



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: 12/13/2018

Record No.: **2018-008372CUA**
Project Address: **1123-1127 FOLSOM STREET**
Zoning: Folsom St NCT (Neighborhood Commercial Transit) Zoning District
65-X Height and Bulk District
Western SoMa Special Use District
Block/Lot: 3755/101 & 234-236
Applicant: Kingston Wu, 1123 Folsom Street LLC (dba. Trademark & Copyright)
1123 Folsom Street, San Francisco, CA 94103
Staff Contact: Veronica Flores – (415) 575-9173
veronica.flores@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The Project Sponsor proposes to establish and legalize an existing outdoor activity area at the rear of the existing single story commercial building. The proposed outdoor activity area will be shared between two locally-owned bar uses (dba Trademark & Copyright) which are connected internally by an adjoining door. The proposed outdoor activity area measures approximately 728 square feet and will seat approximately 36 occupants with standing room for an addition of about 10 people. The two bars, Trademark & Copyright, currently operates Monday to Wednesday from 4:00pm to 10:00pm, Thursday from 4:00pm to 12:00 midnight, Saturday from 11:00am to 1:00am, and Sunday from 10:00am to 8:00pm. The outdoor activity area is proposed to operate during business hours from 4:00 pm to 9:00 pm on weekdays and 11:00 am to 9:00 pm on weekends.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 145.2, 303 and 757, to legalize an outdoor activity area measuring approximately 728 square feet in size in the rear yard of an existing bar (d.b.a Trademark & Copyright).

ISSUES AND OTHER CONSIDERATIONS

- **Public Comment & Outreach.** The Department has received one anonymous call in opposition to the project, one petition signed by 21 neighbors, and two letters in opposition to the project. General concerns relate to privacy and noise concerns. The Department has received more than 30 letters in support of the project. Additionally, the Project sponsor has collected over 1,200 signatures in support of the project both via signed and online petitions.

- **Good Neighbor Policies.** Since the project is located in the Western SoMa Special Use District, the Project is required to adhere to the Good Neighbor Policies outlined in Planning Code Section 803.5(b) and 823. These policies are included as part of the Conditions of Approval.

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. Although there is some neighborhood opposition to the project, the proposed outdoor activity area is in keeping with the commercial nature of the zoning district. On balance, the Department 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
Exhibit A – Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Land Use Data
Exhibit D – Maps and Context Photos
Exhibit E – Public Correspondence



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: DECEMBER 13, 2018

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Case No.: **2018-008372CUA**
Project Address: **1123-1127 Folsom Street**
Zoning: Folsom Street NCT (Neighborhood Commercial Transit) Zoning District
Western SoMa Special Use District
65-X Height and Bulk District
Block/Lot: 3755/100
Project Sponsor: Kingston Wu, 1123 Folsom Street LLC (dba. Trademark & Copyright)
1123-1127 Folsom Street
San Francisco, CA 94103
Property Owner: Golden Properties, LLC
2170 Sutter Street
San Francisco, CA 94115
Staff Contact: Veronica Flores – (415) 575-9173
veronica.flores@sfgov.org

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 145.2, 303 AND 757 OF THE PLANNING CODE TO LEGALIZE AND ESTABLISH AN OUTDOOR ACTIVITY AREA MEASURING APPROXIMATELY 728 SQUARE FEET IN SIZE IN THE REAR OF TWO EXISTING BAR USES (D.B.A. TRADEMARK & COPYRIGHT) LOCATED AT 1123-1127 FOLSOM STREET, LOTS 100 AND 101 (OUTDOOR ACTIVITY AREA ONLY LOCATED ON LOT 100) IN ASSESSOR'S BLOCK 3755, WITHIN THE FOLSOM STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) ZONING DISTRICT, WESTERN SOMA SPECIAL USE DISTRICT AND A 65-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On June 12, 2018, Kingston Wu of Trademark & Copyright (hereinafter "Project Sponsor") filed Application No. 2018-008372CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to establish an Outdoor Activity Area in the rear yard of a single-story commercial building containing a bar use (d.b.a. Trademark & Copyright) at 1123-1127 Folsom Street, Block 3755 Lot 100 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2018-008372CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On December 13, 2018, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2018-008372CUA.

The project is not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

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. 2018-008372CUA, 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 Sponsor proposes to legalize an existing outdoor activity area at the rear of the existing single story commercial building. The proposed outdoor activity area will be shared between two locally-owned bar uses (dba Trademark & Copyright) which are connected internally by an adjoining door. The proposed outdoor activity area measures approximately 728 square feet and will seat approximately 36 occupants with standing room for an addition of about 10 people. The two bars, Trademark & Copyright, currently operates Monday to Wednesday from 4:00pm to 10:00pm, Thursday from 4:00pm to 12:00 midnight, Saturday from 11:00am to 1:00am, and Sunday from 10:00am to 8:00pm. The outdoor activity area is proposed to operate during business hours until 9:00pm.
3. **Site Description and Present Use.** The Project consists of two parcels (approximately 4,950 square feet combined) located on the southwest corner of the intersection of Folsom and Langton Streets. The property is developed with a two-story mixed-use building at 1123 Folsom Street and a single-story commercial building at 1127 Folsom Street. The two parcels have a combined width of 55 feet, and a depth of 90 feet.
4. **Surrounding Properties and Neighborhood.** The Project Site is located on the south side of the Folsom Street between 7th and 8th Streets in the Western SoMa neighborhood. The immediate context is mixed in character with residential, industrial, and commercial uses. The immediate neighborhood includes large-scale four-to-five-story multi-family developments along Folsom Street, two-story mixed-use buildings immediately to the west of the project site, as well as another two-story commercial building to the north across Folsom Street. Additionally, the building to the south on the southern side of Decker Alley includes two dwelling units, with the upper units

looking directly onto the patio area. Other zoning districts in the vicinity of the project site include: RED (Residential Enclave) and WMUG (Western Soma Mixed Use-General).

5. **Public Outreach and Comments.** The Department has received one anonymous call in opposition to the project, one petition signed by 21 neighbors, and two letters in opposition to the project. General concerns relate to privacy and noise concerns. The Department has received more than 30 letters in support of the project. Additionally, the Project sponsor has collected over 1,200 signatures in support of the project both via signed and online petitions.
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. **Outdoor Activity.** Planning Code Section 145.2 and 757 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 102.

The Project is requesting a Conditional Use Authorization from the Planning Commission to establish an outdoor activity area. The proposed Outdoor Activity includes outdoor seating in the rear yard area. The Project Sponsor proposes setting up six tables and two drink rails to accommodate approximately 46 people.

- B. **Hours of Operation.** Planning Code Section 757 states and permitted hours of operation are from 6:00 am to 2:00 am and that a Conditional Use Authorization is required for maintaining hours of operation from 2:00 am to 6:00 am.

The current hours of operation for "Trademark & Copyright" are within the permitted hours of operation. The hours of operation of the outdoor activity area is proposed until 9:00 pm.

- C. **Use.** Bar uses are principally permitted on the ground floor in the Folsom Street NCT, per Planning Code Section 757.

The proposed Outdoor Activity Area is for use by the patrons of a "Trademark & Copyright," two bar uses connected via an interior door.

- D. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 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. 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 project proposes to legalize an Outdoor Activity Area within an existing bar use. The existing bar uses provide an active use within the first 25 feet of building depth on the ground floor, and the bar is properly fenestrated with transparent windows and doorways; therefore the subject property is in compliance with Planning Code Section 145.1.

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.

Trademark & Copyright involves two different bar uses operated and managed by the same business team and connected by an interior door. These are the only two uses which can assess the proposed outdoor activity area. The combined floor area of the two bar uses is approximately 4,222 square feet, and the outdoor activity area will add approximately 728 square feet to be shared between the two businesses. The Project will allow two existing neighborhood-serving businesses to modestly expand while keeping with the pattern of smaller scale businesses on the block and in the surrounding neighborhood. The project also provides the opportunity for patrons to enjoy outdoor space in the neighborhood and enhance the long-term vitality of the businesses. Although the two bars will remain open later than the outdoor activity area, the reduced hours for said patio will assist in minimizing impacts on the adjacent residential uses.

- 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 height and bulk of the existing building will remain the same and the Project will not alter the existing appearance or character of the project vicinity. Although there are no residential uses fronting directly onto the patio, the outdoor activity area would be visible from the windows of the upper floor residences at 1123 Folsom Street as well as residences from the adjacent neighbor to the rear at the northwest corner of Langton Street and Decker Alley.

