

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
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May 31, 2024

Joaquin Torres
Assessor-Recorder
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 190
San Francisco, CA 94102

Re: Board of Supervisors Motion No. M24-051

Dear Assessor-Recorder Torres:

On April 2, 2024, the Board of Supervisors held a public hearing of persons interested in or objecting to the certification of a Conditional Use Authorization for a proposed project located at 2351 Mission Street issued by the Planning Commission by Motion No. 21497, dated January 25, 2024, and adopted Motion No. M24-028 (Disapproving the Conditional Use Authorization - 2351 Mission Street) and Motion No. M24-029 (Preparation of Findings Related to Conditional Use Authorization - 2351 Mission Street).

On May 21, 2024, the Board of Supervisors adopted Motion No. M24-051 (Adoption of Findings Related to Disapproval of Conditional Use Authorization - 2351 Mission Street).

Pursuant to Administrative Code, Section 34.3, the Clerk of the Board is forwarding the following documents to your attention:

- One certified copy of Motion No. M24-028 (File No. 240164)
- One certified copy of Motion No. M24-051 (File No. 240513)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


f Angela Calvillo
Clerk of the Board

ll;jw:ak:ams

- c. Juan Carlos Cancino, Office of the Assessor-Recorder
Kurt Fuchs, Office of the Assessor-Recorder
Holly Lung, Office of the Assessor-Recorder



City and County of San Francisco

Certified Copy

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

240164 [Disapproving the Conditional Use Authorization - 2351 Mission Street]

Motion disapproving the decision of the Planning Commission by its Motion No. 21497, approving a Conditional Use Authorization identified as Planning Case No. 2022-008254CUA, for a proposed project located at 2351 Mission Street, and approving a Conditional Use Authorization for the same Planning Case and property with new conditions. (Clerk of the Board)

4/2/2024 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

4/2/2024 Board of Supervisors - APPROVED AS AMENDED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

May 23, 2024

Date

Handwritten signature of Angela Calvillo

f Angela Calvillo
Clerk of the Board

1 [Disapproving Conditional Use Authorization - 2351 Mission Street]

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

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

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

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

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.



City and County of San Francisco

Tails

Motion: M24-028

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240164

Date Passed: April 02, 2024

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

April 02, 2024 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

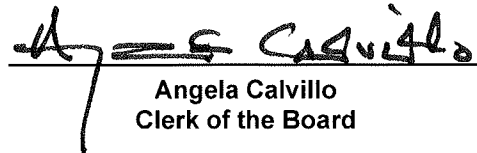
Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

April 02, 2024 Board of Supervisors - APPROVED AS AMENDED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240164

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on 4/2/2024 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board



City and County of San Francisco

Certified Copy

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

240513 [Adoption of Findings Related to Disapproval of Conditional Use Authorization - 2351 Mission Street]

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21497, approving a Conditional Use Authorization, identified as Planning Case No. 2022-008254CUA, for a proposed project at 2351 Mission Street, and approving a Conditional Use Authorization for the same Planning Case and property with new conditions. (Clerk of the Board)

5/21/2024 Board of Supervisors - APPROVED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

May 23, 2024

Date

Handwritten signature of Angela Calvillo

f Angela Calvillo
Clerk of the Board

1 [Adoption of Findings Related to Disapproval of Conditional Use Authorization - 2351 Mission
2 Street]

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

8
9 WHEREAS, On January 25, 2024, the Planning Commission approved a Conditional
10 Use Authorization identified as Planning Case No. 2022-008254CUA, by its Motion No.
11 21497, to permit an outdoor activity area for an existing restaurant use in the subject
12 property's public parking lot and to expand the existing liquor establishment within the Mission
13 Street NCT (Neighborhood Commercial Transit) Zoning District and 40-X and 55-X Height and
14 Bulk Districts, for a proposed project located at: 2351 Mission Street, Assessor's Parcel Block
15 No. 3595, Lot No. 024; and

16 WHEREAS, As a condition of its approval of the Conditional Use Authorization, the
17 Planning Commission limited the operational hours of the Outdoor Activity Area to between
18 9:00 a.m. and 10:00 p.m. daily; and

19 WHEREAS, The Project Site contains the El Capitan Theater and Hotel, a three-story
20 Residential Hotel building with 165 feet of frontage on Mission Street and an Article 10-
21 designated Landmark; the ground floor features multiple commercial spaces and a public
22 parking lot (d.b.a. "California Parking Company"); ten of the parking spaces adjacent to the
23 subject commercial unit, partially beneath the upper stories of the building, were converted to
24 an outdoor patio for the restaurant use through the Shared Spaces program; and
25

