



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: DECEMBER 19, 2013

*Date:* December 12, 2013  
*Case No.:* 2013.1613C  
*Project Address:* 2200 MARKET STREET  
*Zoning:* Upper Market Neighborhood Commercial Transit District  
40-X and 60/65-X Height and Bulk District  
*Block/Lot:* 3560/001  
*Project Sponsor:* Leticia Luna  
2200 Market Street LLC  
1256 Howard Street  
San Francisco, CA 94103  
*Staff Contact:* Eiliesh Tuffy – (415) 575-9191  
[eiliesh.tuffy@sfgov.org](mailto:eiliesh.tuffy@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The project sponsor proposes to establish a Restaurant which will allow on-site beer, wine and/or liquor sales for drinking on the premises (with ABC license type 47) provided that the business operates as a Bona Fide Eating Establishment as defined in Planning Code Section 790.142. The Restaurant (d.b.a. Bandidos) is to be located within the Upper Market Street Neighborhood Commercial Transit District (NCT) and a 40-X and 60/65-X Height and Bulk District. The business is independently-owned and not considered a Formula Retail Restaurant.

### SITE DESCRIPTION AND PRESENT USE

The Project Site is located on the north side of Market Street between 15<sup>th</sup> and Sanchez streets, Assessor's Block 3560, Lot 001. It is located within the Upper Market Neighborhood Commercial Transit District (NCT) and the 40-X and 60/65-X Height and Bulk Districts.

The Project Site is occupied by a five-story mixed use building with underground parking that is in the final stages of construction at the corner of 15<sup>th</sup> and Market streets, with two ground floor commercial spaces (including the subject space) and dwelling units above. The subject tenant space, which is proposed to be used as a Restaurant operating as a Bona Fide Eating Place, consists of a 2,973 square foot dining area at the front, with kitchen and restaurant offices at the rear.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the Upper Market NCT, including restaurants, bars,

personal services, convenience stores, grocery stores and other types of retailers. Buildings in the vicinity typically range from two to four stories in height. Upper floors of buildings are generally occupied by offices or residential units. The Upper Market Street NCT is bounded by residential and mixed-uses in the surrounding RH-2, RH-3 and RTO Districts.

## **ENVIRONMENTAL REVIEW**

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

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	November 29, 2013	November 26, 2013	23 days
Posted Notice	20 days	November 29, 2013	November 27, 2013	22 days
Mailed Notice	20 days	November 29, 2013	November 26, 2013	23 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## **PUBLIC COMMENT**

- To date, the Department has received two letters regarding the project, both stating their support of the proposed use.

## **ISSUES AND OTHER CONSIDERATIONS**

- Aerial photographs included with this report are satellite views sourced from the Google Earth website, which show the building that previously occupied the lot on which the subject property has been constructed.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow a Restaurant with a Type 47 ABC full-liquor license, pursuant to Planning Code Sections 303, 733.44, 790.142 and 790.91.

## **BASIS FOR RECOMMENDATION**

- The proposed Restaurant use would not increase the concentration of eating and drinking establishments within in 300-foot radius in the Upper Market NCT beyond either the 25% or 20% limitations outlined in the Planning Code.
- Clustering of uses can lead to economic vitality of the Upper Market NCT, where public transit is accessible, which is consistent with General Plan policy 6.1.

- The project proposes to operate from 4:00 PM to 12:00 AM, Monday–Friday and from 10:00 AM to 12:00 AM on Saturday and Sunday, within the principally permitted hours of operation.
- The proposed Restaurant will enable an independent, locally-owned business to provide desirable goods and services to the surrounding neighborhood.
- The Project meets all applicable requirements of the Planning Code.
- The business is not a Formula Retail use and would serve the immediate neighborhood.
- There is no known opposition to the project.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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**Attachments:**

Draft Motion  
Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Site Photo  
Context Photos  
Reduced Plans  
Public Correspondence

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>   |
| <input type="checkbox"/> Environmental Determination    | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map          | 3-D Renderings (new construction or significant addition)                                  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Site Photos         | <input type="checkbox"/> RF Report   |
|   | <input type="checkbox"/> Community Meeting Notice  |
|   | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

Exhibits above marked with an "X" are included in this packet

ET

Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion

HEARING DATE: DECEMBER 19, 2013

*Date:* December 12, 2013  
*Case No.:* **2013.1613C**  
*Project Address:* **2200 MARKET STREET**  
*Zoning:* Upper Market Street Neighborhood Commercial Transit District  
 40-X and 60/65-X Height and Bulk District  
*Block/Lot:* 3560/001  
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 2200 Market Street LLC  
 1256 Howard Street  
 San Francisco, CA 94103  
*Staff Contact:* Eiliesh Tuffy – (415) 575-9191  
[eiliesh.tuffy@sfgov.org](mailto:eiliesh.tuffy@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 733.44, 790.142 AND 790.91 OF THE PLANNING CODE TO ESTABLISH A RESTAURANT (D.B.A. BANDIDOS) WITH A TYPE 47 ABC LICENSE THAT WILL OPERATE AS A BONA FIDE EATING PLACE IN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT (NCT) AND A 40-X AND 60/65-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On November 5, 2013, 2200 Market Street LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization to establish a Restaurant (790.91) use with a Type 47 ABC License that will operate as a Bona Fide Eating Place (790.142) in the Upper Market NCT District per P.C. Sec. 733.44. The Restaurant (d.b.a. Bandidos) is to be located within the Upper Market Street Neighborhood Commercial Transit District (NCT) and a 40-X and 60/65-X Height and Bulk District.

