



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: MAY 8, 2014

Date: May 1, 2014
Case No.: **2014.0043C**
Project Address: **2055A UNION STREET**
Zoning: Union Street NCD (Neighborhood Commercial District)
40-X Height and Bulk District
Block/Lot: 0541/018
Project Sponsor: Lucian Blazej
50 Laidley Street
San Francisco, CA 94131
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to allow a Formula Retail Use that is also a Limited Restaurant (d.b.a. Earthbar) within a vacant ground floor commercial space located at the west end of the four-story, commercial building soon to be occupied by Equinox Gym. The proposed establishment would occupy approximately 1,575 square feet. Approximately 750 square feet would be dedicated to the Limited Restaurant use as a juice bar while approximately 500 square feet would be dedicated to fitness apparel retail sales. The remaining 325 square feet would be shared circulation, storage, and rest room space. The proposed operation would consist of four to five full time employees and would operate seven days a week from 6:00 a.m. to 11:00 p.m. Currently, there are five standalone Earthbar locations and 10 locations alongside 10 Equinox fitness facilities in the nation. One of the standalone locations is in San Francisco at Stonestown Galleria. No changes to the building envelope are proposed.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of Union Street, between Webster and Buchanan Streets, Assessor's Block 0541, Lot 018. The subject lot is approximately 12,000 square feet in size (approximately 138 feet deep by 91 feet wide) and is occupied by a four-story, commercial building originally built in 1924 as a single-screen movie theater (d.b.a. Metro Theater). On July 14, 2009, the Board of Supervisors approved the historic designation of the Metro Theater (Ordinance No. 175-09), making the building City Landmark No. 261. On February 9, 2012 the Planning Commission granted Conditional Use Authorization (Case No. 2010.0613AEC) for a change of use from a single-screen movie theater to personal service (d.b.a. Equinox Gym). The fitness facility is currently under construction and is slated to open this summer.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the Union Street NCD, which is mixed-use in character. There are a variety of commercial establishments located within ground floor storefronts throughout the Union Street NCD, including restaurants, bars, apparel stores, personal services, and other types of retailers. Buildings in the vicinity typically range from one- to five-stories in height, and upper floors of buildings are generally occupied by offices, personal services, or residential units. Some of the existing commercial establishments on the block include: Shaw (shoe store), Sephora Beauty, Samsara (jewelry and accessories store), Osha Thai Restaurant. Some of the commercial establishments on the opposite block include Café des Amis, Betelnut, Red Lantern (clothing store), Contrada Bikes, Milvali Salon & Cosmetics, Nine West, and Lorna Jane. The cross streets of Buchanan and Webster Streets, which are zoned RM-1 (Residential, Mixed, Low Density) south of Union Street and RH-2 (Residential, House, Two-Family) north of Union Street, are primarily developed with two to four-story residential buildings, with a few taller apartment buildings found south of Union Street in the RM-1 Zoning District.

ENVIRONMENTAL REVIEW

Environmental review for the project, which included the tenant space, was conducted under Case No. 2010.0613AEC, and analyzed the potential physical impacts of the personal service use (d.b.a. Equinox Gym) and associated seismic retrofit.

On September 28, 2011 the Preliminary Mitigated Negative Declaration (PMND) for the project was published for public review pursuant to the California Environmental Quality Act (CEQA) and the (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

On November 2, 2011, the Planning Department found the Mitigated Negative Declaration (MND) to be adequate, accurate and objective, reflecting the independent analysis and judgment of the Planning Department, and issued the MND for the project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 18, 2014	April 18, 2014	20 days
Posted Notice	20 days	April 18, 2014	April 18, 2014	20 days
Mailed Notice	20 days	April 18, 2014	April 18, 2014	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use authorization process.

PUBLIC COMMENT

- To date, the Department has received two letters in support of the project. The letters are from the Union Street Association and the Golden Gate Valley Neighborhood Association.

ISSUES AND OTHER CONSIDERATIONS

- Earthbar operates approximately 13 juice bar locations nationwide, with the majority of the locations immediately adjacent to Equinox fitness facilities.
- There are approximately 288 retail, service, and restaurant businesses within the Union Street NCD, of which approximately 34 (12%) appear to qualify as formula retail uses.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow a Formula Retail Use that is also a Limited Restaurant (d.b.a. Earthbar) within the Union Street NCD pursuant to Planning Code Sections 303, 703.3, 703.4, and 725.43.

BASIS FOR RECOMMENDATION

- The project would occupy a vacant commercial space on the subject block which would compliment the mix of existing neighborhood-serving uses within the neighborhood.
- The project would not expand the existing building.
- The project is a neighborhood-serving use which residents can access by walking or taking public transit.
- The project would be consistent with the mixed commercial-residential character of the portion of Union Street.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions
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Attachments:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photograph
Site Photograph
Project Sponsor Submittal
 Letter from Project Sponsor
 Letters of Support
 Reduced Drawings

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

Exhibits above marked with an "X" are included in this packet

CL_____

Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 703.3, 703.4, AND 725.43 OF THE PLANNING CODE TO ALLOW A FORMULA RETAIL USE THAT IS ALSO A LIMITED RESTAURANT (D.B.A. EARTHBAR) WITHIN THE UNION STREET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On January 14, 2014, Lucian Blazej (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303, 703.3, 703.4, and 725.43 of the Planning Code to allow a Formula Retail Use that is also a Limited Restaurant (d.b.a. Earthbar) within the Union Street NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District.

On September 28, 2011 under Case No. 2010.0613AEC, the Preliminary Mitigated Negative Declaration (PMND) for the Equinox project, including its commercial tenant spaces, was prepared and published for public review; and,

The PMND was available for public comment until October 18, 2011; and,

On November 2, 2011, the Planning Department adopted the Mitigated Negative Declaration (MND) and found that the contents of said report and the procedures through which the MND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which was made available to the public and this Commission for this Commission's review, consideration and action.

On November 16, 2011, the Historic Preservation Commission granted a Certificate of Appropriateness (Case No. 2010.0613AEC) through Motion No. 0142, and all findings are incorporated herein by reference.

On February 9, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0613AEC to allow the conversion of the Metro Theater to an Equinox Gym.

The Planning Department Commission Secretary, Jonas Ionin, is the custodian of records, located in the File for Case No. 2010.0613AEC, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On May 8, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.0043C.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.0043C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the south side of Union Street, between Webster and Buchanan Streets, Assessor's Block 0541, Lot 018. The subject lot is approximately 12,000 square feet in size (approximately 138 feet deep by 91 feet wide) and is occupied by a four-story, commercial building originally built in 1924 as a single-screen movie theater (d.b.a. Metro Theater). On July 14, 2009, the Board of Supervisors approved the historic designation of the Metro Theater (Ordinance No. 175-09), making the building City Landmark No. 261. On February 9, 2012 the Planning Commission granted Conditional Use Authorization (Case No. 2010.0613AEC) for a change of use from a single-screen movie theater to personal

service (d.b.a. Equinox Gym). The fitness facility is currently under construction and is slated to open this summer.

