



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: FEBRUARY 9, 2012

*Date:* February 2, 2012  
*Case No.:* **2011.1138 C**  
*Project Address:* **3801 18th Street**  
*Zoning:* RM-1 (Residential-Mixed, Low Density) District  
40-X Height and Bulk District  
*Block/Lot:* 3585/001  
*Project Sponsor:* James Woods  
26A Glover Street  
San Francisco, CA 94109  
*Staff Contact:* Doug Vu – (415) 575-9120  
[doug.vu@sfgov.org](mailto:doug.vu@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The project sponsor proposes to establish an approximately 650 square foot, small self-service restaurant with an accessory small brewery (d.b.a. Cerverceria de MateVeza) in the existing ground floor commercial space that previously housed Lilah Belle's Specialty Foods. The proposed restaurant will offer locally sourced and affordably priced cuisine that will be paired with artisan beers brewed on-site in small batches. The business is an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco. The operation will consist of up to three employees and the hours of operation will be 10:00 a.m. to 10:00p.m. Monday through Friday and 9:00 a.m. to 10:00 p.m. Saturday and Sunday. The project proposes interior tenant improvements, including the installation of a 20-gallon brewing system. The subject site is well served by public transit so that potential customers should not adversely affect traffic. Pursuant to Planning Code Section 186, the proposed limited commercial nonconforming use can be established through conditional use authorization because it is located within ¼ mile of the Castro Street Neighborhood Commercial District.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the southwest corner of Church and 18<sup>th</sup> Streets and is developed with a three-story building that includes three dwelling units fronting Church Street and two dwelling units and the subject ground floor commercial space fronting 18<sup>th</sup> Street. The project site is approximately 1,875 square feet in lot area with 25 feet of frontage along 18<sup>th</sup> Street and 75 feet of frontage along Church Street.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within an RM-1 (Residential-Mixed, Low Density) District, which is characterized by a mixture of dwelling types including apartment units that have separate entrances and

nonresidential uses to provide for the needs of residents. Shopping facilities and transit lines are also often found within a short distance of these districts, including the Castro Street Neighborhood Commercial District, which is located two blocks west of the project site. Excluding the project site, the subject block is zoned RH-3 and primarily developed with one and two-family houses, multi-unit dwelling structures and two neighborhood serving commercial uses including Jeffrey's Natural Pet Foods, which is located adjacent to the project site.

## **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	January 20, 2012	January 18, 2012	22 days
Posted Notice	20 days	January 20, 2012	January 17, 2012	23 days
Mailed Notice	10 days	January 30, 2012	January 25, 2012	15 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 one communication in opposition to the proposal. This individual expressed concern regarding the proximity of a bar to Mission High School, which is located on the block immediately north of the project site. The Department has also received two communications in favor of the project from the Mission Dolores and Castro/Eureka Valley Neighborhood Associations, which were impressed by the business owner's plans, believed the business would be a positive addition to the community, and its limited size would not present noise, odor or litter problems for neighbors.

## **ISSUES AND OTHER CONSIDERATION**

- Pursuant to Planning Code Section 186, the proposed small self-service restaurant, which is a limited commercial nonconforming use can be established through conditional use authorization because it is located within ¼ mile of the Castro Street Neighborhood Commercial District. Section 186 provides for the further continuance of nonconforming uses of a limited commercial character that are beneficial to residential areas in which they are located. These uses tend to be small in scale and cause a minimum of interference with nearby streets and properties. Limited commercial nonconformnig uses are also only allowed to operate between 6:00 a.m. and 10:00 p.m.
- The proposed small self-service restaurant with an accessory small brewery will seek Type 23 and Type 20 licenses from the Department of Alcoholic Beverage Control to permit the brewing of

beer on site, and to sell other artisan beers not produced by the subject small brewery, respectively. The restaurant will install a 20-gallon brewing system that will produce up to 500 barrels of beer per year, with no minimum. Beer that is brewed on-site may be bottled in 32-ounce containers commonly referred to as “growlers,” and all bottling would be completed manually with minimal noise. In comparison, a typical brewpub is required to operate a minimum seven-barrel (200+ gallon) brewing system and produce between 100 and 5,000 barrels of beer per year.

- The project will be subject to a Condition of Approval that will require the sales of food and non-alcoholic items to be at minimum 51 percent of gross receipts annually to ensure the small brewery is accessory to the small self-service restaurant.
- The proposal is to establish a small, self-service restaurant with an accessory small brewery, which is not a bar. The restaurant will not sell high-risk beverages including fortified wines, wine coolers, 40-ounce container beers or malt liquor. The San Francisco Police Department reviewed the Alcoholic Beverage Control license application and issued its approval on November 3, 2011. Restaurant employees will be trained in responsible beverage sales, and will request identification from any customer that appears 30 years of age or younger. Additionally, the project sponsor/business owner has confirmed minors will not be allowed on the premises without adult supervision.
- The project sponsor/business owner has conducted outreach with the Principal of Mission High School, and he does not object to the establishment of the small self-service restaurant and accessory small brewery at the subject property.
- Other commercial uses that currently sell/serve alcohol within close proximity to Mission High School include Papa’s Market located at 3699 17<sup>th</sup> Street, which is a small retail grocery store that is permitted to sell liquor (ABC Type 21 license) and Maxfield’s House of Caffeine located at 398 Dolores Street, which is a full-service restaurant that is permitted to serve beer and wine (ABC Type 41 license). No active complaints have been filed for these commercial uses.
- The project will be subject to the standard Conditions of Approval for eating and drinking establishments including those pertaining to trash removal and general cleanliness. In addition, the project will also be required to comply with the conditions of operation for limited commercial uses in RM Districts that address building maintenance, signage, hours of operation, truck loading and noise and odor control.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a small self-service restaurant with an accessory small brewery pursuant to Planning Code Sections 303, 186 and 715.44.

**BASIS FOR RECOMMENDATION**

- The project is a small, locally-owned business that will occupy a currently vacant commercial storefront and will contribute to the vitality of the neighborhood by providing affordable, high quality cuisine sourced from local ingredients and craft beer.
- The project will not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The hours of operation, from 10:00 a.m. to 10:00p.m. Monday through Friday and 9:00 a.m. to 10:00 p.m. Saturday and Sunday are desirable for, and compatible with the surrounding neighborhood.
- The project is within close access to public transit as it is served by the J-Church MUNI metro line. Therefore, customers should not adversely impact traffic.
- The project will create up to three jobs for neighborhood residents.
- The project meets all applicable requirements of the Planning Code.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

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

- Block Book Map
- Sanborn Map
- Aerial Photographs
- Zoning Map
- Site Photograph
- Reduced Floor Plans
- Project Sponsor Submittal
- 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          | <input type="checkbox"/> Health Dept. review of RF levels                                     |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report  |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Community Meeting Notice   |
| <input checked="" type="checkbox"/> Context Photos      | <input type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos         |   |

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

\_\_\_\_\_  
Planner's Initials

G:\Documents\CUs\3801 18th Street\Exec Sum.doc



# SAN FRANCISCO PLANNING DEPARTMENT

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Subject to: (Select only if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input type="checkbox"/> Other                             |

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## Planning Commission Draft Motion

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 186, 303 AND 715.44 OF THE PLANNING CODE FOR A CHANGE OF USE TO ESTABLISH A SMALL SELF-SERVICE RESTAURANT WITH AN ACCESSORY SMALL BREWERY (D.B.A. CERVECERIA DE MATEVEZA) WITHIN AN RM-1 (RESIDENTIAL-MIXED, LOW DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On October 6, 2011, James Woods (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 303 and 715.44 for a change of use to establish a small self-service restaurant with an accessory small brewery (d.b.a. Cervceria de MateVeza) within an RM-1 (Residential-Mixed, Low Density) District and a 40-X Height and Bulk District.