On, December 19, 2013 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1613C.

The project is categorically exempt as a Class 1 exemption under CEQA Guidelines.

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 requested in Application No. 2013.1613C, 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. **Site Description and Present Use.** The project is located at a six-point intersection, on the north side of Market Street between 15<sup>th</sup> and Sanchez Streets (Block 3560, Lot 001; Block 3560, Lots 053-076). The subject property is an 8,050 square foot through lot between Market and 15<sup>th</sup> Streets with 140 feet of frontage on Market Street and 176.958 feet of frontage on 15<sup>th</sup> Street. The property is occupied by a newly-constructed five-story mixed-use building containing two commercial tenant units on the ground floor with primary frontage on Market Street and secondary frontage on 15<sup>th</sup> Street. The upper four floors of the building are residential units.

The original entitlement for the project was granted on December 16, 2008, under Case No. 2006.1409D, allowing demolition of the previous restaurant on the site to make way for construction of a new mixed-use building with four floors of residential units, ground floor commercial use and underground parking exclusively for the residential tenants.

The present project would occupy the new commercial space created by the earlier project. Conditions of approval for the earlier project included provisions relating to the commercial storefronts, stating that the building should have attractive storefronts that provide visibility of the commercial interiors through the storefront windows and that the Project Sponsor should continue to work with the Department on building design elements.

3. **Surrounding Properties and Neighborhood.** The subject property is one of six corner lots created by the intersection of three streets: Market Street, Sanchez Street and 15<sup>th</sup> Street. Sanchez Street is residential in character, with commercial development concentrated on the lots closest to Market Street. The same pattern of use occurs along 15<sup>th</sup> Street in this location, with commercial use concentrated on the lots that intersect with Market Street. Properties along Market Street in the vicinity of the project are occupied by commercial uses or mixed use buildings with commercial uses on the ground floor and, occasionally, second floors and residential uses above.

The adjacent property to the west, which is also a through-lot between Market Street and 15<sup>th</sup> Street, is occupied by a three-story hotel.

4. **Project Description.** The applicant proposes to operate a Restaurant (d.b.a. Bandidos) with full liquor service, which requires an ABC Type 47 license. Under the provisions of the Upper Market Street Neighborhood Commercial Transit District, the addition of a Type 47 license requires the Restaurant to operate as a Bona Fide Eating Place, as defined in Section 790.142 of the Planning Code. The Type 47 license allows the sale of beer, wine and distilled spirits for consumption on the licenses premises and authorizes the sale of beer and wine for consumption off the licenses premises. The Restaurant must operate and maintain the licensed premises as a Bona Fide Eating Place, maintaining suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation. The proposed use is not Formula Retail; rather it is an independent use and locally owned which has been encouraged throughout San Francisco. The hours of operation are limited to 6:00 a.m. to 2:00 a.m.
5. **Public Comment.** As of December 5, 2013, the Department has received two letters from local neighborhood groups in support of the request.
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. **Eating and Drinking Uses.** Planning Code Section 303(p) requires that with regard to a conditional use authorization application for a Restaurant, Limited-Restaurant and Bar uses in Neighborhood Commercial Districts or Mixed Use Districts, the Planning Commission shall consider, in addition to the criteria set forth in Subsection 303(c) the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% 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.

*No concentration of eating and drinking uses exists within 300 feet of the subject property within the Upper Market Street NCT. Including the proposed Restaurant use, eating, and drinking uses occupy a total of 11% of the lineal street frontage in the 300-foot radius. The proposed Restaurant would not cause a concentration of such uses.*
  - B. **Formula Retail.** Planning Code Section 730.4 stated that Conditional Use authorization is required for Formula Retail Uses in the Upper Market Street NCT.

*The proposed use is an independent and locally owned use and is not a Formula Retail use.*

- C. **Hours of Operation.** Planning Code Section 721.27 states that 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 intended hours of operation for the proposed restaurant at the time of application are Monday-Friday, 4 p.m.-12 a.m.; Saturday-Sunday, 10 a.m.-12 a.m.. These stated hours are within the permitted timeframe established for the Upper Market NCT, which allows for hours of operation between 6 a.m.-2 a.m.*

- D. **Restaurant Use.** Planning Code Section 721.44 states that Conditional Use authorization is required for a Restaurant in the Upper Market Street NCT.

*The proposed use will be a Restaurant with a Type 47 full liquor license.*

- E. **Street Frontage in Neighborhood Commercial Transit 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, 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 70-feet of frontage on Market Street devoted to the restaurant entrance and window space. The windows are clear and unobstructed. There is an additional 19'-6" of frontage on 15<sup>th</sup> Street devoted to the same commercial tenant and having the same clear, unobstructed window design.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The size of the proposed use is in keeping with other storefronts on the block face. The proposed restaurant would not affect traffic or parking in the District because it is not a destination restaurant and the site is well served by transit. The use would complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood.*

- 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:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The height and bulk of the existing building would remain the same and the project would not alter the existing appearance or character of the project vicinity.*

- ii. 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 a 2,973 square foot restaurant. 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.*

- iii. 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 restaurants and outlined in Exhibit A. Two conditions specifically obligate the project sponsor to mitigate odor and noise generated by the restaurant use.*

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

*The proposed restaurant does not require any additional tenant improvements the Department shall review all lighting and signs proposed for the new business in accordance with the Planning Code.*

- 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 purposed of Upper Market Street NCT in that the intended use is located at the ground floor, would provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.*

8. **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 WORKINIG ENVIRONMENT.

