

File No. 210253

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: April 22, 2021

Board of Supervisors Meeting:

Date: _____

Cmte Board

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Police Department Response – April 15, 2021</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Department Response – March 25, 2021</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PC Motion No M-20848 – January 28, 2021</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral – March 10, 2021</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PC or N Request Letter – March 8, 2021</u> |

Prepared by: John Carroll

Date: April 16, 2021

Prepared by: John Carroll

Date: _____

Prepared by: John Carroll

Date: _____

From: [Carroll, John \(BOS\)](#)
To: [David Villa-Lobos](#); "[Lovett, Li \(BOS\)](#)"; [Temprano, Tom \(BOS\)](#); [Mundy, Erin \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#)
Cc: [Alabanza, Analyn@ABC](#); [Rose.Meyer@ABC.ca.gov](#); [Campbell, Cathleen \(CPC\)](#); [CPC.Referrals](#); [Salmonson, Joel \(POL\)](#); [Sainez, Maricela \(POL\)](#)
Subject: RE: Liquor License Issuance - 2166 Market Street - The Academy
Date: Friday, April 16, 2021 10:30:00 AM
Attachments: [image001.png](#)

Good morning,

The Police Department has completed their review of the subject public convenience or necessity request and has forwarded their recommendations. For your convenience, I have the review available from the link below:

[Police Department Response – April 15, 2021](#)

The Police Department's ALU is recommending approval with the following condition:

- 1) No noise shall be audible at any nearby residence;
- 2) When the said outdoor patio area of the premises is being utilized for the sales, service and consumption of alcoholic beverages, a premise employee shall be in attendance and maintain continuous supervision at all times of said area to ensure orderly conduct of patrons; and
- 3) Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on ABC-253.

This matter is now agendized for a hearing on April 22, 2021. Here is a copy of the agenda for your information:

[Public Safety and Neighborhood Services Committee- Regular Meeting Agenda – April 22, 2021](#)

Please respond to this message and let me know who to expect in attendance at our remote meeting. I will send invitations midweek next week with instructions on how to attend and be heard during the meeting.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 210253](#)

Thanks for the review.

John Carroll
Assistant Clerk
Board of Supervisors



San Francisco Police Department
ABC Liaison Unit

Alcoholic Beverage License -
*Public Convenience or
Necessity Recommendation*

To: The San Francisco Board of Supervisors' Committee on Public Safety
and Neighborhood Services

Supervisor Gordon Mar
Supervisor Catherine Stefani
Supervisor Matt Haney

From: Lt. Georgia Sawyer #1565 *GA Sawyer*
Officer in Charge
ALU/Permits Unit 415-553-9550

Date: April 15, 2021

Subject: P.C.N. Investigation Regarding: Two Gents LLC
DBA: THE ACADEMY
2166 Market St.
San Francisco, CA. 94114-1319

Two Gents LLC has filed an application with the California Department of Alcoholic Beverage Control seeking a Type 57 (Special On-Sale General) license to be located at 1266 Market St. (located Sanchez St. and Church St.)

Hours of Operation:

4:00 pm to 2:00 am each day of the week.

Digest:

Two Gents LLC would like to operate a social club to include Beer, Wine and Distilled spirits sales, located at 2166 Market St. If approved, this license will allow them to sell On-Sale General to members and guests.

Letters of Protest

0

Letters of Support

0

Police Calls for Service:

From August 2019 to August 2020

0 calls for service

Police Reports:

From August 2019 to August 2020

0 police reports

San Francisco Plot Information:

This premise is located in Plot: **412**

A High Crime area is defined as **107** or more police reports in a plot for the year of **2019**.

This plot had **311** police reports for **2019**, which is 204 **higher** than the **Citywide "High Crime"** average

State Census Tract Information:

This premise is located in Census Tract: **169.00**

Population for this tract is: **2,924**

On-sale license authorized by census tract: **10**

Active on-sale licenses: 25 with 0 pending

Off-sale licenses authorized by census tract: **2**

Active off-sale licenses: 7 with 0 pending

Departmental Recommendation:

Points of consideration: **0**

No opposition from **Mission Station**.

Applicant premise **is** located in a “**High Crime**” area.

Applicant premise **is** located in a “**High Concentration**” area.

0 - Protest.

0 - Support

ALU Recommendation: **Approval with following conditions:**

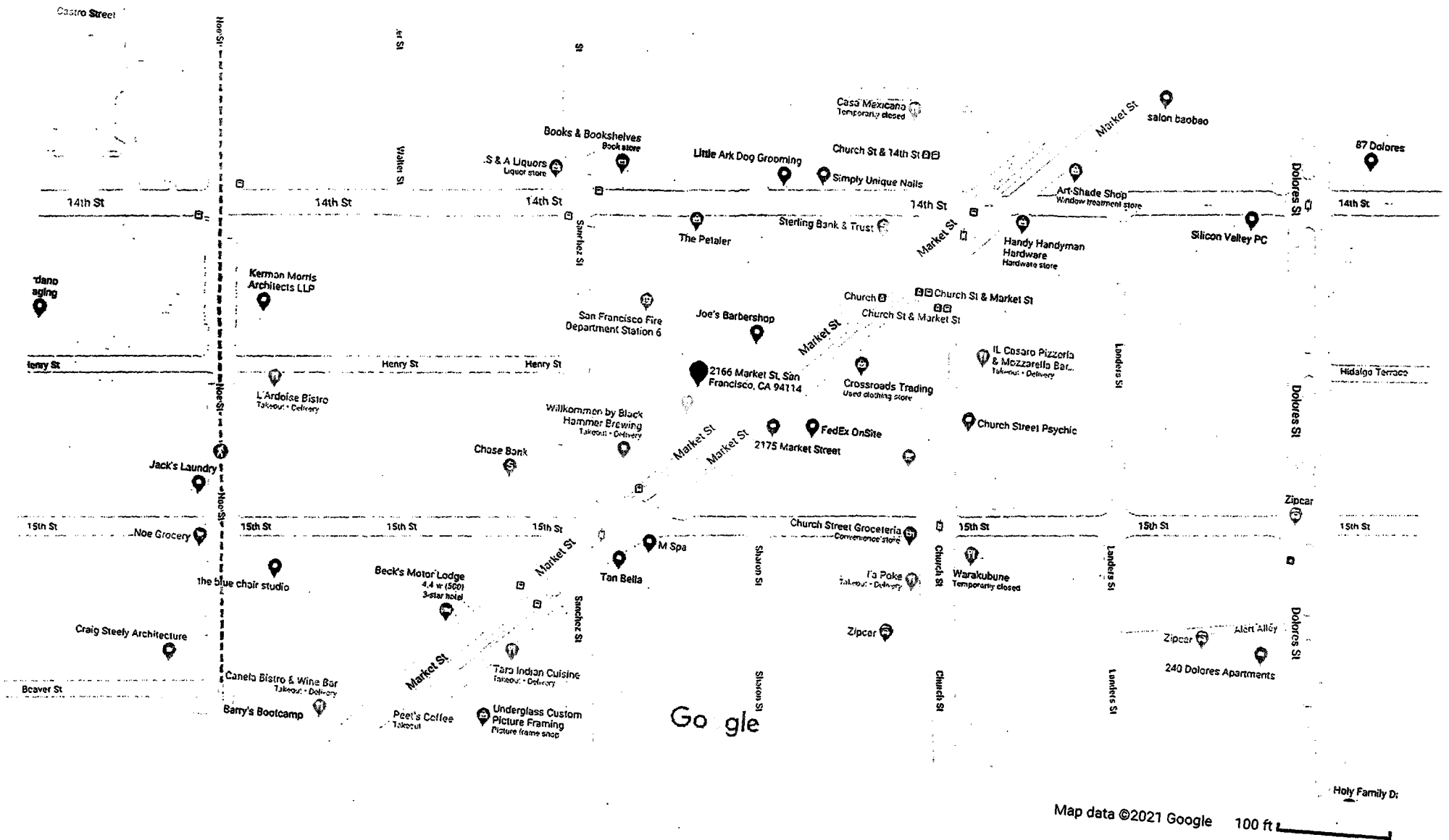
Conditions for Type 57- Special On-Sale General

1. No noise shall be audible at any nearby residence.
2. When the said outdoor patio area of the premises is being utilized for the sales, service and consumption of alcoholic beverages, a premise employee shall be in attendance and maintain continuous supervision at all times of said area to ensure orderly conduct of patrons.
3. Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on ABC-253.