3. **Surrounding Properties and Neighborhood.** The Project Site is located within the Union Street NCD, which is mixed-use in character. There are a variety of commercial establishments located within ground floor storefronts throughout the Union Street NCD, including restaurants, bars, apparel stores, personal services, and other types of retailers. Buildings in the vicinity typically range from one- to five-stories in height, and upper floors of buildings are generally occupied by offices, personal services, or residential units. Some of the existing commercial establishments on the block include: Shaw (shoe store), Sephora Beauty, Samsara (jewelry and accessories store), Osha Thai Restaurant, and Soulcycle. Some of the commercial establishments on the opposite block include Café des Amis, Betelnut, Red Lantern (clothing store), Contrada Bikes, Milvali Salon & Cosmetics, Nine West, and Lorna Jane. The cross streets of Buchanan and Webster Streets, which are zoned RM-1 (Residential, Mixed, Low Density) south of Union Street and RH-2 (Residential, House, Two-Family) north of Union Street, are primarily developed with two to four-story residential buildings, with a few taller apartment buildings found south of Union Street in the RM-1 Zoning District.
4. **Project Description.** The proposal is to allow a Formula Retail Use that is also a Limited Restaurant (d.b.a. Earthbar) within a vacant ground floor commercial space located at the west end of the four-story, commercial building soon to be occupied by Equinox Gym. The proposed establishment would occupy approximately 1,575 square feet. Approximately 750 square feet would be dedicated to the Limited Restaurant use as a juice bar while approximately 500 square feet would be dedicated to fitness apparel retail sales. The remaining 325 square feet would be shared circulation, storage, and rest room space. The proposed operation would consist of four to five full-time employees and would operate seven days a week from 6:00 a.m. to 11:00 p.m. Currently, there are five standalone Earthbar locations and 10 locations alongside 10 Equinox fitness facilities in the nation. One of the standalone locations is in San Francisco at Stonestown Galleria. No changes to the building envelope are proposed.
5. **Public Comment.** The Department received two letters in support of the project. The letters are from the Union Street Association and the Golden Gate Valley Neighborhood Association.
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 725.43 states that Conditional Use authorization is required for a Limited Restaurant on the first story, as defined by Planning Code Section 790.90.

The project proposes a Limited Restaurant use as a juice bar and is requesting Conditional Use Authorization.

- B. **Hours of Operation.** Planning Code Section 725.27 states that hours of operation from 6:00 a.m. - 2:00 a.m. are principally permitted in the Union Street NCD while hours of operation from 2:00 a.m. - 6:00 a.m. are conditionally permitted.

The proposed hours of operation are 6:00 a.m. to 11:00 p.m. seven days a week.

- C. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

The subject commercial space contains 1,575 square-feet of occupied floor area and does not require any off-street parking.

- D. **Street Frontage in Neighborhood Commercial Districts.** 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 25 feet of frontage on Union Street with approximately 20 feet devoted to either the restaurant entrance or window space. The windows and entrance occupy 80 percent of the commercial frontage and are clear and unobstructed.

- E. **Formula Retail.** Planning Code Section 703.3 defines Formula Retail as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

The proposed Formula Retail use would share a standardized array of merchandise, standardized décor and color scheme, uniform apparel, standardized signage and trademark with 15 other existing Earthbar locations.

F. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

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

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

The proposed use would occupy a vacant space and does not involve an expansion. The proposed use would complement the mix of goods and services currently available in the district by introducing a Limited Restaurant use providing fresh juice, smoothies, and snacks available to residents and patrons of the fitness facility.

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:

i. 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. No expansion is proposed.

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

Existing traffic patterns will not be significantly affected by the project. Public transit (Muni Lines 41-Union and 45-Union/Stockton) is located within walking distance of the project site; a bus stop is located at the corner of Union and Buchanan Streets. There is on-street parking in front of the subject property and in the surrounding neighborhood. A parking garage (Union Street Plaza garage) is located on the subject block at 2001 Union Street.

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

The project would not produce noxious or offensive emissions related to noise, glare, dust, or odor.

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

The proposed project will involve interior alterations and the Department will review all lighting and signs proposed for the new business in accordance with the Planning Code. There will be no addition of parking spaces, loading facilities, open space or service areas.

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

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

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

The proposed project is consistent with the stated purpose of the Union Street NCD in that the intended use is located at the ground floor and will provide compatible goods and services for the immediately surrounding neighborhoods during daytime and evening hours.

- E. The existing concentration of eating and drinking uses shall not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. The immediate area shall be defined as all properties located within 300 feet of the subject property and also located within the same zoning district.

A site survey of the immediate area within the Union Street NCD was conducted. The existing eating and drinking establishment uses occupy approximately 16 percent of the total commercial frontage within the immediate area and would increase to 20 percent with the proposed project and project in the neighboring tenant space (d.b.a. Espressamente Illy).

8. **Planning Code Section 703.3(h)** further states that the Planning Commission in considering a Formula Retail request shall include but are not limited to consideration of the following factors:

1. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

According to the Project Sponsor, there are approximately 288 operating retail establishments within the Union Street NCD and approximately 34 (12 percent) appear to qualify as Formula Retail uses.

2. The availability of other similar retail uses within the Neighborhood Commercial District.

There are two retail outlets that serve pre-packaged juices within the Union Street NCD (d.b.a. The Juice Shop and Pressed Juicery). The proposed juice bar would principally serve freshly prepared juices and smoothies.

3. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

The project includes interior improvements with no changes to the exterior. The proposed work will not affect the architectural or aesthetic character of the Neighborhood Commercial District.

4. The existing retail vacancy rates within the Neighborhood Commercial District.

As of October 2013, the vacancy rate is approximately 5 percent within the Union Street NCD.

5. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

The proposed formula retail use will complement the mix of goods and services currently available within this portion of the Union Street NCD, which include a variety of offerings in retail, fashion, accessories, personal services, eating and drinking establishments, and other neighborhood-serving uses.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed project would provide desirable goods and services to the neighborhood and would provide employment opportunities to those in the community. Further, the subject property is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The proposed project would create new commercial activity and would enhance the diverse economic base of the City by providing a Limited Restaurant use that is not widely available within the NCD.

