



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization Hearing Date: April 4, 2019

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Record No.: 2018-015071CUA
Project Address: 2166 Market Street
Zoning: Upper Market Neighborhood Commercial Transit (NCT) Zoning District
40-X and 50-X Height and Bulk District
Block/Lot: 3542/016
Project Sponsor: Nate Bourg
1109 Oak Street #4
San Francisco, CA 94117
Staff Contact: Bridget Hicks– (415) 575-9054
Bridget.Hicks@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The Project includes the legalization of a change of use from retail sales and service to a general entertainment use (D.B.A. The Academy) with an outdoor activity area in the rear yard within an existing two-story over basement, 31 foot-tall, commercial building (approximately 3,387 square feet) in a 40-X and 50-X Height and Bulk District and the Upper Market Neighborhood Commercial Transit District.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 764 and 303 to allow the legalization of a change of use from retail sales and service to a General Entertainment Use and Outdoor Activity Area within the Upper Market Street Neighborhood Commercial Transit Zoning District.

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Department has received three letters of support for the project which described how the Project will revitalize a vacant storefront and provide a beneficial service to the community. The Department received one letter of opposition which described how this service is unaffordable to residents and will further gentrify the neighborhood.
- **Enforcement:** This Conditional Use Authorization would abate the enforcement complaint number 2018-011321ENF for an unauthorized change of use and unauthorized outdoor activity area.

ENVIRONMENTAL REVIEW

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

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Market Octavia Area Plan and the Objectives and Policies of the General Plan. The Project will fill a vacant tenant space on the vibrant Market Street corridor with a multi-purpose general entertainment use that will serve the surrounding community and City as a whole. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F - Public Correspondence



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

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Project Sponsor: Nate Bourg
1109 Oak Street, Apt. 4
San Francisco, CA 94117
Property Owner: David Lebovitz c/o Real Management Company
1234 Castro Street
San Francisco, CA 94114
Staff Contact: Bridget Hicks – (415) 575-9054
Bridget.Hicks@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 764 AND 303, TO LEGALIZE A CHANGE OF USE FROM A RETAIL SALES AND SERVICE TO A GENERAL ENTERTAINMENT USE (D.B.A. THE ACADEMY) WITH AN OUTDOOR ACTIVITY AREA IN AN EXISTING TWO-STORY OVER BASEMENT COMMERCIAL BUILDING LOCATED IN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT AND 40-X AND 50-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 2, 2018, Nate Bourg of The Academy (hereinafter "Project Sponsor") filed Application No. 2018-015071CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to allow the legalization of a change of use from a retail sales and service to a general entertainment use and the legalization of an outdoor activity area (hereinafter "Project") at 2166 Market Street, Block 3542 and Lot 016 (hereinafter "Project Site").

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

On April 4, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-015071CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2018-015071CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-015071CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the legalization of a change of use from a retail sales and service to a general entertainment use and the legalization of an outdoor activity area in the rear of the property. The subject building is an existing two-story over basement, 31 foot-tall, approximately 3,387 square foot commercial building. The proposed use occupies the first floor and the basement level.

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

3. **Site Description and Present Use.** The Project is located on an approximately 2,687 square foot lot with a historic two-story over basement building. The property has 25 feet of street frontage along Market Street. The subject tenant space is approximately 2,462 square feet and the proposed change of use would apply to the ground floor and the basement level. The subject tenant, The Academy, has occupied the space since March of 2017. The subject tenant space has been vacant for two years prior to the subject tenant occupying the ground floor and basement space. Previously, the space was occupied by Klotz Watches & Clocks. The outdoor activity area was constructed in spring 2018 and measures to approximately 502 square feet. The second level

is occupied by a retail professional service (d.b.a. State Farm). Overall, the existing two-story building possesses 3,387 square feet.

4. **Surrounding Properties and Neighborhood.** The Project Site is located within the upper Market Neighborhood Commercial Transit Zoning District in the Market Octavia Area Plan. The immediate context is the vibrant Upper Market Street neighborhood which serves as the gateway to the Castro District and borders the Duboce Triangle neighborhood. The immediate neighborhood includes two and three-story mixed-use buildings with commercial uses at the ground-floor and residential uses above. Adjacent uses include general entertainment (d.b.a. The Swedish American Hall), eating and drinking uses, and mixed-use buildings with ground floor retail and hotels above. The rear of the subject property abuts a Public Zoning District (Station 6 of the San Francisco Fire Department) and two Residential Transit Oriented (RTO) Zoning District lots with residential uses.
5. **Public Outreach and Comments.** The Department has received three letters of support for the project which described how the Project will revitalize a vacant storefront and provide a beneficial service to the community. The Department received one letter of opposition which described how this service is unaffordable to residents and will further gentrify the neighborhood.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** Planning Code Section 745 states that a Conditional Use Authorization is required for a General Entertainment use, as defined by Planning Code Section 102.

According to the project sponsor, the proposed use will provide a variety of social and cultural events and services (such as limited live performances, receptions, and small gatherings) which falls within the definition of a General Entertainment use. Therefore, the Project requires a Conditional Use Authorization to establish a General Entertainment use.