On February 9, 2012, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1138C.

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

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. 2011.1138C, 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 site is located on the southwest corner of Church and 18<sup>th</sup> Streets and is developed with a three-story building that includes three dwelling units fronting Church Street and two dwelling units and the subject ground floor commercial space fronting 18<sup>th</sup> Street. The project site is approximately 1,875 square feet in lot area with 25 feet of frontage along 18<sup>th</sup> Street and 75 feet of frontage along Church Street.
3. **Surrounding Properties and Neighborhood.** The project site is located within an RM-1 (Residential-Mixed, Low Density) District, which is characterized by a mixture of dwelling types including apartment units that have separate entrances and nonresidential uses to provide for the needs of residents. Shopping facilities and transit lines are also often found within a short distance of these districts, including the Castro Street Neighborhood Commercial District, which is located two blocks west of the project site. Excluding the project site, the subject block is zoned RH-3 and primarily developed with one and two-family houses, multi-unit dwelling structures and two neighborhood serving commercial uses including Jeffrey's Natural Pet Foods, which is located adjacent to the project site.
4. **Project Description.** The project sponsor proposes to establish an approximately 650 square foot small self-service restaurant with an accessory small brewery (d.b.a. Cerverceria de MateVeza) in the existing ground floor commercial space that previously housed Lilah Belle's Specialty Foods. The proposed restaurant will offer locally sourced and affordably priced cuisine that will be paired with artisan beers brewed on-site in small batches. The business is an independent neighborhood-serving use that is locally owned, which is encouraged throughout San Francisco. The operation consists of up to three employees and the hours of operation will be 10:00 a.m. to 10:00 p.m. Monday through Friday and 9:00 a.m. to 10:00 p.m. Saturday and Sunday. The project proposes interior tenant improvements including the installation of a 20-gallon brewing system but will not include any outdoor seating. The subject site is well served by public transit so that potential customers should not adversely affect traffic. Pursuant to Planning Code Section 186, the proposed limited commercial nonconforming use can be established through conditional use

authorization because it is located within ¼ mile of the Castro Street Neighborhood Commercial District.

5. **Public Comment.** The Department has received one communication in opposition to the proposal. This individual expressed concern regarding the proximity of a bar to Mission High School, which is located on the block immediately north of the project site. The Department has also received two communications in favor of the project from the Mission Dolores and Castro/Eureka Valley Neighborhood Associations, which were impressed by the business owner's plans, believed the business would be a positive addition to the community, and its limited size would not present noise, odor or litter problems for neighbors.
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. **Limited Commercial Nonconforming Uses.** Planning Code Section 186 states that any nonconforming use in an RM District which is located within ¼ mile from any Individual Area Neighborhood Commercial District and which complies with the most restrictive use limitations specified for the first story and below shall be exempt from the termination provisions of Section 185.

*The project sponsor proposes a change of use for the previously existing specialty food store to a small self-service restaurant, which requires Conditional Use Authorization within the Castro Street Neighborhood Commercial District that is located within ¼ mile of the subject property. The Project is also required to comply with the conditions of operation pursuant to Planning Code Section 186(b) for limited commercial nonconforming uses.*

- B. **Small Self-Service Restaurant.** Planning Code Section 715.44 requires a Conditional Use Authorization for a small self-service restaurant on the first story and below.

*The Project is a small self-service restaurant with an accessory small brewery totaling approximately 650 square feet. The project sponsor is seeking the required Conditional Use Authorization.*

- C. **Hours of Operation.** Planning Code Section 186 states that the hours of operation for limited commercial nonconforming uses in an RM District shall be limited to the period between 6:00 a.m. and 10:00 p.m.

*The Project's proposed hours of operation will be 10:00 a.m. to 10:00 p.m. Monday through Friday and 9:00 a.m. to 10:00 p.m. Saturday and Sunday.*

- D. **Formula Retail Uses.** Planning Code Section 186 states that all uses meeting the definition of "formula retail" use shall not be permitted except by Conditional Use through the procedures of Planning Code Section 303.

*The Project is not a "formula retail" use.*

- E. **Street Frontage.** Planning Code Section 186 states that the requirements of Section 145.1(c)(6) and (7) shall apply for limited commercial nonconforming uses. Planning Code Section 145.1(c)(6) require frontages with active uses that are not residential or PDR 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. Buildings located inside of, or within an unobstructed line of less than 300 feet of an Urban Bird Refuge, as defined in Section 139(c)(1), shall follow glazing requirements within Section 139(c) of the Code. Planning Code Section 145.1(c)(7) requires that 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 portion of the project site with active uses and is not residential has approximately 17 feet of lineal street frontage along 18<sup>th</sup> Street and 24 feet 8 inches of lineal street frontage along Church Street for a total of 41 feet 8 inches. Approximately 19 feet 6 inches is currently devoted to either transparent windows or doorways, which amounts to 47 percent of the total street frontage. Since the project will occupy an existing commercial space and the deficit in transparent windows and doorways will not be increased, additional fenestration will not be required.*

*The project site currently has sliding security gates that consist of open grillwork and are laid flush with the building façade.*

- F. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The project site contains approximately 650 square-feet of occupied floor area and thus does not require any off-street parking.*

- G. **Signage.** Planning Code Section 186 states that any signs on the property shall be made to comply with the requirements of Article 6 of the Code applying to nonconforming uses. Any proposed signage will be subject to the review and approval of the Planning Department.

*The project site currently has signage on an awning that advertised the previous business. Awnings are permitted, subject to the standards for an NC-1 District in Section 136.1(a) of the Planning Code and any proposed signage shall be subject to the review of the Planning Department.*

- H. **Small Self-Service Restaurant.** Planning Code Section 790.91 defines a small, self-service restaurant as a retail eating or eating and drinking use which provides ready-to-eat food for

consumption on and off the premises and which may or may not provide seating. Such use exhibits the following characteristics:

- (1) Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;
- (2) A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;
- (3) Food served in disposable wrappers or containers;
- (4) Food is ordered and served at customer service counter;
- (5) Food is paid for prior to consumption;
- (6) Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;
- (7) Food available upon a short waiting time.