OBJECTIVE 6:

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

Policy 6.1:

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

No commercial tenant would be displaced as the space is currently vacant. The project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood since the proposed use would only minimally increase the eating and drinking establishment concentration.

Eating and Drinking Establishments

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.

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

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20 percent of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20 percent should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25 percent of the total commercially occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances from fixed source equipment.

With the Limited Restaurant use, approximately 22 percent of the frontage of the Union Street NCD would be occupied by eating and drinking establishments. The proposed change of use from a vacant commercial space into a Limited Restaurant would minimally increase the concentration by less than one percent. Furthermore, Policy 6.1 also states that clustering of eating and drinking establishments may be appropriate, in this case, due to the availability and abundance in public transportation options, allowing the subject area to be easily accessible.

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 does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project would not displace any businesses and would occupy an existing vacant storefront. The business would create four to five employment opportunities. The proposed alterations are within the existing building footprint.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

Existing housing and neighborhood character would not be adversely affected. The proposed hours of operation are within the principally permitted hours.

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

No housing is removed for this Project.

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

The site is on Union Street and is well served by transit. There is also a parking garage within walking distance of the subject property.

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

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

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

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

- G. That landmarks and historic buildings be preserved.

The project is in conformity with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

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

The project would have no negative effect on existing parks and open spaces. The project does not have an effect on open spaces.

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 Application No. 2014.0043C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 21, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. 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 May 8, 2014.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 8, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Formula Retail Use that is also a Limited Restaurant (d.b.a. Earthbar) located at 2055A Union Street, Block 0541, Lot 018 pursuant to Planning Code Sections 303, 703.3, 703.4, and 725.43 within the Union Street NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District; in general conformance with plans, dated April 21, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2014.0043C and subject to conditions of approval reviewed and approved by the Commission on May 8, 2014 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 May 8, 2014 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

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 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

7. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

OPERATION

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

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

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

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

11. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

Parcel Map

UNION



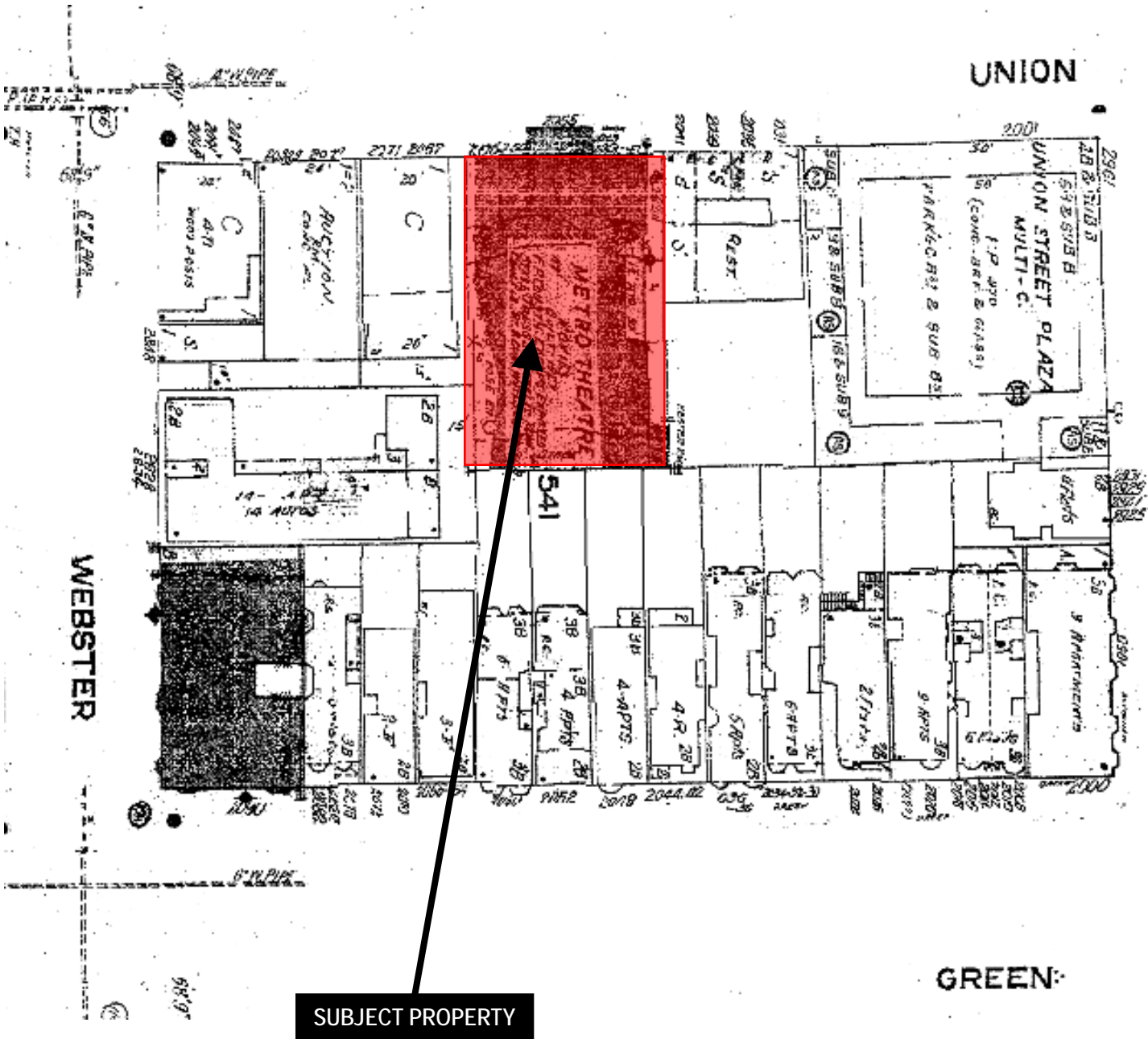
SUBJECT PROPERTY

GREEN

Conditional Use Authorization
Case Number 2014.0043C
2055A Union Street
Block 0541 / Lot 018