- B. **Outdoor Activity.** Planning Code Section 710.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

The Project includes the legalization of an outdoor activity per Planning Code Section 710.24. The Outdoor Activity Area, located in the rear yard, includes a 502 square foot ground-level patio with seating to accommodate a maximum of 40 patrons. The outdoor area would be used for entertainment use both day and night. Evening hours in the outside area would be restricted to 10p.m. daily to mitigate neighbors' concerns about potential noise.

- C. **Hours of Operation.** Planning Code Section 710.27 states that a Conditional Use Authorization is required for maintaining hours of operation from 11p.m. to 2 a.m., as defined by Planning Code Section 790.48.

The hours of operation are Wednesday and Thursday from 3 p.m. to 11 p.m. and Friday and Saturday from 3 p.m. to 1 a.m.

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

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The subject commercial space has approximately 25-feet of frontage on Market Street with approximately 16 feet 6 inches devoted to either the entrance or window space. The windows are clear and unobstructed. The barber shop retail service occupies this interior frontage space. There are no changes proposed to the commercial frontage.

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

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

The Project will occupy an existing tenant space, is appropriately sized for the location and is in keeping with other storefronts on the block face. The proposed general entertainment use will not impact traffic or parking in the District because it is not a destination site. This will complement the

mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by creating an active storefront.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The proposed General Retail use will operate within the existing commercial space, and no expansion of the building envelope is proposed. The inclusion of an outdoor activity area at the rear will alter the use of the property.

- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for an approximately 2,462 square-foot general entertainment use. The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The proposed use is subject to the standard conditions of approval for general entertainment uses outlined in Exhibit A. Conditions 7, 15, 16, and 18 specifically obligate the project sponsor to mitigate noise generated by the general entertainment use.

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

The proposed general entertainment does not require any additional tenant improvements. The Department shall review all lighting and signs proposed for the new business in accordance with Condition 7 of Exhibit A.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of the NC-1 Zoning Districts in that the intended use is located at the ground floor and will provide a compatible convenient service for the immediately surrounding neighborhoods and is in character with the commercial uses found within the NC-1 Zoning District. Ground floor-commercial space is required along Market Street and this Project will meet this requirement. In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged and eating and drinking, entertainment, and financial service uses are limited. This Project proposes an entertainment use which requires a Conditional Use Authorization in order to ensure balance amongst neighborhood uses.

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

POLICY 1.1

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

POLICY 1.2

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

The Project will reactivate an existing vacant space that will provide desirable services and increase foot traffic in the Upper Market Street neighborhood.

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.

POLICY 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The Project will provide a new active use to an existing vacant storefront. The proposed tenant provides a unique social and cultural activity which will enhance the attractiveness of the Upper Market Street neighborhood.

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.

POLICY 6.2

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

POLICY 6.8

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

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

MARKET OCTAVIA AREA PLAN

BUILDING WITH A SENSE OF PLACE

Objectives and Policies

OBJECTIVE 1.1

Create a land use plan that embraces the Market and Octavia neighborhood's potential as a mixed-use urban neighborhood.

POLICY 1.1.7

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

POLICY 1.1.8

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

The Project will provide an active, diverse use along Market Street and will make its space available to community groups and private individuals.

OBJECTIVE 3.2

Promote the preservation of notable historic landmarks, individual historic buildings, and features that help to provide continuity with the past.

Policy 3.2.1

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

Policy 3.2.2

Encourage rehabilitation and adaptive reuse of historic buildings and resources.

POLICY 3.2.5

Preserve resources in identified historic districts.

The Project will preserve and activate a historic storefront along the vibrant Market Street corridor.

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 complies with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The Project will reactivate a vacant retail storefront with a general entertainment use which will enhance the nearby neighborhood-serving retail uses by providing additional customers, who may patron these businesses.

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

The Project site does not contain any residential units. The Project will utilize an existing storefront and commercial space which has existed at the subject location for many years. No residential units will be lost and no exterior modifications to the building will be made.

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

The Project does not possess nor does it propose any affordable housing.

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

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

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

The Project does not include commercial office development.

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

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

- G. That landmarks and historic buildings be preserved.

The Project will preserve a historic resource and reactivate the space.

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

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

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 Authorization Application No. 2018-015071CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 7, 2019, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on April 4, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 4, 2019

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a general entertainment use (d.b.a. **The Academy**) located at 2166 Market Street, Block 3542, and Lot 016 pursuant to Planning Code Section(s) **764** and **303** within the **Upper Market Neighborhood Commercial Transit** District and a **40-X** and **50-X** Height and Bulk District; in general conformance with plans, dated March 7, 2019 and stamped "EXHIBIT B" included in the docket for Record No. **2018-015071CUA** and subject to conditions of approval reviewed and approved by the Commission on **April 4, 2019** 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 **April 4, 2019** 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

6. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

8. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than **five (5)** Class 1 and **one (1)** Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

10. **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
11. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
12. **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

OPERATION

13. **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>
14. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to

the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

15. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

16. **Other Entertainment.** The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, www.sfgov.org/entertainment

17. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

18. **Hours of Operation.** The hours of operation for the outdoor activity area shall be limited to 10:00 p.m. nightly.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Draft Motion
April 4, 2019