- (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 a restaurant use of less than 10,000 square feet. The Project site is located approximately one-half mile from the Civic Center BART Station in a transit rich, pedestrian oriented neighborhood. The proposed outdoor activity area, which can accommodate approximately 46 people, should not generate significant increase in 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 Project is not expected to generate any noxious or offensive emissions, glare, dust, or odors. The rear yard is adjacent to the blank walls of commercial properties, and is located at least one story below the residential windows of the property at 1123 Folsom Street, and therefore should minimize any privacy, glare or noise issues for nearby residences. Although the two bars will remain open later than the outdoor activity area, the reduced hours for said patio will assist in minimizing impacts on the adjacent residential uses.

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

The proposed outdoor activity area for the bars do not require any additional tenant improvements. The rear yard is fully screened from view from the public right of way by the existing buildings.

- 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 Project is consistent with the stated purposed of Folsom Street NCT Zoning District in that the intended use is located at the ground floor, will provide a compatible convenience service for the surrounding neighborhoods.

8. **Planning Code Section 145.2** establishes additional findings for the Commission to consider when reviewing applications for an Outdoor Activity Area. On balance, the project complies with these criteria in that:

- 1) The nature of the activity operated in the outdoor activity area is compatible with surrounding uses;

The subject property includes a two-story mixed-use building and a single-story commercial building. The adjacent property to the west is a single-story commercial building. The outdoor activity area is enclosed by the bar use to the north, south and east, and would be used by patrons of the existing "Trademark & Copyright" bars. The Project maintains the existing commercial character of the surrounding area.

- 2) The operation and design of the outdoor activity area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

The proposed outdoor activity area is adjacent to a single-story commercial building. The patio area is located a full story below any residential windows further down the block, which limits any privacy or livability issues to the surrounding residential uses.

- 3) The hours of operation of the activity operated in the outdoor activity area are limited so that the activity does not disrupt the viability of surrounding uses.

The hours of operation of the outdoor activity area is conditioned to cease by 9:00 p.m. to mitigate any issues that would disrupt the viability of the surrounding uses should the current hours of operation of the business change. Although there are no residential uses fronting directly onto the patio, the outdoor activity area would be visible from the windows of the upper floor residences at 1123 Folsom Street as well as residences from the adjacent neighbor to the rear at the northwest corner of Langton Street and Decker Alley. The two bars will remain open later than the outdoor activity area; however, the reduced hours for said patio will assist in minimizing impacts on the adjacent residential uses.

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

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

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

Policy 1.3:

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

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.

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.

Eating and Drinking Establishments

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

The proposed project will support the retention and expansion of two existing bar uses, which are located within a Neighborhood Commercial Transit District and are thus consistent with activities in the commercial land use plan. The subject businesses are already existing eating and drinking establishments. The project would not impact the existing storefronts, nor impact the mix of commercial goods and services. The project site is well served by transit is not anticipated to have a negative impact on parking or traffic. The effect on the surrounding community would be minimal due to the location the patio relative to the surrounding uses and the limited hours of operation.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

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

The Project would authorize the use of a rear yard as an Outdoor Activity Area for two neighborhood-serving businesses. The project would enhance an existing neighborhood serving retail use by allowing the two bars to utilize an existing outdoor space. Expansion of the existing businesses would enhance future employment opportunities, which is consistent with this policy.

- 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 includes three dwelling units, which will not be impacted by the Project.

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

The Project does not currently possess any existing affordable housing.

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

The conversion of the patio into an Outdoor Activity Area for the bar use is not anticipated to result in any noticeable impact on transit services or neighborhood parking as the existing businesses area well served by nearby public transportation options. The Project is located within walking distance of the Civic Center BART Station and the multiple MUNI bus routes, including 12-Folsom/Pacific and 19-Polk.

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

The Project will not displace any service or industry establishment and does not involve commercial office development. The Project will not affect industrial or service sector related employment or ownership opportunities, as the addition of the outdoor activity area will support the continuation of the existing businesses and associated employment opportunities.

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

The existing building is not being altered by this Project. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings.

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

The Project does not involve the physical expansion of the existing building, which does cast shadow on the public parks.

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use 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. 2018-008372CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 20, 2018, 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 December 13, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 13, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow an Outdoor Activity Area for a bar (d.b.a. **Trademark & Copyright**) located at 1123-1127 Folsom Street, Assessor's Block 3755 and Lots 100 and 101, pursuant to Planning Code Sections **145.2, 303 and 757** within the **Folsom Street NCT** Zoning District, Western SoMa Special Use District and a **65-X** Height and Bulk District; in general conformance with plans, dated **September 20, 2018**, and stamped "EXHIBIT B" included in the docket for Record No. **2018-008372CUA** and subject to conditions of approval reviewed and approved by the Commission on **December 13, 2018** under Motion No. **XXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 13, 2018** under Motion No. **XXXXX**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **XXXXX** 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. **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. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

7. **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.

MONITORING - AFTER ENTITLEMENT

8. **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.

9. **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

10. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

- A. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>.

- B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org.

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, www.sf-police.org.

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

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

- D. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdprw.org>.

11. **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.

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, 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.

12. **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>.

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 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.

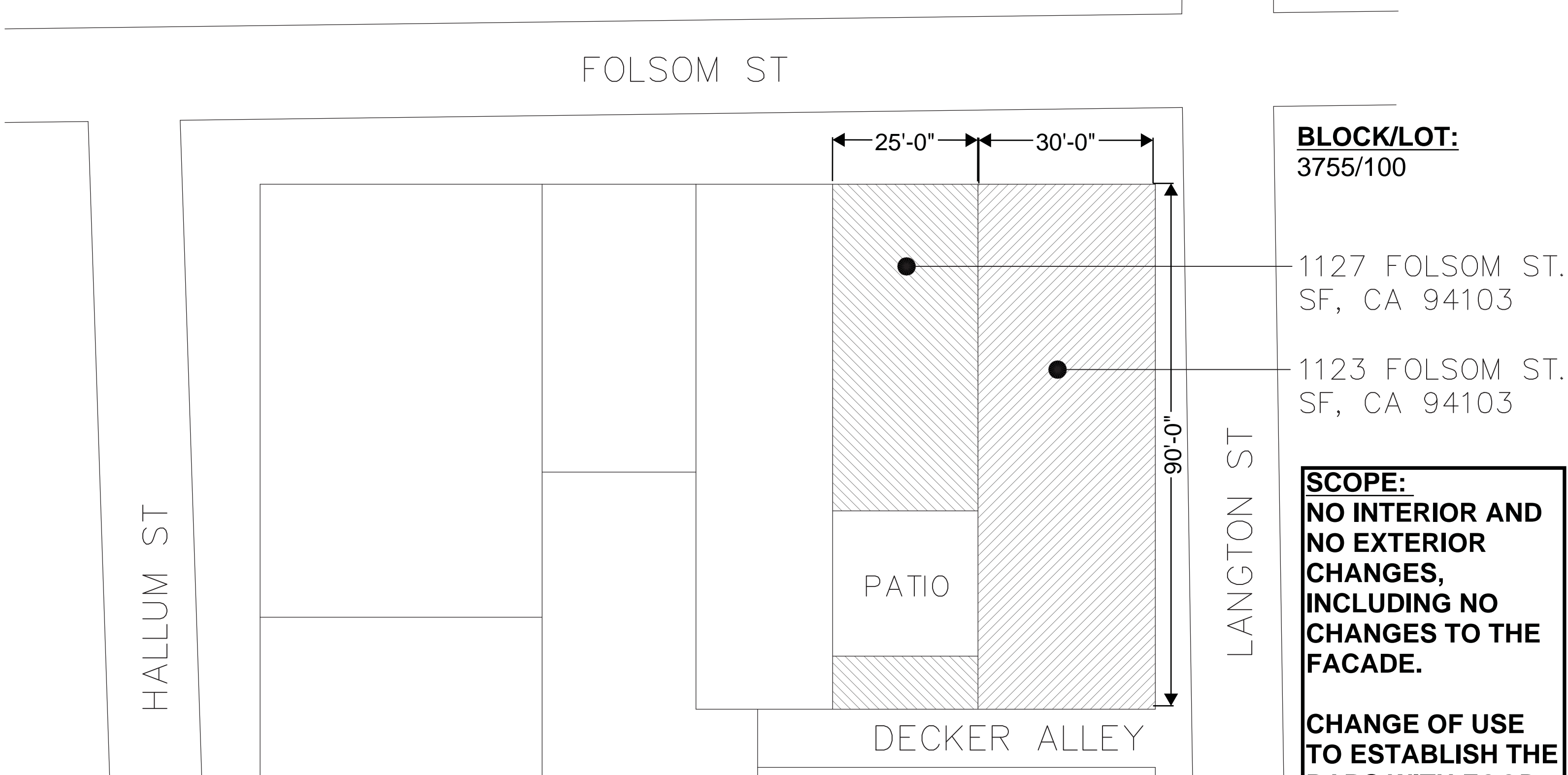
15. **Hours of Operation.** The subject outdoor activity area is limited to the following hours of operation: 4:00 pm to 9:00 pm on weekdays and 11:00 am to 9:00 pm on weekends.