Sanborn Map*

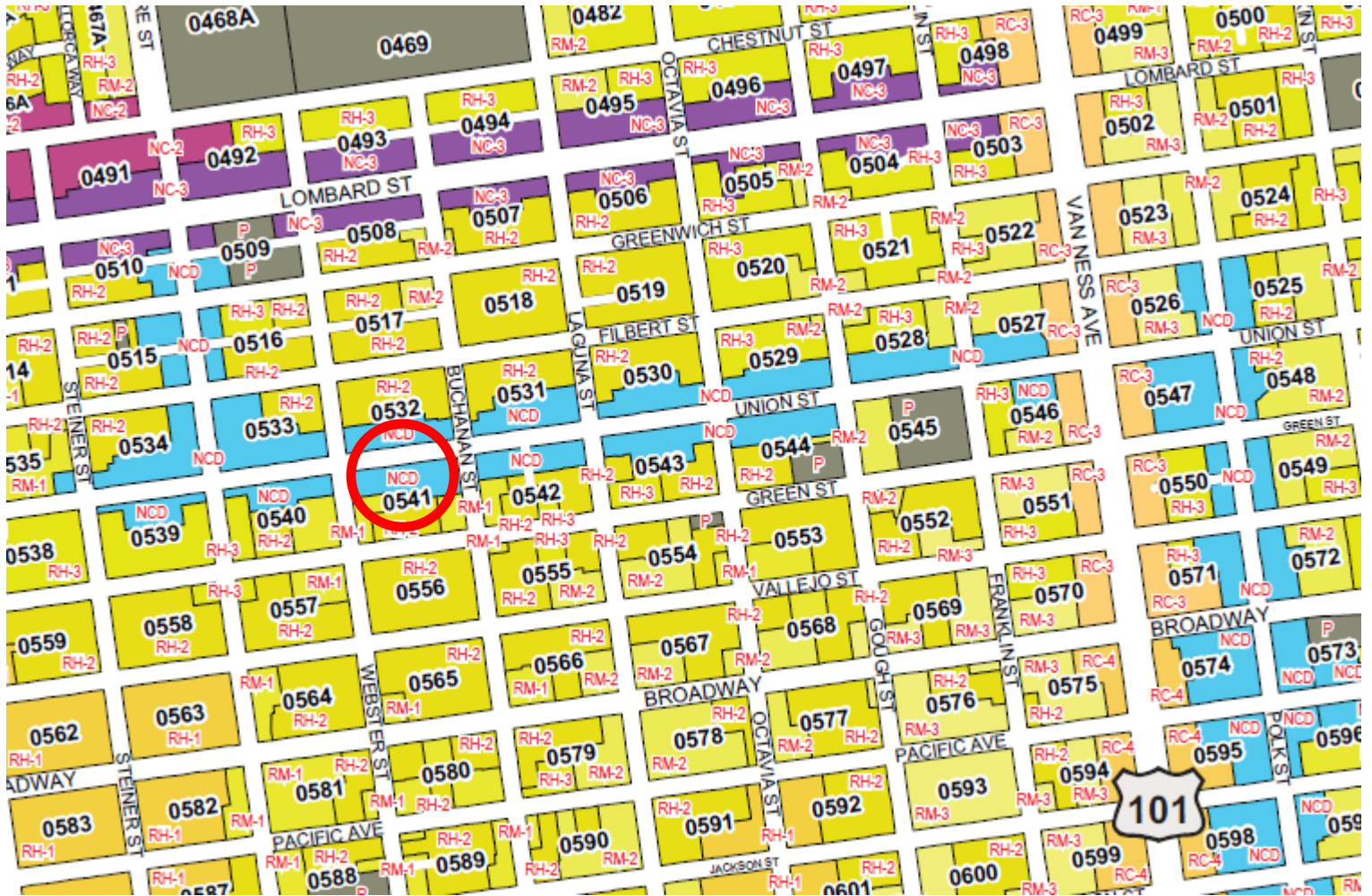


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



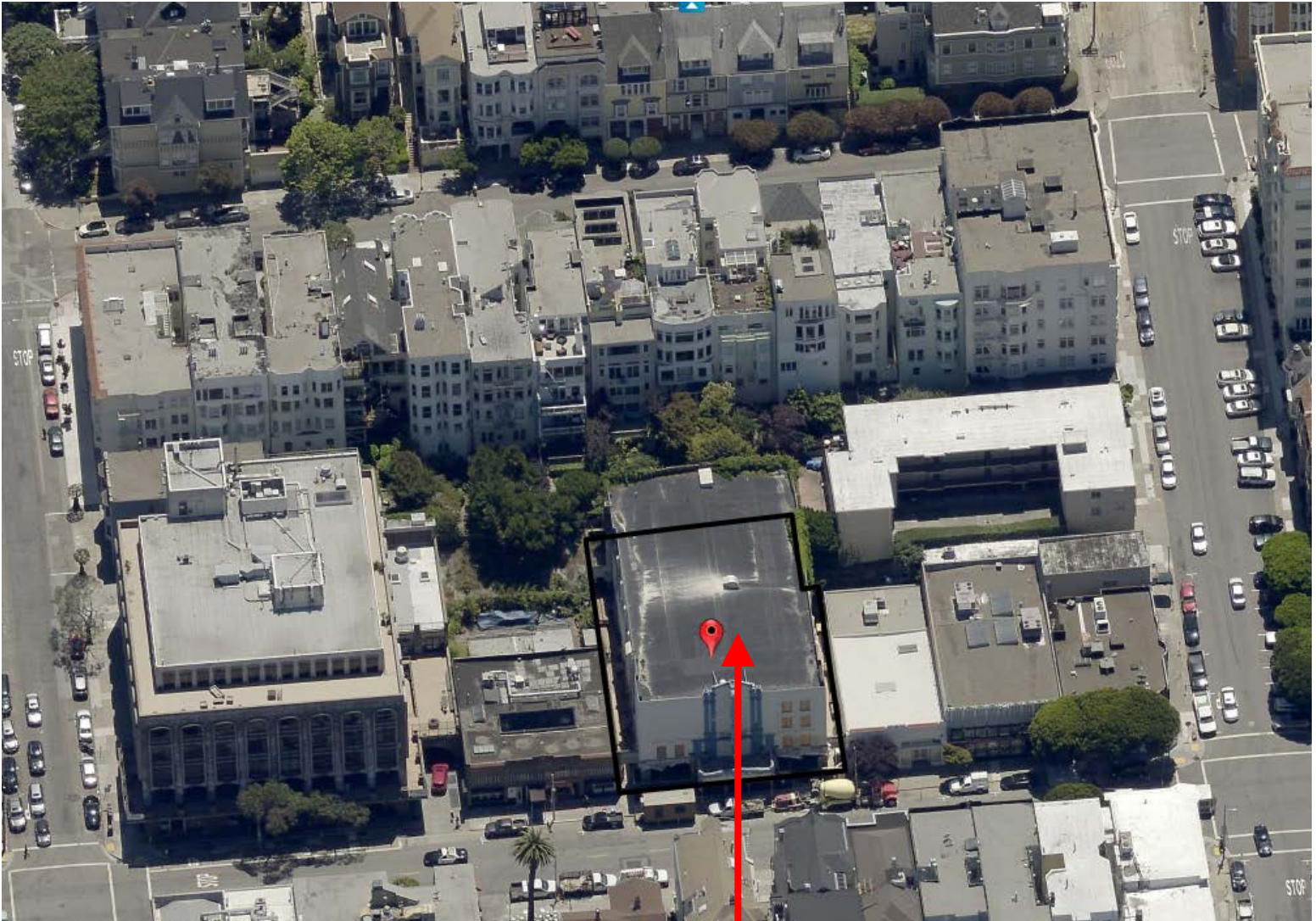
Conditional Use Authorization
Case Number 2014.0043C
2055A Union Street
Block 0541 / Lot 018