It should be noted that as of April 7, 2021 the applicant had agreed to the above listed recommended conditions.

2166 Market St

2166 Market St - Google Maps



From: [Carroll, John \(BOS\)](#)
To: [Salmonson, Joel \(POL\)](#); [Sainez, Maricela \(POL\)](#)
Cc: [David Villa-Lobos](#); "[Lovett, Li \(BOS\)](#)"; [Temprano, Tom \(BOS\)](#); [Mundy, Erin \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#); [Alabanza, Analyn@ABC](#); [Rose.Meyer@ABC.ca.gov](#); [Campbell, Cathleen \(CPC\)](#); [CPC.Referrals](#)
Subject: RE: Liquor License Issuance - 2166 Market Street - The Academy
Date: Friday, March 26, 2021 2:48:00 PM
Attachments: [image001.png](#)

Good afternoon,

The Planning Department has completed their review of the subject application, and has forwarded their recommendation for approval. For your convenience, I have the review available from the link below:

[Planning Dept. Response - Received March 25, 2021](#)

The matter is now awaiting review by the Police Department's ALU.

After receiving review from the Police Department, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for their consideration in the license matter.

The Public Safety and Neighborhood Services Committee may tentatively schedule this hearing for a regular remote meeting in May of 2021.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 210253](#)

Thanks for the review.

John Carroll

Assistant Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Phone No. (415) 558-6371

DATE: March 10, 2021
AP Block/Lot Nos.: 3542/016
Zoning: NCT Upper Market
Quad: SW Planning Team
Record No.: _____

TO: Police Department
Inspector Georgia Sawyer
Phone No. (415) 553-9550

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in May of 2021.

PLEASE EMAIL YOUR RESPONSE BY March 26, 2021, to John Carroll,
Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: Two Gents, LLC

Business name: The Academy

Application address: 2166 Market Street
San Francisco, CA 94114

Applicant contact info: David Villa-Lobos
CLA Consulting
415-921-4192
david_villalobos@sbcglobal.net

PLANNING REVIEW: ☐ Approval ☐ Denial

Planning Staff Contact: _____

Please print review comments on a trailing page.

POLICE REVIEW: ☐ Approval ☐ Denial

Please print review comments in a trailing report.

Attn: San Francisco Board of Supervisors
City and County of San Francisco, Ca.

Re: 2166 Market Street (dba: The Academy)
San Francisco, Ca. 94114

Type 57

Dear Honorable San Francisco Board of Supervisors,

The Academy is the only lgbt brick and mortar social club in the country, and is shaping the future of San Francisco as a gay mecca. It is also a unique business in that it is a subscription model. Unlike the many bars and restaurants that dot the area, members of The Academy can gather and interact with their community without needing to consume anything. What we do offer however, and the reason we believe this type 57 licence is not only a convenience but a necessity, are various courses and experiences. These courses include "The art of tying a bow tie" and "LGBT history", but also "Reserve Wine tasting", "Variations on Japanese whiskeys", "Scotch pairing" and similar events with an aim to foster interaction in an environment outside that of the typical bar culture. One of the things our community needs most are events and places where people meet, interact and engage where the profit model isn't based on the volume customers consume. The Academy offers its members and their guests the opportunity to form a more refined relationship with spirits and uses these educational opportunities to foster community. To offer these experiences as well as host community fundraising events, community art openings and even weddings from within our membership, the Academy is seeking this type 57 licence, not to open a new bar in the castro, but to create a new more engaging type of community center, and a more rounded community.

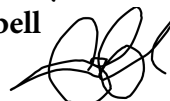
Respectfully,


Paul Miller



David J. Villa-Lobos, Licensing Agent
CLA Consulting
P.O. Box 642201 San Francisco, Ca. 94164
415. 921.4192
David_villalobos@sbcglobal.net

**ABC License Types-57 and -58
are permitted pursuant to
Planning Commission Motion
20848 under CUA
2020-007075. Authorized with
the addition of a bar use
approved on January 28, 2021.
Cathleen Campbell**



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
701 MAR -8 PM 3:45
BY 

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME <i>Two Gents LLC</i>			
2. PREMISES ADDRESS (Street number and name, city, zip code) <i>2166 Market St, San Francisco, CA 94114</i>			3. LICENSE TYPE <i>57</i>
4. TYPE OF BUSINESS			
<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		
<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input checked="" type="checkbox"/> Other - describe: <i>Special on Sale General</i>			
5. COUNTY POPULATION <i>883,869</i>		6. TOTAL NUMBER OF LICENSES IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	7. RATIO OF LICENSES TO POPULATION IN COUNTY <i>282</i> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
8. CENSUS TRACT NUMBER <i>0169.00</i>		9. NO. OF LICENSES ALLOWED IN CENSUS TRACT <i>10</i> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	10. NO. OF LICENSES EXISTING IN CENSUS TRACT <i>25</i> <input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?) <input type="checkbox"/> Yes, the number of existing licenses exceeds the number allowed <input type="checkbox"/> No, the number of existing licenses is lower than the number allowed			
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS? <input type="checkbox"/> Yes (Go to Item #13) <input type="checkbox"/> No (Go to Item #20)			
13. CRIME REPORTING DISTRICT NUMBER <i>402</i>	14. TOTAL NUMBER OF REPORTING DISTRICTS <i>654</i>	15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS <i>55,022</i>	
16. AVERAGE NO. OF OFFENSES PER DISTRICT <i>84.13</i>	17. 120% OF AVERAGE NUMBER OF OFFENSES <i>100.8</i>	18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT <i>42</i>	
19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency) <input type="checkbox"/> Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17 <input checked="" type="checkbox"/> No, the total number of offenses in the reporting district is lower than the total number in item #17			
20. CHECK THE BOX THAT APPLIES (check only one box)			
<input type="checkbox"/> a. If "No" is checked in both item #11 and item #19, <u>Section 23958.4 B&P does not apply</u> to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.			
<input type="checkbox"/> b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the <u>applicant to complete Section 2</u> and bring the completed form to ABC when filing the application or as soon as possible thereafter.			
<input checked="" type="checkbox"/> c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the <u>applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3</u> . The completed form will need to be provided to ABC in order to process the application.			

Governing Body/Designated Subordinate Name:

Board of Supervisors

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

9-17-2020

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

DAVID VILLA-LOBOS

Licensing-Permitting Specialist SF

david_villalobos@sbcglobal.net

CLA CONSULTING

Specializing In SF Liquor Licensing

P.O. Box 642201
San Francisco, CA. 94164

415-921-4192
415-559-6627



PLANNING COMMISSION MOTION NO. 20848

HEARING DATE: JANUARY 28, 2021

Record No.: 2020-007075CUA
Project Address: 2166 Market Street
Zoning: Upper Market Neighborhood Commercial Transit (NCT) Zoning District
40-X and 50-X Height and Bulk District
Block/Lot: 3542/016
Project Sponsor: Nate Bourg
2166 Market Street
San Francisco, CA 94114
Property Owner: David Lebovitz c/o Real Management Company
1234 Castro Street
San Francisco, CA 94114
Staff Contact: Cathleen Campbell – 628-652-7387
Cathleen.campbell@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 764 AND 303, TO ESTABLISH A BAR USE CONCURRENT WITH AN EXISTING CONDITIONALLY ESTABLISHED GENERAL ENTERTAINMENT USE (D.B.A. THE ACADEMY) ON THE BASEMENT AND FIRST FLOOR IN AN EXISTING TWO-STORY OVER BASEMENT COMMERCIAL BUILDING LOCATED IN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND 40-X AND 50-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 4, 2020, Nate Bourg of The Academy (hereinafter "Project Sponsor") filed Application No. 2020-007075CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish a bar use concurrent with an existing conditionally established general entertainment use (hereinafter "Project") at 2166 Market Street, Block 3542 and Lot 016 (hereinafter "Project Site").

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption.

On January 28, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2020-007075CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2020-007075CUA 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. 2020-007075CUA, 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 applicant proposes to establish a bar use concurrent with an existing general entertainment use in order to seek a limited private club type 57 liquor license and type 58 catering permit from the California Department of Alcoholic Beverage Control. The subject building is an existing two-story over basement, 31 foot-tall, approximately 3,387 square foot commercial building. The subject tenant space is approximately 2,462 square feet and the proposed bar use would apply to the ground floor and the basement level. The tenant currently obtains temporary permits from the California Department of Alcoholic Beverage Control to serve alcohol during events.
- 3. Site Description and Present Use.** The Project is located on an approximately 2,687 square foot lot with a historic two-story over basement building. The property has 25 feet of street frontage along Market Street. The subject tenant, The Academy, has occupied the space since March of 2017. The general entertainment use (d.b.a. The Academy) conditionally operates as a social club on the basement and first floor. The outdoor activity area was constructed in spring 2018, which includes a 502 square foot ground-level patio with seating to accommodate a maximum of 40 patrons. The second level is separate from the general entertainment use and is occupied by the tenant's offices (d.b.a. The Academy). Overall, the existing two-story building possesses 3,387 square feet.

