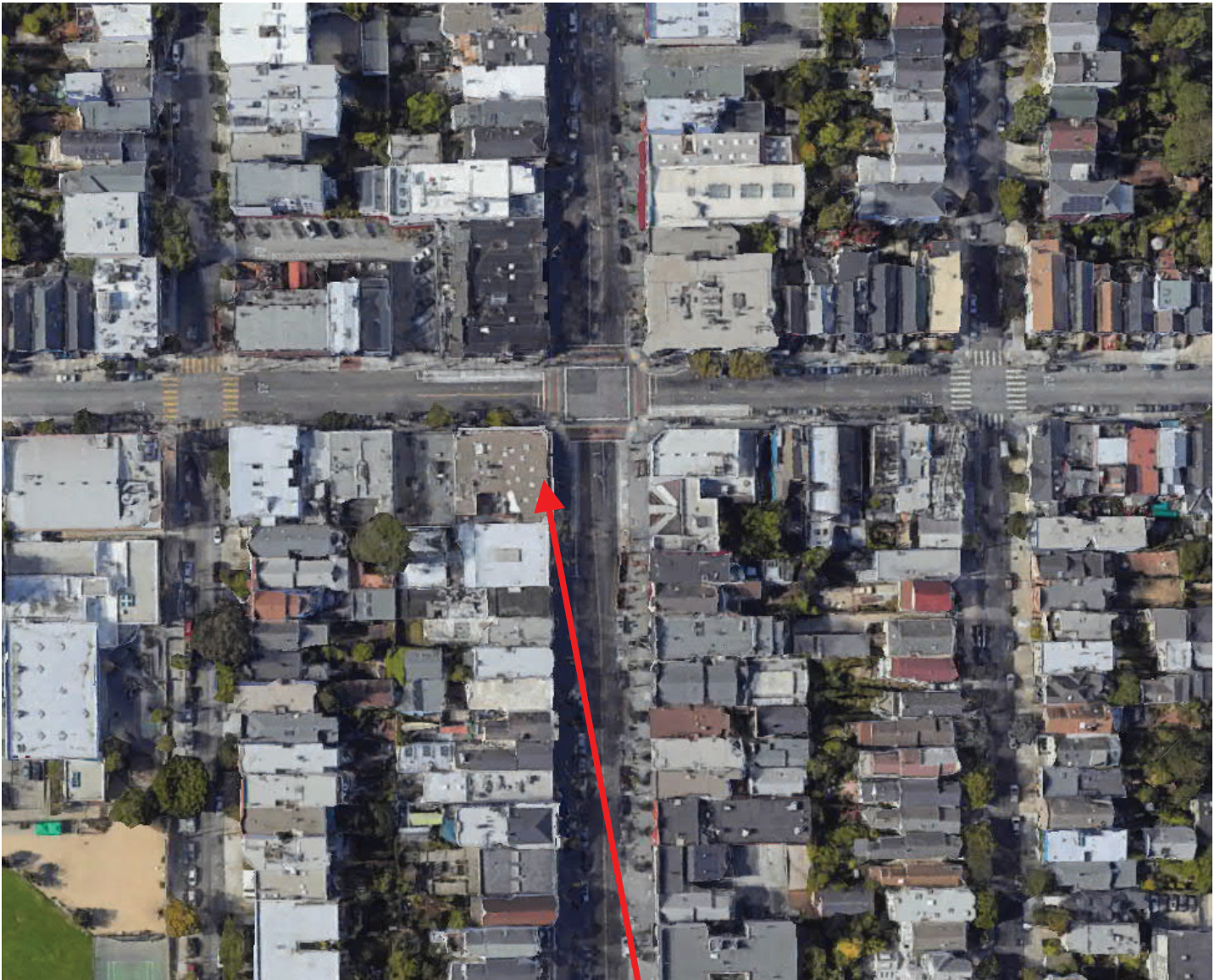


**SUBJECT PROPERTY**





# Aerial Photo – View 2



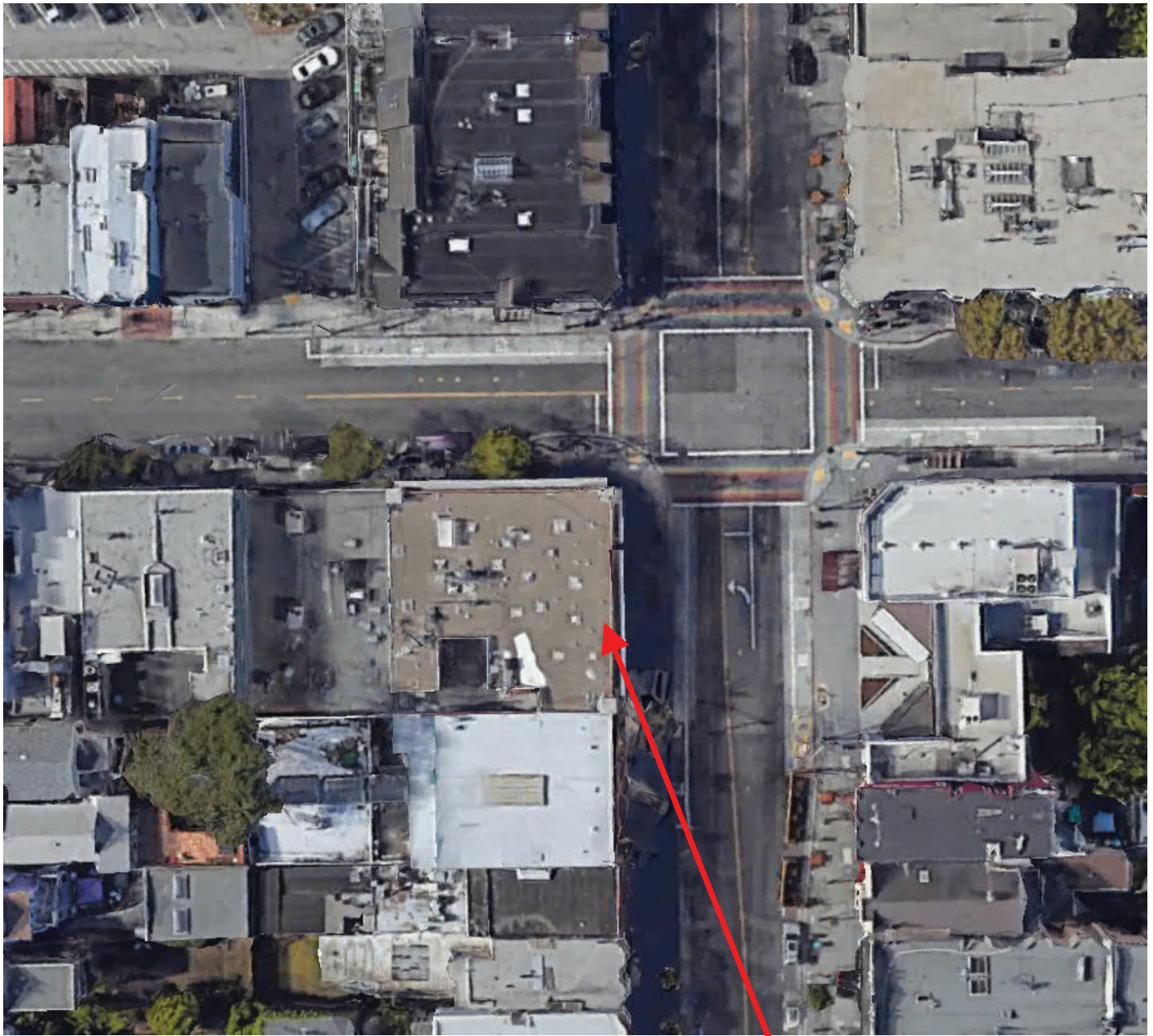
**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2021-003600CUA  
506 Castro Street  
2695/001