It does not include retail grocery stores with accessory take-out food activity, as described in Section 703.2(b)(1)(C) of this Code, self-service specialty food use, as described in Section 790.93 of this Code, or retail uses which sell prepackaged or bulk ready-to-eat foods with no-site food preparation area, such as confectionery or produce stores. When a fast-food restaurant operates within and in conjunction with another retail use, such as a retail grocery store, the area of the fast-food restaurant use shall be measured to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and meat counters.

It may provide off-site beer, wine and/or liquor sales for consumption off the premises (with ABC licenses 20 or 21) or on-site beer and/or wine sales for drinking on the premises (with ABC licenses 40, 41 or 60). If it serves liquor for drinking on the premises (with ABC licenses 47 or 48) or does not admit minors (with ABC licenses 42 or 61), then it shall also be considered a bar, as defined in Section 790.22 of this Code.

It shall be conducted in accordance with the following conditions:

- (1) All debris boxes shall be kept in enclosed structures.
- (2) The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.
- (3) Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

*The Project meets the definition of a small, self-service restaurant pursuant to Section 790.91 of the Planning Code.*

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 proposed use will not increase the size or intensity of the existing commercial space, which was previously used as a specialty foods store. The project will fill the now vacant storefront with a desirable, locally owned neighborhood-serving use that will strengthen the diversity of goods offered within the area and contribute to the economic vitality of the neighborhood. Additionally, the Project would also provide entry-level job opportunities for local community.*

- 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 limited size and shape of the proposed small, self-service restaurant is compatible with the pattern of development in the area, and the Project does not include any alterations that will alter the building's envelope.*

- 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 650 square-foot, small self-service 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. Traffic patterns will remain substantially unaltered by the Project because patrons will have ample walking, bicycling, taxi and public transit options.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project will not create substantial emissions and Conditions of Approval will require compliance with applicable City codes to control noise, dust and odor associated with the kitchen and small brewery.*

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

*The Project does not require any additional landscaping or screening, and any proposed signage shall be subject to review by the Planning Department and required to meet all applicable provisions set forth in Article 6.*

- 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.*

- 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 WORKING 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.

*The Project will utilize an existing vacant commercial storefront to provide desirable goods and services to the neighborhood that is independently owned and operated and will provide resident employment opportunities to those in the community.*

#### **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 establish a new small self-service restaurant in the immediate neighborhood that could generate additional pedestrian activity to the area. This will contribute to the diverse economic base of the City.*

**OBJECTIVE 3:**

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

**Policy 3.1:**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

*The Project will create entry-level employment opportunities for local unskilled and semi-skilled workers.*

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 Project enhances the neighborhood by occupying an existing vacant commercial space with a locally-owned restaurant that will provide new job opportunities for community residents.*

- 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 will occupy an existing space for a nonconforming limited commercial use and will preserve the existing housing and neighborhood character.*

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

*No housing will be removed for this Project.*

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

*The Project is replacing a commercial use in the same space and will not result in a significant increase in any type of traffic or parking associated with the use. Additionally, the subject site is located at the corner of 18<sup>th</sup> and Church Streets and is well served by MUNI transit service.*

- 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 will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will 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 will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact 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 does not include any changes to the existing building envelope and will have no negative impact on existing parks and 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. 2011.1138C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 24, 2012, 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. XXXXX. 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 February 09, 2012.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 09, 2012

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a small self-service restaurant with an accessory small brewery (d.b.a. Cervceria de MateVeza) located at 3801 18<sup>th</sup> Street, Block 3585 , and Lot 001 pursuant to Planning Code Section(s) 303 and 715.44 within an RM-1 (Residential-Mixed, Low Density) District and a 40-X Height and Bulk District; in general conformance with plans, dated January 24, 2012, and stamped "EXHIBIT B" included in the docket for Case No. **2011.1138 C** and subject to conditions of approval reviewed and approved by the Commission on February 9, 2012 under Motion No **XXXXXX**. 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 February 9, 2012 under Motion No **XXXXXX**.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXXX** 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 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

3. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code applying to nonconforming uses.

## MONITORING

4. **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)*

5. **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

6. **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>*

7. **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>*

8. **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)*

9. **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 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)*

10. **Accessory Small Brewery.** The sales of food and non-alcoholic items shall be at minimum 51 percent of gross receipts annually to ensure the small brewery is accessory to the small self-service restaurant.

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 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.

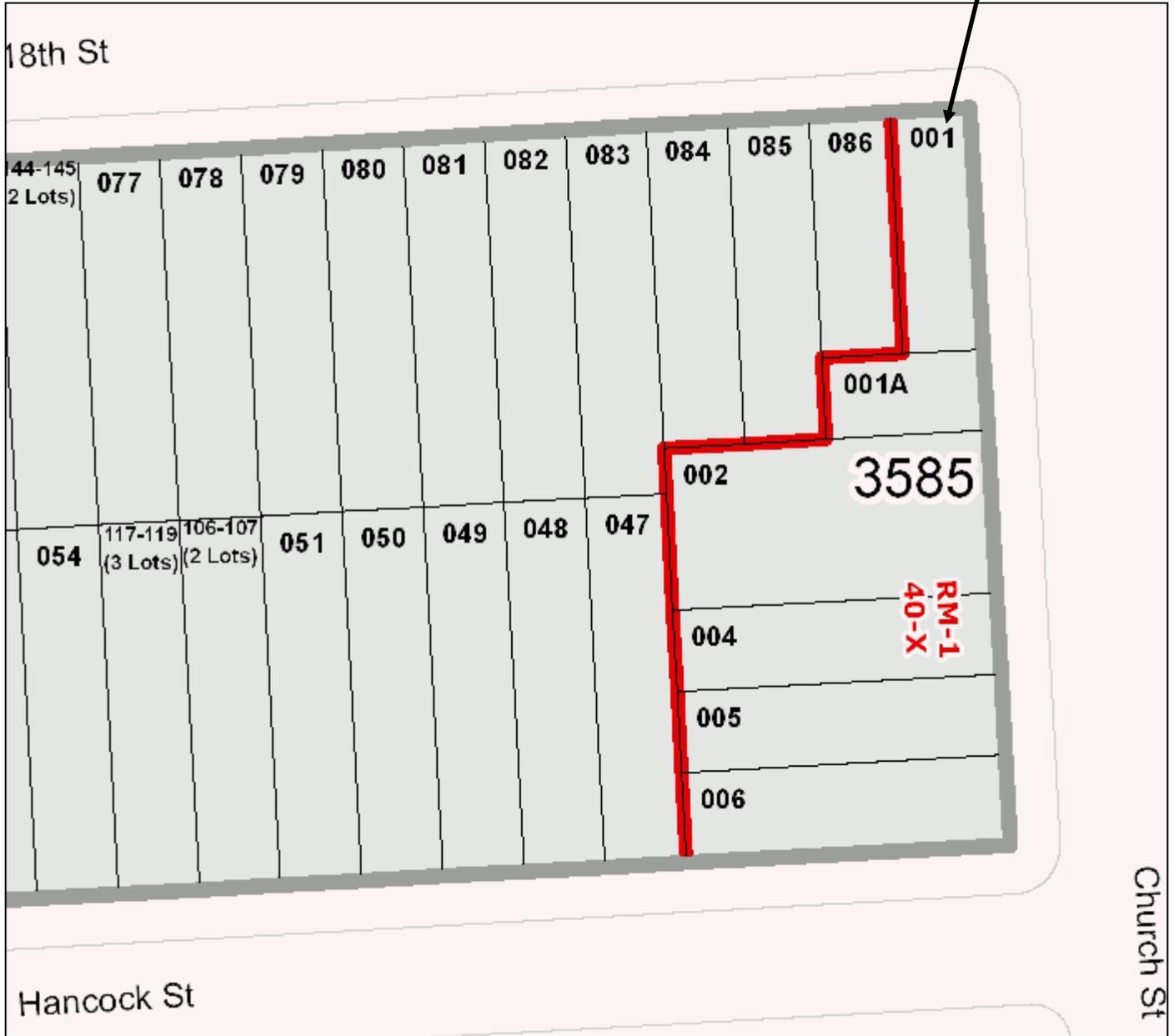
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Hours of Operation.** The subject establishment is limited to the following hours of operation:  
6:00 a.m. to 10:00 p.m. daily.

