



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Project Summary and Motion No. \_\_\_\_\_

COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM

HEARING DATE: SEPTEMBER 24, 2015

*Date Prepared:* September 14, 2015  
*Case No.:* 2015-003049CUA  
*Project Address:* 2406 Bryant Street  
*Zoning:* RH-3 (Residential, House District, Three-Family)  
40-X Height and Bulk District  
*Block/Lot:* 4150 / 039  
*Project Sponsor:* Francisco Hernández [elmetatesf@yahoo.com](mailto:elmetatesf@yahoo.com)  
2306 Bryant Street  
San Francisco, CA 94110  
*Staff Contact:* Colin Clarke at (415) 575-9184 or [Colin.Clarke@sfgov.org](mailto:Colin.Clarke@sfgov.org)

1650 Mission St.  
Suite 400  
San Francisco,  
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**415.558.6378**

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**415.558.6377**

### PROJECT DESCRIPTION

This is a request for **Conditional Use Authorization** pursuant to Planning Code Sections [186](#), [710.44](#), [790.91](#), and [790.142](#), for a change of use from a Limited Restaurant to a Restaurant (d.b.a. El Metate Con Sabor A Mexico). As part of this project, the applicant is also seeking a Type 41 Alcoholic Beverage Control (ABC) license to sell beer and wine on-site (On-Sale as part of a Bona Fide Public Eating Place), and a Type 58 ABC License for Catering. This project has been reviewed under the Community Business Priority Processing Program (CB3P).

### REQUIRED COMMISSION ACTION

The existing property is considered a Limited Commercial Use. There is a legal Limited Restaurant currently operating on the site. In the RH-3 (Residential House, Three Units) Zoning District, Planning Code Section [186](#) requires that changes of use, from a Limited Restaurant to a Restaurant, obtain Conditional Use Authorization, and allows businesses to change to a use within the NC-1 (Neighborhood Commercial Cluster) Zoning District.

### DECISION

Based on information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the CB3P Checklist and findings below, the Commission hereby **APPROVES Conditional Use Application No. 2015-003049CUA** subject to conditions contained in the attached "EXHIBIT A" and in general conformance with plans on file, dated July 23, 2015, and stamped "EXHIBIT B."

CB3P CHECKLIST

	Required Criteria			Comments (if any)
	Complete & adequate	Incomplete and / or inadequate	Not required and / or not applicable	
Project Sponsor's application	X			
CB3P eligibility checklist	X			
Planning Code §101.1 findings	X			
Planning Code §303(c) findings	X			Eating & Drinking use concentration not increased.
Planning Code §303(p) findings for Eating and Drinking Uses	X			
Any additional Planning Code findings e.g. §303(k) findings for movie theater removals or §303(m) findings for grocery store removals	X			
Photographs of the site and/or context	X			
Scaled and/or dimensioned plans	X			

Additional Information	
Notification Period	8/27/15 – 9/24/2015 (exceeds requirement: 20 days newspaper and 20 days posted). 8/24/15 – 9/24/2015 (exceeds requirement: 20 days mailing)
Number and nature of public comments received	Received 434 signatures in support dated 5/18/2014. Received call in support after project scope clarified. Received 1 email request for CUA denial: design input, unpermitted use of 2400 Bryant St, unpermitted sidewalk tables & chairs, alleged health hazards with pigeons, customers crowding sidewalk; all questions addressed and referred to appropriate agencies.
Number of days between filing and hearing	196 days.

Generalized Basis for Approval (max. one paragraph)
<i>The project is necessary and desirable for, and compatible with, the neighborhood as it continues to activate a ground floor space with neighborhood-serving retail in use for at least 60 years. The existing concentration of eating and drinking uses within 300 linear feet of the subject property (and within the RH-3 District) includes only this restaurant (storefront street frontage is 53 linear feet of this property), which is lower than the 25% threshold recommended by Section 303(o), and would not increase because the restaurant is already operating. Staff recommends approval with conditions.</i>

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 24, 2015.