1 WHEREAS, The Project Site is located within the Mission Street NCT Zoning District in
2 the Mission Area Plan; the neighborhood is mixed in character with residential and
3 commercial uses; the immediate context includes two-to-four story commercial development
4 with residential uses above to the north and south, and west across Mission Street; to the
5 east, development is primarily two-to-three-story residential properties, as well as a public
6 park (Alioto Mini Park); and

7 WHEREAS, The Planning Department determined that the Project is exempt from
8 environmental review; and

9 WHEREAS, On February 21, 2024, Down With This Sort of Thing LLC dba Casements
10 (Appellant) filed a timely appeal protesting the approval of the Conditional Use Authorization
11 by the Planning Commission because of the condition requiring that the outdoor space be
12 closed at 10:00 p.m.; and

13 WHEREAS, On April 2, 2024, this Board held a duly noticed public hearing to consider
14 the appeal; and

15 WHEREAS, In deciding the appeal, the Board considered the entire written record
16 before the Board and all the presentations and public comments made in support of and in
17 opposition to the appeals; and

18 WHEREAS, The written record and oral testimony in support of and opposed to the
19 appeal and deliberation of the oral and written testimony at the public hearing before the
20 Board of Supervisors by all parties and the public in support of and opposed to the appeal is
21 in the Clerk of the Board of Supervisors' File No. 240162, and is incorporated in this Motion as
22 though set forth in its entirety; and

23 WHEREAS, Following the conclusion of the public hearing on April 2, 2024, as
24 reflected in Board of Supervisors Motion No. M24-028, the Board voted to disapprove the
25 decision of the Planning Commission, and approve a Conditional Use Authorization for the

1 same Planning Case and property with the same conditions imposed by the Planning
2 Commission, except that the operational hours of the Outdoor Activity Area shall be limited to
3 between 9:00 a.m. and 11:00 p.m. Sunday through Thursday, and between 9:00 a.m. and
4 midnight on Friday and Saturday; the Project Sponsor shall implement a three-step sound
5 mitigation strategy; and if the sound mitigation strategy has not been implemented by January
6 1, 2025, the operational hours of the outdoor activity area shall revert back to between 9:00
7 a.m. and 10:00 p.m., until such time as the Project Sponsor fully implements the sound
8 mitigation measures; now, therefore, be it

9 MOVED, That the Board finds that:

- 10 • Since the Planning Commission's limitation on the operational hours of the
11 Outdoor Activity Area to between 9:00 a.m. and 10:00 p.m. daily, the Appellant
12 has seen a two-thirds reduction in sales on weekends, and has been operating
13 at a loss; it has had to cut its workforce by 17%; and its staff have seen a
14 significant reduction in income from tips; approval of the Conditional Use
15 Authorization with expanded outdoor hours will serve to retain, enhance, and
16 promote a neighborhood business that enhances economic and workforce
17 opportunities for local residents; preserve and enhance the existing character-
18 defining elements of the built environment; and retain, enhance, and promote
19 active community involvement in neighborhood development;
- 20 • Other similarly situated establishments in the neighborhood have been granted
21 permission to stay open until 11:00 p.m.;
- 22 • The Appellant's establishment has a history of operating as a neighborhood-
23 serving business that also promotes active community involvement by sourcing
24 and procuring products and services from neighboring businesses and hosting
25 dozens of neighborhood groups and organizations in their Outdoor Activity Area;

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the proposed project therefore contributes to the Mission Street NCT District's mixed use character and purpose;

- The sounds emanating from the Project Site can be mitigated by: 1) raising the height of the existing wall that surrounds the outdoor activity to restrict sound transmission; 2) adding sound-dampening materials to the interior of the business; and 3) reconfiguring the sound system to redirect sound inside; these improvements will ensure that the proposed project is compatible with surrounding uses by preventing offensive noise and other emissions, and ensuring that the privacy and livability of surrounding residences are not disturbed.



City and County of San Francisco

Tails

Motion: M24-051

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240513

Date Passed: May 21, 2024

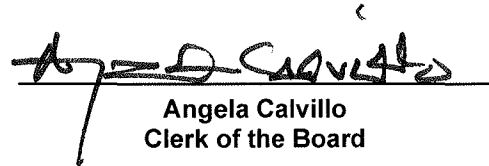
Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21497, approving a Conditional Use Authorization, identified as Planning Case No. 2022-008254CUA, for a proposed project at 2351 Mission Street, and approving a Conditional Use Authorization for the same Planning Case and property with new conditions.

May 21, 2024 Board of Supervisors - APPROVED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240513

I hereby certify that the foregoing Motion was APPROVED on 5/21/2024 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board