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

# Parcel Map

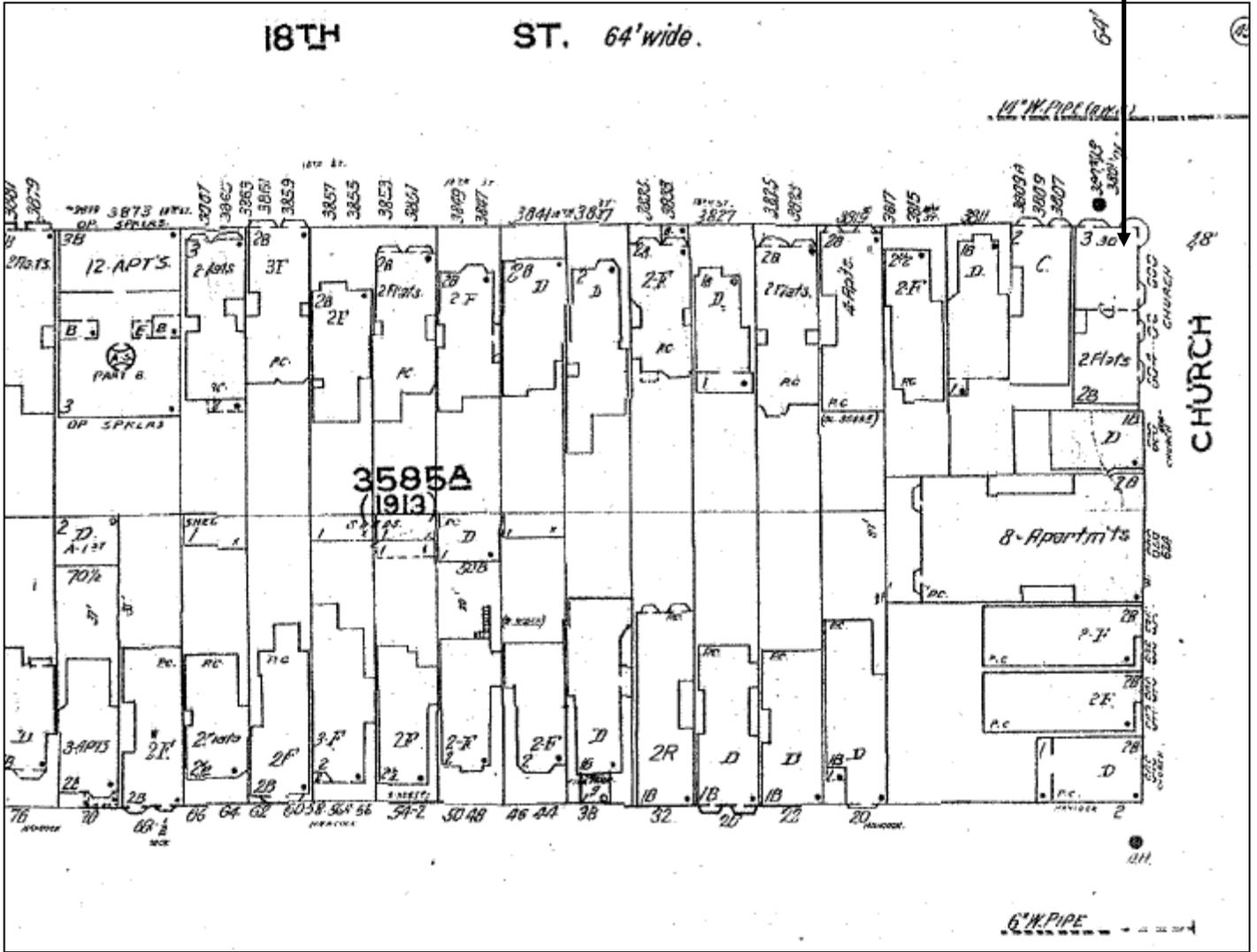
SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2011.1138C  
Small Self-Service Restaurant  
3801 18<sup>th</sup> Street