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

16. **Outdoor Activity Area Occupancy.** The Outdoor Activity Area shall be limited to 46 patrons at all times.

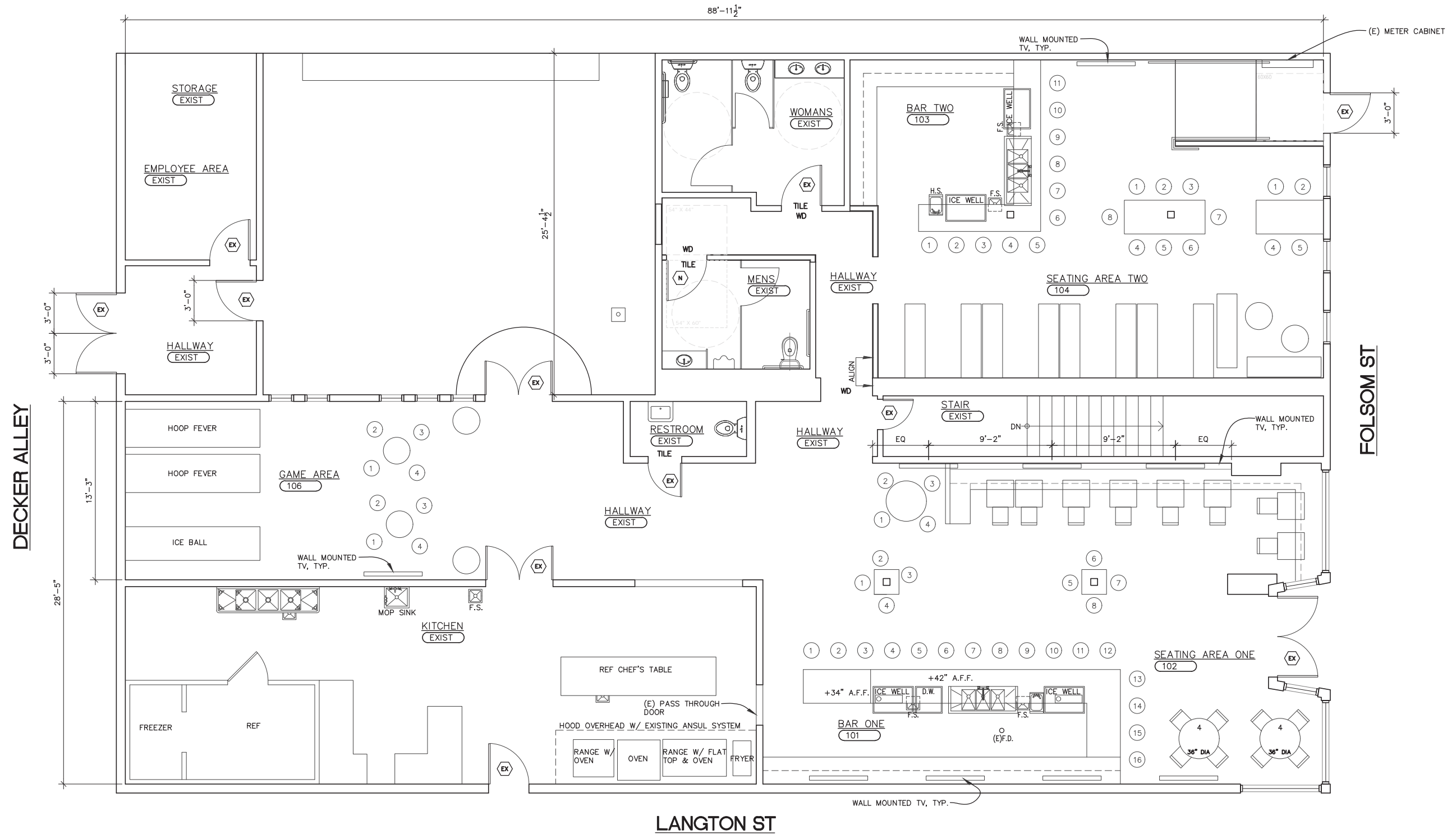
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

EXHIBIT B



1123 Folsom Street, LLC dba Trademark & Copyright - 09/20/18

SCALE :1/16"=1'-0"



1123 Folsom Street, LLC dba Trademark & Copyright

SCALE :1/8"=1'-0"



SAN FRANCISCO PLANNING DEPARTMENT

Land Use Information

PROJECT ADDRESS: 1123-1127 FOLSOM ST
RECORD NO.: 2018-008372PCUA

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	-	-	-
Residential GSF	-	-	-
Retail/Commercial GSF	4,222	4,222	0
Office GSF	-	-	-
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	-	-	-
Medical GSF	-	-	-
Visitor GSF	-	-	-
CIE GSF	-	-	-
Usable Open Space	-	-	-
Public Open Space	-	-	-
Other (Outdoor Activity Area)	0	728	728
TOTAL GSF	4,222	4,950	728
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	-	-	-
Dwelling Units - Market Rate	2 / 0	2 / 0	0
Dwelling Units - Total	-	-	-
Hotel Rooms	-	-	-
Number of Buildings	1 / 1	1 / 1	0
Number of Stories	2 / 1	2 / 1	0
Parking Spaces	-	-	-
Loading Spaces	-	-	-
Bicycle Spaces	-	-	-
Car Share Spaces	-	-	-
Other ()			