The club is membership based and any member of the public may become a member. Membership entails access to all events such as art shows, receptions, book clubs, game nights, limited live entertainment performances, drawing and discussion groups, and catered tastings. The tenant will continue to obtain the required permits from the Entertainment Commission and Police Department to host events involving live performances. The space is available to community organizations or private individuals to host meetings and gatherings when not in use by the proposed tenant. The tenant also offers barber services at the front of the space in about a 100 square foot area, providing an active, transparent storefront along Market Street. These services are provided by professional barbers who rent the booth and are open to customers with or without membership to The Academy.

- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the upper Market Neighborhood Commercial Transit Zoning District in the Market Octavia Area Plan. The immediate context

is the vibrant Upper Market Street neighborhood which serves as the gateway to the Castro District and borders the Duboce Triangle neighborhood. The immediate neighborhood includes two and three-story mixed-use buildings with commercial uses at the ground-floor and residential uses above. Adjacent uses include general entertainment (d.b.a. The Swedish American Hall), eating and drinking uses, and mixed-use buildings with ground floor retail and hotels above. The rear of the subject property abuts a Public Zoning District (Station 6 of the San Francisco Fire Department) and two Residential Transit Oriented (RTO) Zoning District lots with residential uses.

5. **Public Outreach and Comments.** The Project sponsor provide one letter of support from the Castro Merchants. The project sponsor reached to Supervisor Mandelman's office and reached out to many neighborhood groups, including Castro Merchants, Eureka Valley Neighborhood Association (EVNA), Duboce Triangle Neighborhood Association (DTNA), and Castro CBD. The project sponsor also completed the ABC-207-E mailing to residences within 500 feet and points of consideration within 600 feet during the month of August 2020 required by the California Department of Alcoholic Beverage Control. The Department received one letter of opposition which came from the Homeowners Association for the property at 151-153 Sanchez Street which is the abutting residential parcel. The opposition to the Project is centered on concerns of noise within the conditionally permitted outdoor activity area. The letter states there is currently noise within this area and worries the addition of a permanent liquor license will add to the disruption.
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 764 states that a Conditional Use Authorization is required for a Bar use, as defined by Planning Code Section 102.

The proposed concurrent Bar use will allow the continuation of the existing General Entertainment use with a permanent liquor license. As defined by Planning Code Section 102, a General Entertainment use is not permitted to serve alcohol without a temporary liquor license. A bar Use must be established concurrent with an existing general entertainment use in order for the project sponsor to seek a limited private club type 57 liquor license and type 58 catering permit from the California Department of Alcoholic Beverage Control. Therefore, the Project requires a Conditional Use Authorization to establish a Bar Use.
 - B. **Use Size.** Planning Code Sections 121.2 and 764 state that a Conditional Use Authorization is required for uses greater than 3,000 square feet.

The tenant space is approximately 2,462 square feet in size and does not intend to expand at this time; thus, Conditional Use Authorization is not required for the use size.
 - C. **Outdoor Activity.** Planning Code Section 710.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

An existing outdoor activity area is conditioned with the General Entertainment Use under Motion 20412. The Outdoor Activity Area, located in the rear yard, includes a 502 square foot ground-level patio with seating to accommodate a maximum of 40 patrons. The outdoor area would be used for entertainment use both day and night. Evening hours in the outside area would be restricted to 10p.m. daily to mitigate neighbors' concerns about potential noise.

- D. **Hours of Operation.** Planning Code Section 764 states that a Conditional Use Authorization is required for maintaining hours of operation from 2 a.m. to 6 a.m., as defined by Planning Code Section 790.48.

The hours of operation for the Bar and General Entertainment use are Wednesday and Thursday from 3 p.m. to 11 p.m. and Friday and Saturday from 3 p.m. to 1 a.m.

The barber shop will operate Monday through Friday from 11 a.m. to 7 p.m. and by appointment on Saturdays.

- E. **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 Market Street with approximately 16 feet 6 inches devoted to either the entrance or window space. The windows are clear and unobstructed. The barber shop retail service occupies this interior frontage space. There are no changes proposed to the commercial frontage.

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 existing use and proposed use is in keeping with other storefronts on the block face. The proposed concurrent bar use will not impact traffic or parking in the District because it is not a destination bar separate from the existing private social club (d.b.a. The Academy). A limited private club type 57 liquor license may only provide alcohol to the private club members. The proposed bar use concurrent with the existing general entertainment use will not impact traffic or parking in the District because it is not a destination site. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by creating an active storefront.

- 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 proposed Bar use will operate within the existing commercial space, and no expansion of the building envelope is proposed.

- (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 parking or loading for an approximately 2,462 square-foot general entertainment use. The proposed use is 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 use is subject to the standard conditions of approval for bar and outlined in Exhibit A.

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

The proposed Bar use does not require any additional tenant improvements. The Department shall review all lighting and signs proposed for the new business in accordance with Condition 7 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 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 NC Zoning Districts in that the intended use is located at the ground floor and will provide a compatible convenient service for the immediately surrounding neighborhoods and is in character with the commercial uses found within the Upper Market Neighborhood Commercial Transit District Zoning District. Ground floor-commercial space is required along Market Street and this Project will meet this requirement. In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged and eating and drinking, entertainment, and financial service uses are limited. This Project proposes an entertainment use which requires a Conditional Use Authorization in order to ensure balance amongst neighborhood uses.

8. **Planning Code Section 303(o)** establishes criteria for the Planning Commission to consider when reviewing applications for Eating and Drinking Uses. Such concentration should not exceed 25 percent of the total commercial frontage as measured in linear feet within the immediate area of the subject site. For the purposes of this Section of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district. On balance, the project does comply with said criteria in that:
- A. **Project Vicinity** There is approximately 2160.172 linear feet of commercial frontage within 300 feet of the project site. Approximately 334 linear feet or 15.4617% of this commercial frontage is comprised of eating and drinking establishments. The change of use to a bar will add approximately 25 linear feet, increasing the eating and drinking establishment percentage from 15.46% to 16.6% within 300 feet of the project site.
 - B. **Upper Market NCT** There is approximately 7,402.67 linear feet of commercial frontage within the Upper Market NCT. Approximately 1,575.3 linear feet or 21.62% of this commercial frontage is comprised of eating and drinking establishments. The change of use to a bar will add approximately 25 linear feet, increasing the eating and drinking establishment percentage from 21.62% to 21.96% within the Upper Market NCT.
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 which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2

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

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business will not result in undesirable consequences. Further, the Project Site 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 Project will retain an existing commercial activity and will enhance the diverse economic base of the City.

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, and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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.

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.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff verified the site survey of the Upper Market NCT which contains the proposed building. With the proposed bar use, approximately 21.96% of the frontage of this Zoning District is attributed to eating and drinking establishments.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship, and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. This is not a Formula Retail use.

Policy 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

The Project will provide a unique service well suited for the diverse Upper Market Street / Castro neighborhoods. No commercial tenant would be displaced with the addition of the Bar use, and the Project would not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood.

MARKET OCTAVIA AREA PLAN

BUILDING WITH A SENSE OF PLACE

Objectives and Policies

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.7

Encourage the creation of space dedicated to community services on Market Street within the Upper Market NCT.

Policy 1.1.8

Reinforce continuous retail activities on Market, Church, and Hayes Streets, as well as on Van Ness Avenue.

The Project will provide an active, diverse use along Market Street and will make its space available to community groups and private individuals. The concurrent bar use will allow the continuation of the existing use with a permanent liquor license.

OBJECTIVE 3.2

PROMOTE THE PRESERVATION OF NOTABLE HISTORIC LANDMARKS, INDIVIDUAL HISTORIC BUILDINGS, AND FEATURES THAT HELP TO PROVIDE CONTINUITY WITH THE PAST.

Policy 3.2.1

Preserve landmark and other buildings of historic value as invaluable neighborhood assets.

Policy 3.2.2

Encourage rehabilitation and adaptive reuse of historic buildings and resources.