# Sanborn Map\*

SUBJECT PROPERTY



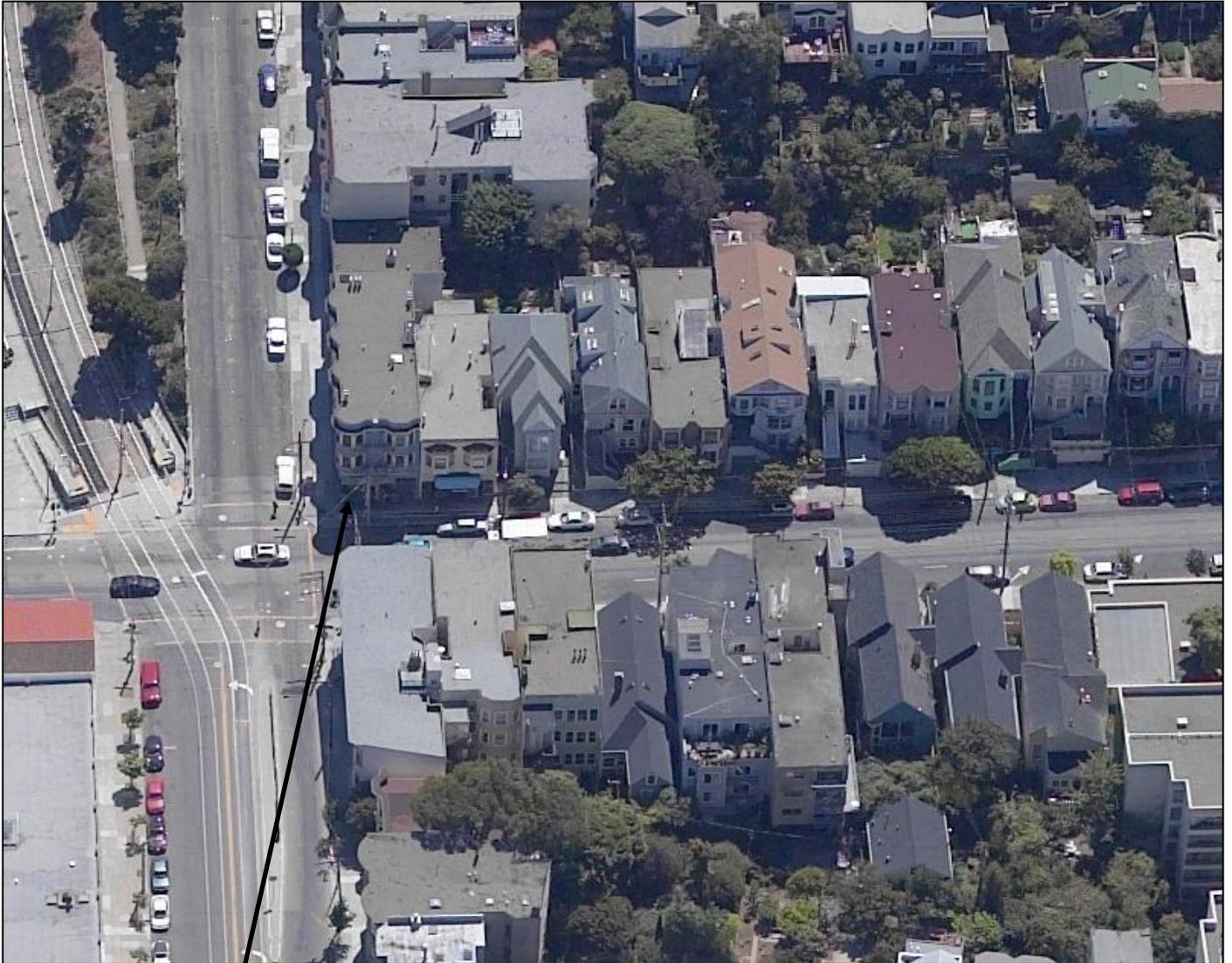
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Hearing  
Case Number 2011.1138C  
Small Self-Service Restaurant  
3801 18<sup>th</sup> Street

# Aerial Photo

view facing south

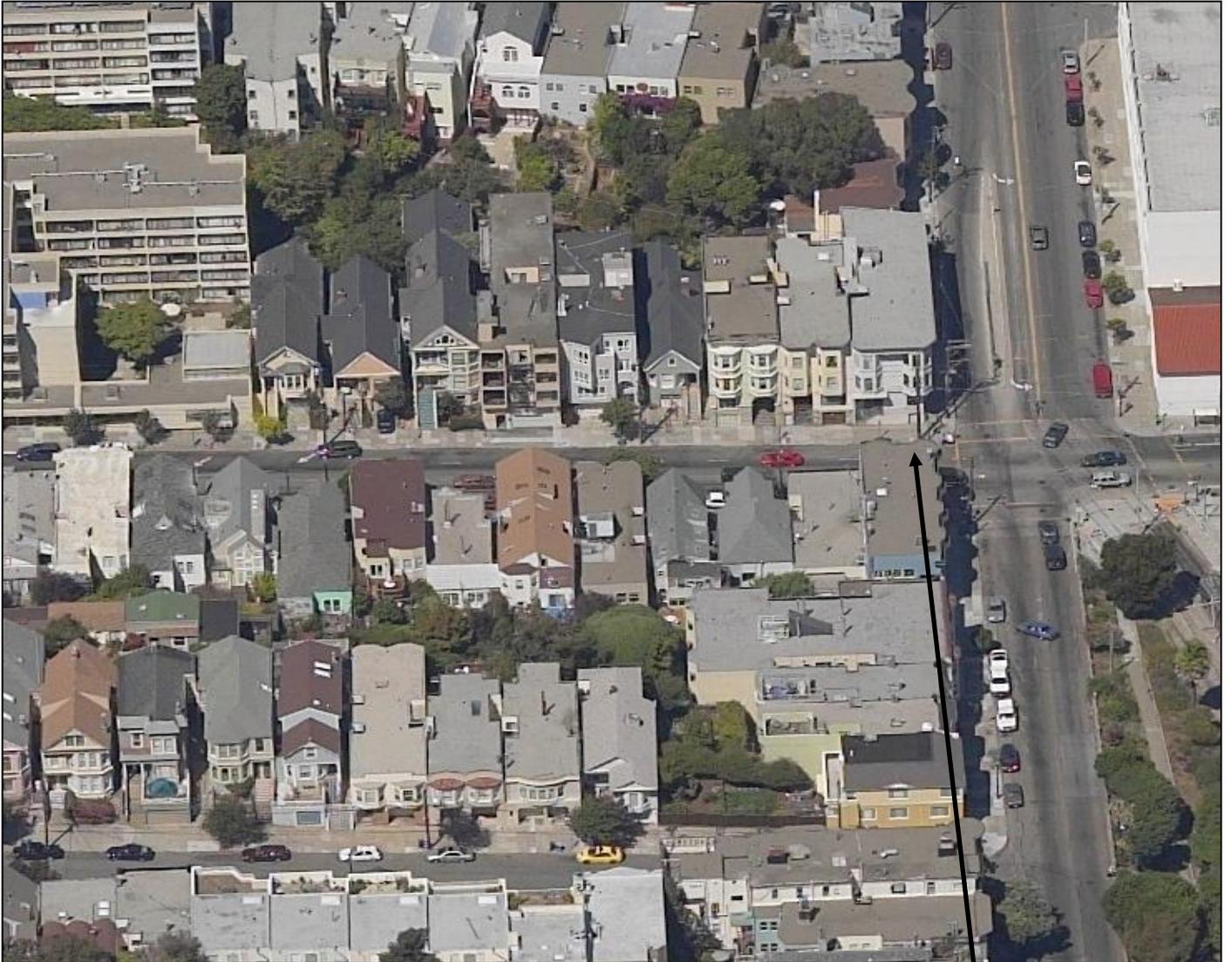


**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2011.1138C  
Small Self-Service Restaurant  
3801 18<sup>th</sup> Street