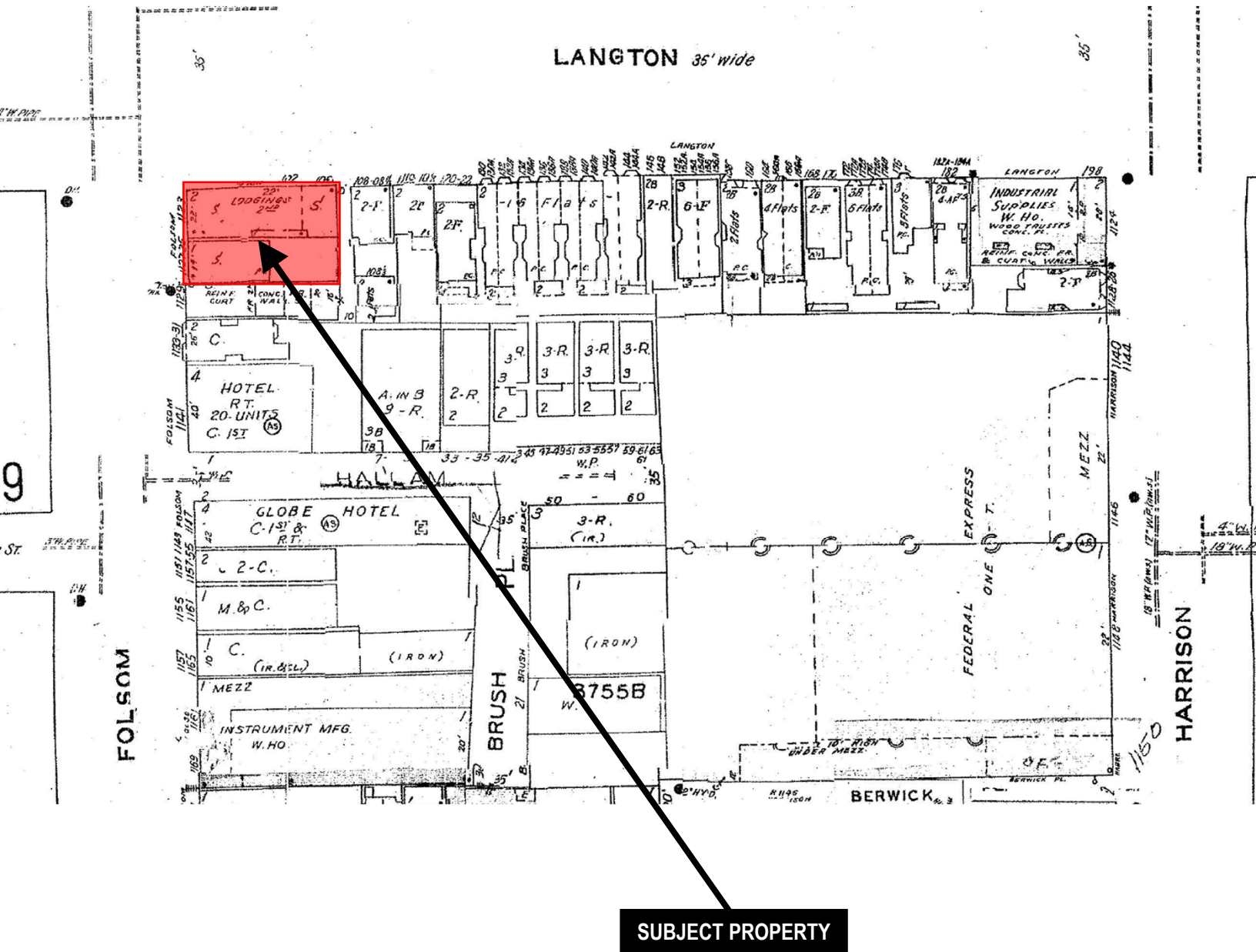
Exhibit D

7TH

20-168
29-144
ARVA OOD



Sanborn Map*

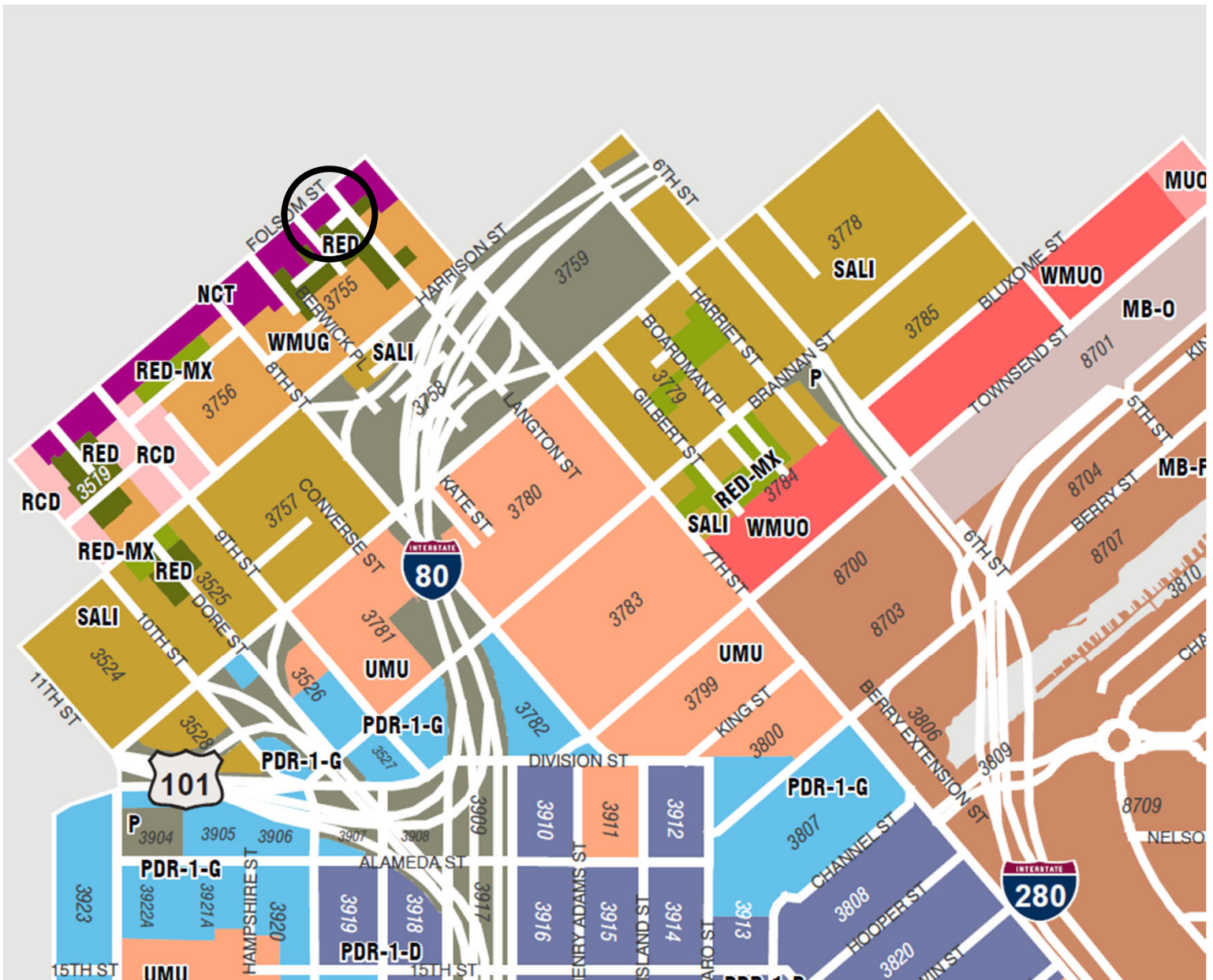


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



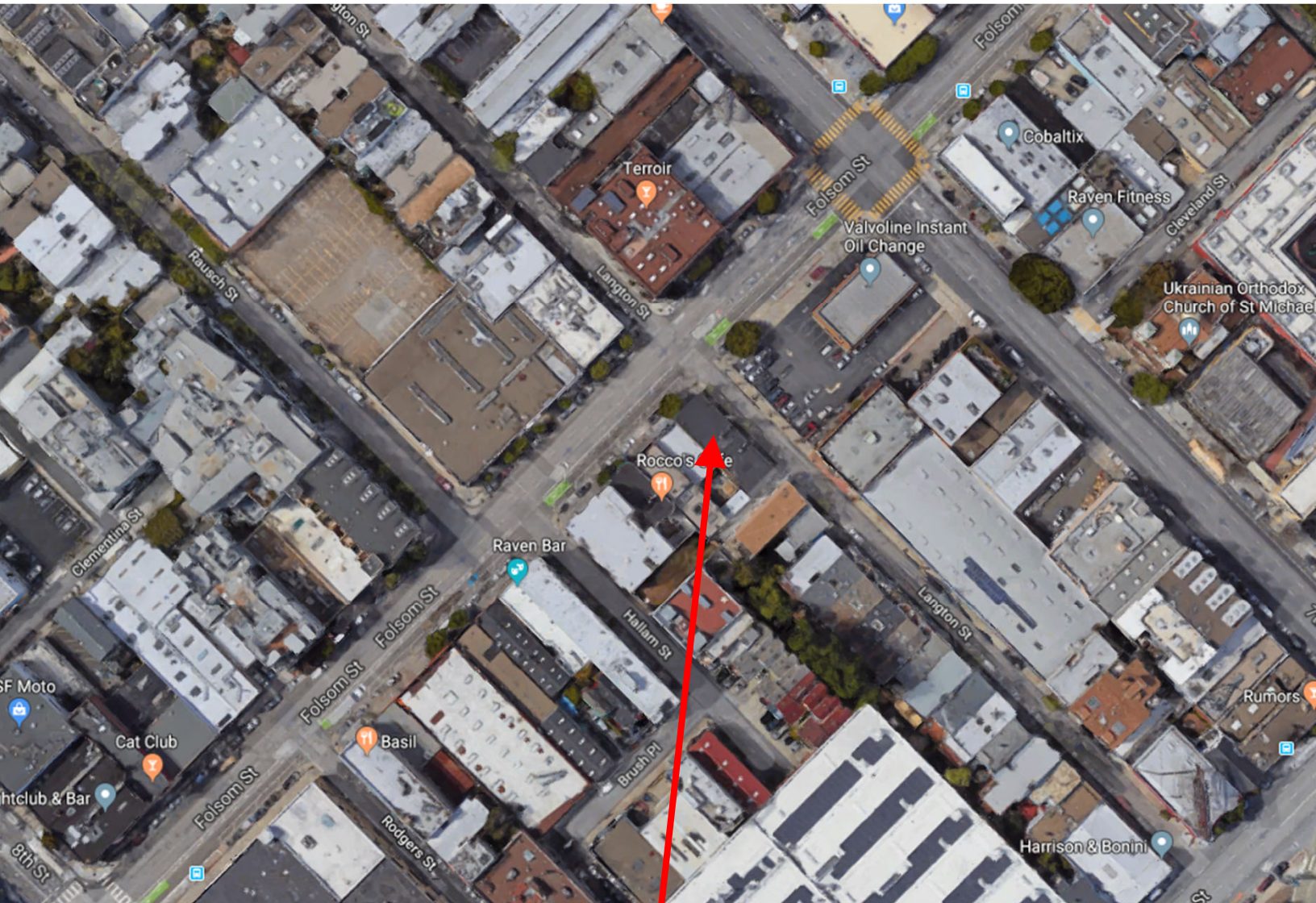
Conditional Use Authorization Hearing
Case Number 2018-008372CUA
1123-1127 Folsom Street

