



PLANNING COMMISSION MOTION NO. 21497

HEARING DATE: JANUARY 25, 2024

Record No.: 2022-008254CUA
Project Address: 2351 Mission Street
Zoning: Mission Street NCT (Neighborhood Commercial Transit) Zoning District
40-X and 55-X Height and Bulk Districts
Mission Alcoholic Beverage Special Use District
Fringe Financial Service Restricted Use District
Block/Lot: 3595 / 024
Project Sponsor: Christopher Hastings
Down With This Sort of Thing, LLC
2351 Mission Street
San Francisco, CA 941110
Property Owner: Del-Camp Investments, Inc
2120 Market Street, Suite 100
San Francisco, CA 94114
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maggie.laush@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 145.2, 249.60, 754 AND 303, TO ESTABLISH AN OUTDOOR ACTIVITY AREA FOR AN EXISTING RESTAURANT USE IN THE SUBJECT PROPERTY'S PUBLIC PARKING LOT AND TO EXPAND THE EXISTING LIQUOR ESTABLISHMENT LOCATED AT 2351 MISSION STREET, BLOCK 3595 LOT 024 WITHIN THE MISSION STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT AND 40-X AND 55-X HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On March 30, 2023, Christopher Hastings of Down With This Sort of Thing, LLC (hereinafter "Project Sponsor") filed Application No. 2022-008254CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish an Outdoor Activity Area and expand an existing liquor establishment (hereinafter "Project") at 2351 Mission Street, Block 3595 Lot 024 (hereinafter "Project Site").

On January 16, 2024, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Department files for this Project.

On November 9, 2023, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2022-008254CUA and continued the hearing to January 4, 2024.

The Commission cancelled the regularly scheduled January 4, 2024 meeting and continued the hearing on the Application to January 25, 2024.

On January 25, 2024, the Commission conducted a duly noticed public hearing on the Application at a regularly scheduled meeting.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2022-008254CUA 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 as requested in Application No. 2022-008254CUA, 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 to add a Nighttime Entertainment use to an existing Restaurant use (d.b.a. “Casements”) and establish an Outdoor Activity Area, measuring 1,777 square feet, in part of an existing public parking lot adjacent to the restaurant. The Project also proposes to expand the existing liquor establishment, as the restaurant has a Type 47 liquor license, to include the Outdoor Activity Area. Ten of the 81 parking spaces in the public parking lot would be occupied by the Outdoor Activity Area. The remaining 71 parking spaces would continue to operate as a public parking lot.
- 3. Site Description and Present Use.** The Project Site contains the El Capitan Theater and Hotel, a three-story Residential Hotel building with 165 feet of frontage on Mission Street and an Article 10-designated Landmark. The ground floor features multiple commercial spaces, including Casements, and a 45-foot-wide driveway through the structure. The driveway provides access to an existing legal non-conforming public parking lot (d.b.a. “California Parking Company”) at the rear of the lot, with a total area of approximately 31,396 square feet. The lot is also accessed via two 24-foot curb cuts from Capp Street,

where it extends the full width of the parcel. Ten of the parking spaces adjacent to the subject commercial unit, partially beneath the upper stories of the building, were converted to an outdoor patio for the Restaurant use through the Shared Spaces program (Permit No. 12072020-0002-SSP).

4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Mission Street NCT Zoning District in the Mission Area Plan. The neighborhood is mixed in character with residential and commercial uses. The immediate context includes two-to-four story commercial development with residential uses above to the north and south, and west across Mission Street. To the east, development is primarily two-to-three-story residential properties, as well as a public park (Alioto Mini Park). Other zoning districts in the vicinity of the project site include: RTO-M (Residential Transit Oriented), NC-1 (Neighborhood Commercial Cluster), NC-2 (Small-Scale Neighborhood Commercial), and the Valencia Street NCT (Neighborhood Commercial Transit) Zoning Districts.
5. **Public Outreach and Comments.** The Sponsor conducted direct outreach to discuss the Project, visiting neighboring businesses and residents in person, including tenants in the residential hotel above the Site, and contacting community leaders and groups who have worked with Casements in the past. The Department has received at least 37 comments in support of the Project and at three comments in opposition. Opposition to the Project came from nearby residents and focused on the volume of patron conversation and amplified sound in the patio space during late evening hours. Supporters of the Project focused on the importance of Casements—and the patio in particular—as a safe, outdoor gathering space for queer and immigrant communities, neighborhood organizations, and locals and visitors of all ages. Many noted how Casements has brought vibrancy to Mission Street amid numerous recent commercial closures. Support came from nearby residents, local businesses, and community groups and organizers.
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 754 principally permits an Outdoor Activity Area if located in the front of the subject property and requires a Conditional Use Authorization for an Outdoor Activity Area located elsewhere.