# Aerial Photo

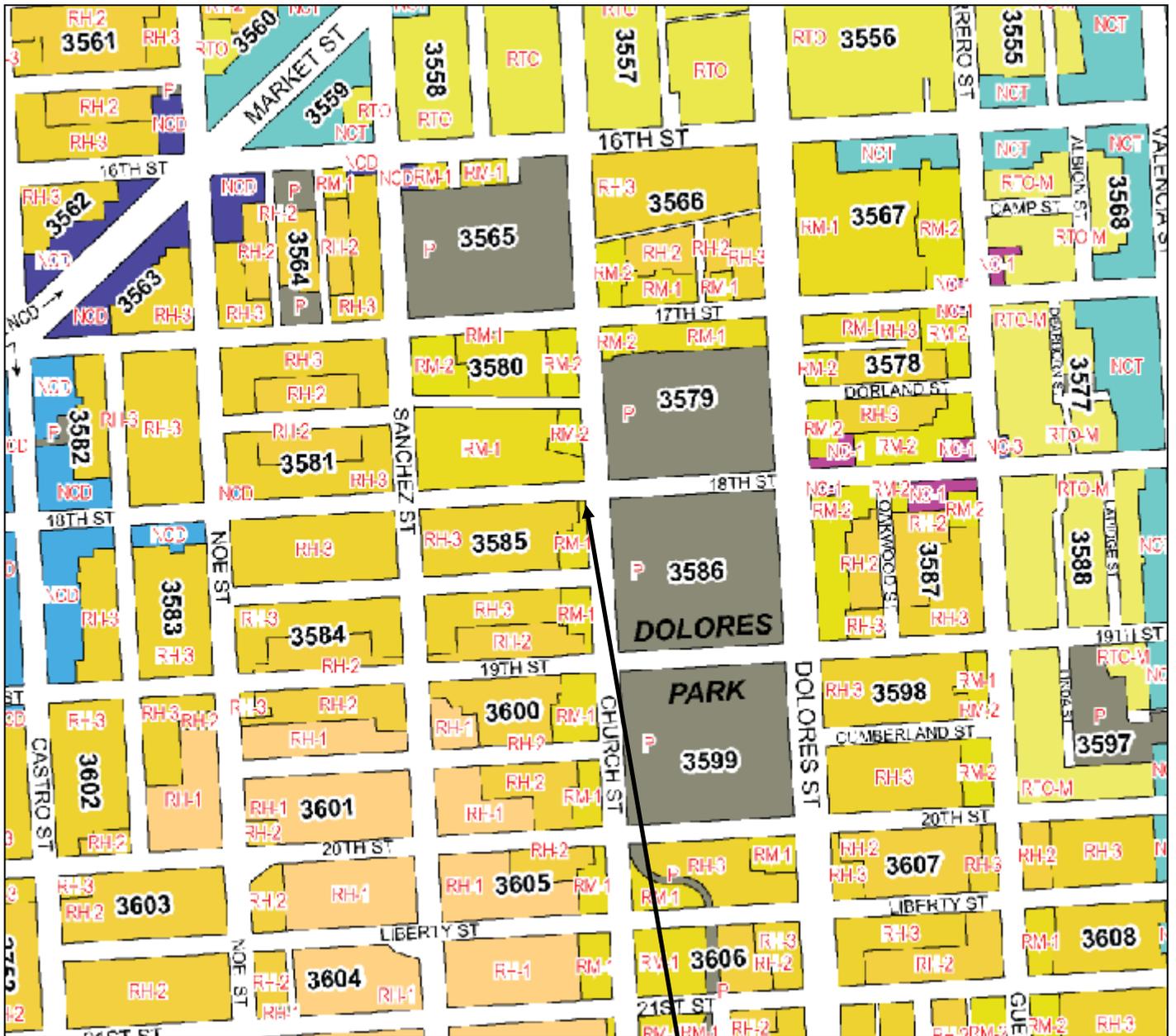
view facing north



**SUBJECT PROPERTY**

Conditional Use Hearing  
Case Number 2011.1138C  
Small Self-Service Restaurant  
3801 18<sup>th</sup> Street

# Zoning Map



**SUBJECT PROPERTY**



Conditional Use Hearing  
 Case Number 2011.1138C  
 Small Self-Service Restaurant  
 3801 18<sup>th</sup> Street

# Site Photo



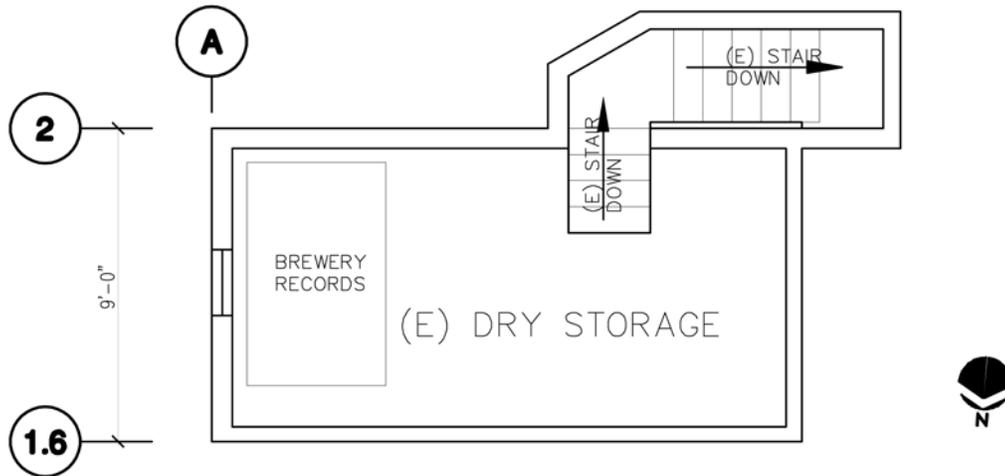
Conditional Use Hearing  
Case Number 2011.1138C  
Small Self-Service Restaurant  
3801 18<sup>th</sup> Street