Policy 3.2.5

Preserve resources in identified historic districts.

The Project will preserve an active historic storefront along the vibrant Market Street corridor.

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 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 proposal would enhance the district by providing a bar use concurrent with an existing general entertainment use in an area that is not over concentrated by eating and drinking establishments. The business is locally owned and there is potential to create a few employment opportunities for the community in the future. The general entertainment use enhances the nearby neighborhood-

serving retail uses by providing additional customers, who may patron 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 Project site does not contain any residential units. The Project will utilize an existing storefront and commercial space which has existed at the subject location for many years. No residential units will be lost and no exterior modifications to the building will be made. The proposal includes extending hours of operation yet restricts the use of the outside area to 10pm so as to mitigate noise concerns.

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

No housing is removed for this Project.

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

The Project Site is well served by nearby public transportation options. The Project is located along the Market Street transit corridor which services the F, J, K, T, L, M, N, and S Muni lines. Future customers and members would be afforded proximity to multiple transit lines. The Project also provides sufficient bicycle parking for members and their guests.

- 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 does not include commercial office development.

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

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

- G. That landmarks and historic buildings be preserved.

The Project will preserve a historic resource and continue to activate the space.

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

The Project will not affect any surrounding open space or parks and will maintain the existing unobstructed rear yard.

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 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. 2020-007075CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated August 8, 2020, 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 28, 2021.



Jonas P. Ionin
Commission Secretary

AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel
NAYS: None
ABSENT: None
ADOPTED: January 28, 2021.

EXHIBIT A

Authorization

This authorization is for a conditional use to allow a Bar Use (d.b.a. The Academy) located at 2166 Market Street, 3542 Block, and 016 Lot pursuant to Planning Code Section(s) **764 and 303** within the **Upper Market Neighborhood Commercial Transit** District and a **40-X** and **50-X** Height and Bulk District; in general conformance with plans, dated **August 1, 2020**, and stamped “EXHIBIT B” included in the docket for Record No. **2020-007075CUA** and subject to conditions of approval reviewed and approved by the Commission on **January 28, 2021** under Motion No. 20848. 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 28, 2021** under Motion No. 20848.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20848 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. 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 628.652.7387, www.sfplanning.org

- 7. Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. 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 628.652.7387, www.sfplanning.org

- 8. Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 628.652.387, www.sfplanning.org

- 9. 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

Parking and Traffic

- 10. Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 2 Class 1 or Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

- 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

Provisions

- 12. Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421.

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

Monitoring - After Entitlement

- 13. 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

- 14. 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

- 15. 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.sfpublishworks.org

- 16. 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.sfpublishworks.org

- 17. 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

- 18. 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

- 19. Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building 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. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use 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

- 20. 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

- 21. Hours of Operation.** The hours of operation for the outdoor activity area shall be limited to 10:00 p.m. nightly. On New Year's Eve, Castro Street Fair, Folsom Street Fair, Pride Week, and Halloween, the hours of operation for the outdoor activity area will be extended until 12:00 a.m.

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

ABBREVIATIONS

ABV	AIR CONDITIONING	LAD	LAMINATE
AIC	ACQUISITION	LAM	LAMINATE
ACUST	ACQUISITION	LAV	LAVATORY
ACUST	ACQUISITION	LCK	LOCKER
A.D.	AREA DRAIN	LT	LIGHT
ADA	AMERICANS WITH DISABILITIES ACT	LTG	LIGHTING
ADDL	ADDITIONAL		
ADJ	ADJUSTABLE	MATL	MATERIAL
A.F.F.	ABOVE FINISHED FLOOR	MAX	MAXIMUM
AIA	AMERICAN INSTITUTE OF ARCHITECTS	M.B.	MACHINE BOLT
ALUM	ALUMINUM	M.C.	MEDICINE CABINET
ALT	ALTERNATE	MCH	MECHANICAL
ANGD	ANGLED	MEMB	MEMBRANE
APPROX	APPROXIMATE	MEZZ	MEZZANINE
ARCH	ARCHITECTURAL	MFR	MANUFACTURER
ASSM	ASSEMBLY	MIN	MINIMUM
		MIR	MIRROR
BD	BOARD	MIR.S	MIRROR & SHELF
BT	BETWEEN	MISC	MISCELLANEOUS
BEV	BEVEL	MOUN	MOUNTED
BLDG	BUILDING	MTL	METAL
BLK	BLOCK	MUL	MULLION
BLKG	BLOCKING		
BM	BEAM	(N)	NEW
BOT	BOTTOM	N	NORTH
BRKT	BRACKET	N.I.C.	NOT IN CONTRACT
BULT	BUILT UP ROOF	NOI #	NUMBER
B.W.	BOTTOM OF WALL	NOM	NOMINAL
		NTS	NOT TO SCALE
CAB	CABINET	O	OVER / ON
CB	CIRCUIT BREAKER	O.C.	ON CENTER
C.B.	CATCH BASIN		
CBC	CALIFORNIA BUILDING CODE	OD	OUTSIDE DIAMETER (DIMENSION)
CEM	CEMENT	O.L.F.	OCCUPANT LOAD FACTOR
CSR	CERAMIC	OPNG	OPENING
C.I.	CAST IRON	OPP	OPPOSITE
CJ	CONTROL JOINT	OH	OPPOSITE HAND
CL	CENTERLINE	OVHD	OVERHEAD
C.L.G.	CEILING		
CLKG	CEILING	P.LAM.	PLASTIC LAMINATE
CLO	CLOSET	PAR.	PARALLEL
CLK	CLEAR	P.D.	PERFORATED DRAIN
CO	CLEANOUT	PERF	PERFORATED
COL	COLUMN	P.G.	PAINT GRADE
COMB	COMBINATION	P.H.	PHILLIPS HEAD
CONC	CONCRETE	PL	PLATE
CONN	CONNECTION	PLUMB	PLUMBING
CONSTR	CONSTRUCTION	PLYWD	PLYWOOD
CONT	CONTINUOUS	PNID	PAINTED
CONTR	CONTRACTOR	PR	PREFABRICATED
CORR	CORRIDOR	PREFAB	PREFABRICATED
CS	COUNTERSINK	PSI	POUNDS PER SQUARE INCH
CT	CERAMIC TILE	PT	POINT
COUNTER	COUNTERSINK	P.T.D.	PAPER TOWEL DISPENSER
CW	COLD WATER	PTN	PAPER TOWEL
		PTR	PAPER TOWEL RECEPTACLE
D	DRAIN	PVC	POLYVINYL CHLORIDE
DBL	DOUBLE	PVMT	PAVEMENT
DEMO	DEMOLISH	QTY	QUANTITY
DEPT	DEPARTMENT		
DET	DETAIL(S)	R	RISER
DF	DOUBLE END	R.A.	RETURN AIR
DIA	DIAMETER	RAD	RADIUS
DIAG	DIAGONAL	R.B.	RESILIENT BASE
DN	DOWN	R.C.	ROUGH CONCRETE
DSP	DISPENSER	RCP	REFLECTED CEILING PLAN
DN	DOWN	REBAR	REINFORCING BAR
D.O.	DOOR OPENING	REC	RECESSED
DR	DOOR	REF	REFERENCE
DS	DOWNSPOUT	REIN	REINFORCED
DWG	DRAWING	REQD	REQUIRED
DWR	DRAWER	REV	REVISION
		RGR	REGISTER
(E)	EXISTING	RM	ROOM
E	EAST	RND	ROUND
EA	EACH	RO	ROUGH OPENING
E.B	EXPANSION BOLT	R.O.W.	RIGHT OF WAY
E.J	EXPANSION JOINT	R.W.L.	RAIN WATER LEADER
EL	ELEVATION		
ELEC	ELECTRICAL	S	SOUTH
EMER	EMERGENCY	SAN	SANITARY
ENCL	ENCLOSURE	SARM	SELF-ADHERING SHEET MEMB
E.P	ELECTRICAL PANELBOARD	S.C.	SOLID CORE
EQ	EQUIPMENT	SCHD	SCHEDULE
EXH	EXHAUST	SECT	SECTION
EXPO	EXPOSED	SEL	SELECT
EXST	EXISTING	SF	SQUARE FOOT
EXT	EXTERIOR	S.G.	STAIN GRADE
		SHT	SHEET
F.A	FIRE ALARM	SHTG.	SHEATHING
FAB	FABRICATE	SL	SIMILAR
FAB	FLOOR AREA RATIO	SLD	SLIDING
F.B	FLAT BAR	SLNT	SEALANT
F.D	FLOOR DRAIN	S.M.S	SHEET METAL SCREW
FDN	FOUNDATION	SPEC	SPECIFICATION(S)
F.E	FIRE EXTINGUISHER	SQ	SQUARE
F.E.C	FIRE EXTINGUISHER CABINET	SSD	SEE STRUCTURAL DRAWINGS
F.F	FINISHED FLOOR	ST	STAINLESS STEEL
F.G	FIXED GLAZING	S.S.K	SERVICE SINK
F.H.C	FIRE HOSE CABINET	STA	STATION
FIN	FINISH	STC	SOUND TRANSMISSION CLASS
FIN GR	FINISH GRADE	STD	STANDARD
FIX	FIXTURE	STL	STEEL
FL	FLOORING	STOR	STORAGE
FLASH	FLASHING	STR	STRUCTURAL
FLUOR	FLUORESCENT	SUSP	SUSPENDED, SUSPEND
F.O.C	FACE OF CONCRETE		
F.O.F	FACE OF FINISH	T&B	TOP AND BOTTOM
F.O.S	FACE OF STUDS	T&G	TONGUE & GROOVE
F.O.T	FACE OF TREADS	T.B	TOWEL BAR
FT	FOOT, FEET	T.C	TOP OF CURB
FTG	FOOTING	T.D	TIE DOWN
FURR	FURRING	TEL	TELEPHONE
FUT	FUTURE	TEMP	TEMPORARY, TEMPERED
G	GAS	THK	THICK
GA	GAUGE	THRES	THRESHOLD
GALV	GALVANIZED	T.O.P	TOP OF PLATE
GRAB BAR	GRAB BAR	T.O.S	TOP OF SLAB
GC	GENERAL CONTRACTOR	T.O.W	TOP OF WALL
GD	GUTTER DRAIN	TPD	TOILET PAPER DISPENSER
GL	GALVANIZED IRON (STEEL)	TRNSF	TRANSFORMER
GL	GLASS	TRD	TREAD
GLB	GLUE-LAM BEAM	TYP	TYPICAL
GND	GROUND		
GR	GRADE	U.B.C.	UNIFORM BUILDING CODE
GSM	GALVANIZED SHEET METAL	U.A.	UNDERWRITERS' LABORATORIES
GYP	GYPSONIUM	U.O.N	UNLESS OTHERWISE NOTED
GWB	GYPSONIUM WALL BOARD	UTL	UTILITY
H	HOLE, HIGH		
H.B	HOLE, HIGH	V.C.T	VINYL COMPOSITION TILE
H.C	HOLLOW CORE	VENT	VENTILATION
HD	HEAD	VERT	VERTICAL
HDR	HEADER	V.F.	VERIFY IN THE FIELD
HDRWD	HARDWOOD		
HW	HARDWARE	W	WEST, WIDE
H.M	HOLLOW METAL	W	WITH
HNDRL	HANDRAIL	WO	WITHOUT
HORIZ	HORIZONTAL	W.C.	WATER CLOSET
HR	HOUR	WO	WOOD
HT	HEIGHT	WOW	WINDOW
HWAG	HEATING, VENTILATING & AIR	WH	WATER HEATER
HW	HOT WATER	WM	WATER METER
		WPT	WORKING POINT
ID	INSIDE DIAMETER (DIMENSION)	W.R.B.	WATER RESISTANT BARRIER
IF	INSIDE FACE	WSC	WAINSCOT
IN	INCH	WT	WEIGHT
INFO	INFORMATION	WTR	WATER
INSUL	INSULATION		
INT	INTERIOR		
J	JOIST	&	AND
JH	JOIST HANGER	L	ANGLE
JT	JOINT	@	AT
		#	POUND OR NUMBER
KIT	KITCHEN	d	PENNY
K.O	KNOCKOUT		
KPL	KICKPLATE		

