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May 4, 2018

VIA EMAIL ONLY

San Francisco Board of Supervisors  
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Re: 701 Valencia Street Conditional Use Authorization Appeal  
Case No.: 2017-004489CUA  
Planning Commission Motion No. 20139  
Project Sponsor: Ryen Motzek  
Our File No. 1127

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Gentlepeople:

I write on behalf of project sponsor Ryen Motzek (“Sponsor”). Sponsor was granted a conditional use authorization (“CUA”) by the San Francisco Planning Commission on March 15, 2018 allowing the temporary conversion of an accessory parking lot located at 701 Valencia Street to a commercial parking lot. However, the CUA contained a condition that prohibits use of the lot for restaurant or limited restaurant uses, including a prohibition on accessory or temporary uses and/or mobile food facilities. Sponsor appeals the imposition of the aforementioned condition.

### **1. Project Description**

In addition to seeking legalization of an existing commercial parking lot, Sponsor sought approval of a principally permitted outdoor activity area and restaurant with tables and chairs for approximately 20 - 25 patrons. The restaurant was to be operated in conjunction with three to four mobile food trucks, with the primary truck owned and operated by Señor Sisig, a purveyor of Filipino fusion food.<sup>1</sup>

Sponsor sought and received a Letter of Determination from the Planning Department, which stated that the uses proposed, including the conversion of the lot to a restaurant with on-premises beer and wine sales and an indoor/outdoor eating and drinking area were principally permitted uses under the Planning Code. The project was also thoroughly reviewed by the San Francisco Planning Staff, which found the project to be a necessary and desirable addition to the neighborhood. The Planning Staff recommended approval of the project as proposed, with conditions. However, the

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<sup>1</sup> It should be noted that Señor Sisig had been operating legally under a TUA for over a year prior to the hearing with nothing but favorable support from local residents and business owners.

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conditions discussed between the staff and Sponsor had to do with limitations on hours of operation, and limitations on noise, lighting and odor. Sponsor has agreed to conditions which meet or exceed those proposed by the staff.

At the March 15, 2018 public hearing before the Planning Commission, concerns were raised by members of the public about noise, late hours of operation, late night alcohol sales and how Latino serving businesses in the surrounding area would be impacted. In particular, an employee of El Buen Sabor, a nearby taqueria, was concerned that their profits would suffer if food trucks were allowed to operate nearby.<sup>2</sup> Sponsor replied to the neighbor's concerns, attempting to assure them that he has been and remains willing to limit operations to meet the needs of the neighborhood.

The Planning Commission discussed mitigation measures, including limiting hours of operation to 9:00 p.m. on weekdays, prohibiting the use of generators for power, and limiting or prohibiting alcohol sales. Sponsor was willing to abide by all of those guidelines, but to no avail. Ultimately, the Commission found that the proposed restaurant and outdoor activity area was not necessary or desirable for this location "given the abundance and prevalence of other nearby eating and drinking establishments." The result was that the Commission approved the conditional use of the site as a parking lot, but prohibited its use as a restaurant or limited restaurant, including as a site for mobile food facilities.

Despite the comments of Commission members that there were already too many eating and drinking establishments in this neighborhood, Sponsor believes the proposed restaurant use for this site will be a welcome addition to the neighborhood. Contrary to concerns that Sponsor's proposed use would be competing with traditional Mexican restaurants in the area, Filipino fusion cuisine is considerably different. Since this cuisine is not prevalent in the area, the project would promote diversity. Additionally, the food served by this proposed operation would be affordable, a commodity that is becoming less and less available in the Valencia Street neighborhood. Finally, Sponsor has agreed to abide by restrictions proposed by neighbors and the Commission, including time limitations, noise restrictions, and limitations on alcohol sales.

## **2. Project's Benefits to the Neighborhood**

- a. Supports Cherin's family business (local retailer in business since before 1900).
- b. Provides a safe and clean outdoor space for the community.
- c. Provides new, affordable, and rare entrepreneur opportunities.

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<sup>2</sup> Sponsor is willing to offer El Buen Sabor space in the lot for complimentary seating for its patrons, and will also offer El Buen Sabor a space in the lot for its own food truck to expand its often overflowing restaurant business.

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- d. Creates jobs (4 - 7 vs. just one parking lot attendant).
- e. Provides a great platform for non-profits to share their message with special events, murals, etc.
- f. Falls in line with the mission of non-profit organizations such as Calle 24, Valencia Merchants Association, etc.
- g. Provides a creative space to support local artists.
- h. Prevents blight.
- i. Supports diversity (including provision of Filipino cuisine not presently supported in the Mission District).
- j. Provides affordable food.
- k. Works with local businesses and architects for design and building space.
- l. Respects the Mission district and its heritage.

**3. Mitigations to Original Project to Address Neighbors Concerns**

- a. Closing at 9:00 p.m. Sunday - Thursday, and at 10:00 p.m. Friday - Saturday.
- b. No generators.
- c. No amplified sound.
- d. Unique foods (no traditional Mexican food competing with local establishments).
- e. Maximum of 2 - 3 food trucks in lot.

**4. Outreach and Support**

Sponsor had engaged in a significant amount of outreach with local businesses, trade organizations, community groups and owners and occupants of surrounding properties. A sampling of these groups and individuals include Calle 24, Valencia Merchants Association, La Raza, HOMEY, Precita Eyes, Mission Merchants Association, Filipino community organizer Al Perez, and over 50 neighboring property owners.

**5. Conclusion**

In sum the project was thoroughly reviewed by the Planning Staff and recommended for approval as a necessary and desirable addition to the neighborhood. Moreover, community response was overwhelmingly favorable prior to the hearing, and the Commission's decision seems out of touch with that response. Sponsor urges that the Board of Supervisors follow the recommendations of the Planning Staff, and overturn the imposition of the prohibition of restaurant uses.

Very truly yours,

*/s/ Thomas J. LaLanne*

THOMAS J. LALANNE