Zoning Map



Conditional Use Authorization Hearing
Case Number 2018-008372CUA
1123-1127 Folsom Street

Aerial Photo

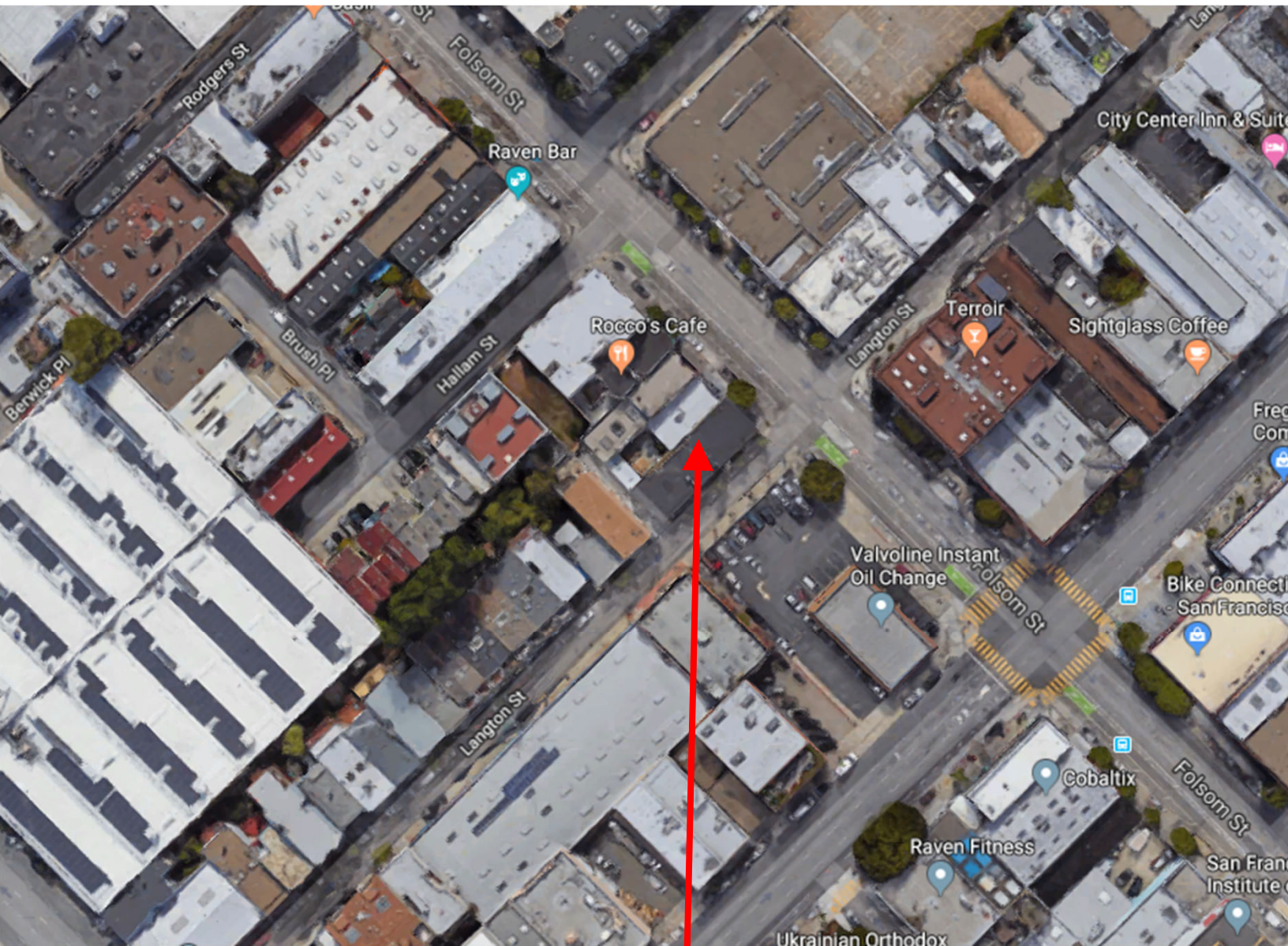


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2018-008372CUA
1123-1127 Folsom Street

Aerial Photo

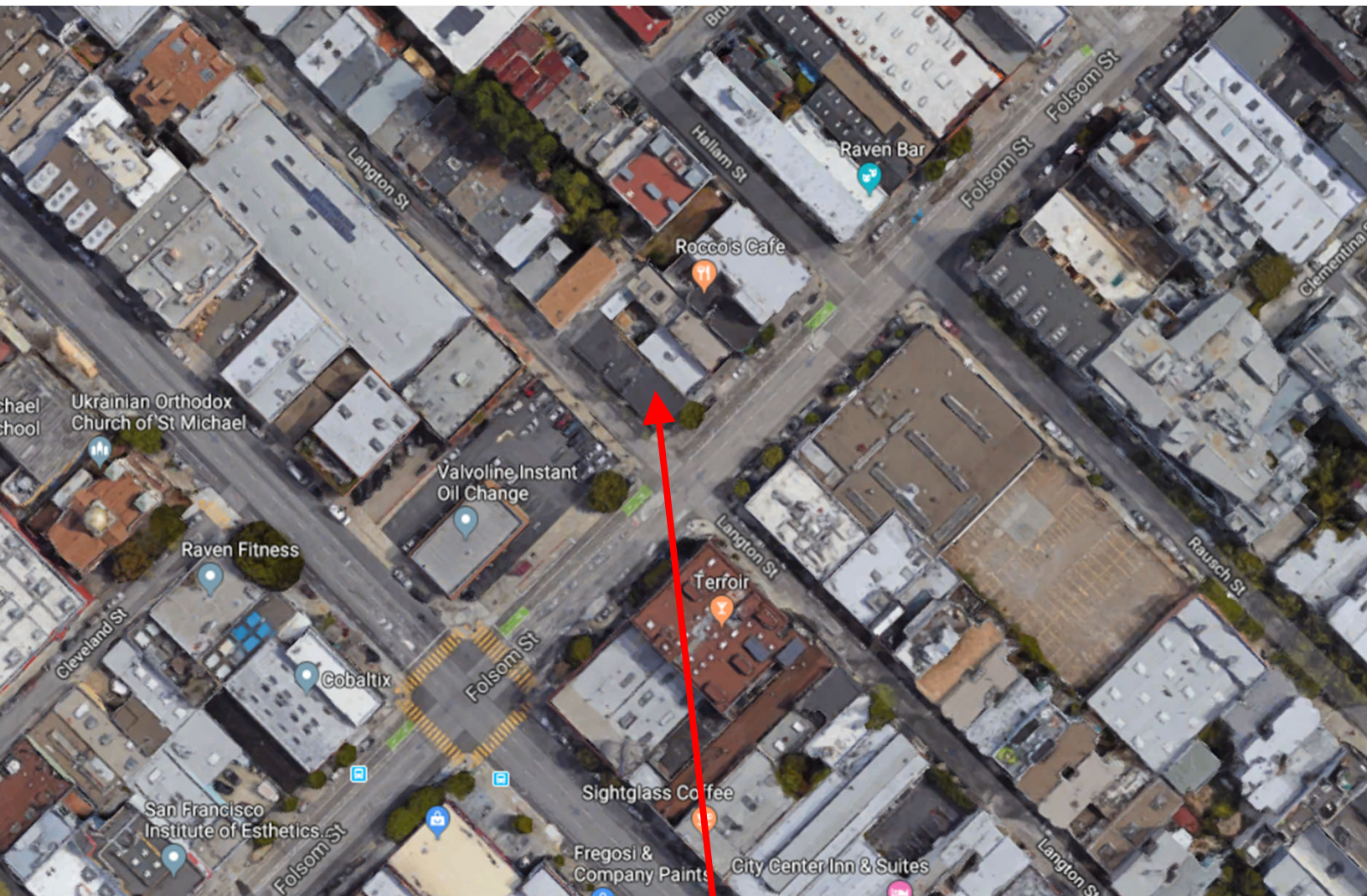


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2018-008372CUA
1123-1127 Folsom Street