#### **Policy 1.1:**

Encourage development, which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

#### **Policy 1.2:**

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

#### **Policy 1.3:**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The proposed development would provide desirable goods and services to the neighborhood and would provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial Transit 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 would retain an existing commercial activity and 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. Including the proposed Restaurant use, eating, and drinking uses occupy a total of 11% of the lineal street frontage in the 300-foot radius. The proposed Restaurant would not cause a concentration of such uses.*

**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. The proposed use is a neighborhood serving use. This is not a Formula Retail use.*

9. **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 does comply 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 an active food-service use on the ground floor of the building at a heavily traveled six-point intersection. The business would be locally owned and it creates employment opportunities for the community.*

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

*The existing units in the surrounding neighborhood would not be adversely affected.*

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

*No housing is removed for this project.*

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

*The site is at a six-point intersection, where three streets converge: Market, 15<sup>th</sup> and Sanchez streets. This area is well served by transit.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The project would not displace any service or industry establishment. The project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by this project.*

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

*The project is designed and would be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal would not affect the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

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

*The project would have no negative impact on existing parks and open spaces. The project does not have an impact on open spaces.*

10. 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.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1613C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with the floor plan on file, indicated as sheet A2 dated October 29, 2013 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 No. \_\_\_\_\_. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 19, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES: Commissioners Antonini, Bordon, Fong, Hillis, Moore, Sugaya, and Wu.

NAYS: none

ABSENT: none

ADOPTED: December 19, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a Restaurant (d.b.a. Bandidos) located at 2200 Market Street, Block 3560, Lot 001 pursuant to Planning Code Section(s) 303 733.44, 790.142 and 790.91 within the Upper Market Street Neighborhood Commercial Transit District and a 40-X and 60/65-X Height and Bulk District; in general conformance with plans, dated October 29, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1613C and subject to conditions of approval reviewed and approved by the Commission on December 19, 2013 under Motion No \_\_\_\_\_. 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 December 19, 2013 under Motion No. \_\_\_\_\_.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. \_\_\_\_\_ 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as

this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

3. **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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

4. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

5. **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 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

6. **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 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

7. **Garbage, Recycling, and Composting Receptacles.** 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 Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

8. **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, 415-695-2017, <http://sfdpw.org>*

9. **Noise Control.** 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 with the 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](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television, contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

10. **Odor Control.** 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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- 11. 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 with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such a 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.

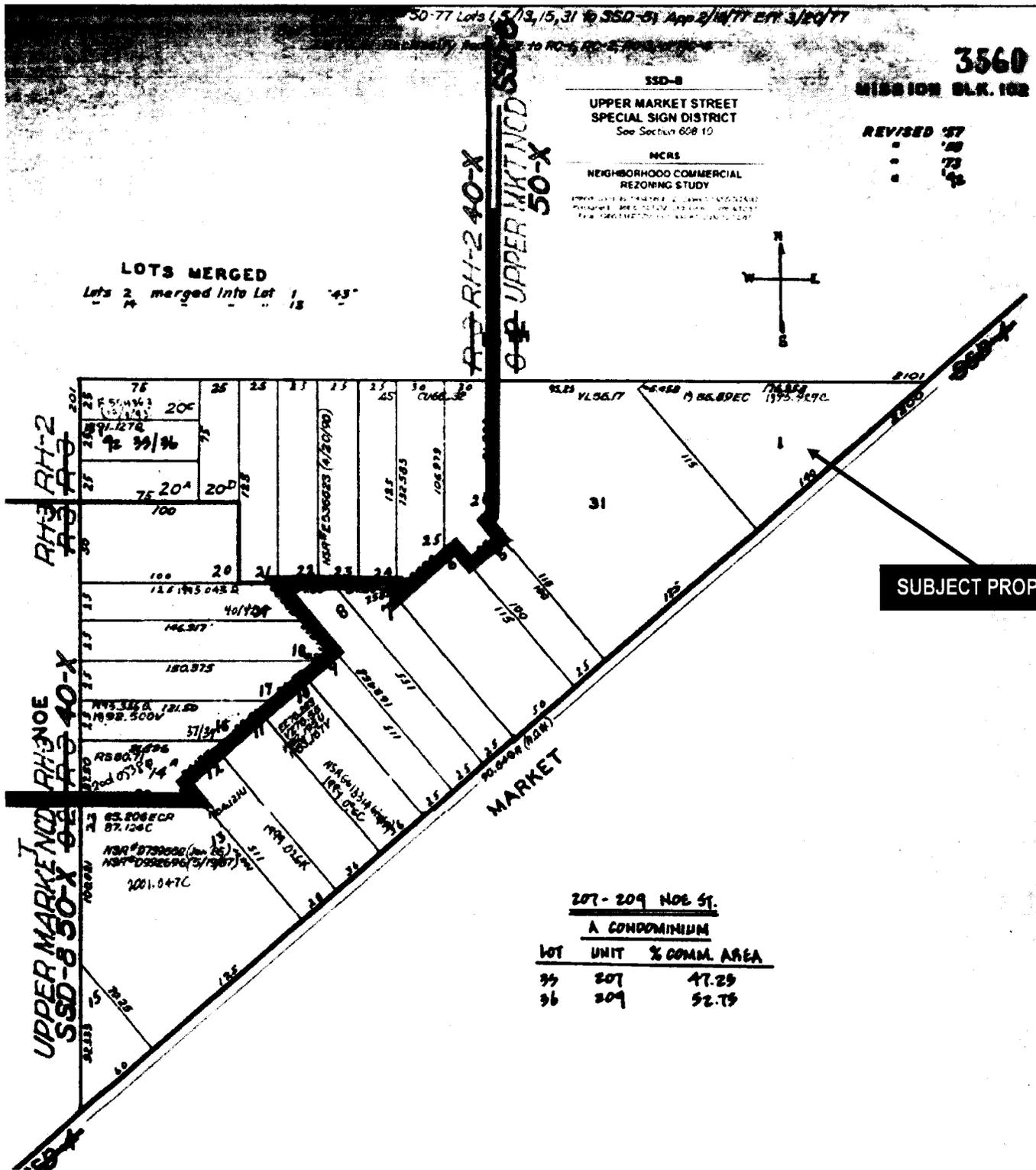
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

