

1 [Disapproving Conditional Use Authorization - 2351 Mission Street]

2

3 **Motion disapproving the decision of the Planning Commission by its Motion No. 21497,**  
4 **approving a Conditional Use Authorization identified as Planning Case No. 2022-**  
5 **008254CUA, for a proposed project located at 2351 Mission Street, and approving a**  
6 **Conditional Use Authorization for the same Planning Case and property with new**  
7 **conditions.**

8

9 MOVED, That the Planning Commission’s approval on January 25, 2024, of a  
10 Conditional Use Authorization identified as Planning Case No. 2022-008254CUA, by its  
11 Motion No. 21497, to permit an outdoor activity area for an existing restaurant use in the  
12 subject property’s public parking lot and to expand the existing liquor establishment within the  
13 Mission Street NCT (Neighborhood Commercial Transit) Zoning District and 40-X and 55-X  
14 Height and Bulk Districts, for a proposed project located at: 2351 Mission Street, Assessor’s  
15 Parcel Block No. 3595, Lot No. 024, is hereby disapproved; and, be it

16 FURTHER MOVED, That the Board of Supervisors approves the Conditional Use  
17 Authorization identified as Planning Case No. 2022-008254CUA for the same property subject  
18 to all of the conditions set forth by the Planning Commission by its motion No. 21497, except  
19 as follows:

- 20 • The operational hours of the Outdoor Activity Area shall be limited to between  
21 9:00 a.m. and 11:00 p.m. Sunday through Thursday, and between 9:00 am and  
22 midnight on Friday on Saturday.
- 23 • The Project Sponsor shall implement a three-step sound mitigation strategy by  
24 1) increasing the height of the surrounding wall and addressing sound

25

1 transmission; 2) installing sound dampening materials; and 3) adjusting the  
2 sound system to limit sound that is audible to neighbors.

- 3 • The Project Sponsor shall file a complete application for any permits required to  
4 make the alterations required by the sound mitigation strategy by no later than  
5 July 1, 2024.
- 6 • The Project Sponsor shall implement all aspects of the three-step sound  
7 mitigation strategy, including installation of any required alterations, by no later  
8 than January 1, 2025.
- 9 • If the sound mitigation alterations have not been implemented and installed by  
10 January 1, 2025, the operational hours of the outdoor activity area shall revert  
11 back to between 9:00 a.m. and 10:00 p.m., until such time as the Project  
12 Sponsor fully implements the sound mitigation measures.

13 FURTHER MOVED, That the Board directs the Clerk to submit a copy of this Motion to  
14 the Planning Department.