RECORD NO. 2018-015071CUA
2166 Market Street

EXHIBIT B

Plans and Renderings

Conditional Use Authorization
Case No. 2018-015071CUA
2166 Market Street



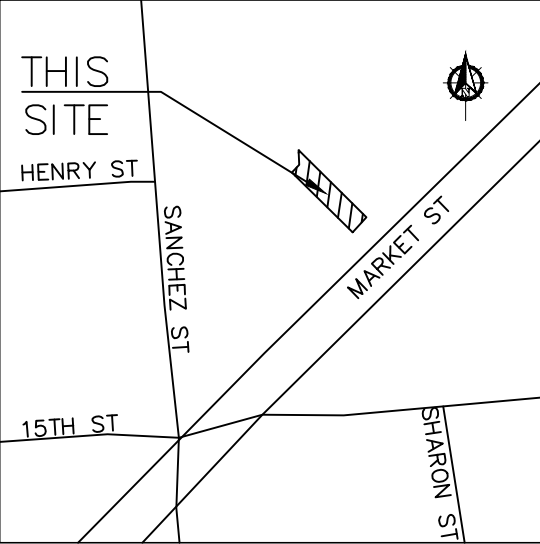
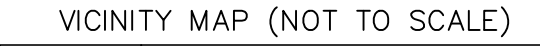
he Academy
166 Market Street
an Francisco, CA 94114
fo@academy-sf.com
15.624.3429

SHEET LIST

A0.01	GENERAL NOTES
A1.01	EXISTING SITE PLAN
A1.02	PROPOSED SITE PLAN
A1.11	AS-BUILT FIRST FLOOR PLAN
A1.12	PROPOSED FIRST FLOOR PLAN
A1.21	AS-BUILT BASEMENT FLOOR PLAN
A1.22	PROPOSED BASEMENT FLOOR PLAN
A3.1	ELEVATIONS AND SECTIONS

SCOPE OF WORK

NEW 36"H IPE RETAINING WALL AND IPE DECK, 10" OFF GROUND LOCATED IN THE REAR YARD OF 2166 MARKET STREET IN SAN FRANCISCO, CA.

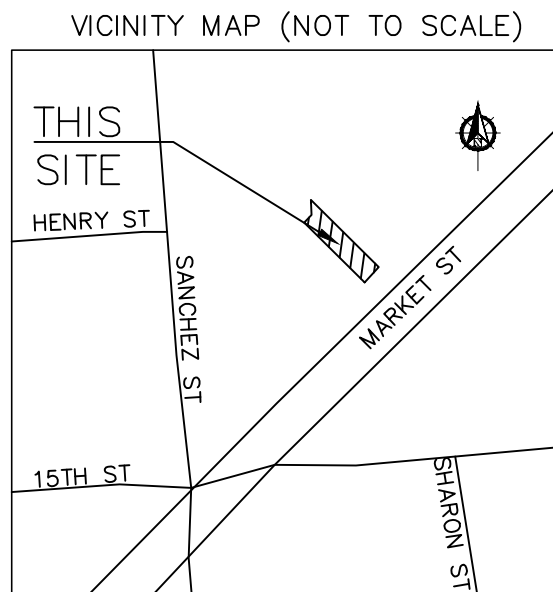


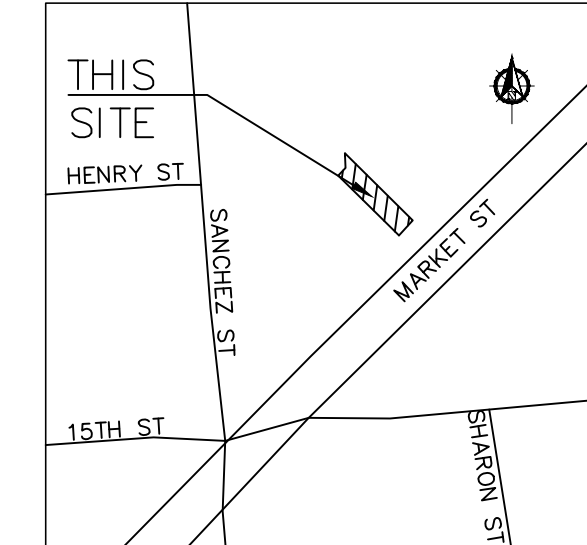
GENERAL NOTES

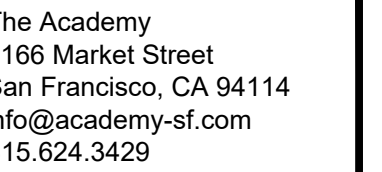
2166 MARKET STREET

MARCH 12, 2019

A0.01







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

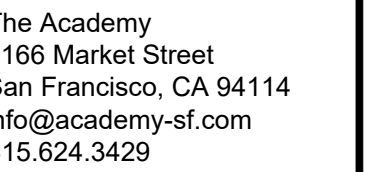
AS-BUILT | FRS | FLOOR PLAN

2166 MARKET STREET

ARCH 12, 2019

A1.11

OF 8

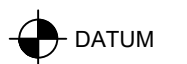
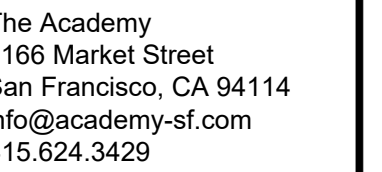