- 12. Hours of Operation.** The subject establishment is limited to hours of operations from 6:00 a.m. to 2:00 a.m. six days a week.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

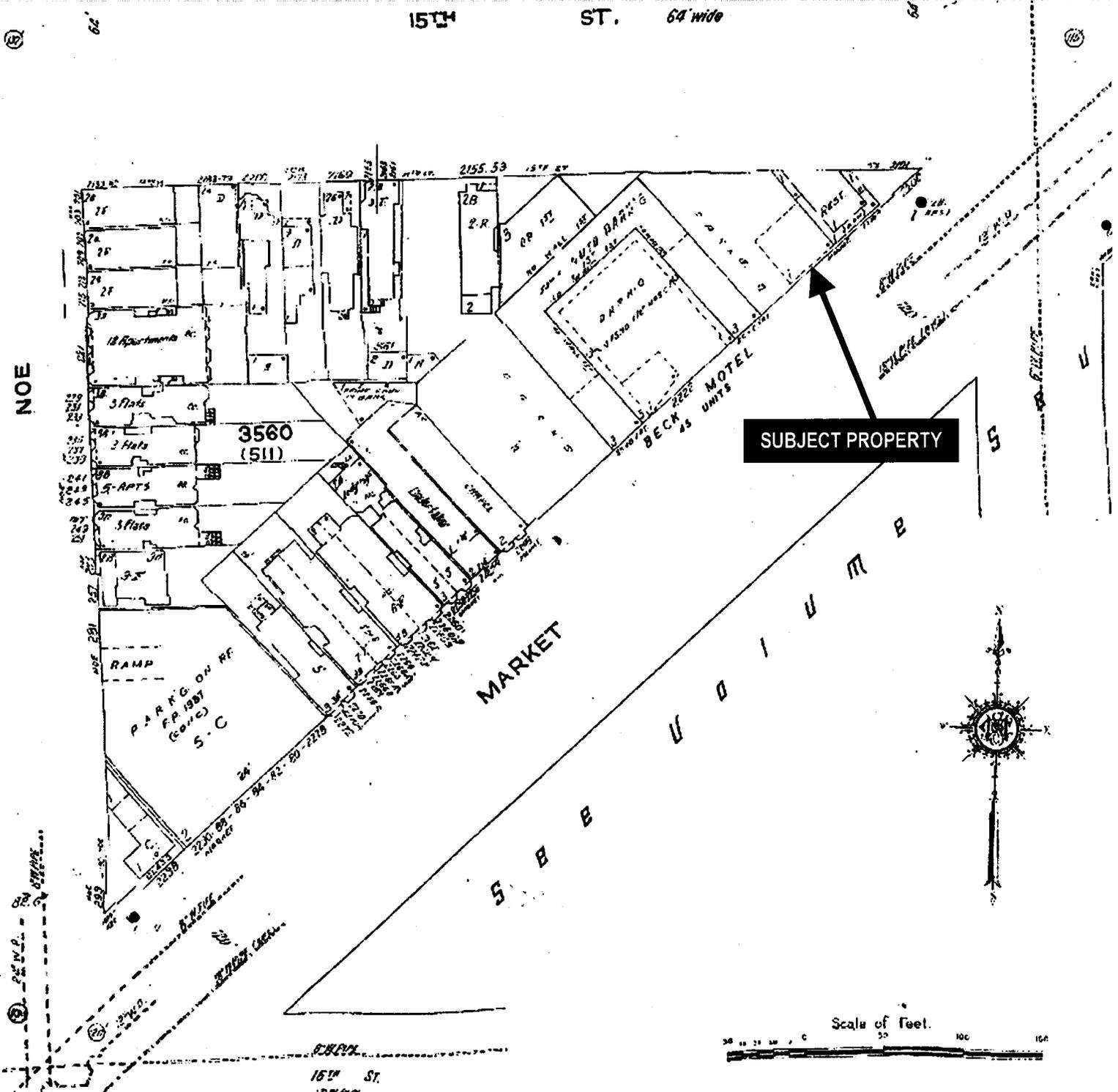