SITE PLAN

EXHIBIT

B

Plans Dated

8/1/2020

SYMBOLS

CODE NOTES

1 ALL WORK SHALL BE PERFORMED BY LICENSED & INSURED CONTRACTOR.
2 THE CONTRACTOR IS RESPONSIBLE FOR MEANS, METHODS, AND TECHNIQUES FOR CONSTRUCTION.
3 ALL OSHA REGULATIONS SHALL BE FOLLOWED. THE GENERAL CONTRACTOR & EACH SUB-
4 CONTRACTOR IS RESPONSIBLE FOR JOB SITE SAFETY.
5 UNLESS NOTED OTHERWISE, ALL MATERIALS AND EQUIPMENT ARE TO BE INSTALLED PER THE
6 APPLICABLE PROVISIONS OF THESE DOCUMENTS AND THE MANUFACTURER'S INSTALLATION
7 INSTRUCTIONS.
8 IN USING THESE PLANS FOR BIDDING OR CONSTRUCTION PURPOSES, ALL CONTRACTORS ARE
9 REQUIRED TO REVIEW AND TREAT THEM AS A WHOLE IN ORDER TO IDENTIFY ALL REQUIREMENTS
10 THAT DIRECTLY OR INDIRECTLY AFFECT THEIR PORTION OF THE WORK. EVEN REQUIREMENTS
11 LOCATED IN SECTIONS DESIGNATED AS APPLICABLE TO OTHER TRADES. IN CASE OF CONFLICTS, THE
12 AFFECTED CONTRACTOR IS REQUIRED TO EITHER OBTAIN DIRECTION FROM AN APPROPRIATE
13 REPRESENTATIVE OF THE OWNER, OR OTHERWISE APPLY THE MORE STRINGENT REQUIREMENTS.
14 THESE PLANS ARE INTENDED TO SET FORTH THE REQUIREMENTS FOR CONSTRUCTION IN ONLY AN
15 INDUSTRY STANDARD LEVEL OF QUALITY AND DETAIL, AND THEY ARE INTENDED TO BE
16 SUPPLEMENTED BY APPROPRIATE REQUESTS FOR CLARIFICATION AND INFORMATION.
17 CONTRACTORS ARE REQUIRED TO REVIEW THESE PLANS FOR ERRORS AND OMISSIONS, AND BRING
18 THESE TO THE ATTENTION OF AN APPROPRIATE OWNER REPRESENTATIVE IN A TIMELY MANNER, AND
19 ANY CONTRACTOR WHO FAILS TO DO SO BEFORE BIDDING OR OTHERWISE PROCEEDING ASSUMES
20 THE RISK OF ANY CONSEQUENCES. CONTRACTORS PROCEED AT THEIR OWN RISK IF THEY FAIL TO
21 VERIFY FIELD MEASURE DIMENSIONS BEFORE PROCEEDING WITH ANY AFFECTED PROCUREMENT,
22 FABRICATION, OR CONSTRUCTION. SCHEMATIC PLANS ARE INTENDED ONLY TO DEMONSTRATE THE
RELATIONSHIP AMONG COMPONENT PARTS, AND NOT TO DEPICT SPECIFIC LOCATIONS.
SUMMITTALS WILL BE REVIEWED BY THE ARCHITECT ONLY PURSUANT TO THE INDUSTRY STANDARD
PROTOCOL SET FORTH IN AIA DOCUMENT A201, AND IN NO EVENT WILL THE SUBMITTAL REVIEW
PROCESS RELIEVE OR LESSEN THE SUBMITTING CONTRACTOR'S RESPONSIBILITY FOR AN
INAPPROPRIATE SUBMITTAL.

2016 CALIFORNIA BUILDING CODE

CHAPTER 3 - USE & OCCUPANCY CLASSIFICATIONS
EXISTING OCCUPANCY: B - OCCUPANCY
PROPOSED OCCUPANCIES: B - OCCUPANCY

2016 CALIFORNIA BUILDING CODE

CHAPTER 8 - INTERIOR FINISHES

CLASS A: FLAME SPREAD INDEX 0 - 25, SMOKE DEVELOPED INDEX 0 - 450
CLASS B: FLAME SPREAD INDEX 26 - 75, SMOKE DEVELOPED INDEX 0 - 450
CLASS C: FLAME SPREAD INDEX 76 - 200, SMOKE DEVELOPED INDEX 0 - 450

SECTION 803. THE MAXIMUM FLAME SPREAD CLASS OF FINISH MATERIALS USED ON INTERIOR WALLS AND
CEILING IN ROOMS AND OTHER ENCLOSED SPACES SHALL BE CLASS C, OR BETTER, PER TABLE 803.5 FOR B
OCCUPANCY, NON-SPRINKLERED.