DR.  
J30

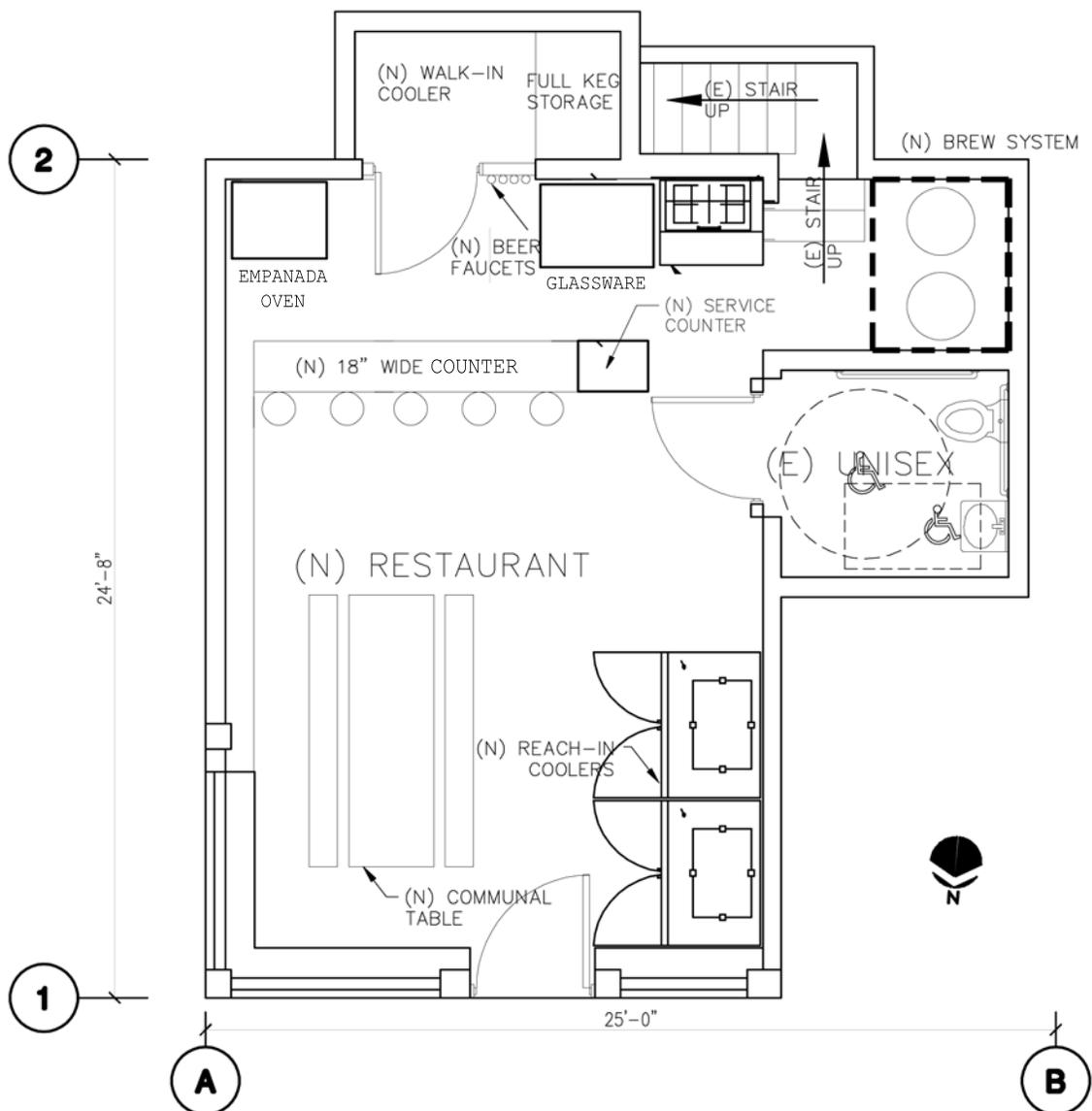
R:  
E  
CA 94117

CTOR



3 **MEZZANINE  
PROPOSED PLAN**

1/4" = 1'-0"



MateVeza USA, LLC  
26A Glover Street  
San Francisco, CA 94109

October 6, 2011

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Authorization for a Small Self-Service Restaurant and Small  
Brewery  
Property: 3801 18th Street, San Francisco, CA 94114

To whom it may concern:

I am the founder and president of MateVeza USA, LLC, a San Francisco company that markets and sells a line of organic craft beers. I am seeking a conditional use authorization to operate as a "Small Self-Service Restaurant" with an ABC Type 20 Off-Sale Beer and Wine License and to obtain an ABC Type 23 Small Brewery license as an ancillary use at 3801 18th Street, San Francisco, California.

**Overview:**

The proposed "Cervecería de MateVeza," a small self-service restaurant with an ABC Type 20 Off-Sale Beer and Wine License and an ABC Type 23 Small Brewery license at 3801 18th Street, would provide the residents of San Francisco with unique, locally-sourced, affordably-priced cuisine paired with creative artisan beers. MateVeza, an independent, San Francisco based company that markets and sells a line of organic beers brewed under contract in Ukiah, California, would use this location to develop new recipes and highlight the benefits of pairing craft beer with fine food. This proposal will not involve any alterations to the existing space. Approving the proposed use would continue San Francisco's tradition of supporting homegrown businesses and encouraging creative retail uses, while serving the local community and preserving the character of the Mission Street, Castro Street, and Upper Market Street Neighborhood Community Districts.

**Background:**

MateVeza (Mate + Cerveza) markets and sells organic ales brewed with yerba mate, the South American herbal tea. Brewed and bottled in Ukiah, California by Mendocino Brewing Company and stored in Petaluma, California, our beers have received rave reviews from the San Francisco Chronicle, GQ, the Wall Street Journal, and Fitness Magazine. MateVeza is distributed in California, Oregon, Washington, Nevada, and California at over 400 stores including Whole Foods and BevMo. More information about MateVeza is available at [www.mateveza.com](http://www.mateveza.com).

I began homebrewing beer with yerba mate in 2004 after I followed a sip of freshly brewed yerba mate tea with a sip of Sierra Nevada Pale Ale in my San Francisco apartment. I had first discovered mate in 2001; I loved its earthy flavors, its gentle stimulating effects, and its rich culture and history, which I later experienced firsthand in Argentina. I would always introduce my friends to the mate ceremony just as I would encourage them to explore good craft beer.

I put my years of homebrewing experience to use and began to develop a yerba mate beer recipe. After several iterations and rave reviews from friends and family, I knew I had created something special. I chose to brew my creation at partner breweries instead of building my own facility so that I could one day brew regionally to ensure product freshness and minimize the use of fossil fuels. We brewed the first batch in November of 2006, making MateVeza the first beer brewed with yerba mate in the world.

Over the past five years, we have built MateVeza into an established brand by growing our portfolio of organic beers and expanding our distribution to cover the entire West Coast. We have relied on grassroots customer education to build awareness by hosting events such as Beerunch, a beer and food pairing brunch that has been a marquis event of San Francisco Beer Week for the past several years. "Cervecería de MateVeza" will allow us to craft our own unique food & beer experience, while developing new product recipes for production at our contract brewing facility in Ukiah.

**Small Self-Service Restaurant:**

MateVeza would like to open a small self-service restaurant called "Cervecería de MateVeza" at 3801 18th Street. Our restaurant would feature local and organic ingredients and highlight the benefits of pairing craft beer with fine cuisine. The restaurant would be open to customers of all ages and cater to the local community. All of our dishes would have the option of being paired with beers brewed at our contract brewing partner's facility, beers brewed on premise utilizing a small 20-gallon brewing system, and select, locally brewed guest beers. We also plan to offer these beers for sale off-premise, a privilege that would be afforded by our ABC Type 20 & 23 licenses.

Like MateVeza's organic beer offerings, the restaurant's cuisine would be a fusion of South American and Californian culture. We would serve dishes ranging from empanadas and fresh vegetables to charcuterie and artisan cheese. These affordable meals would be sourced from high quality, local ingredients. The accompanying artisan beers would be provided to heighten the enjoyment of these dishes.

Our restaurant would be open seven days a week from 10 AM to 10 PM Monday through Friday and 9 AM to 10 PM Saturday and Sunday. We would serve breakfast, lunch and dinner to customers of all ages. We would provide several small tables in conjunction with a communal table to maximize interaction among customers. Seating at the restaurant would accommodate approximately 15 customers. Employment would include a manager and entry level positions in service and food preparation. As the property was recently updated with an ADA compliant restroom, no construction or physical modifications to the subject premises will be necessary to execute our concept.

**Small Brewery:**

Beyond enhancing the culinary experience at our restaurant, production on our small 20-gallon brewing system would allow us to experiment, develop recipes, and receive valuable customer feedback for new beers at our contract brewing facility in Ukiah, California. Whereas most brewpubs operate with a brewing system of at least 7 barrels (over 200 gallons) in size, our 20-gallon brewing capacity would represent less than 10% of this volume. On-premise production would total no more than 500 barrels of beer per year. We may bottle our beer in large glass containers commonly referred to as "growlers," but all bottling would be done by hand with minimal noise.