# Parcel Map



# Sanborn Map

15TH ST. 64' wide

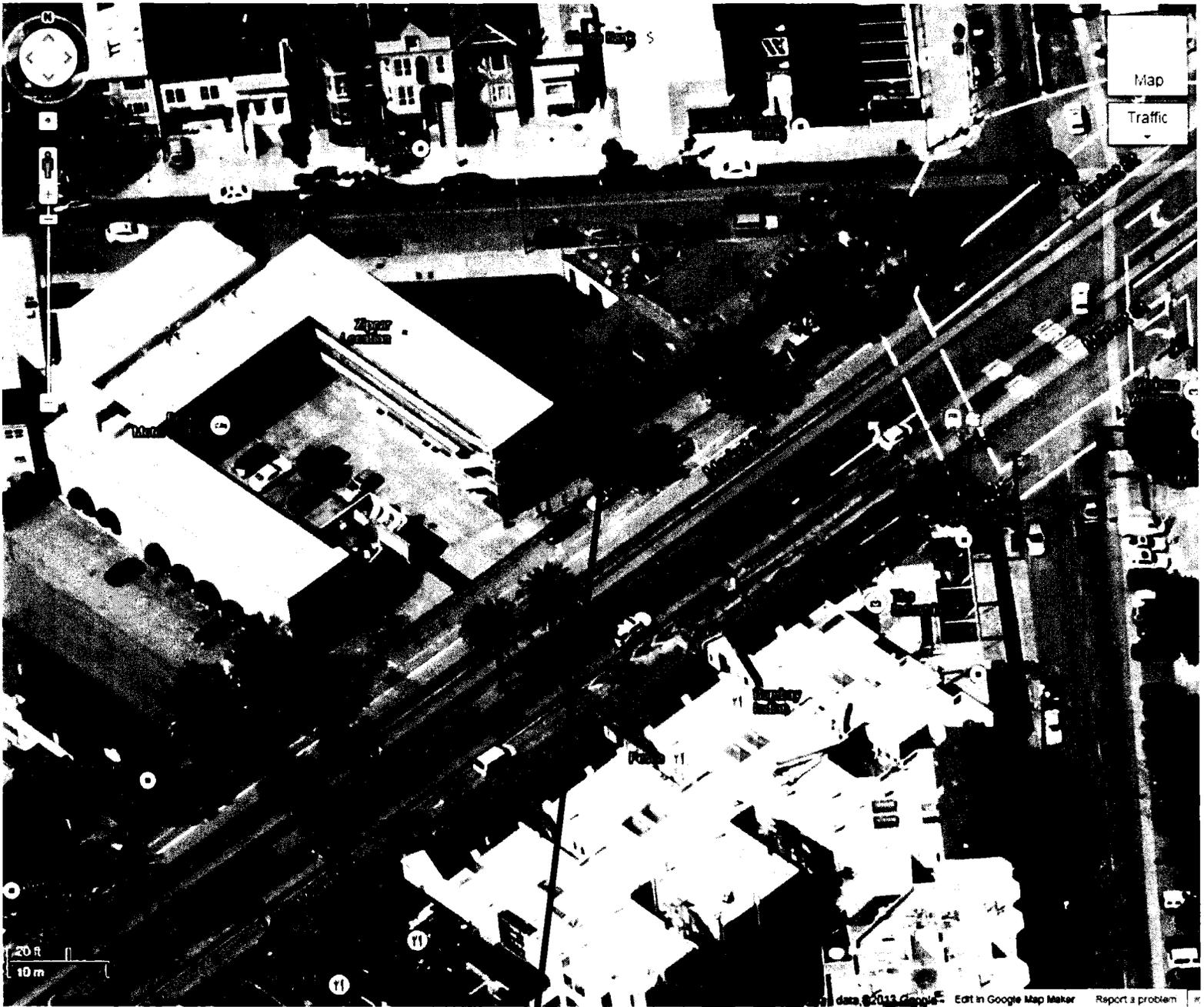


SUBJECT PROPERTY

Conditional Use Request Hearing  
Case Number 2013.1613 C  
Restaurant  
2200 Market Street