The Outdoor Activity Area would be located at the rear of the structure, in the northwest corner of the public parking lot. It would primarily be accessed through the interior of the adjacent commercial unit, and two additional egress gates would allow accessible and emergency access through the parking lot. The Outdoor Activity Area would provide seating for the full-service Restaurant use located adjacent to it, accommodating approximately 86 additional patrons. The Project also proposes to establish a Nighttime Entertainment use at the subject commercial unit, which is a principally permitted use in the Mission Street NCT. The Outdoor Activity Area would thus provide additional space for evening-oriented activities such as live music, if permitted by the Entertainment Commission.

- B. **Hours of Operation.** Planning Code Section 754 does not establish limits on operating hours within the Mission Street NCT District.

The current hours of operation for Casements are from 4 p.m. to 2 a.m. Monday through Thursday, from 3 p.m. to 2 a.m. on Friday, and from 2 p.m. to 2 a.m. on Saturdays and Sundays, with kitchen service closing at 9 p.m. Evening operational hours of the Outdoor Activity Area would be restricted to 10 p.m. to

reduce potential noise impacts to nearby Residential uses, per Condition no. 20 in Exhibit A.

- C. **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 existing Restaurant use and proposed Nighttime Entertainment use are compliant active uses, and occupy all 75 feet of building depth at the ground floor. The Outdoor Activity Area would be located at the front of the existing parking lot, behind and beneath the existing structure and adjacent to the subject commercial unit. No modifications are proposed to the parking lot or commercial storefront entrances.

- D. **Ground Floor Commercial.** Section 145.4 of the Planning Code requires that on certain street frontages, active commercial uses are provided within the first 25 feet of building depth on the ground floor, and that individual uses do not occupy more than 75 contiguous linear feet along a street-facing façade.

The existing Restaurant use and proposed Nighttime Entertainment use are compliant active uses, and occupy all 75 feet of building depth at the ground floor with 18 feet, six inches of frontage on Mission Street.

- E. **Parking Lots.** Planning Code Section 156 prohibits permitting of permanent parking lots in C-3 and NCT Districts. In conjunction with Planning Code Section 142, it establishes screening and greening requirements for vehicular use areas including parking lots.

The Project Site contains an existing, legal, non-conforming Public Parking Lot, a Retail Automotive use not accessory to other commercial uses on the lot. The Project would convert ten of the 81 authorized vehicle parking spaces. Pursuant to Planning Code Section 183(d), conversion of less than 25% of the parking spaces does not constitute a discontinuance or abandonment of the converted portion of the public parking lot use. The public parking lot may continue to operate, offering 71 vehicle spaces, and should the Outdoor Activity Area be removed, reincorporate the ten parking spaces into the lot.

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 Outdoor Activity Area is in keeping with other commercial uses in the vicinity. The expanded Restaurant would not impact traffic or parking in the district because it is not a destination restaurant. It would complement the variety of retail uses currently available in the district. It would contribute to the economic vitality of the neighborhood by activating an otherwise underutilized public parking lot, especially during late evening business hours.

- 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 Project would not alter the height and bulk of the existing building, its appearance, or its general character. The proposed work is limited to the addition of opaque fencing, outside seating, and related furnishings to alter the use of the property without impacting the structure. In addition, the majority of the public parking lot would be retained, and its appearance unchanged.

- (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 off-street parking or loading for a 1,952 square-foot full-service Restaurant or Nighttime Entertainment uses. The proposed uses are 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 Restaurant use is subject to the standard conditions of approval outlined in Exhibit A. Conditions 10, 11, and 15 specifically obligate the Sponsor to mitigate odor and noise generated by the Restaurant use.