AYES:

NAYS:

ABSENT:

ADOPTED: September 24, 2015

\_\_\_\_\_  
 Jonas P. Ionin  
 Commission Secretary

**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.

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** pursuant to Planning Code Sections [186](#), [710.44](#), [790.91](#), and [790.142](#), to allow a change of use from a Limited Restaurant to a Restaurant (d.b.a. El Metate Con Sabor A Mexico), located at 2406 Bryant Street, Lot 039 in Assessor's Block 4150, within an RH-3 (Residential, Three Units Per Lot) Zoning District and 40-X Height and Bulk District; in general conformance with plans, dated July 23, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2015-003049CUA and subject to conditions of approval reviewed and approved by the Commission on September 24, 2015 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 September 24, 2015 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. **Limited Nonconforming Use.** Per Planning Code Section 186(b), the limited nonconforming use shall meet the following conditions:
  - (1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;
  - (2) Any signs on the property shall be made to comply with the requirements of [Article 6](#) of this Code applying to nonconforming uses;
  - (3) The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.;
  - (4) Public sidewalk space may be occupied in connection with the use provided that it is only occupied with tables and chairs as permitted by this Municipal Code;
  - (5) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features;
  - (6) Noise, odors and other nuisance factors shall be adequately controlled; and
  - (7) All other applicable provisions of this Code shall be complied with.
  
2. **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](http://www.sf-planning.org)*
  
3. **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](http://www.sf-planning.org)*
  
4. **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](http://www.sf-planning.org)*

5. **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](http://www.sf-planning.org)*

6. **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](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.

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

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

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

9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit Application if any rooftop mechanical equipment is proposed as part of the Project. Any such equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

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

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

11. **Signs.** Any signs on the property must have a sign permit and shall comply with the requirements of Article 6 of the Planning Code.

## MONITORING - AFTER ENTITLEMENT

12. **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)*
13. **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

14. **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>*
15. **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>*
16. **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)*

17. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

18. **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)*

19. **Use.** This authorization limits the Alcoholic Beverage Control license to Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) only. No dedicated Point of Sale shall be provided for the exclusive purchase of beer and wine for consumption off the premises.

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

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

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

21. **Hours of Operation.** Pursuant to Planning Code Section 186(b)(3), the subject establishment is limited to the following hours of operation: Sunday through Monday from 6:00AM to 10:00PM.

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

## Clarke, Colin (CPC)

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**From:** Clarke, Colin (CPC)  
**Sent:** Wednesday, September 09, 2015 8:41 AM  
**To:** 'jeremybattis@gmail.com'  
**Subject:** RE: Protest: El Metate Restaurant - 2406 Bryant St / 2015-003049CUA - CB3P

Hi Jeremy,

As stated below, the tables and chairs are not within Planning Department jurisdiction. A DPW inspector visited on 8/31/2015. You may contact 311 and route a Request for Action (RFA) to DPW to have DPW send an inspector to address the issue.

Thank you,

**Colin B. Clarke, AICP**  
**Planner, Current Planning**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-575-9184 **Fax:** 415-558-6409  
**Email:** [Colin.Clarke@sfgov.org](mailto:Colin.Clarke@sfgov.org)

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**From:** Jeremy Battis [mailto:jeremybattis@gmail.com]  
**Sent:** Sunday, September 06, 2015 4:44 PM  
**To:** Clarke, Colin (CPC)  
**Subject:** Re: Protest: El Metate Restaurant - 2406 Bryant St / 2015-003049CUA - CB3P

Mr. Clarke:

In reading back through this thread, it was my understanding that subject to DPW ROW citation and need for permit application for tables and chairs, the El Metate business would not have outside seating until the future permit was granted.

Do I have this wrong? Because I see that the tables and chairs are present now.

Jeremy

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**From:** Jeremy Battis [mailto:jeremybattis@gmail.com]  
**Sent:** Thursday, September 03, 2015 7:11 PM  
**To:** Clarke, Colin (CPC)  
**Subject:** Re: Protest: El Metate Restaurant - 2406 Bryant St / 2015-003049CUA - CB3P

Mr. Clarke:

Thank you for helping to address my concerns where you can. I will plan to follow up with SFDPH to be sure that there is some reasonable controls and expectations in place to curb the pigeon problem associated with this business, primarily due to the unbussed tables left unaddressed.

I understand the Planning Code does not address businesses that grow in volume without appropriate investment in infrastructure and best practices.



It would be great if customers did not have to queue out the door and then carry their food outside to get from the ordering/payment area to the dining area because there is an insufficient connection between the two spaces, with conditions aggravated by the undersized and overcrowded ordering area.

Increasing the size of the ordering area, and enlarging the connection to the dining area would go a long way to improve existing conditions and lessen the conspicuousness of the business. An additional cash register is also appropriate for peak hour crowds.

All of these changes, if incorporated would make the business a more viable option for surrounding residents who could then rely on El Metate as a dining resource. As it is now, it's becoming something like the Ike's sandwich spot on 16th St where queueing up is part of the allure for a certain younger set who don't mind waiting outside in a line to be served.