PROPOSED FIRST FLOOR PLAN

2166 MARKEI SIREI

ARCH 12, 2019

A1.12



1,289 SQFT YARD



2166 MARKEI SIREI

A1.22

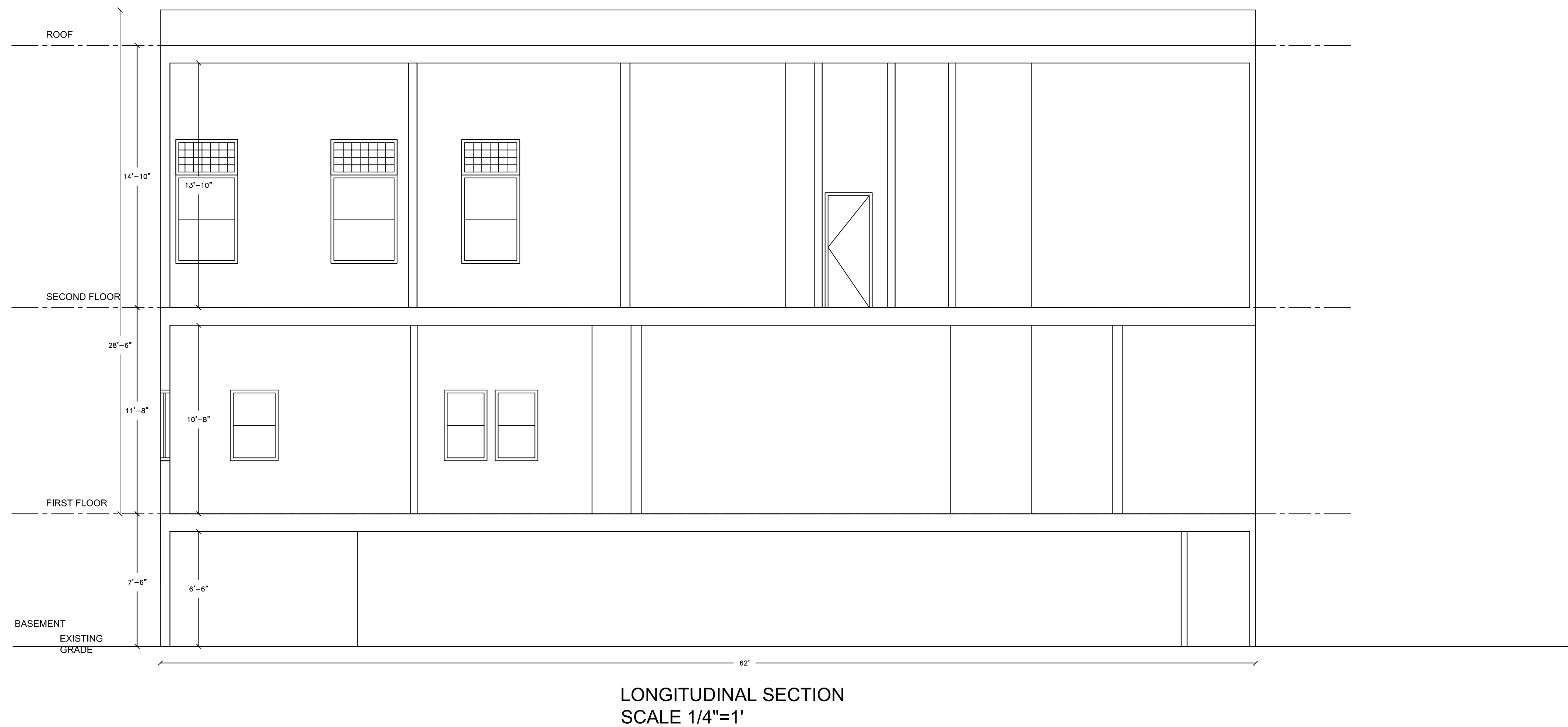
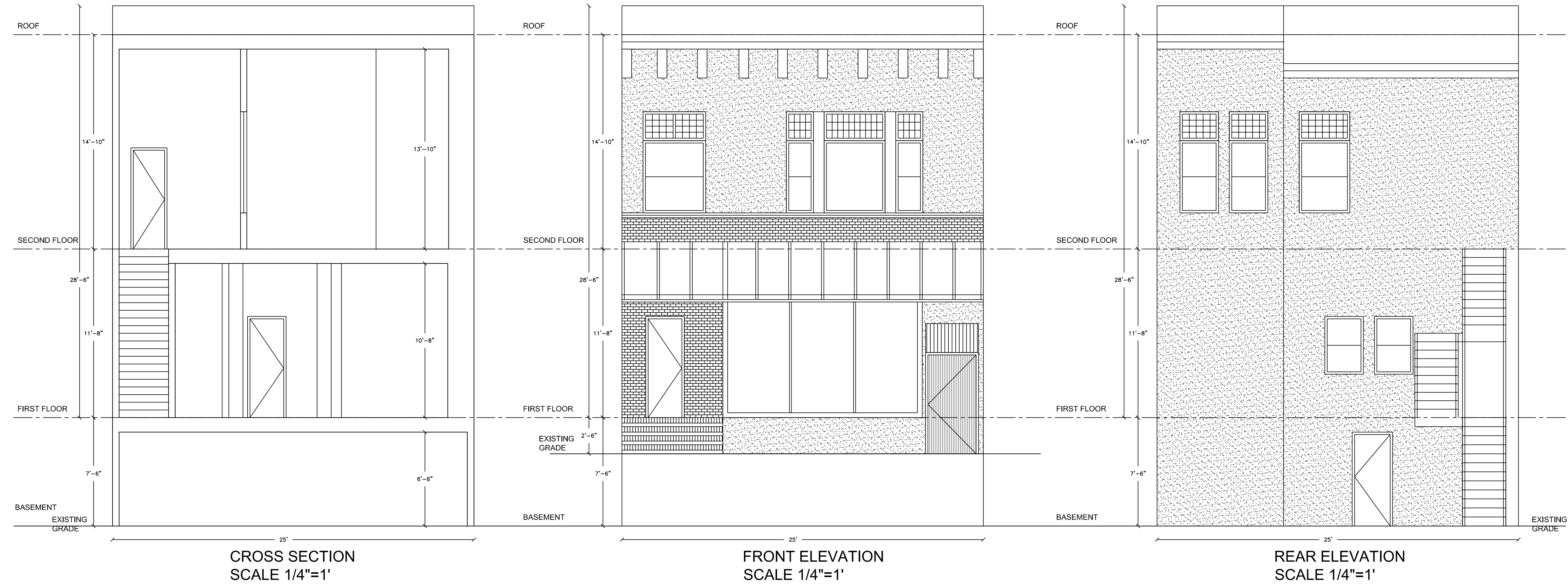