Zoning Map



Conditional Use Authorization
Case Number 2014.0043C
2055A Union Street
Block 0541 / Lot 018

Aerial Photo (looking south)



SUBJECT PROPERTY

Conditional Use Authorization
Case Number 2014.0043C
2055A Union Street
Block 0541 / Lot 018

Site Photo



Conditional Use Authorization
Case Number 2014.0043C
2055A Union Street
Block 0541 / Lot 018



April 29, 2014

Honorable Members
San Francisco City Planning Commission
1660 Mission Street, 4th Floor
San Francisco, CA 94103

Requesting Approval for "Earthbar" – a Juice / Health Bar
CU Hearing – May 8, 2014 - Case No. 2014.0043C – 2055A Union Street

Honorable Commissioners:

"Earthbar" – a fresh fruit juice, health tonic and related health dietary products store requests your support for a small retail outlet on Union Street, which along with a new store opening at Stonestown Galleria, will be the first outlets in Northern California. Earthbar currently operates four independent standalone retail juice bar outlets and ten additional juice bar counters alongside ten existing Equinox fitness facilities, all currently located in the Los Angeles area.

The proposed juice bar, located in the newly renovated landmark Metro Theater at 2055A Union Street, will be approximately 720-square feet in area and have seating for approximately 10 patrons. An additional 855-square feet of retail space will be assigned to fitness apparel sales, circulation and restroom for a total retail occupancy of approximately 1,575-square feet.

Having a juice bar in close proximity to a fitness center has the dual benefit of providing a highly desired amenity for fitness center patrons so they can rehydrate and re-energize with a tasty and healthy fruit drink. The demand for such refreshment assures the economic viability and vitality of the juice bar outlet. The juice bar, along with a separate fitness apparel sales component, would have normal business hours and employ 4 to 5 people.

During April, a representative of "Earthbar" attended meetings and made presentations at both the Union Street Association and Golden Gate Valley Neighborhood Association. The Earthbar proposal was well received.

Given the modest size of this juice bar and its direct service relationship to the new Equinox fitness center, we feel this use is appropriate at this location and we respectfully ask your approval. Please find additional information at web link <http://earthbar.com/locations/>.

Thank you for your consideration.

Sincerely,

Robert Lustig, CEO

Copy: Supervisor Mark Farrell
Christine Lamorena, City Planner, San Francisco Planning Department



April 19, 2014

Honorable Members
San Francisco City Planning Commission
1660 Mission Street, 4th Floor
San Francisco, CA 94103

Case No. 2014.0043C – 2055A Union Street

Honorable Commissioners:

A representative of “Earthbar” attended our April meeting of the Union Street Association to present their proposal for a juice bar to be located within the newly renovated landmark Metro Theater which will be occupied by a new “Equinox” fitness center. We look forward to this long awaited reuse of this building and the patrons it will attract to Union Street.

We understand that the proposed juice bar will be approximately 720-square feet in area and have seating for approximately 10 patrons, and that approximately 830-square feet will be assigned to fitness apparel sales, circulation and restroom for a total retail occupancy of approximately 1,550-square feet.

We also understand that “Earthbar” is both a “formula retail” and “limited restaurant use” as defined by the Planning Code and requires Conditional Use approval.

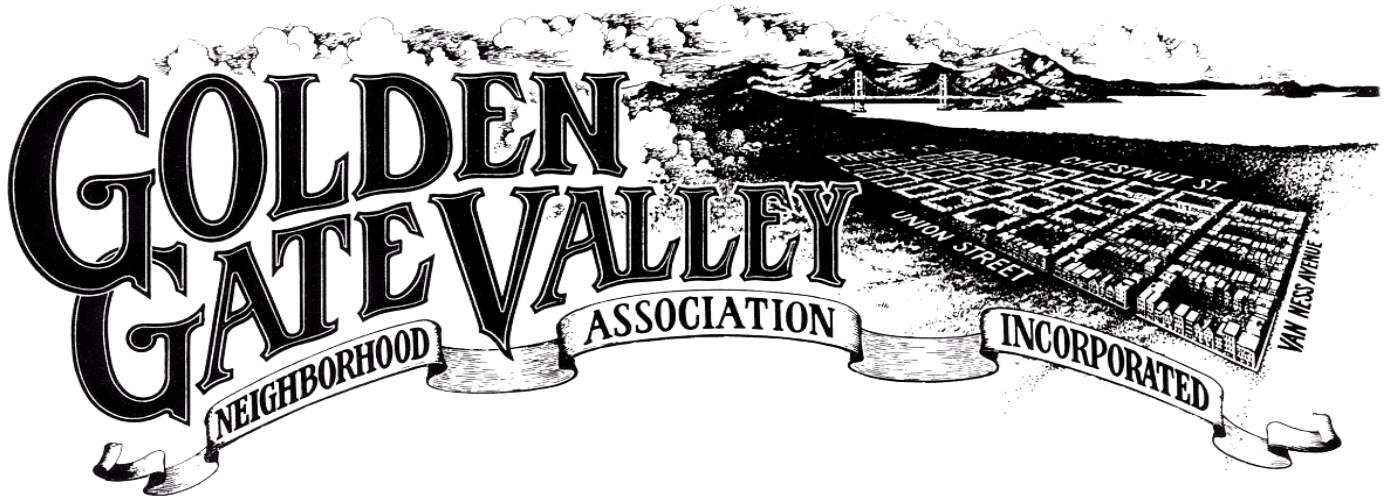
The attendees at our merchant meeting were unanimous in their approval of Earthbar and given the modest size of this juice bar and its direct relationship to the new Equinox fitness center, we feel this use is appropriate at this location and support its approval.

Thank you for your consideration.