# Aerial Photo – View 3

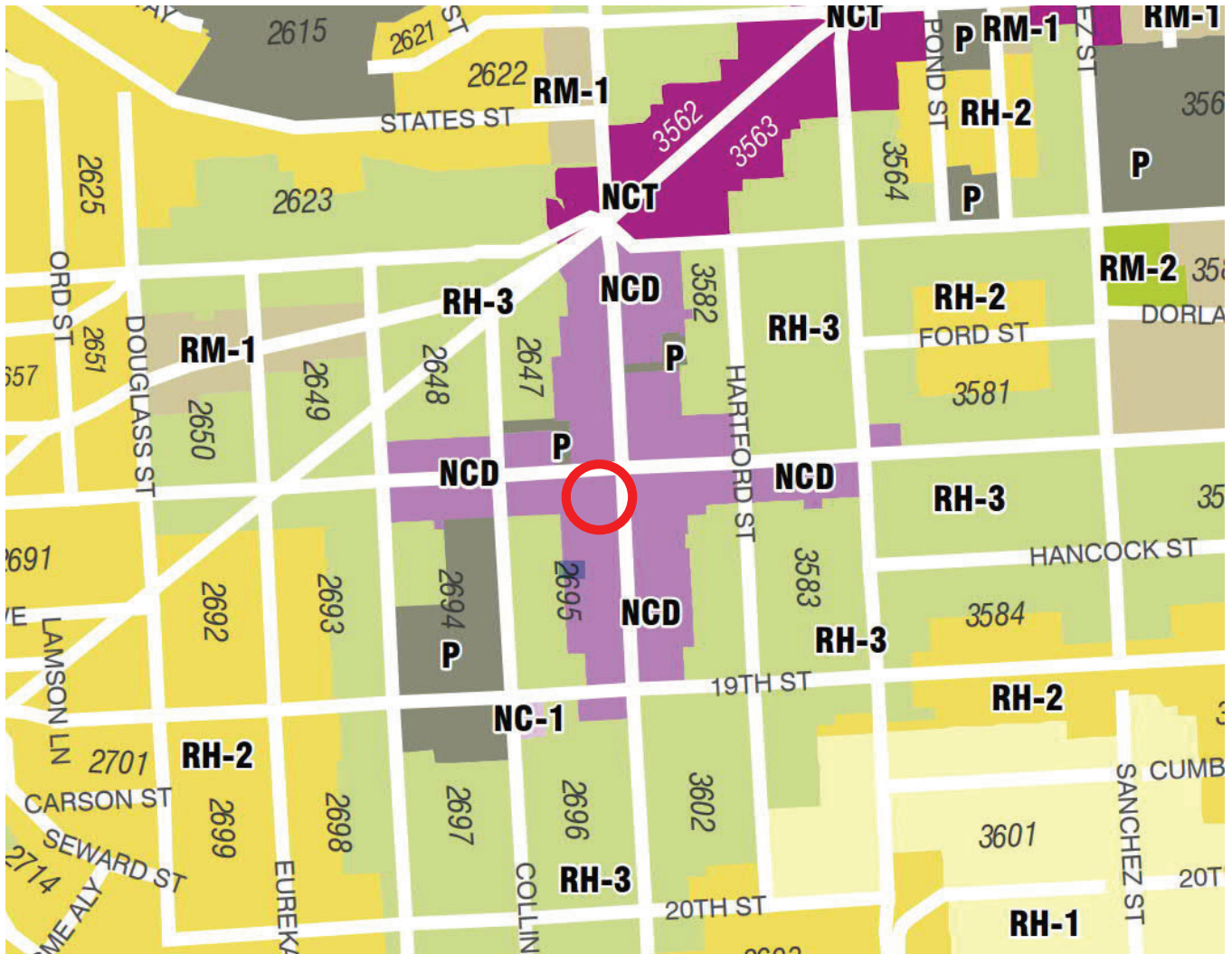


**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2021-003600CUA  
506 Castro Street  
2695/001

# Zoning Map



Conditional Use Hearing  
Case Number 2021-003600CUA  
506 Castro Street  
2695/001