Aerial Photo

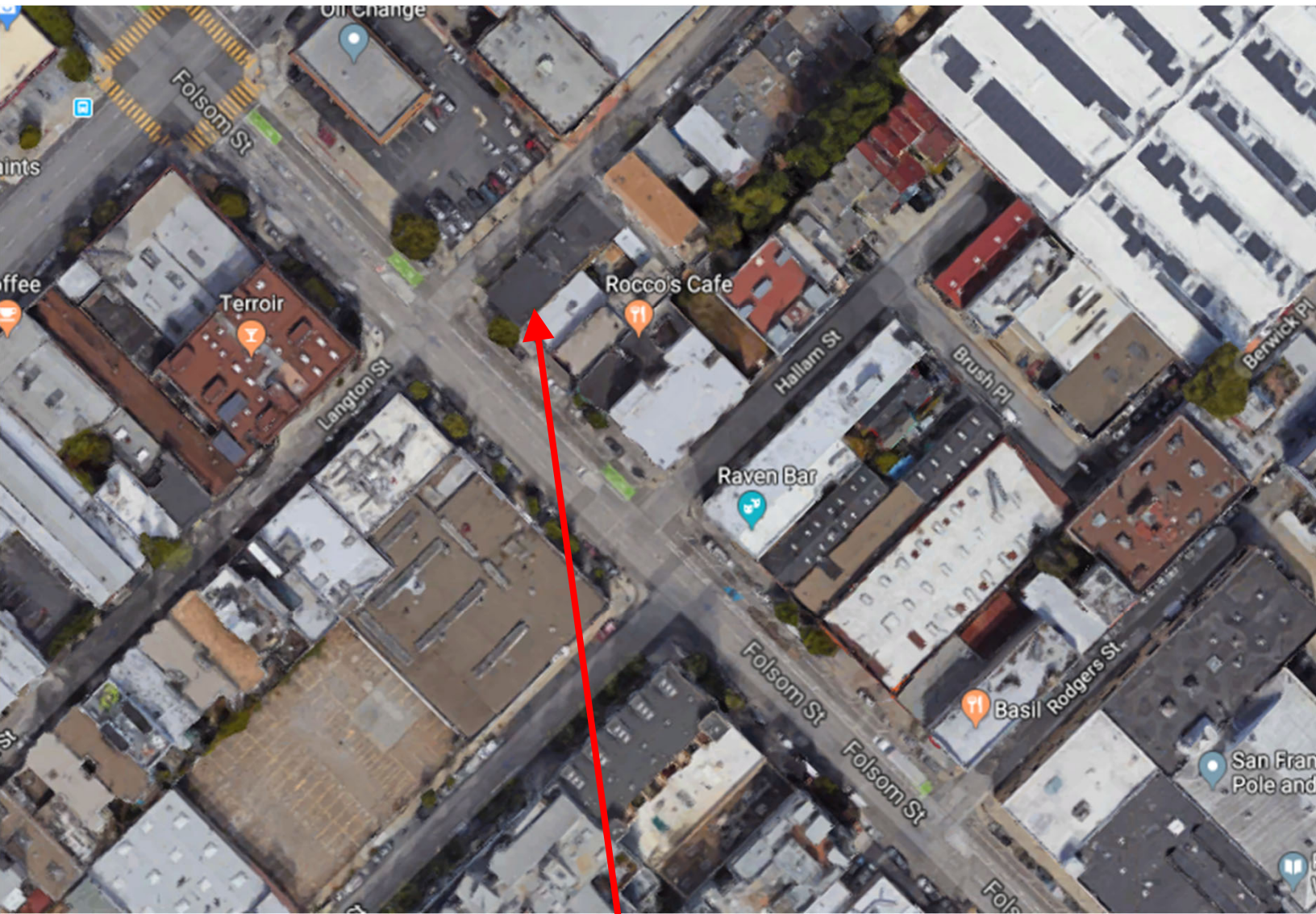


SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2018-008372CUA
1123-1127 Folsom Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization Hearing
Case Number 2018-008372CUA
1123-1127 Folsom Street

Site Photo



SUBJECT PROPERTY

Conditional Use Authorization Hearing
Case Number 2018-008372CUA
1123-1127 Folsom Street

Flores, Veronica (CPC)

From: Karla Ortiz <iconophobian@gmail.com>
Sent: Monday, August 6, 2018 3:09 PM
To: Flores, Veronica (CPC)
Subject: 1125+1123 Folsom Trademark/Copyright CUA: Very concerned neighbor
Attachments: Video Aug 05, 20 15 21.mp4; Video Jul 30, 10 58 59.mp4

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Flores,

My name is Karla, and I left a very long message on your phone. So I thought, maybe email would be a more efficient way to communicate! :)

I live in 108 Langton and have lived in this unit since 2010. 108 Langton is the building that is right across Trademark and Copyright's patio, less than 20 feet away.

They opened up about a year and a half ago without notifying anyone of their intentions to use their patio as an event space, and it has made our lives impossible.

The levels of noise in our home, whenever they have an event, are just out of this world. We got a sound level meter, which could reach above 90 decibels. 90 dB and above is as loud as going full speed on the highway with the windows down, or a motorcycle running nonstop just outside your window. Sustained exposure to this is considered a health hazard.

But don't just take our word for it, here's some documentation we've been gathering, of what it's been like this past year:

- With our windows open: https://www.dropbox.com/s/7srdvv2al7shit4/Warriors_Final_June_12_2017.mp4?dl=0
- With our windows closed: <https://www.dropbox.com/s/lcm4uh3k9alizcy/Video%20Oct%2007%2C%2018%2056%2029.mov?dl=0>
- Again with windows closed, but this time featuring cowbells: <https://www.dropbox.com/s/joqtc4oef24j6gz/Video%20Sep%2023%2C%2016%2024%2056%20COWBELLS.MOV?dl=0>
- This one is at 1:46 am: <https://www.dropbox.com/s/b06701odk6dxy2w/Video%20Jul%2023%2C%2001%2036%2059.mov?dl=0>

We've been in communication with Mr. Dario Jones for about a year now, and if I'm not mistaken, last August 2017, he issued an NOE, asking them to cease all patio activities. They have been ignoring that NOE since then. They are currently

being fined, and STILL they continue to use the patio for events.

Attached to this email are events that occurred last Monday the 30th and just yesterday August 5th.

Because of all of this, we were incredibly nervous when I saw that there was a CUA in the works. We're not sure if its in early stages, or if it went through already. But after calling the planning department and speaking with Mr. Jeff Horn, he strongly advised to let you know of our continued and very stressful experience with this establishment.

I also wish to note we have also been in talks with Mr. Kingston Wu for the past year as well. Unfortunately, communication has not been helpful. We do, however, have emails of him describing how he wished to do some construction work without having to go through the city, AND how his investors intended to contact our landlady so they could buy our apartment out and kick us out (didn't happen but very scary nonetheless). Because of this, we feel it would be best to remain as anonymous as possible, as we do feel threatened by this group.

Lastly, we read a comment Kingston made about the patio CUA not changing as previous business used it, I wish to say, having lived in this apartment for 8 years the past, that is a very untrue statement. Past businesses Radius Cafe, Radius Restaurant and later El Capitan, made no use of the patio. It honestly looked like storage, did not have an entertainment system and was never ever used in the capacity Trademark/Copyright has.

But know, if you any questions at all, or wish to follow up please feel free to email me to : iconophobic@gmail.com or call at any time to 415-368-1970.

With all this said, thank you. It is a bit of a long story so we're grateful for your time. Hope you have a wonderful day, and hope to hear from you soon,

Sincerely,

Karla Ortiz

--

Karla Ortiz

www.karlaortizart.com



OFFICE OF THE MAYOR CITY OF DALY CITY

333 – 90TH STREET
DALY CITY, CA 94015-1895
(650) 991-8125

November 20, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

I've gotten to know the owner Trung Tran of Trademark. He is reputable, conducts business with professionalism and is one that cares for the community where his business resides. I am even partnering with him to provide a Street Festival in Daly City that will highlight culture, music, food and unity among residents and businesses.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other business in the City Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

Trademark has taken in the comedians that were displaced when BrainWash closed, offering them free use of their speakeasy for comedy events. Trademark offers free use of its space to customers and the

community for neighborhood meetings, bridal showers, craft shows, and works with non-for-profits to give them a percentage of the bar for any charity mixer that is held in the space.

While we understand that having customers assemble in an open-air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in.

Sincerely,

Juslyn C. Manalo

Juslyn Manalo

Mayor, City of Daly City

Flores, Veronica (CPC)

From: Anisa King <anisaking@gmail.com>
Sent: Saturday, November 24, 2018 3:03 PM
To: Flores, Veronica (CPC); info@trademark-sf.com; Kingston Wu; Anisa King
Subject: Notice of Public Hearing, Conditional Use Authorization by Planning Commission

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

Hi Veronica and Kingston,

My property, 108 Langton Street, San Francisco is next to 1123 Folsom Street, San Francisco, and gets all the elevated sound from the outdoor activity in an existing bar.

I am not in favor of legalizing an outdoor activity area in an existing bar because noise levels escalate, preventing my tenants at 108 Langton Street, San Francisco from being able to live peacefully. Already noise levels are untenable, and I have lost tenants, potential and existing, due to the noise from the outdoor patio.