VICINITY MAP

USE TABLE

	Existing	Proposed
Basement Level Bar Use	0	263 sqft
First Floor Bar Use	0	1237 sqft
Outdoor Activity Area Bar Use	0	1179 sqft
Number of Building(s)	1	1
Number of Stories	2	2
Parking Spaces	0	0
Loading Spaces	0	0
Bicycle Spaces	3	3
Car Share Spaces	0	0



PROJECT DESCRIPTION
Conditional Use Authorization request for DBA "The Academy," partners with beverage caterers to secure temporary ABC license whenever they do wine
tasting, charity events, community courses or any other events that require ABC permitting. The Academy is asking that they be allowed to replace the
tempor any event licenses they currently use with a Limited Private Club License Type 57 as recommended by the ABC and approved by the SFPD.

PROJECT ADDRESS: 2166 MARKET STREET SAN FRANCISCO, CA 94114

PARCELS (BLOCK / LOT): 3542/016

PARCEL AREA: 2605 SF

BUILDING AREA: 2400 SF

STORIES & BUILDING HEIGHT: 2 STORY

YEAR BUILT: 1906

BUILDING USE / OCCUPANCY GROUP: EXISTING: B - OCCUPANCY
PROPOSED: B - OCCUPANCY
NO CHANGES PROPOSED TO OCCUPANCY

ZONING DISTRICT: NCT - UPPER MARKET NEIGHBORHOOD COMMERCIAL TRANSIT

HEIGHT & BULK DISTRICT: 40 X, 50 X

SPECIAL USE DISTRICTS: WITHIN 1/4 MILE OF AN EXISTING FRINGE FINANCIAL SERVICE

PLANNING DEPT. HISTORIC STATUS CODE: A - HISTORIC RESOURCE PRESENT

PERMIT APPLICATION NUMBER:

PROJECT INFORMATION

OWNER
THE ACADEMY
ATTN: PAUL MILLER
2166 MARKET STREET
SAN FRANCISCO, CA 94114
EMAIL: PAUL@ACADEMY-SF.COM
PHONE: 415.624.3425

ARCHITECT
OPENSOURCE STUDIO, INC.
1776 18TH STREET
SAN FRANCISCO, CA 94107
CONTACT: MARK HOGAN
PHONE: 415.624.1054
EMAIL: ADMIN@OPENSOURCESTUDIO.COM

- A 000 Title Sheet
- A 1.1 Basement Level Existing
- A 1.2 Basement Level Proposed
- A 1.3 Main Level Existing
- A 1.4 Main Level Proposed
- A 1.5 Top Level Existing & Proposed [no changes]
- A 1.6 Elevations & Sections

PROJECT DIRECTORY

STAMP

CONSULTANTS

NOT FOR
CONSTRUCTION

PROJECT
2166 MARKET
STREET

THE ACADEMY

ISSUE DATE
08/01/2020

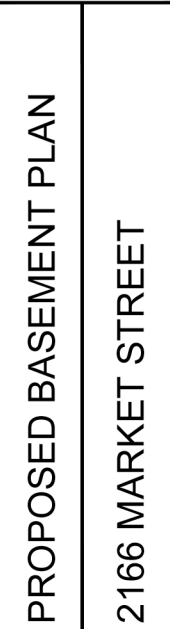
REVISIONS
NO. DATE.