Sincerely,

Lesley Leonhardt

Copy: Supervisor Mark Farrell
Christine Lamorena, City Planner, San Francisco Planning Department



Post Office Box 29086, Presidio Station, San Francisco, California 94129 (415) 931-3438

April 23, 2014

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

RE: Case number 2014.0043C: 2055 Union Street

Golden Gate Valley Neighborhood Association urges the Planning Commission to grant Conditional Use Authorization to the subject project (d. b. a. Earthbar), pursuant to Planning Code Sections 303(c), 303(i), and 725.43, in order to allow a Formula Retail use that is also a Limited-Restaurant within the Union Street Neighborhood Commercial District and 40-X Height and Bulk District. This authorization will allow Earthbar and Equinox Fitness, the principal tenant at 2055 Union Street, to continue their long-established symbiotic relationship at the site of the old Metro Theatre on Union Street. This project does not threaten the health, safety, convenience, or general welfare of any resident or worker in the Union Street NCD, and it will not harm adjacent properties in any way or inhibit future development in its vicinity.

Sincerely,

Robert Bardell
President, Golden Gate Valley Neighborhood Association

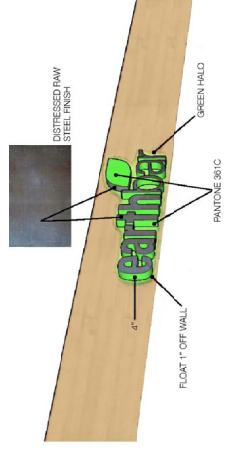
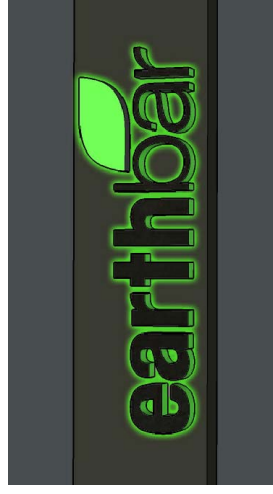
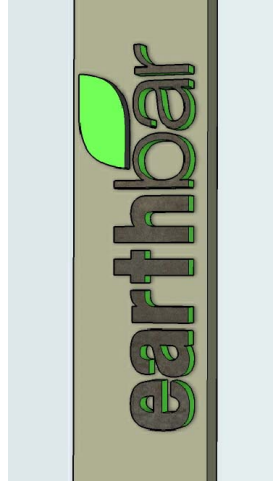
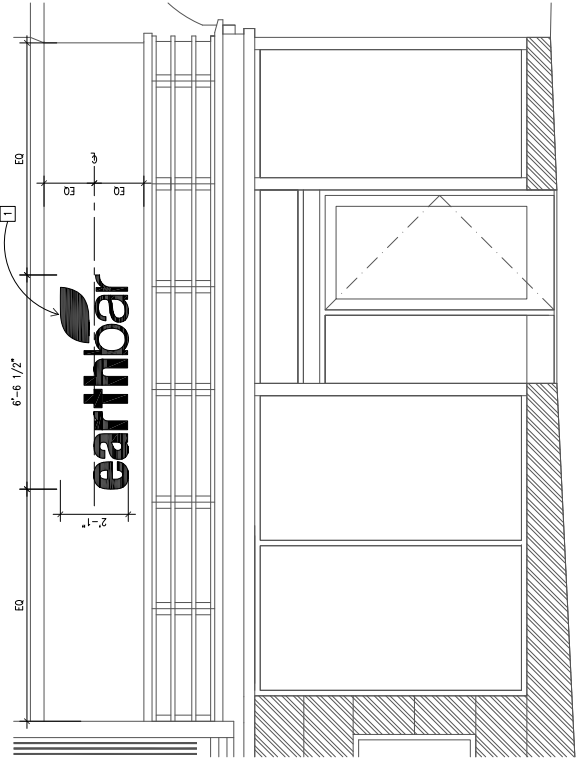
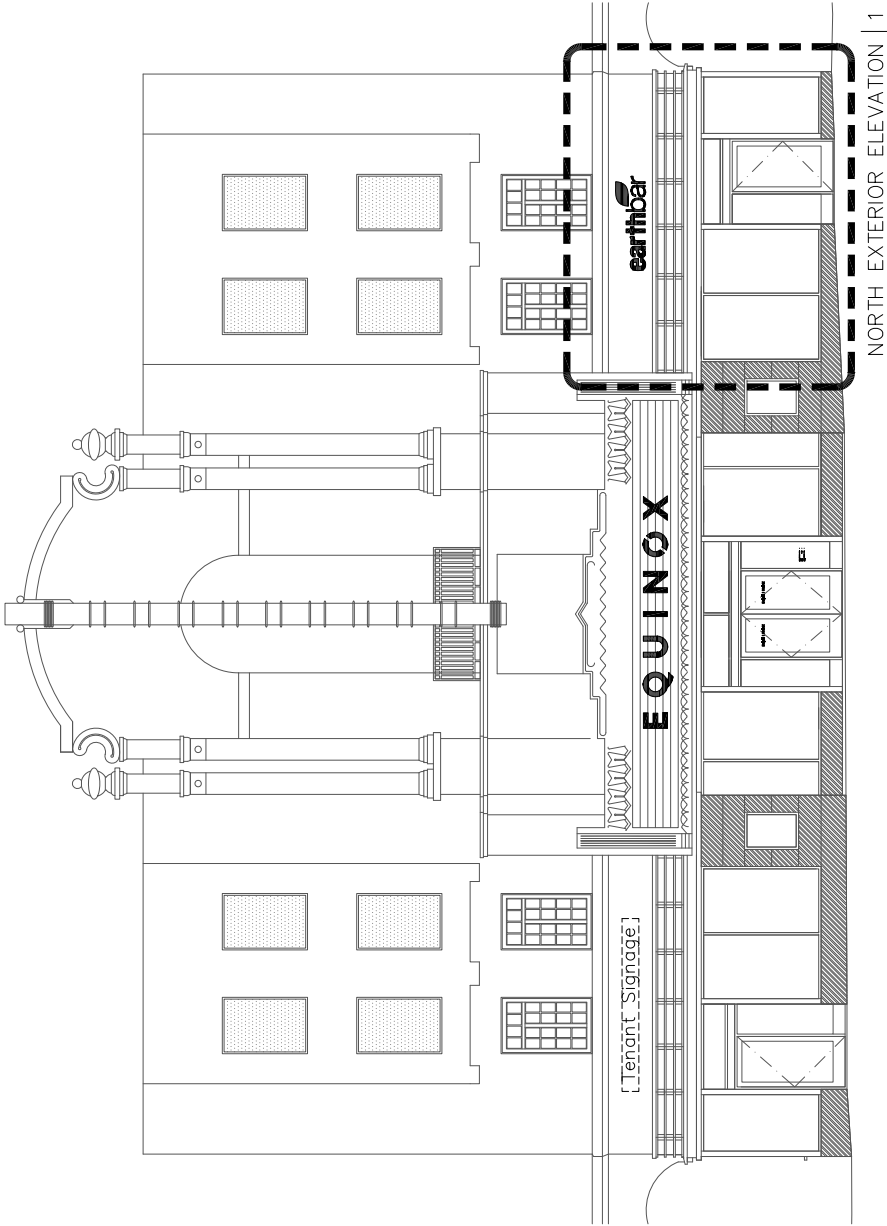
2055 A Union Street