I would be willing to withdraw my concerns if the business was able to offer some assurance that they would take measures to address the pigeon problem as well as their efficiency of operations and crowd management.

Thank you,

Jeremy Battis

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**From:** Jeremy Battis [mailto:jeremybattis@gmail.com]  
**Sent:** Thursday, September 03, 2015 9:12 AM  
**To:** Clarke, Colin (CPC)  
**Subject:** RE: Protest: El Metate Restaurant - 2406 Bryant St / 2015-003049CUA - CB3P

Thank you very much. I sincerely appreciate this information.

Jeremy

sent from mobile device 415 283 5797

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**From:** Clarke, Colin (CPC)  
**Sent:** Thursday, September 03, 2015 8:42 AM  
**To:** 'jeremybattis@gmail.com'  
**Subject:** RE: Protest: El Metate Restaurant - 2406 Bryant St / 2015-003049CUA - CB3P

Good morning Mr. Battis,

I have been coordinating with the Department of Public Health (DPH) and the Department of Public Works (DPW) to address your concerns.

Issue 1) On July 17, 2015, the owner of El Metate, Francisco Hernández, stated in writing to the Planning Department that "2400 Bryant Street, formerly La Tiendita, will no longer be used by El Metate Restaurant in any capacity. It is currently vacant and has been placed up for lease."

Issue 2) DPW informed me that El Metate does not have a permit to occupy the sidewalk. On 8/31/2015, DPW conducted an inspection and issued a Notice of Violation (NOV) with a \$300 fine. The inspector informed the owner that he needs to visit the DPW office immediately to apply for the proper permit, e.g. for tables and chairs. In the meantime, DPW will continue to monitor this location; any future violations will be issued as well. I informed the owner that another option is to immediately remove the tables and chairs.

The Planning Code, and therefore the Planning Department, does not limit the number of tables and chairs. However, when DPW issues a 10-day notice for a [Tables and Chairs](#) permit, you will have the opportunity to provide input during the public comment period. DPW will hold a public hearing if members of the public provide written opposition to the tables and chairs, allowing you another forum to provide input.

Issue 3) As of 8/31/2015, DPH has no record of any complaints regarding pigeons or pigeon activity at El Metate. However, DPH ([Mohanned.Malhi@sfdph.org](mailto:Mohanned.Malhi@sfdph.org)) noted that the owner voluntarily installed pigeon abatement measures such as chicken-wire and spikes to deter pigeons. DPH noted that El Metate received a score of 90 in July 2014. You may contact DPH regarding potential health hazards.

At this time, the Planning Department likely would not recommend a Condition of Approval to prohibit alcohol consumption in a restaurant's permitted outdoor seating area. However, when DPW issues a 10-day notice for a Tables & Chairs permit, you will have the opportunity to provide input during the public comment period. You will also have the opportunity to provide input to the California Department of Alcoholic Beverage Control (ABC) during its notification period. ABC will likely require a barrier in the sidewalk area as a condition of permitting the beer & wine to be served outdoors. [2015-004005MIS](#) is the Zoning Referral for the [ABC license Types 41+58](#).

Issue 4) This is operational and not considered "Planning Code-related", therefore not within Planning Department jurisdiction. You may contact DPW about customer queuing or sidewalk crowding.

Issue 5) This is not considered "Planning Code-related", therefore not within Planning Department jurisdiction.

I hope this information helps. Please let me know if this response addresses your concerns and whether you plan on attending the Planning Commission public hearing to oppose this project. If you attend, please note that the hearing will be continued/postponed to September 24. If I have addressed your concerns related to the Conditional Use Authorization and you are no longer seeking project denial by the Planning Commission given the understanding that many of your concerns are operational issues, outside of Planning Department jurisdiction, **please let me know** so that the project can remain on the Consent Calendar on Sep 17.

Thank you,

**Colin B. Clarke, AICP**  
**Planner, Current Planning**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-575-9184 **Fax:** 415-558-6409  
**Email:** [Colin.Clarke@sfgov.org](mailto:Colin.Clarke@sfgov.org)

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**From:** Jeremy Battis [<mailto:jeremybattis@gmail.com>]  
**Sent:** Wednesday, September 02, 2015 5:15 PM  
**To:** Clarke, Colin (CPC)  
**Subject:** Re: Protest: El Metate Restaurant - 2406 Bryant St / 2015-003049CUA - CB3P

Thank you for reviewing my protest and for conveying my concerns to the CPC. Please let me know the outcome.