# Aerial Photo

## View Looking North

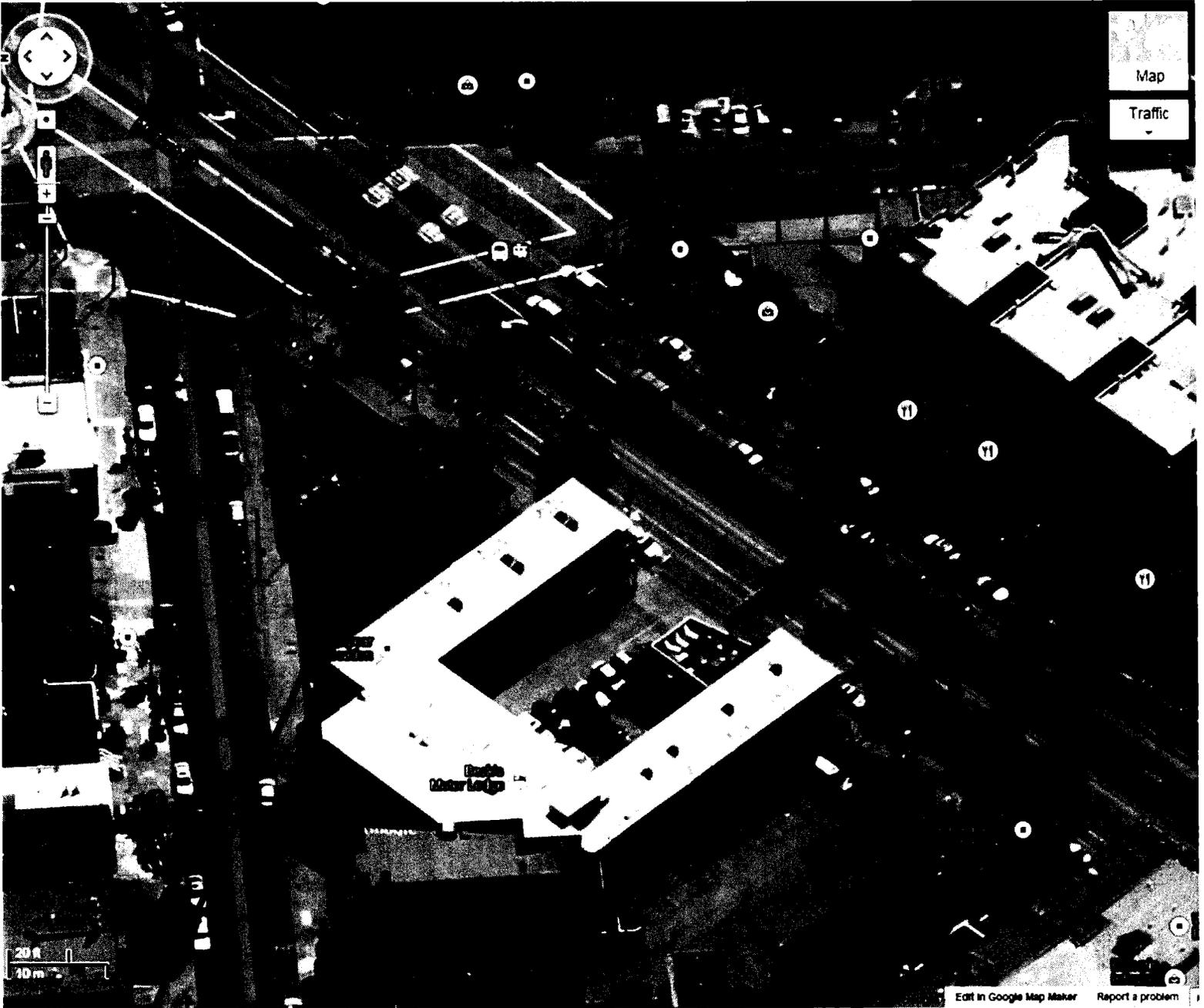


**SUBJECT PROPERTY  
(PRE-CONSTRUCTION)**

Conditional Use Request Hearing  
Case Number 2013.1613 C  
Restaurant  
2200 Market Street

# Aerial Photo

## View Looking East



**SUBJECT PROPERTY  
(PRE-CONSTRUCTION)**

Conditional Use Request Hearing  
Case Number 2013.1613 C  
Restaurant  
2200 Market Street

# Aerial Photo

## View Looking West



**SUBJECT PROPERTY  
(PRE-CONSTRUCTION)**

Conditional Use Request Hearing  
Case Number 2013.1613 C  
Restaurant  
2200 Market Street



# Zoning Map



Conditional Use Request Hearing  
Case Number 2013.1613 C  
Restaurant  
2200 Market Street

# Site Photo - Subject Property View from the corner of Market and Sanchez Streets



SUBJECT PROPERTY

Conditional Use Request Hearing  
Case Number 2013.1613 C  
Restaurant  
2200 Market Street