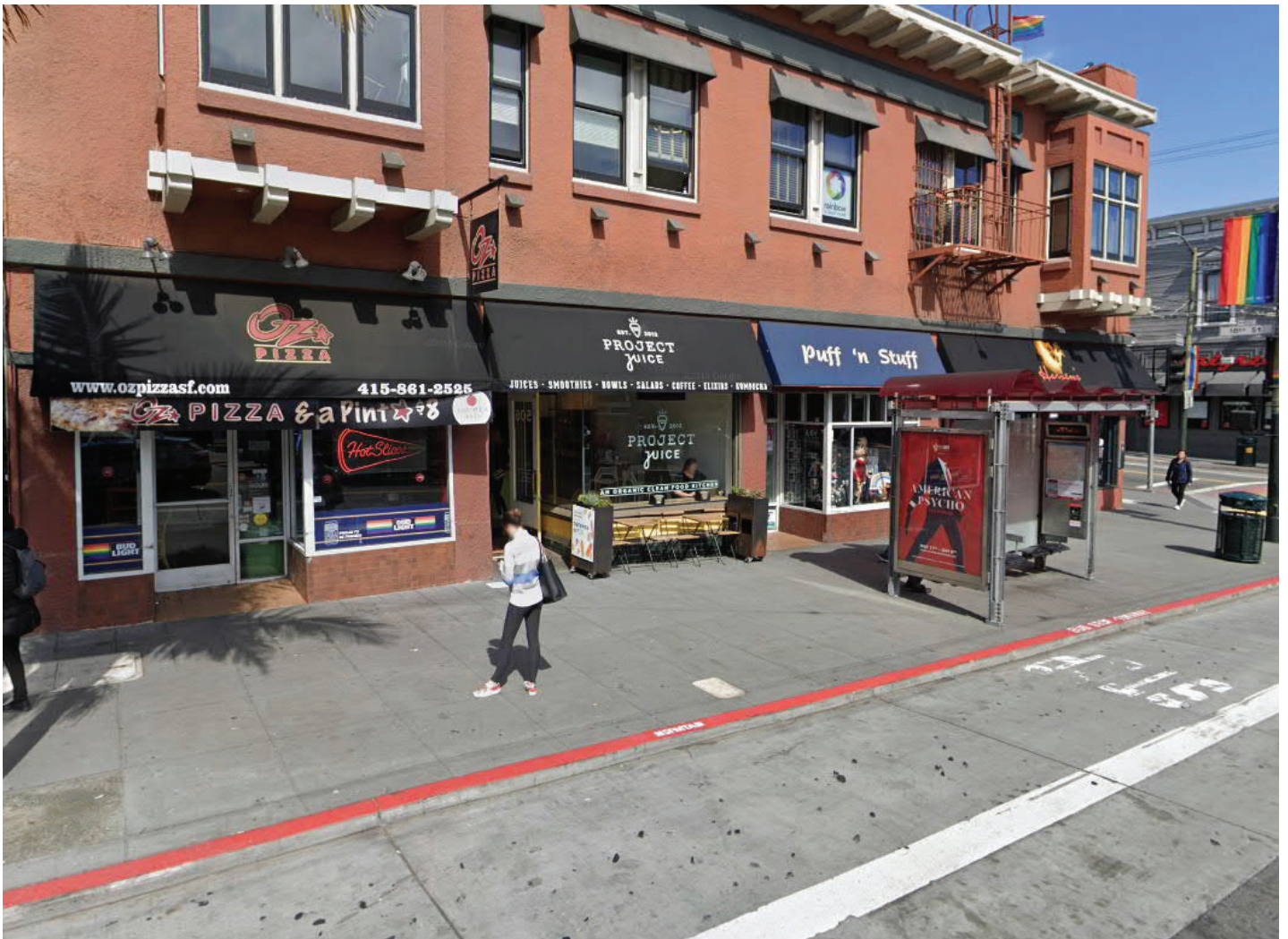


# Site Photo



Conditional Use Hearing  
Case Number 2021-003600CUA  
506 Castro Street  
2695/001

# Site Photo



Conditional Use Hearing  
Case Number 2021-003600CUA  
506 Castro Street  
2695/001





KM Planning Strategy  
Kate McGee  
[kate@kmplanningstrategy.com](mailto:kate@kmplanningstrategy.com)

August 31, 2021

Delivered Via Email ([ryan.balba@sfgov.org](mailto:ryan.balba@sfgov.org) and [kalyani.agnihotri@sfgov.org](mailto:kalyani.agnihotri@sfgov.org))