The Project would add a Nighttime Entertainment use to the commercial unit, but entertainment activities such as live and amplified music would be subject to permitting by the Entertainment Commission, maintaining safeguards to prevent impacts to neighbors.

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

The proposed Outdoor Activity Area requires minor tenant improvements such as making

permanent the opaque fencing added under the Shared Space program permit, adding seating, tables, and string lighting. The improvements would help enhance the Outdoor Activity Area and ensure it is a vibrant space for patrons. The Department shall review all lighting and signs proposed in accordance with Condition nos. 7 and 8 of Exhibit A.

- 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 proposed project is consistent with the stated purposed of Mission Street NCT District in that the intended use is located at the ground floor and would provide a compatible convenience service for the immediately surrounding neighborhoods. The Restaurant and Nighttime Entertainment establishment would contribute to the District's mixed-use character and activity in the evening hours

8. Mission Street Neighborhood Commercial Transit District. For any use subject to Conditional Use authorization under Planning Code Section 754, the Planning Commission shall find that the use supports at least three of the four purposes of the District as set forth below:

- A. To preserve and enhance the existing storefront configuration and size, signage, artwork, and other character-defining elements of the built environment;

The Project would not modify any existing storefront, signage or artwork. Expanding into the existing public parking lot would allow Casements to grow without requiring alterations to the commercial units or the unique characteristics of the storefronts in the landmark. The Sponsor partnered with Mission 415 to preserve the murals that existed in the public parking lot and to add new murals from the same artists to the exterior of the opaque fencing installed in conjunction with their Shared Spaces Permit. In making this fencing permanent, the Project enhances the artwork at the Site and the public experience of the built environment.

- B. To preserve the contributions of Legacy Businesses to the history and identity of the District;

The Project would not affect any existing Legacy Businesses in the District.

- C. To retain, enhance, and promote active community involvement and input on development within the District by conducting thorough outreach to stakeholders and neighborhood groups and responding to community input; and

The Sponsor actively engages with a range of local community groups, in particular Irish, Mission, and queer communities, by hosting ongoing and one-off events with little or no cost to organizers. In the past six months, they have worked with or hosted over 30 groups, including but not limited to:

ArtSpan, City Surf Project, conversational Gaelic language classes, International Pride Orchestra, Juanita MORE!, MEDA, SF AIDS Foundation, SF CASA, SF School District Teachers, SF Transit Riders Union, Society for Hispanic Professional Engineers, Shanti Project, and more. In expanding Casements' available space and providing a safe outdoor gathering space, the Project retains and enhances the Sponsor's ability to serve the community.

- D. To retain, enhance, and promote neighborhood-serving businesses and institutions that enhance economic and workforce opportunities for local residents by coordinating with the Office of Economic and Workforce Development to engage with the City's workforce system to provide employment opportunities, career trainings, and formal partnerships to identify and address both business and community workforce needs.

The Sponsor opts to work with local businesses wherever possible, sourcing and procuring most materials from Mission- and San Francisco-based companies. Regular commercial interactions with Mission businesses include, but are not limited to: Arizmendi Bakery, Bare Bottle Brewing, Duc Loi Grocery Store, Mission Linen, Mission Loteria, Norman Limas Cleaning Services, Standard Deviant Brewing Company, Sun Fat Seafood, and others. The Sponsor emphasizes hiring Mission residents, has a robust career education program, and takes pride in developing hospitality talent. The Project would allow Casements to deepen these commitments as its business grows.

9. Outdoor Activity Area in NC Districts. In addition to the criteria of Section [303\(c\)](#) of this Code, the Planning Commission shall find that:

- A. The nature of the activity operated in the Outdoor Activity Area is compatible with surrounding uses;

The Outdoor Activity Area would operate as an extension of the adjacent full-service Restaurant use, and of the Nighttime Entertainment use added to the subject commercial unit as part of the Project. The full-service Restaurant use with outdoor seating and the Nighttime Entertainment use are both compatible with the surrounding uses, which include other eating and drinking establishments, bars, and mixed retail on Mission Street.