SCALE
As indicated

TITLE SHEET

A000



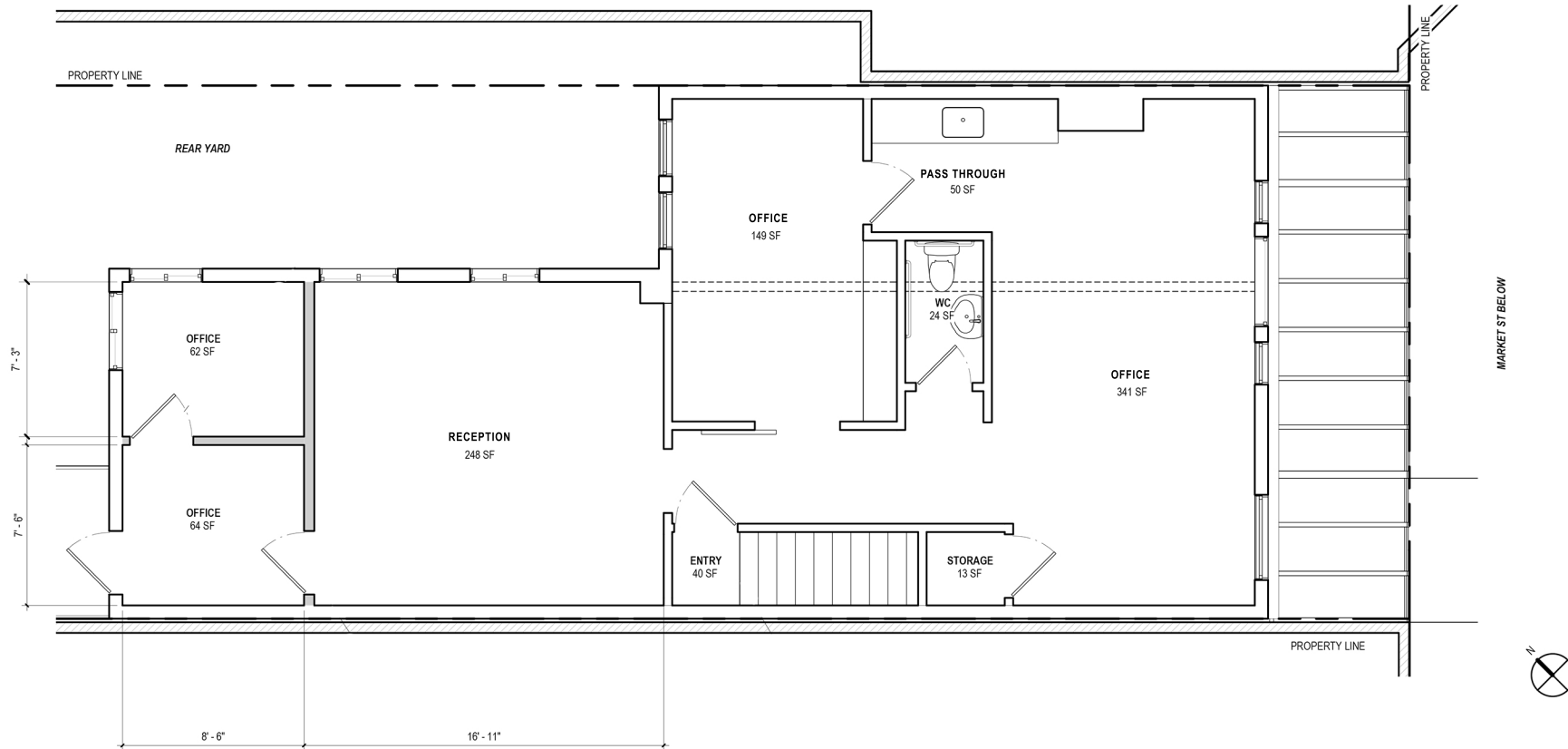




2 EXISTING FIRST FLOOR PLAN
1,237 SQFT INTERIOR
227 SQFT EXTERIOR
SCALE : 1/4"=1'-0"

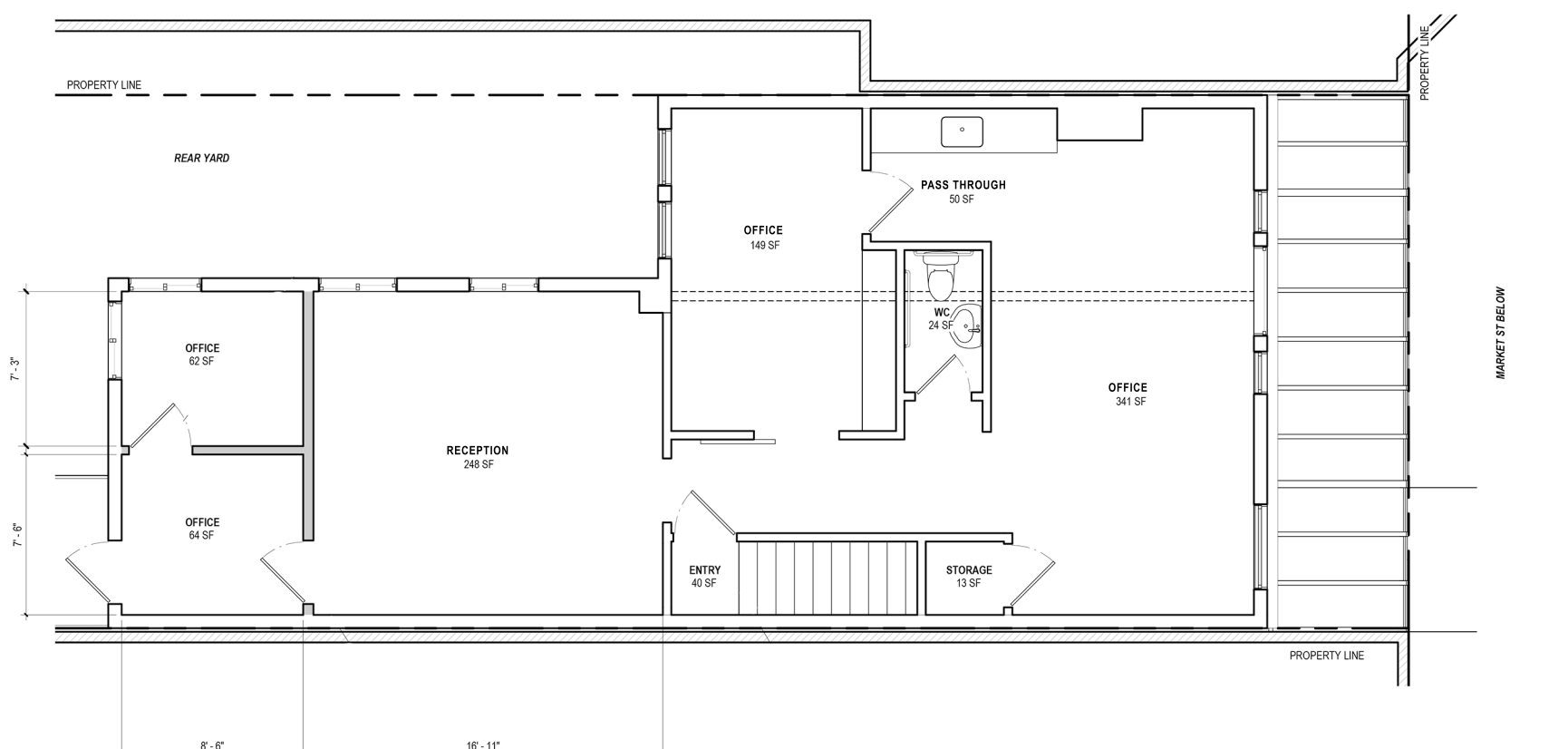


2 PROPOSED FIRST FLOOR PLAN
1,237 SQFT INTERIOR
227 SQFT EXTERIOR
SCALE : 1/4"=1'-0"



LEVEL 2 - EXISTING

2



1/4" = 1'-0"

[NO CHANGES PROPOSED]
LEVEL 2 - PROPOSED

1

STAMP

CONSULTANTS

NOT FOR CONSTRUCTION

PROJECT
1913
2166 MARKET STREET

THE ACADEMY

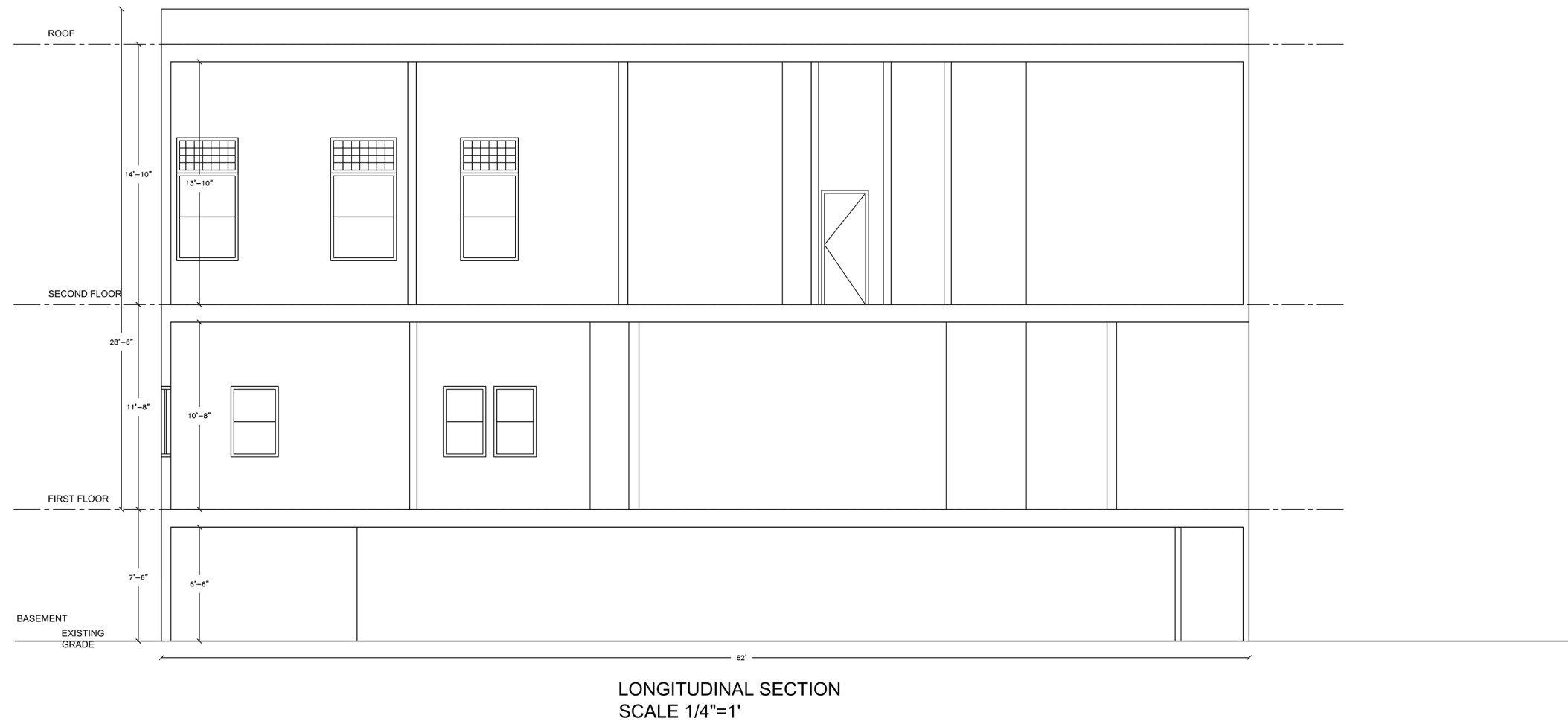
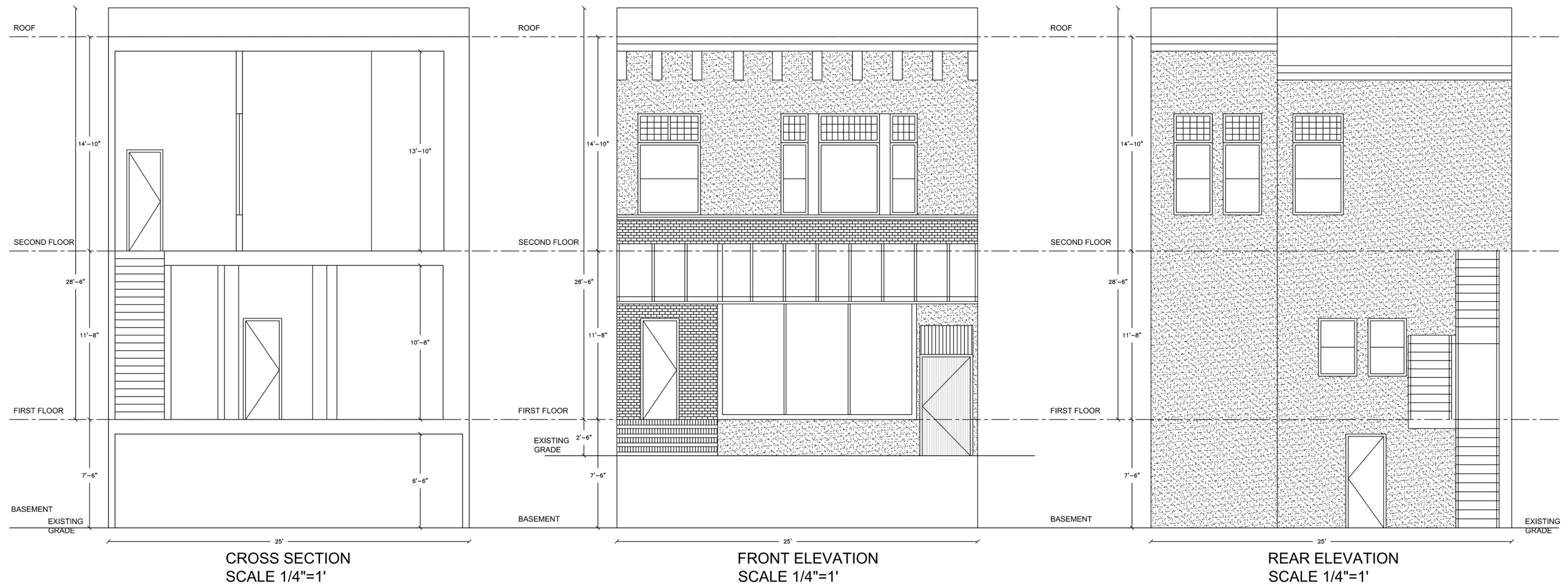
ISSUE DATE
08-30-2019