EXHIBIT C

**Environmental Determination:
CEQA Categorical Exemption**

Conditional Use Authorization

Case No. 2018-015071CUA

2166 Market Street



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
2166 MARKET ST		3542016
Case No.		Permit No.
2018-015071PRJ		
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Conditional Use Authorization to permit change of use and violation abatement.		

STEP 1: EXEMPTION CLASS

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.

If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.

Comments and Planner Signature (optional):

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)

<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.

<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.

Note: Project Planner must check box below before proceeding.

<input checked="" type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.

<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.

<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input checked="" type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments): Change of use only. No exterior alterations.
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER dated b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C (attach HRER) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Stephanie Cisneros	

STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Commission Hearing If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Bridget Hicks 03/11/2019
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
2166 MARKET ST		3542/016
Case No.	Previous Building Permit No.	New Building Permit No.
2018-015071PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Commission Hearing	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Date:

**Draft Motion
April 4, 2019**

**RECORD NO.2018-015071CUA
2166 Market Street**

EXHIBIT D
Land Use Data

Conditional Use Authorization
Case No. 2018-015071CUA
2166 Market Street



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 2166 MARKET STREET
RECORD NO.: 2018-015071CUA

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

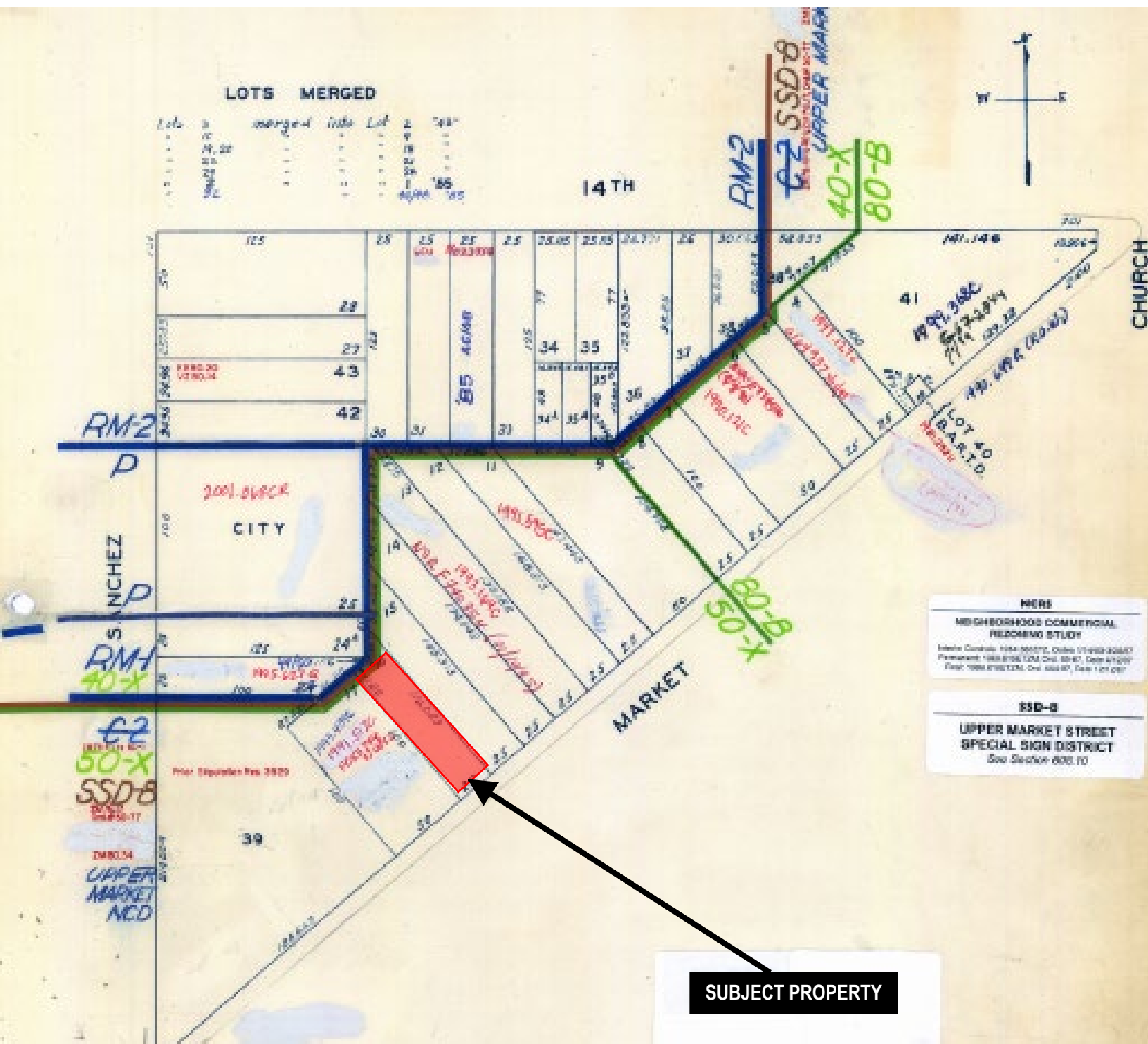
	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	0	0	0
Residential GSF	0	0	0
Retail/Commercial GSF	3,387	3,387	0
Office GSF	0	0	0
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	0	0	0
Medical GSF	0	0	0
Visitor GSF	0	0	0
CIE GSF	0	0	0
Usable Open Space	1,132	1,132	0
Public Open Space	0	0	0
Other ()	0	0	0
TOTAL GSF	3,387	3,387	0
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	0	0
Dwelling Units - Market Rate	0	0	0
Dwelling Units - Total	0	0	0
Hotel Rooms	0	0	0
Number of Buildings	1	0	1
Number of Stories	2 over basement	0	2 over basement
Parking Spaces	0	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	6	6
Car Share Spaces	0	0	0
Other ()			