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

Re: 506 Castro Street – Earthbar  
Planning Case Number: 2021-003600CUA  
Hearing Date: September 9, 2021

Dear President Koppel and Commissioners:

KM Planning Strategy represents Earthbar, LLC (“Earthbar”), the Project Sponsor of the proposed Earthbar store at 506 Castro 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 17 employees.
- **Neighbor and Merchant Support.** The proposal has received support from neighbor organizations and merchants alike. 16 people representing 16 stores on Castro Street within 2 blocks of the store location have signed in support of Earthbar. In addition, the

Castro Community Benefit District has submitted a letter 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. 14% of stores in the vicinity are formula retail and there are no other juice shops in the area. The Project is contained within a 2-story corner building constructed in 1918 with commercial space on the ground floor and 6 residential units on the second floor. 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 22% vacancy rate in the area; the project seeks to retain the occupancy of the subject retail location.

**Conclusion**

Project Juice on Castro Street first opened its doors in 2017 and has been community -focused ever since. At their grand opening, they donated 100% of their proceeds to The Pink Triangle Park and Memorial. Then, in celebration of their 1-year anniversary, they donated their proceeds to the park and memorial again; Earthbar looks forward to continuing this tradition. Earthbar stands in solidarity with LGBTQ+ rights and plans to continue the partnerships developed through Project Juice with local vendors and businesses to help promote the prosperity of their neighbors. Earthbar will 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: Outreach Summary

- 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

## Outreach Summary: Castro Community Benefit District Letter of Support



DRAFT Letter of Support

Joel Koppel  
San Francisco Planning Commission President  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103  
RE: Support Permit # 2021-003600CUA

August 12, 2021

Dear Planning Commission President Koppel,

This letter is written to express the support of the Castro Community Benefit District board of directors for the project at 506 Castro Street, permit # 2021-003600CUA.

The Castro Community Benefit District is pleased to support the conversion of Project Juice at 506 Castro Street to Earthbar. The new store will actually have the same menu and same staff as Project Juice. This is essentially an ownership change and name change. Project Juice is a popular juice spot in the Castro and is an asset to the 500 block of Castro Street.

The Castro Community Benefit District board fully supports this CUA.

Sincerely,

Andrea Aiello  
Executive Director

cc: Jeff Horn, SF Planning Department  
Jonas Ionin, SF Planning Department  
Kate McGee, KM Planning Strategy  
Rafael Mandelman, Supervisor District 8  
Jacob Bintliff, Legislative Aide Rafael Mandelman  
Masood Samereie, President Castro Merchants  
Kimyn Braithwaite, President Duboce Triangle Neighborhood Association

Outreach Summary: Merchant Support

# 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
Double Rainbow	Nicholas Sandoval		NSandoval@DoubleRainbow
Freeborn Designs	James Freeborn		James@wearefreeborn.com
<del>TAUGHT</del>	Jeanne Muñoz		alexalfonso62@yahoo.
Cliff's	John Mcginnis		st-john@att.net
<del>Joe's</del> sausage factory	Jessica Raytselky		jessicaraytselky@rocket mail.com

# 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
Levis	Julian H	525 Castro	kwondo.j@gmail.com
Thaihouse Express	[Signature]	599 CASTRO	pmeeriyageral@gmail
Z60	TANI KAMPAKUM	600 CASTRO	TANI@Z60perfumery.com
Buffalo whole food		598 castro	
Swirl on Castro	[Signature]	572 Castro	Casey@SwirlonCastro.com



# 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
MUDPOPPYS	Calvin Albright	536 CASTRO ST	Calvin@mudpoppys.com
Himalayan gifts and handcrafts	Karun Thimley	530 Castro St	KarunThimley@yahoo.com
ROCKHARD	Don Metzler	518 CASTRO ST	SPROCKHARD@AOL.
Phantom	Christopher M.	516 Castro st.	chris mesta 1964@yahoo.com
	Volkan A	(650) 799 4456	gyroexpress14@gmail.com

# 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
<u>KNOBS</u>	<u>Will Herrera</u>	<u>432 CASIRO ST.</u>	<u>ARTBYWILLSCOTT@GMAIL.COM</u>