REVISIONS

NO.	DATE.
-----	-------

SCALE
1/4" = 1'-0"

LEVEL 2



From: Carroll, John (BOS)
To: [CPC.Referrals](#); [Sawyer, Georgia \(POL\)](#)
Cc: ["David Villa-Lobos"](#); ["Lovett, Li \(BOS\)"](#); [Temprano, Tom \(BOS\)](#); [Mundy, Erin \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#); ["Alabanza, Analyn@ABC"](#); ["Rose.Meyer@ABC.ca.gov"](#); [Macchi, Patrick \(POL\)](#); [Salmonson, Joel \(POL\)](#); [Wong, Joanne \(POL\)](#); [Sainez, Maricela \(POL\)](#); [Campbell, Cathleen \(CPC\)](#)
Subject: Liquor License Issuance - 2166 Market Street - The Academy
Date: Wednesday, March 10, 2021 3:08:00 PM
Attachments: [image001.png](#)

Greetings,

The office of the Clerk of the Board has received a letter requesting public convenience or necessity findings for a liquor license. This matter is being referred to you for response via the following linked document:

[Referral Letter - Planning and Police Departments – March 10, 2021](#)

You may review the entire matter on our [Legislative Research Center](#) by following the link below:

-

[Board of Supervisors File No. 210253](#)

After receiving review from the Planning and Police Departments, the Public Safety and Neighborhood Services Committee may hear and consider public convenience or necessity findings for the application, to be forwarded to the California Department of Alcoholic Beverage Control for consideration in the license matter.

The Public Safety and Neighborhood Services Committee may tentatively schedule this hearing for a regular remote meeting in May of 2021.

I request the Planning Department's response before March 26, 2021. Please confirm receipt of this message.

Please review the fact sheet for public convenience or necessity requests from the San Francisco Board of Supervisors via the following link:

[Liquor License Public Convenience or Necessity Request](#)

Thanks for the review.

John Carroll
Assistant Clerk

Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415) 554-4445

(VIRTUAL APPOINTMENTS) To schedule a virtual meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

LIQUOR LICENSE PUBLIC CONVENIENCE OR NECESSITY REFERRAL

TO: Planning Department
Phone No. (415) 558-6371

DATE: March 10, 2021
AP Block/Lot Nos.: 3542/016
Zoning: NCT Upper Market
Quad: SW Planning Team
Record No.: _____

TO: Police Department
Inspector Georgia Sawyer
Phone No. (415) 553-9550

Please submit your response within three weeks. The Public Safety and Neighborhood Services Committee will tentatively schedule the PC or N hearing for a regular meeting in May of 2021.

PLEASE EMAIL YOUR RESPONSE BY March 26, 2021, to John Carroll,
Public Safety and Neighborhood Services Committee Clerk.
john.carroll@sfgov.org - Phone No: 554-4445

Applicant name: Two Gents, LLC

Business name: The Academy

Application address: 2166 Market Street
San Francisco, CA 94114

Applicant contact info: David Villa-Lobos
CLA Consulting
415-921-4192
david_villalobos@sbcglobal.net

PLANNING REVIEW: ☐ Approval ☐ Denial

Planning Staff Contact: _____

Please print review comments on a trailing page.

POLICE REVIEW: ☐ Approval ☐ Denial

Please print review comments in a trailing report.

Attn: San Francisco Board of Supervisors
City and County of San Francisco, Ca.

Re: 2166 Market Street (dba: The Academy)
San Francisco, Ca. 94114

Type 57

Dear Honorable San Francisco Board of Supervisors,


The Academy is the only lgbt brick and mortar social club in the country, and is shaping the future of San Francisco as a gay mecca. It is also a unique business in that it is a subscription model. Unlike the many bars and restaurants that dot the area, members of The Academy can gather and interact with their community without needing to consume anything. What we do offer however, and the reason we believe this type 57 licence is not only a convenience but a necessity, are various courses and experiences. These courses include "The art of tying a bow tie" and "LGBT history", but also "Reserve Wine tasting", "Variations on Japanese whiskeys", "Scotch pairing" and similar events with an aim to foster interaction in an environment outside that of the typical bar culture. One of the things our community needs most are events and places where people meet, interact and engage where the profit model isn't based on the volume customers consume. The Academy offers its members and their guests the opportunity to form a more refined relationship with spirits and uses these educational opportunities to foster community. To offer these experiences as well as host community fundraising events, community art openings and even weddings from within our membership, the Academy is seeking this type 57 licence, not to open a new bar in the castro, but to create a new more engaging type of community center, and a more rounded community.

Respectfully,

Paul Miller



David J. Villa-Lobos, Licensing Agent
CLA Consulting
P.O. Box 642201 San Francisco, Ca. 94164
415. 921.4192
David_villalobos@sbcglobal.net

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
701 MAR -8 PM 3:15
BY 

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME <i>Two Gents LLC</i>			
2. PREMISES ADDRESS (Street number and name, city, zip code) <i>2166 Market St, San Francisco, CA 94114</i>		3. LICENSE TYPE <i>57</i>	
4. TYPE OF BUSINESS			
<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		
<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input checked="" type="checkbox"/> Other - describe: <i>Special on Sale General</i>			
5. COUNTY POPULATION <i>883,869</i>		6. TOTAL NUMBER OF LICENSES IN COUNTY	
		<input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	
7. RATIO OF LICENSES TO POPULATION IN COUNTY <i>282</i>		<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	
8. CENSUS TRACT NUMBER <i>0169.00</i>		9. NO. OF LICENSES ALLOWED IN CENSUS TRACT <i>10</i>	
		<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	
10. NO. OF LICENSES EXISTING IN CENSUS TRACT <i>25</i>		<input checked="" type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	
11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)			
<input type="checkbox"/> Yes, the number of existing licenses exceeds the number allowed			
<input type="checkbox"/> No, the number of existing licenses is lower than the number allowed			
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?			
<input type="checkbox"/> Yes (Go to Item #13) <input type="checkbox"/> No (Go to Item #20)			
13. CRIME REPORTING DISTRICT NUMBER <i>402</i>		14. TOTAL NUMBER OF REPORTING DISTRICTS <i>654</i>	
15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS <i>55,022</i>			
16. AVERAGE NO. OF OFFENSES PER DISTRICT <i>84.13</i>		17. 120% OF AVERAGE NUMBER OF OFFENSES <i>100.8</i>	
18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT <i>42</i>			
19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)			
<input type="checkbox"/> Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17			
<input checked="" type="checkbox"/> No, the total number of offenses in the reporting district is lower than the total number in item #17			
20. CHECK THE BOX THAT APPLIES (check only one box)			
<input type="checkbox"/> a. If "No" is checked in both item #11 and item #19, <u>Section 23958.4 B&P does not apply</u> to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.			
<input type="checkbox"/> b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the <u>applicant to complete Section 2</u> and bring the completed form to ABC when filing the application or as soon as possible thereafter.			
<input checked="" type="checkbox"/> c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the <u>applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3</u> . The completed form will need to be provided to ABC in order to process the application.			

Governing Body/Designated Subordinate Name:

Board of Supervisors

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

ad

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

9-17-2020

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

DAVID VILLA-LOBOS

Licensing-Permitting Specialist SF

david_villalobos@sbcglobal.net

CLA CONSULTING

Specializing In SF Liquor Licensing

P.O. Box 642201

San Francisco, CA. 94164

415-921-4192

415-559-6627