- B. The operation and design of the Outdoor Activity Area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

The Outdoor Activity Area would be located at the rear of the subject commercial unit, adjacent to the blank wall of a one-story commercial building to the north and surrounded by the existing public parking lot to the east and south. Nearby residential uses include a Residential Hotel above the subject commercial unit and a mix of single-family and small multi-family residential to the north. The adjacent commercial use and the public parking lot help to separate the Outdoor Activity Area from the nearby residential buildings that front on Capp and Mission Streets. Approximately nine windows on the subject building face out over the proposed Outdoor Activity Area, however based on their location above should not have their privacy impeded. Restricting the hours of operation of the Outdoor Activity Area to no later than 10 p.m., per Condition no. 20 in Exhibit A, would further mitigate potential conflict with nearby residential uses.

- C. The Hours of Operation of the activity operated in the Outdoor Activity Area are limited so that the activity does not disrupt the viability of surrounding uses.

The hours of operation for the proposed Outdoor Activity Area would be limited to minimize potential noise impacts to neighboring uses. The indoor Restaurant use operates until 2 a.m. daily, as would the Nighttime Entertainment use, but the Outdoor Activity Area would be restricted to not operate past 10 p.m. per Condition no. 20 in Exhibit A.

10. Mission Alcoholic Beverage Special Use District. In addition to the criteria of Section 303(c) of this Code, the Planning Commission shall find that:

- A. **Expansion.** An existing liquor establishment may expand its use with Conditional Use authorization from the Planning Commission. In reviewing the application for such expansion, the Commission shall consider the establishment's prior operating conditions.

The Sponsor intends to serve alcohol in the proposed Outdoor Activity Area and thus requires a Conditional Use Authorization to expand the existing liquor establishment. The existing liquor establishment holds a valid ABC-Type 47 license in conjunction with the full-service Restaurant use. Alcohol service in the Outdoor Activity Area shall be in compliance with the operating conditions of Planning Code Section 202.2 (a)(7).

- B. **Good Neighbor Policies.** The operating conditions established in Section 202.2 of this Code shall apply to all liquor establishments in this SUD in order to maintain the safety and cleanliness of the premises and vicinity. In addition, all new, relocated, or expanded liquor establishments, and any liquor establishment with a license referred for review to the Planning Department by the State of California Department of Alcohol Beverage Control, shall comply with the requirements set forth below. Liquor establishment shall have the meaning set forth in subsection (c) above.

- (1) The liquor establishment shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and any adjacent parking, as appropriate to maintain security, without disturbing area residences.

The proposed use is subject to the standard conditions of approval for Outdoor Activity Areas. Condition nos. 8 and 19 in Exhibit A specifically obligate the Sponsor to submit a lighting plan for review by the Department to ensure safety while minimizing nuisance.

- (2) No more than 33% of the square footage of the windows and clear doors of the liquor establishment shall bear advertising or signage of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises from the exterior public sidewalk or entrance to the premises. This requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises. Street facing facades shall maintain at least 50% clear and visually-permeable glazing.

- (3) *The proposed Outdoor Activity Area has no windows and is precluded from this requirement. The existing storefront windows are compliant, and no modifications to the storefront are proposed as part of the Project.*

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 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.

OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.8

Provide for the adequate security of employees and property.

OBJECTIVE 6

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

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.

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.

MISSION AREA PLAN

Land Use

Objectives and Policies

OBJECTIVE 1.1

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

Policy 1.1.3

Maintain the successful Mission Street, 24th Street, and Valencia Street Neighborhood Commercial districts; recognize the proximity to good transit service by eliminating residential density limits and minimum parking requirements.

OBJECTIVE 1.8

MAINTAIN AND STRENGTHEN THE MISSION'S NEIGHBORHOOD COMMERCIAL AREAS

Policy 1.8.2

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

On balance, the Project is consistent with the Objectives and Policies of the General Plan and the Mission Area Plan. The Project would create a new Outdoor Activity Area in an existing parking lot, which is associated with an existing full-service Restaurant, and add a Nighttime Entertainment use in the Mission Street NCT District. The Project would also expand of the existing liquor establishment within the restaurant, as it intends to serve alcohol to patrons in the proposed Outdoor Activity Area. The Project would enhance the existing Restaurant use, support the retention of the business and vitality of the Mission Street commercial corridor, and promote additional employment opportunities in the Mission neighborhood. The Outdoor Activity Area would enhance a local small business as a gathering space for various members of the community and add to the diversity of spaces in the neighborhood. The Project does not alter the historic building and would only minimally change the parking lot, which it would enhance with murals by local artists on the fencing.