NW corner, 15<sup>th</sup> & Sanchez



NE corner, 15<sup>th</sup> & Sanchez



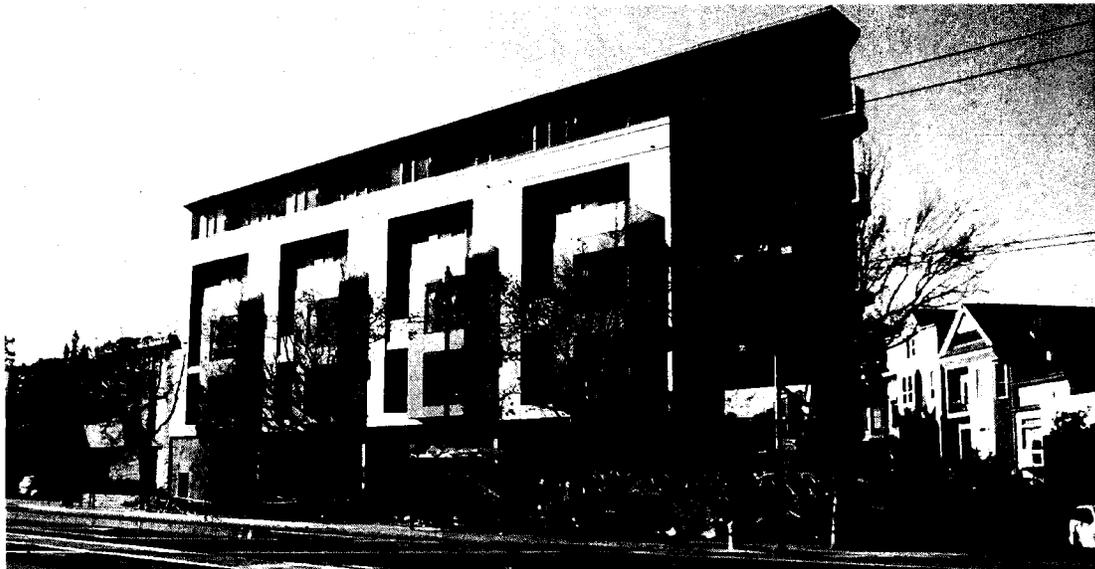
NE corner, 15<sup>th</sup> & Market



SE corner, 15<sup>th</sup> & Sanchez



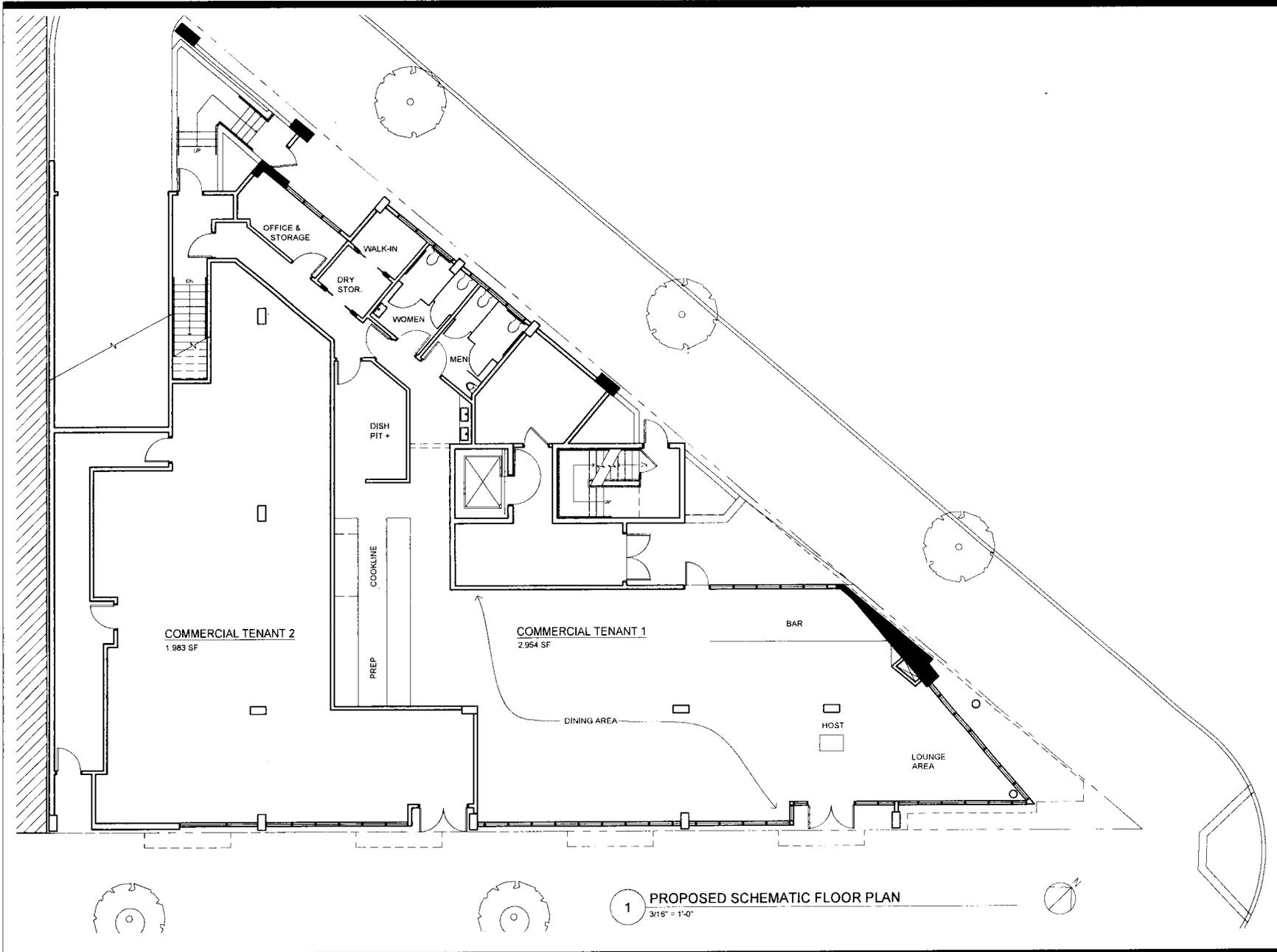
SW corner, Sanchez & Market



(subject property) SW corner, 15<sup>th</sup> & Market







1 PROPOSED SCHEMATIC FLOOR PLAN  
3/16" = 1'-0"

**MCELROY ARCHITECTURE**  
485 14th Street  
San Francisco, CA 94103  
415.814.3256  
www.mcelroyarch.com

**2200 MARKET ST**  
san francisco, ca 94114  
TENANT IMPROVEMENT

CURRENT RELEASE: 29 OCT 2013

conditional use application

PREVIOUS RELEASE

SHEET TITLE  
**SCHEMATIC FLOOR PLAN**

SCALE 3/16" = 1'-0"