EXHIBIT E

Maps and Context Photos

Conditional Use Authorization
Case No. 2018-015071CUA
2166 Market Street

Parcel Map



Sanborn Map*

SUBJECT PROPERTY

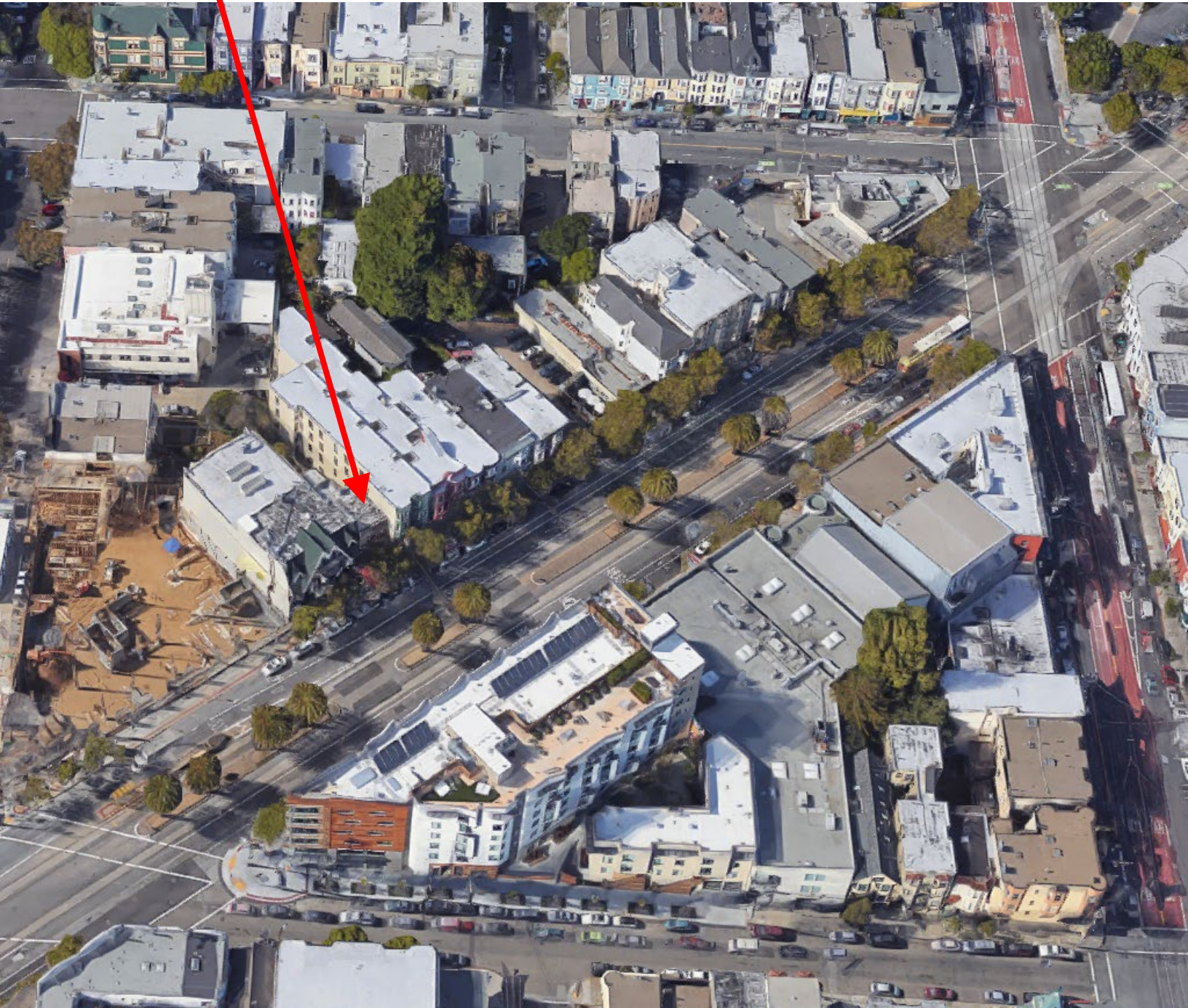


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

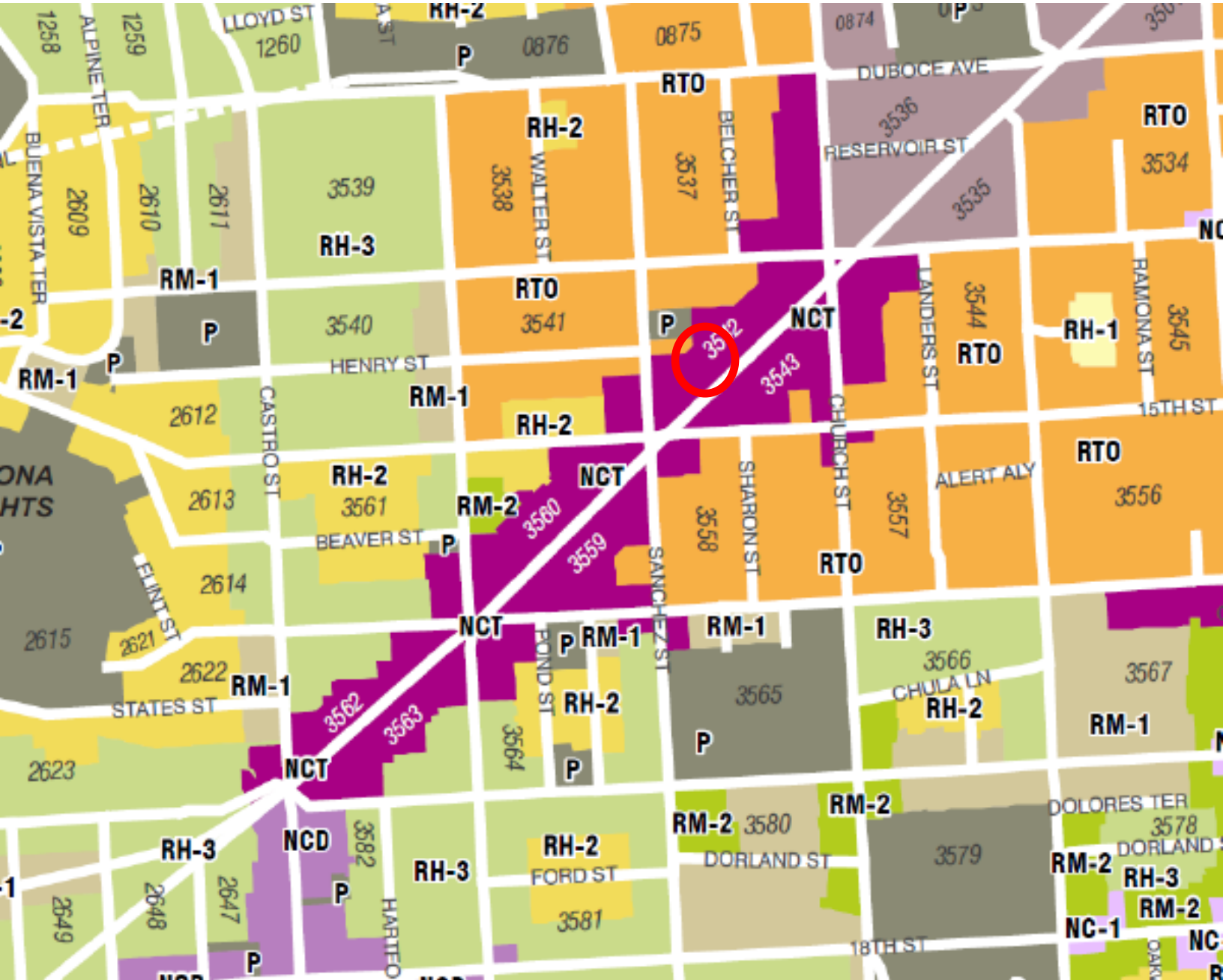


Aerial Photo

SUBJECT PROPERTY



Zoning Map



Conditional Use Authorization Hearing
Case Number 2018-015071CUA
 NCT, Upper Market Neighborhood
 Commercial Transit Zoning District
 2166 Market Street

Site Photo



Conditional Use Authorization Hearing
Case Number 2018-015071CUA
NCT, Upper Market Neighborhood
Commercial Transit Zoning District
2166 Market Street

Draft Motion
April 4, 2019

RECORD NO. 2017-015071CUA
2166 Market Street

EXHIBIT F
Public Correspondence

Conditional Use Authorization

Case No. 2018-015071CUA

2166 Market Street

From: [Robb Schaller](#)
To: [CTYPLN - COMMISSION SECRETARY](#)
Cc: [Hicks, Bridget \(CPC\)](#)
Subject: The Academy SF: CU / Change of Use - Letter of Support. Ref 2018-015071CUA
Date: Tuesday, March 19, 2019 4:20:46 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear sir/madam:

This is a letter of support for change of use for The Academy, 2166 Market Street, San Francisco 94114. I have worked at the The Academy for 1-1/2 years and have seen what an asset it is to the neighborhood. This is a wonderful space that offers educational and educational options to members and guests.