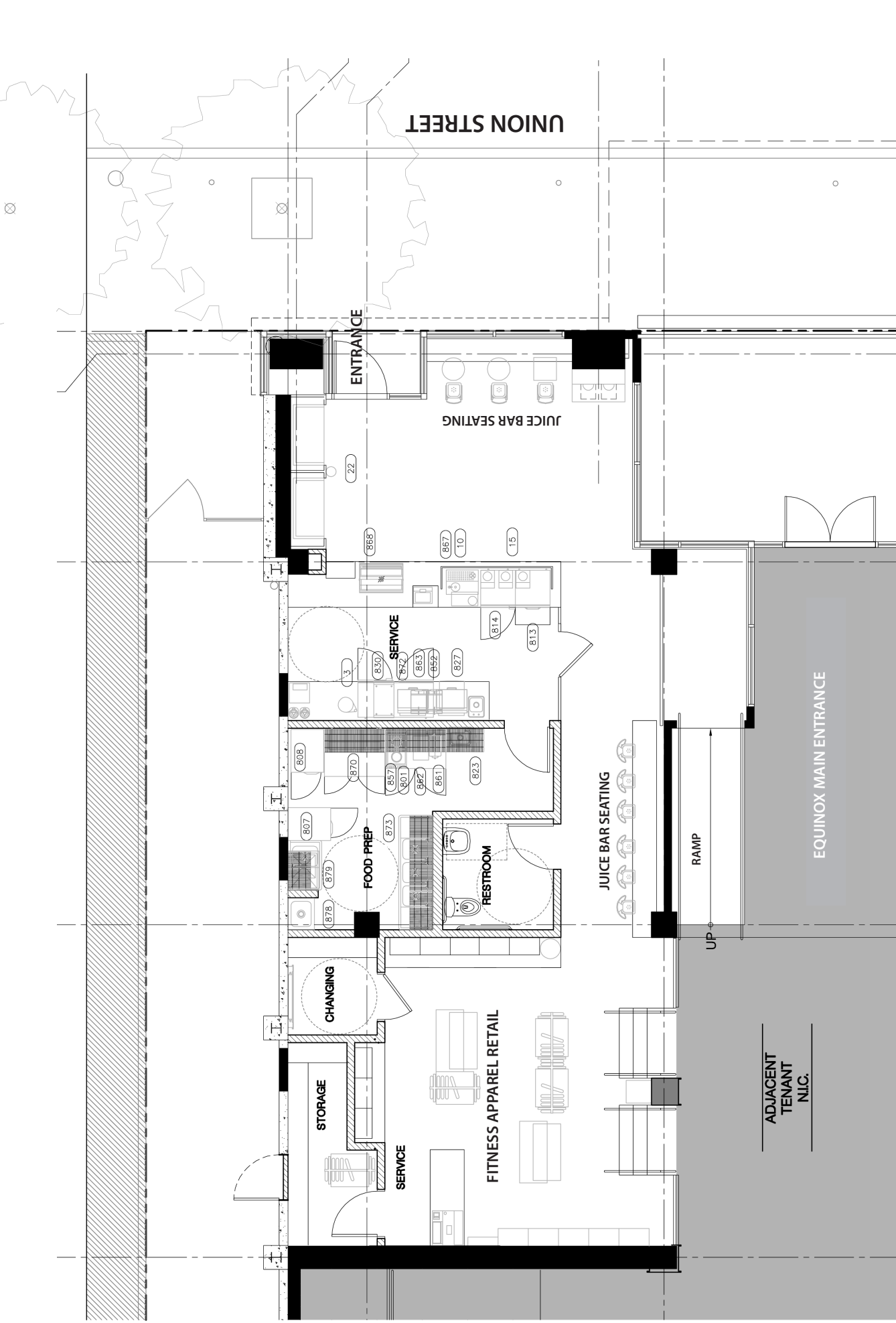


2470 Marina Square Loop
San Francisco, CA 94131
415.865.8645
mbharch.com

earthbar SIGNAGE DESIGN

4/21/14





2055 A Union Street



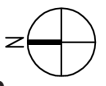
2470 Marina Square Loop
Alameda, CA 94501
510 885 8863
mbhorch.com

Juice Bar & Fitness Apparel Sales

earthbar FLOOR PLAN 1

SCALE: 1/4" = 1'-0" A22

4/21/14





3 UNION STREET ELEVATION (SOUTH)



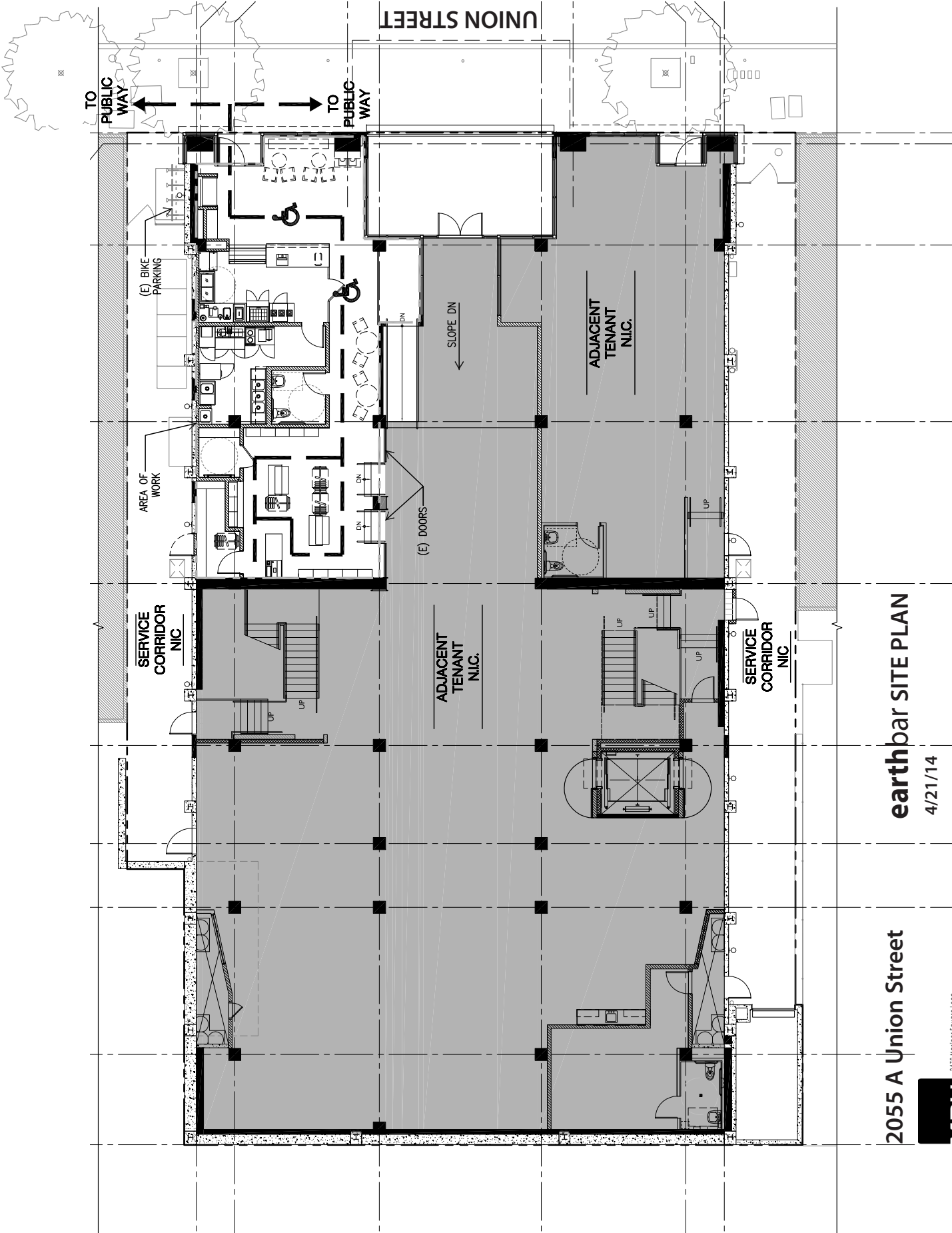
2 UNION STREET ELEVATION (NORTH)