**A2**



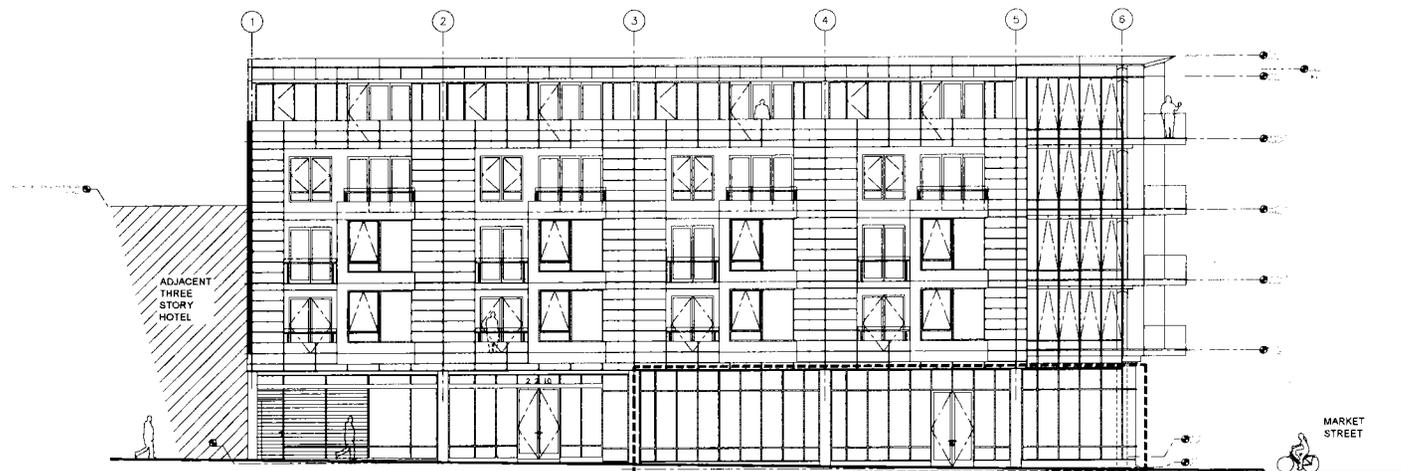


2 NORTH ELEVATION @ 15TH ST  
1/8" = 1'-0"

APPROX. LOCATION OF TENANT UNIT  
EXTERIOR FACADE WORK TO BE COMPLETED  
UNDER SEPARATE PERMIT.

MARKET  
STREET  
BEYOND

ADJACENT  
THREE  
STORY  
HOTEL



1 SOUTH ELEVATION @ MARKET ST  
1/8" = 1'-0"

APPROX. LOCATION OF TENANT UNIT  
EXTERIOR FACADE WORK TO BE COMPLETED  
UNDER SEPARATE PERMIT.

ADJACENT  
THREE  
STORY  
HOTEL

MARKET  
STREET

**MCELROY ARCHITECTURE**  
485 14th Street  
San Francisco, CA 94103  
415.814.3256  
www.mcelroyarch.com

**2200 MARKET ST**  
san francisco, ca 94114  
block 3560 / lot 001  
TENANT IMPROVEMENT

CURRENT RELEASE 1 NOV 2011  
conditional use  
application

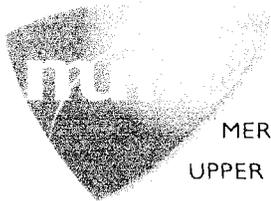
PREVIOUS RELEASE

SHEET TITLE  
**EXTERIOR  
ELEVATIONS**

SCALE 1/8" = 1'-0"

**A3**





MERCHANTS OF  
UPPER MARKET & CASTRO

584 Castro Street, # 333  
San Francisco CA 94114-2512  
415/431-2359  
Email [MUMC-SF@earthlink.net](mailto:MUMC-SF@earthlink.net)  
[www.CastroMerchants.com](http://www.CastroMerchants.com)

Terry Asten Bennett, President  
415/431-5365 Ext. 4  
[TerryAsten@cs.com](mailto:TerryAsten@cs.com)

December 4, 2013

By Email and USPS hardcopy

Eiliesh Tuffy Staff Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

Re: Planning Case No. 2013.1613C, Request for Conditional Use Authorization  
Snakebite, LLC dba *Bandidos* restaurant (Jesse Woodward, et al)

Dear Ms. Tuffy,

This confirms that the Members of **Castro Merchants/Merchants of Upper Market & Castro (MUMC)** have voted to SUPPORT the Request for Conditional Use Authorization and related approvals by Snakebite, LLC, dba *Bandidos* (Jesse Woodward et al) for a new restaurant with Type 47 liquor license on the ground floor of 2200 Market Street. We understand that Planning Commission's Hearing for this item currently is scheduled for December 19, 2013.

**Castro Merchants/MUMC** is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19<sup>th</sup> Street; and cross streets throughout that area. **Castro Merchants/MUMC** has over 250 paid Members for 2013-2014. The property covered by this matter is within our organization's primary service area.

Please let us know if you have any questions regarding **Castro Merchants/MUMC's** SUPPORT for this Request. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,

Terry Asten Bennett, President

cc: Jesse Woodward, Dana Gleim, Snakebite, LLC/*Bandidos*  
email cc: Supervisor Scott Wiener and staff  
Capt. Bob Moser, SFPD Mission Station





*December 5, 2013*

*RE: 'HEART of the TRIANGLE' ( Letter of Recommendation )  
[ Case# 2013.1613C / dba: Bandidos / 2200 Market Street ]*

*To Whom It May Concern,*

*Bandidos, to be run by Jesse Woodward ( applicant/project sponsor ), have done an excellent job reaching out to the Upper Market-Duboce Triangle community. We see their business as essential and necessary for the neighborhood to reduce crime. By occupying the sizable 2200 Market Street commercial space with a well-lit restaurant-bar, this business will do a fantastic job at reducing crime and providing a safe quiet place for locals to come and have a quiet drink and/or meal. Bandidos will be providing a convenient meeting place for locals for conversation as well as conduct business. In San Francisco places like Bandidos are increasingly important for residents to have safe places for to meet-up outside their homes.*

*Our organization 'HEART of the TRIANGLE' is in full support of Bandidos and would respectfully ask that it be granted the necessary entitlement approvals. If you should have any questions regarding our support of this business, please do not hesitate in contacting us.*

*Respectfully*

*David James Villa-Lobos, Executive Director  
'HEART of the TRIANGLE'  
under the auspices of:  
[www.communityleadershipalliance.net](http://www.communityleadershipalliance.net)  
P.O. Box 642201, SF, CA. 94164  
415-921-4192*