Sincerely,
Robert E. Schaller

From: [Chris Wyman](#)
To: [Hicks, Bridget \(CPC\)](#)
Cc: [CPC-Commissions Secretary](#)
Subject: Public Comment for Case No. 2018-015071CUA: 2166 Market Street
Date: Tuesday, March 19, 2019 12:31:05 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I'm writing to express my concerns about this case before the Planning Commission.

I'm a gay man who has lived in San Francisco for 5+ years and I've watched the Castro become increasingly gentrified and unaffordable.

I believe that the expansion of this Private Members Only Club (The Academy) with membership dues of \$99+ per month will only further contribute to the gentrification of the neighborhood. I'm in favor of increasing the number of LGBTQ+ Spaces in the area, but this business makes that type of space available only to a select few.

Thank you,
Chris Wyman
152 Valley Street, SF CA 94131

--

Chris Wyman
(408) 891-5808

From: [Steve Porter](#)
To: [CTYPLN - COMMISSION SECRETARY](#)
Cc: [Hicks, Bridget \(CPC\)](#)
Subject: The Academy SF: CU / Change of Use - Letter of Support
Date: Thursday, March 14, 2019 11:43:53 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Record #2018-015071CUA

Honorable Commissioners,

I am writing to voice my support for the application for the Conditional Use permit for the outdoor terrace and Change of Use to General Entertainment by The Academy.

As a club member and neighborhood merchant I see the success of The Academy as vital to The Castro. At a time when there are record high storefront vacancies in the area, innovative uses of ground floor retail space should be encouraged and made easier. Approving these permits is the right thing to do for the interests of the neighborhood.

Very truly yours,

Steve G. Porter
General Manager

~~~~~  
HARVEY'S  
500 Castro Street  
San Francisco, CA 94114  
<http://www.HarveysSF.com>

~~~~~  
Office 415.431.4278
Fax 415.431.5835
Cell 415.531.4653

Email: steve@harveysSF.com



**584 Castro Street #333
San Francisco CA 94114-2512**

formerly "Merchants of Upper Market & Castro – MUMC"
415/431-2359

Info@CastroMerchants.com
www.CastroMerchants.com

March 18, 2019

By Email and USPS Hardcopy

Bridget Hicks, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103

Re: Conditional Use Authorization, Case Nos. 2018-015071CUA&PRJ and 2018-011321ENF
The Academy, 2166 Market Street Change of Use to General Entertainment, etc.

Dear Ms. Hicks

This confirms that Castro Merchants (formerly "Merchants of Upper Market & Castro – MUMC") **SUPPORTS** the Conditional Use Application of The Academy for the Change of Use described above, and related matters.

Our SUPPORT includes for the Applicant's request when heard by the Planning Commission, currently scheduled for April 4. It also includes applications for any related S.F. Departments of Building Inspection, Public Health, Fire and other City and State jurisdictions, and other entitlements related to the proposed Change of Use.

CM's support is based on information provided by Nate Bourg for The Academy at the March 7, 2019 Castro Merchants Members Meeting. The support communicated in this letter remains in effect until withdrawn in writing. We have asked The Academy to update us promptly, if there is/are any substantial change(s) in information or Conditions of Approval as The Academy nears its Planning Commission Hearing date and other approval milestones.

Castro Merchants represents business owners and managers in San Francisco's Castro-Upper Market area, generally along Upper Market Street from Castro Street to Octavia Blvd.; Castro from Market to 19th Street; and commercially-zoned portions of cross streets throughout that area. Castro Merchants has about 325 currently paid Members through April 30, 2019 and expects similar results from its 2019-2020 Membership Campaign scheduled to begin in a few days. The Academy's location is within Castro Merchants' primary service area.

..... continued



CASTRO MERCHANTS

S.F. Planning Department

March 18, 2019

Re: Conditional Use Authorization, Case Nos. 2018-015071CUA&PRJ and 2018-011321ENF
The Academy, 2166 Market Street Change of Use to General Entertainment, etc

Let us know if you have any questions regarding Castro Merchants support for this Application. Please include this letter in the matter's permanent file and any successor files and assure that our support is communicated to all applicable Planning Staff and to all Commissioners prior to their Hearing on this matter, and to any Appeal panel(s) at the time that this matter is considered by them.

Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Bergerac", written over a light blue horizontal line.

Daniel Bergerac, President

email cc: S.F. District 8 Supervisor Rafael Mandelman, Staff Tom Temprano
SFPD Mission Station Captain Gaetano Caltagirone
cc: Nate Bourg, Paul Miller – The Academy

.... LtrPlanningTheAcademy031819