I do not want to legalize an outdoor activity area in an existing bar because it makes it impossible for people to live with the noise.

Thanks.

Regards,

Anisa King
Mobile: 650-630-1721

Flores, Veronica (CPC)

From: miareginasantos <miareginasantos@gmail.com>
Sent: Monday, November 26, 2018 11:53 AM
To: Flores, Veronica (CPC)
Subject: Regarding Trademark & copyright bar patio

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

Good afternoon Veronica!

My name is Mia, im currently working as a bartender at Trademark and Copyright bar. The patio closed shortly after i joined which was about a year ago and since then at least someone asks to go in the patio everyday. I understand where neighbors are coming from but i assure you we are very respectful to our neighbors we encourage them to come by and get some drinks on us because we want to build a connection with them. If the patio is to be reopen we wouldnt open until 11am and close at 9pm at the latest. We dont play music or tv sounds outside and in the past if someone were to be rowdy we would ask them politely to stay quiet and respect the neighbors. Im from san francisco, grew up here my whole life. We need more beautiful patios for the sunny days in sf! I have a solid work team we care about how guests feel and want everyone to have a good time. I hope the message can help the opening of our patio and perhaps you can come by to see what a family vibe we have! Thank you so much for your time!

Best regards,
Mia blanco

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

November 26, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

A local patron and performer at Trademark, my colleagues and I love going there after work and especially love the outdoor patio for fresh air and activities.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other businesses in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

Trademark has taken in the comedians that were displaced when BrainWash closed, offering them free use of their speakeasy for comedy events. Trademark offers free use of it's space to customers and the community for neighborhood meetings, bridal showers, craft shows, and works with non-for-profits to give them a percentage of the bar for any charity mixer that is held in the space.

While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides it.

Sincerely,

Chelsea Eiben

2nd Address

67 Langton St, San Francisco, CA

November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

I am president of the board for the non-profit organization American India Foundation (www.aif.org). Trademark has hosted our fundraising events on many occasions, free of charge, whether it was for a networking event, trivia night or open mic night. The patio in particular has been incredible as a gathering space for networking. Working with Trademark has been seamless, as the staff is very accommodating and we never have to worry about a thing! They are always willing to make it convenient for our non-profit, so we can focus on raising the most money we can for our cause. Trademark has been such a valuable addition to the SOMA community and we would see it at a big loss to lose the patio for future event space.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other businesses in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

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While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in.

Sincerely,

Nidhi Mastey

AIF, Bay Area Chapter President

November 20, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

I am the Co-President of the University of Michigan Alumni Club of Greater San Francisco and we have been partners with Trademark ever since its opening. Trademark has been hosting Michigan alumni for our football and basketball game watches and other social and networking events. We are very grateful to have this venue as a place for the University of Michigan community in San Francisco to gather, and we enjoy having the patio as extra space for our alumni. In addition to hosting us, Trademark makes a donation to our scholarship fund which provides financial support to need-based Bay Area students who attend the University of Michigan.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other businesses in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

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While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in.

Sincerely,

Jennifer Bock

University of Michigan Alumni Club of Greater San Francisco, Co-President

564 Grove Street

San Francisco, CA 94102



LETTER OF SUPPORT

NOVEMBER 13, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division

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

Kultivate Labs
1010 Mission St.
San Francisco, CA 94103
T 415-215-4689
kultivelabs.com
desi@kultivelabs.com

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

Trademark houses Alchemy Kitchen an important business pillar in the SOMA Pilipinas cultural district. Alchemy has been admitted to our SEED Accelerator—a program funded by the Mayor's Office of Housing and Community Development. It is important that the public funds being invested into Alchemy Kitchen can be fully leveraged by opening Trademarks patio.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other business in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

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and works with non-for-profits to give them a percentage of the bar for any charity mixer that is held in the space.

While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in.

Kultivate Labs
1010 Mission St.
San Francisco, CA 94103
T 415-215-4689
kultivelabs.com
desi@kultivelabs.com

Sincerely yours,

Desi Danganan
Executive Director
Kultivate Labs

November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

I am the Co-President of the Harvard Business School Tech Club, and would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

Last winter, over 200 Harvard Business School students traveled from Boston to SF and spent two days visiting tech companies throughout the Bay Area. At the end of the first day, we hosted a happy hour at Trademark, which allowed us to bring together HBS students and alumni who work and live in SF. Trademark worked with us to provide exclusive use of their space plus food, and drinks for this event at a price that fit our student club budget. They helped us manage some unique logistical needs as well. Everyone had a wonderful time and the staff was fantastic. We would love to host more events with Trademark and be able to utilize the patio for events on warm sunny days, as that's a rare find in SF. We know the business owners will responsibly use the patio in ways that benefit both their customers and the neighborhood.

Sincerely,

Dennis Chua

Co-President, Harvard Business School Tech Club



*Protecting the Community, Serving Justice and
Changing Lives*

Karen L. Fletcher
Chief Adult Probation Officer

November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division

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

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores,

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

I have personally known one of the owners Jerremi Clark for 22 years. Within that time, I have known him to be an incredible business owner. Growing with all of his business ventures and providing excellent customer service and partnering up with others to make sure his clientele is not only satisfied but happy as well.

Trademark has been a good member of the community since it has opened to the public. Trademark is ran by an active ownership team, represented by Jerremi and his business partners. They have grown up in San Francisco, or have operated businesses in San Francisco for years.

I am aware that having customers assemble in an open air environment can create a noise, I strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in. They will make sure that the community is comfortable as well and provide notice when there will be an event taking place.

Sincerely,

Canisha Smith

City and County of San Francisco

**Adult Probation Department
Hall of Justice**



*Protecting the Community, Serving Justice and
Changing Lives*

Karen L. Fletcher
Chief Adult Probation Officer

Deputy Probation Officer
850 Bryant St.
SF, CA 94102

November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores,

As San Francisco continues to become the main tech hub for American with the omnipresent expansion of Google, Salesforce, and likes, it's businesses like Trademark that keeps a soul with a community focus in this city. This letter is to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers. Trademark is a business located in the heart of SOMA, at 1123 Folsom Street, San Francisco, CA 94103.

Trademark's owners were event promoters themselves, and since the launch of the business, they have really focused their passion driven project as a gathering place for sports fans, up and coming comedians, and families. As a comedian myself, I've been working with Kingston, one of the owners, to run comedy shows for the past six months. The type of environment he has created for his team and guests are inclusive, considerate, and thoughtful. From purchasing additional benches for crowded nights, to installing dimmable lights optimized for stages, Trademark's leadership has poured their heart into making our projects successful. For someone who has had no prior experience running comedy shows, Kingston took a chance on me, allowing me usage of the space, producing alongside some of the most well-known comedy producers of the city. I've proved myself with the attendance of my shows over time, but without Trademark's patronage, as a minority female comedian, I would not have had a chance to get a head start to build up my comedy resume. Trademark's management style is truly focused on building the foundation of a community.

I've been following their pursuit to an open dialogue to the tenants of nearby buildings. As someone who also works from home regularly, I empathize with those who want a quiet environment. Though as someone who also lives in the city, I understand that that tradeoff of living in a busy neighborhood is that I will have to tolerate certain amount of noise from fire sirens, garbage trucks, and neighborhood bar operations. I don't expect the city of San Francisco to continue to operate in a viable economy without the existence of such. I hope the city can help facilitate an inclusive and open dialogue between Trademark and its neighbors. As a San Francisco resident, and also a comedy producer, I hope that the city can help our community keep a balance of individual freedom and business operational needs so that as we grow, as can continue to gather as a tight-knit community.

Sincerely,

Helen Chu
Comedian

11/25/2018

Ms. Flores,

I am writing this letter in support of the business, Trademark Sports Bar. I am in favor of keeping their patio space open for their customers. When I first saw it was shut down upon arrival of the venue expecting brunch, I was saddened to see that it was closed. When I heard the Trademark staff wanted to reverse this, I knew that I had to help—right away. I know it may seem silly, but it was a spot for my friends and I (including my co-workers) to connect

A friend of mine first invited us to the place for a celebration for being promoted within the hospital. Unfortunately, this was one of the last times we were able to see him, due to events out of our control. For a while, the patio was a nice place to have brunch and reminisce of the celebratory speech he gave. The point being, is that I'm sure I'm not the only person who shares a memory at a comfortably business such as Trademark. My friends and I travel from the East-Bay to spend part of our weekend there. I support what they are trying to bring to the community of the San Francisco, Bay Area.

Sincerely,

A handwritten signature in black ink, appearing to read 'RP' with a stylized flourish at the end.