While an ABC Type 75 license is commonly associated with brewpubs, it would not be appropriate for our intended use for the following reasons: whereas ABC Type 75 licenses require a brewing system with a minimum size of 7 barrel capacity, we intend to use a 20-gallon system; whereas ABC Type 75 licenses are required to brew at least 100 barrels per year, we may brew less than 100 barrels per year; and whereas ABC Type 75 licenses do not permit distribution to other retail licensees, we would like to preserve our ability to distribute to other retail licenses from our warehouse in Petaluma, California. An ABC Type 23 license is the only brewery license option for our intended use.

We understand that an ABC Type 23 can be considered light manufacturing use under certain circumstances, but we believe that our stated use would be well within the conditional use of a small self-service restaurant." Noise, odors, and other externalities typical of larger breweries will be minimal due to the small size of our brewing system. There are several other ABC Type 23 licensees currently operating as "Small Self-Service Restaurants" with on and off-sale beer and wine privileges in San Francisco.

**Neighborhood Impact:**

Cervecería de MateVeza would promote a balance of retail uses in the Mission Street, Castro Street, and Upper Market Street Neighborhood Community Districts, improve the area's economic vitality, and provide an amenity to local and all San Francisco residents alike. There are few small self-service restaurants in the immediate vicinity of 3801 18th Street, despite a large resident population and excellent access to public transportation. The proposed use would serve an unmet need in the immediate vicinity. The project would contribute to the economic vitality of the neighborhood by allowing the change of use from a specialty pre-prepared food store to a small, self-service restaurant and small brewery, which would allow the existing commercial space to provide a wider variety of goods to the local community. The project would also provide entry-level job opportunities for neighborhood residents.

The size and intensity of the proposed use at 3801 18th Street for Cervecería de MateVeza is consistent with other storefronts in the Mission Street, Castro Street, and Upper Market Neighborhood Community Districts. Since the proposed use does not involve any alterations, Cervecería de MateVeza would not affect the aesthetic character of the neighborhood. Allowing a new small, self-service restaurant would have minimal

impact to traffic or parking in a neighborhood that is easily accessible by public transportation. The small 20-gallon brewery will help to foster San Francisco's rich culture of craft brewing without the negative externalities typically associated with larger breweries. With a closing time of 10 PM, Cervecería de MateVeza will provide local residents with a convenient and affordable culinary experience while preserving their right to quiet enjoyment of the neighborhood.

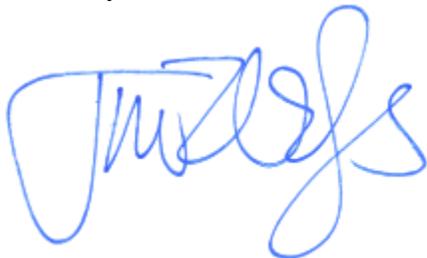
This neighborhood oriented concept is perfectly in line with the Mission Street, Castro Street, and Upper Market Street Plans and the General Plan. Further, Cervecería de MateVeza would bring an innovative, one-of-a-kind concept to a part of San Francisco that prides itself on creativity.

**Conclusion:**

Our proposed use of 3801 18th Street as a small self-service restaurant and small brewery would provide the Mission Street, Castro Street, and Upper Market Street Neighborhood Community Districts with a necessary and desirable use that is consistent with the neighborhood's character. As a San Francisco resident for most of my life, it would be an honor for my business to be a part of the City's rich urban fabric.

Thank you for your time and consideration. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Woods". The signature is fluid and cursive, with a large initial "J" and "W".

Jim Woods  
Founder & President  
MateVeza USA, LLC  
26A Glover Street  
San Francisco, CA 94109

Rosemary Rau-Levine, M.D.

690 Church Street, #1  
San Francisco, CA 94114  
Phone (415) 522-0250

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Dear Mr Douglas Va,

1/16/12

As a child/adolescent psychiatrist and a parent, I am alarmed to see that a bar is planning to be opened opposite He Mission High School. I am aware that a large percentage of Mexican American children do not finish high school, and this will be just one more detriment.

Before Lolo Belle, the previous 2 businesses there at that location sold drugs to the high school students, and I assume this new bar is looking also to the high school as good customers. There should be a bar law similar to the pedophile law about how close they can be to schools.

I wrote to the high school asking them to show up at your February 2<sup>nd</sup> hearing and discuss this public health menace with the folks there.

I hope this bar doesn't go thru, and give therefore a few more kids a chance to graduate high school.

Rosemary Rau-Levine, M.D.



## Castro/Eureka Valley Neighborhood Association

The neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1881

EVNA (formerly EVPA)  
PO Box 14137  
San Francisco, CA 94114  
[www.evna.org](http://www.evna.org)  
[Board@EVNA.org](mailto:Board@EVNA.org)  
[Planning@EVNA.org](mailto:Planning@EVNA.org)

January 12, 2012

San Francisco Planning Department  
Attn: M. Douglas Vu  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Authorization for 3801 18th Street, San Francisco, CA 94114

Dear Mr. Vu and Members of the Planning Commission:

The Castro/Eureka Valley Neighborhood Association would like to express our support for Cervecería de MateVeza's conditional use application for a small self-service restaurant and small brewery at 3801 18th Street.

We understand that the restaurant will have a small capacity (15–20 customers), and that the owner intends to limit on-site brewing to a 20-gallon tank. Take-out food and beverages will be of a high quality. We do not believe that noise, brewing odors, or litter will be a problem for neighbors.

After reviewing the project, our Planning Committee voted unanimously to support the project.

We are confident that Cervecería de MateVeza will be an excellent addition to the community.

Sincerely yours,

Judith Hoyem

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Judith Hoyem | chair | Planning Committee  
Castro/Eureka Valley Neighborhood Association  
The neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1881  
[visit us at evna.org](http://www.evna.org) | [judy.hoyem@evna.org](mailto:judy.hoyem@evna.org) | 415.552.1259

***Mission Dolores Neighborhood Association***  
***PO Box 460184, San Francisco, CA 94114, Ph. 826-3395***  
*Web Site: <http://www.missiondna.org> Email: [info@missiondna.org](mailto:info@missiondna.org)*

6 January 2012

M. Douglas Vu, ASLA  
Planner, Current Planning - Southwest Quadrant  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Mr. Vu:

I am writing on behalf of the Mission Dolores Neighborhood Association, a neighborhood organization which is dedicated to preserving the quality and the history of our special part of San Francisco.

Our organization's board of directors recently reviewed the plans of Mr. Jim Woods to open a "cerveseria" at the corner of 18<sup>th</sup> and Church. We were favorably impressed by his plans. Our board unanimously endorsed the proposal, and are writing in support of his application for a permit for this enterprise. We look forward to seeing a new occupant for that important corner.

Very truly yours,

Lucia Bogatay, Co-President

Cc: Ted Olsen, Co-President  
Board Members, MDNA  
Jim Woods