12. 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 would not displace any neighborhood-serving retail uses. The Project creates an Outdoor Activity Area and expands the existing liquor establishment, which would enhance the associated Restaurant use and proposed Nighttime Entertainment use, as well as nearby retail uses,

by providing new patrons to these businesses.

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

The Residential Hotel use on the Site is not reduced or negatively impacted by the Project. The proposed Outdoor Activity Area relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project would not add or remove any existing affordable housing.

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

The Project Site is served by nearby public transportation options. It is located along Muni bus lines (14 – Mission and 49 –Van Ness/Mission) and is within walking distance of the BART Stations at both 16th and Mission Streets and 24th and Mission Streets. The Project would maintain the majority of the public parking lot use, minimizing impacts to neighborhood parking.

- 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 would not include commercial office development. The proposed Outdoor Activity Area associated with the Restaurant and Nighttime Entertainment uses can provide employment opportunities to the community.

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

The Project would be designed and constructed to conform to the structural and seismic safety requirements of the Building Code where applicable.

- G. That landmarks and historic buildings be preserved.

The subject property contains the El Capitan Theater and Hotel, Landmark no. 214 designated in Article 10 of the Planning Code. The Project proposes the continuation of the opaque wooden fencing around the Outdoor Activity Area installed under the Shared Spaces permit and is not attached to the existing landmark building. The Department has found that this scope does not require an entitlement from the Historic Preservation Commission under Article 10, and is categorically exempt from further historical review under CEQA.

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

The Project is in the vicinity of Alioto Mini Park. It would not cast shadow on the park.

- 13. 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.
- 14. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

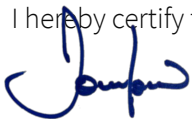
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2023-008254CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated August 11, 2023, 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 January 25, 2024.



Jonas P. Ionin
Commission Secretary

AYES: Braun, Ruiz, Imperial, Koppel, Moore

NAYS: None

ABSENT: Diamond

ADOPTED: January 25, 2024

EXHIBIT A

Authorization

This authorization is for a conditional use to allow an Outdoor Activity Area and expand the existing liquor establishment (d.b.a. **Casements**) in the subject property's public parking lot located at 2351 Mission Street, Block 3595, Lot 024, pursuant to Planning Code Sections **145.2, 249.60, 754, and 303** within the Mission Street NCT (Neighborhood Commercial Transit) District and 40-X and 55-X Height and Bulk Districts; in general conformance with plans, dated August 11, 2023, and stamped "EXHIBIT B" included in the docket for Record No. **2023-008254CUA** and subject to conditions of approval reviewed and approved by the Commission on **January 25, 2024** under Motion No. **21497**. 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 **January 25, 2024** under Motion No. **21497**.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **21497** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Design – Compliance at Plan Stage

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7339, www.sfplanning.org

7. **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 628.652.7339, www.sfplanning.org

8. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7339, www.sfplanning.org

9. **Signage.** A sign permit and compliance with Article 6 of the Planning Code will be required. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7339, www.sfplanning.org

10. **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 628.652.7339, www.sfplanning.org

Parking and Traffic

11. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation

effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Monitoring - After Entitlement

12. 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

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

14. 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.sfpublishworks.org.

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

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the

Environmental Health Section, Department of Public Health at 415.252.3800, www.sfdph.org.

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

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

- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

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

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

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

- 15. 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.sfpublicworks.org

- 16. 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

- 17. Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the

neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

- 18. Other Entertainment.** The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to conducting entertainment activities, and authorized entertainment activities shall also comply with all of the conditions imposed by the Entertainment Commission.

For information about compliance, contact the Entertainment Commission, at 628.652.6030, www.sfgov.org/entertainment

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 20. Hours of Operation.** The operational hours of the Outdoor Activity Area shall be limited to between 9:00 a.m. and 10:00 p.m. daily.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