DRAWING LEGEND

- (S) STANDARD PARKING SPACE
- (L) LOADING ZONE (YELLOW CURB)
- (P) PASSENGER LOADING ZONE (WHITE CURB)
- (H) HANDICAP PARKING SPACE
- (B) BUS STOP





UNION STREET

TO PUBLIC WAY

TO PUBLIC WAY

(E) BIKE PARKING

AREA OF WORK

SERVICE CORRIDOR N.I.C.

(E) DOORS

ADJACENT TENANT N.I.C.

ADJACENT TENANT N.I.C.

SERVICE CORRIDOR N.I.C.

SLOPE DN

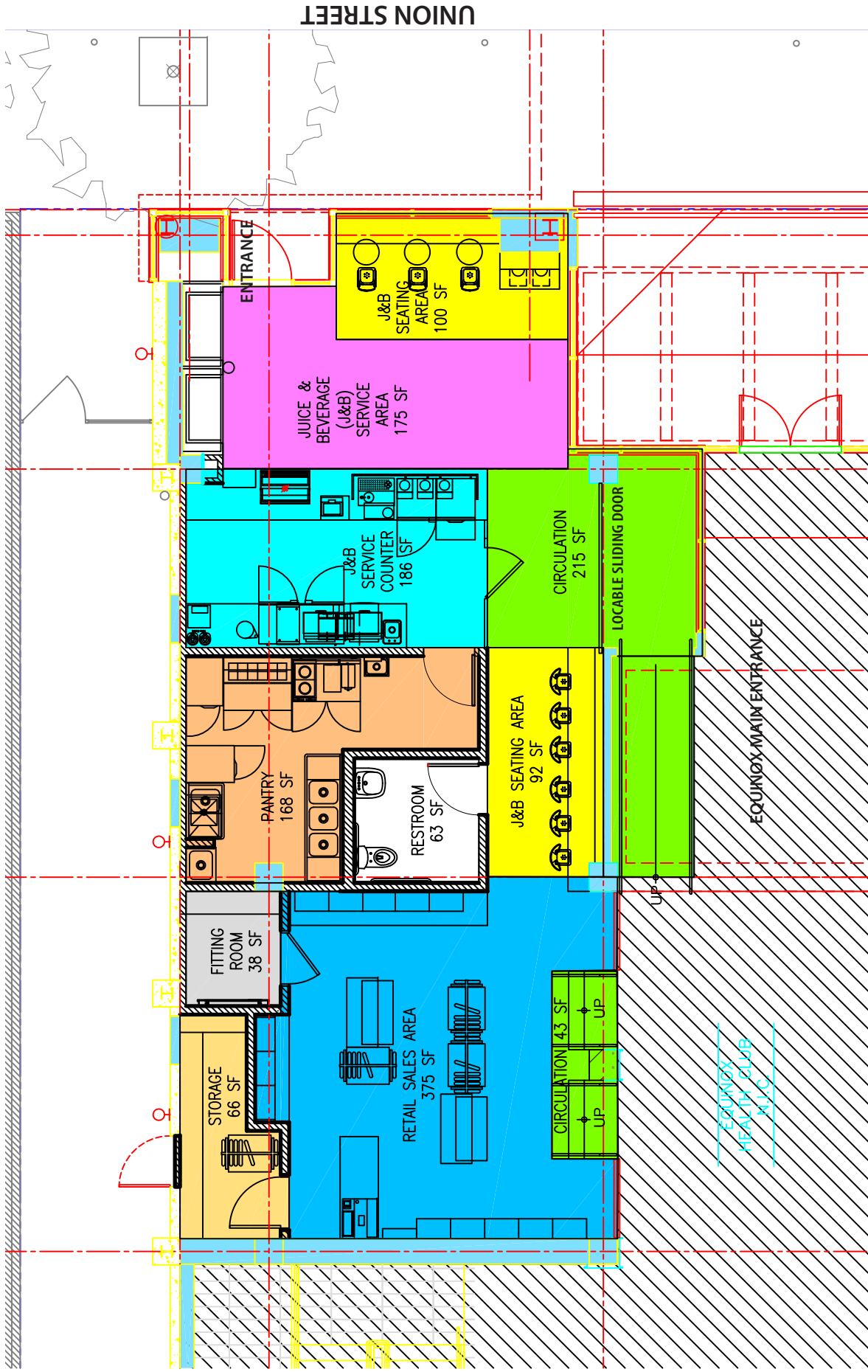
2055 A Union Street

earthbar SITE PLAN

4/21/14

2470 Marina Square Loop
Alameda, CA 94501
510.845.8663
mbharch.com

MBH



UNION STREET

2055 A Union Street

Juice Bar & Fitness Apparel Sales
earthbar FLOOR PLAN
 4/21/14



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