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**From:** Clarke, Colin (CPC)  
**Sent:** Monday, August 31, 2015 10:34 AM  
**To:** 'jeremybattis@gmail.com'  
**Subject:** RE: Protest: El Metate Restaurant - 2406 Bryant St / 2015-003049CUA - CB3P

Good morning Mr. Battis,

Thank you for sharing your concerns. As a result of your written opposition, the project will be removed from the Planning Commission's Consent Calendar and placed on the Regular Calendar. Per [Resolution #19323](#) that established [CB3P](#), Department Staff will provide a verbal response to any opposition at the public hearing.

Thank you. Sincerely,

**Colin B. Clarke, AICP**  
Planner, Current Planning

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103

Direct: 415-575-9184 Fax: 415-558-6409

Email: [Colin.Clarke@sfgov.org](mailto:Colin.Clarke@sfgov.org)

Web: [www.sfplanning.org](http://www.sfplanning.org)



Planning Information Center (PIC): 415-558-6377 or [pic@sfgov.org](mailto:pic@sfgov.org)

Property Information Map (PIM): <http://propertymap.sfplanning.org>

-----Original Message-----

From: Jeremy Battis [<mailto:jeremybattis@gmail.com>]

Sent: Thursday, August 27, 2015 11:05 PM

To: Clarke, Colin (CPC)

Subject: PROTEST: EL Metate | 2406 Bryant St, San Francisco, CA 94110, CUA #2007.0252

Mr. Clarke,

I reside at 2662 22nd St, one-half block from the subject property, which I have called home since 2007. I am writing to protest any expansion of use of the existing El Metate business on the grounds that they have demonstrated themselves to be neighbors who are not responsible and who abuse and exceed their existing permit authority.

Moreover, they have not taken steps to

manage their business as it has grown, or to serve as a positive resource to the neighbors in the immediate vicinity.

I ask that you make my concerns known to the Planning Commission and share with them the photo documentation I have provided here. I ask for your staff consideration of a recommendation to deny the El Metate business the requested Conditional Use permit on the grounds that El Metate have not competently demonstrated that they have a handle on their existing business. Effectively, they need to get their house in order such that it is not a nuisance to the surrounding neighbors before we consider additional rights and responsibilities.

Existing Issues of Concern:

Issue No. 1: The space containing the former retail business La Tienda at the northern most portion of the property and connected to the El Metate business ownership serves as an ongoing unlicensed public event space and at least once has been the source of a large bouncy castle with gas generator blocking the 22nd Street sidewalk;

Issue No. 2: The El Metate business is presently in non-compliance with its tables and chair permit, far exceeding its permitted allotment and what is customary for a use of this sort in a residential zone. The city has not taken steps to control this unlawful expansion of use;

Issue No. 3: The El Metate business is a public health hazard due to its unwillingness to effectively keep vermin out of its outside tables and chairs dining area. This has led to a marked increase in the resident pigeon population, which impacts me and the amount of pigeon dung I clean off my deck on a weekly basis. I have requested SFDPH and SFDPW intervention to no avail. This biological and public health hazard warrants immediate revocation of the outside tables and chairs.

What's worse, it's not uncommon to see pigeons in the interior dining area.

Issue No. 4: The El Metate business has not taken responsible steps to manage its customer crowds as it has grown its customer base, doubling and tripling its volume with interior expansions. It has not invested in new customer queueing strategies or an additional cashier so that lines go out the door and the business has grown conspicuous to surrounding residential neighbors.

Issue No. 5: The El Metate business no longer serves as a convenient amenity to its immediate surrounding neighbors given steep costs hikes and unreasonable reductions in portion sizes that make the fast food operation an impractical option if not out of reach to most nearby residents. It's bad enough that the burritos have been put on a diet and are now all chicos flacos but at \$8 each, its telling that El Metate only allows with each purchase a single small plastic cup of salsa.

I have attached photos which demonstrate the routine lax table bussing attention afforded to the business frontage at El Metate and the roving pigeons who are conditioned to pounce when customers leave and tables go uncleared and neglected.

For all the above reasons I ask that you deny the conditional use application. Should you elect to approve the CU application, I ask that you impose as a Notice of Special Restriction or Condition of Approval a limit of three outside tables and six chairs that would be required to be monitored and patrolled by a dedicated busboy employee. The El Metate should also be restricted in its public event gatherings as is lawful with a prohibition on any outside consumption of alcohol.

Thank you for your consideration.

Please contact me should you have questions.

Jeremy Battis





EL METATE  
Cocina y Más

LOT NOW!