Ronald Pabalate, RN, BSN

576 Celia St

Hayward, CA 94544

Will Fonsavan

2806 Castro Valley Blvd
Castro Valley, Ca 94546
(510)585.6991
will@carlst.com

November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
1650 Mission Street Suite 400 S
San Francisco, Ca 94103

RE: Letter of Support for Activating Trademark Sports Bar's Patio

Dear Ms. Flores,

I am writing this letter in support for Trademark Sports Bar & Eatery, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support their pursuit for conditional use authorization to utilize the rear patio as seating and event space for their customers.

I've lived and worked in the San Francisco for the past 10 years and have grown familiar with the local neighborhood restaurants and sports bar establishments in the Soma district. I frequent Trademark often hosting clients and friends as I have become quite familiar with the wonderful staff and modular setting that included the patio which I miss so much. This place serves the customers to experience the sports bar vibes from endless of watch parties diversities, nostalgic interactive games and quality menu options day and night! The atmosphere is very active and ongoing as I welcomed there. They have set a wonderful standard on helping the community with donating proceeds towards charities and I am in full support with reactivating their much needed patio.

Sincerely,



Will Fonsavan

North America Business Solutions // CarlStreet.com



**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SOLANO**

**KRISHNA A. ABRAMS
DISTRICT ATTORNEY**

Sharon S. Henry
Chief Deputy

Paul D. Sequeira
Chief Deputy

Ken L. Kramer
Chief Investigator

11/27/2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores,


Thank you for taking the time to read this letter. It is with great sadness that I was informed that Trademark Sports Bar's patio was no longer useable to customers. When I became aware of this, I immediately wanted to inform the powers that be, that this space assists with the functionality of the bar and allows for more patrons and space to be utilized. As such, I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103. Please allow Trademark to conditionally use their patio as a seating and event space for their customers.

I am familiar with one of the owners, Jerremi Clark. He has been a very generous and gracious business man. I am a coach and sit on the board of an organization, Gils on the Run, Napa/ Solano. As a member of the board we look for ways to raise money for girls who learn how to enhance their self-esteem while exercising. I approached Jerremi with the idea to do a fundraiser at Trademark and the answer was a resounding yes. He even offered both locations for fundraising.

These are the actions that show you that Trademark is bigger than just a business. It is about community and as a whole the owners and employees think about other members of the community. This is exemplified in the owners and the staff. The environment is friendly and relaxed but more importantly welcoming to all. Trademark offered free use of its space to customers and the community so that the non-for-profit whose board I sit on can thrive. Trademark additionally went a step further to give a percentage of the bar for any charity mixer that is held in the space.

Please feel free to contact me if you need any further information at 707-718-8832,

Sincerely,


Brittany Armstrong-Whittington
Deputy District Attorney
District Attorney Office

Flores, Veronica (CPC)

From: Jonathan Fong <heyjonfong@gmail.com>
Sent: Wednesday, November 28, 2018 12:50 PM
To: Flores, Veronica (CPC)
Subject: Patio usage of Trademark Sports Bar

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November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores,

My name is Jonathan Fong, a local source of social events for the Asian American professional community in San Francisco for mid 20's-30's. I would like to reach out to you on the topic of the patio of Trademark Sports Bar (1123 Folsom Street, San Francisco, CA 94103).

I have thrown several events at Trademark and have asked to utilize the patio on different occasions for the benefit of my guests, whether it be to get some fresh air, provide more gathering space, or simply to provide coat-check my guests' jackets.

The average size of my events can range from 50-100 people and when the patio was available for use, popular with my guests. Even then, ownership exercised extreme caution when utilizing their patio and asked that we not make any announcements in the space. Despite our interest in creating a nice ambiance for our guests by putting on some background music, ownership informed me that no music was allowed and they had in fact, removed all speakers from the patio.

As a result of how well management of the business treated myself and my guests, I have been happy to refer several different community-related social groups to the owners, including a local businesses and corporations, UC alumni groups, community based meet-ups, non-profit charity organizations, and simple birthday parties - all of which have been welcomed in full support and zero discrimination. They have become a key venue in physical space as well as social enablement in their immediate community and for the greater city of San Francisco.

Generosity-wise, each of the charity events they've hosted, they have, without question, been open to sharing their profits as a benefit to the charity involved - something that is becoming increasingly hard to come by in the food and beverage industry of San Francisco.

To limit the usage of their patio would ultimately mean to limit the benefit of the numerous charities, non-profits, and social groups that utilize the patio. And, though the open air of the patio could increase the noise pollution of the immediate area, the owners have already exhibited an extreme caution to myself as well as my group and other groups who have come through. I do not doubt that they would continue to exercise the same care and courtesy to their neighbors that they have thus shown, limiting the disturbance to neighbors but

November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

We have frequented this wonderful and unique place a lot this year and especially when it was warmer. Our friends live in the neighborhood and introduced us to this place about 10 months ago. They invited us to brunch and we had the most wonderful time eating very interesting and different type of food with Filipino influence...The atmosphere is unlike any other we experienced in SF and we have been going there frequently, as well as introducing our other friends to this unique experience. Having a patio dining experience in this neighborhood is very rare and I hope we all can keep enjoying it.

Sincerely,

Paul Volfovski

101 Cargo Way

SF, CA 94044

November 27, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

I would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

I work in the area and frequent Trademark on regular basis with my friends and co-workers. It's one of our favorite places in the neighborhood because of its friendly staff, warm environment and great food options.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other businesses in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

Trademark has taken in the comedians that were displaced when BrainWash closed, offering them free use of their speakeasy for comedy events. Trademark offers free use of it's space to customers and the community for neighborhood meetings, bridal showers, craft shows, and works with non-for-profits to give them a percentage of the bar for any charity mixer that is held in the space.

While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides it.

Sincerely,

Victoria Spektor, 1169 Howard St, San Francisco, CA



November 28th, 2018

Veronica Flores
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

This is a letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103

I and my closest peers are in support of Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for customers like my peers and I, as well as all others in the community that enjoy this establishment.

As a frequent customer of this establishment I have generated a list of great family and friend memories from my experience at Trademark. I even was able to throw my engagement party at this space earlier this year. I was introduced to this establishment literally a month before I proposed to my wife. My wife and I are café goers and love the outside seating. When we saw Trademark sports bar, we fell in love with this establishment's ability to provide that same exterior entertainment experience. However, our vision of having an engagement party on the patio were dashed because of a regulatory situation that shut the patio down until further notice. Nevertheless, Trademark graciously help us put on an event inside the establishment that provided us a memorable day. It is an unfortunate situation for Trademark sports bar patio to be unusable, as I as well as my peers and wife see so many positives experiences and great memories that is can create for its patrons. We will continue to be frequent patrons of this establishment, but getting that patio would be an amazing addition to this place's capabilities.

Sincerely,

Antwan Capla

1987 Oakdale Ave
SF, CA 94124

November 28, 2018

Veronica Flores, Planner

Southeast Team, Current Planning Division

San Francisco Planning Department

1650 Mission Street, Suite 400 S

San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

As President of Project by Project, we would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

Trademark has hosted multiple happy hour events for Project by Project, a national nonprofit volunteer organization whose mission is to develop leaders through innovative philanthropy. PbP selects a different theme to champion from year to year and fundraises through an annual food and wine benefit called Plate by Plate. Local chapters select a community-based non-profit organization that is focused on issues within that theme and tailors a year-long campaign to help its fundraising, community outreach and public awareness efforts. The past few years we have raised money for Vietnamese American Community Center of the East Bay, API Equality Northern California, and Chinatown Community Development Center (CCDC).

Leading up to the annual food and wine benefit, we host monthly events to share more about our initiatives and promote Plate by Plate. Trademark has been a fantastic partner in providing us exclusive use of the space to host our events at no additional cost, helping us promote our event, supporting our logistic needs when it comes to selling tickets for Plate by Plate. The patio is a great space to do this - it's quieter so speakers can be heard and much of our tickets sales happens in the summer. The patio allows for more space to manage our different needs. Finding a venue in SF can be challenging for nonprofit organizations because they often come with minimum spends or nonrefundable deposits, which unfortunately for PbP is never an option. All our ticket proceeds from Plate by Plate goes to our partner organization, which means we run on very small budgets but are fortunately to have a lot of community and volunteer support, like from Trademark.

We have developed great relationships with the business owners of Trademark and know that they are incredibly supportive and understanding. We believe that activating the patio at Trademark will create a unique place for the community can gather, and that the owners will be respectful of their neighborhood.

Sincerely,
Mimi Xu

Project by Project, San Francisco

Flores, Veronica (CPC)

From: Darnell Kenebrew <darnellkenebrew@gmail.com>
Sent: Friday, November 30, 2018 12:24 PM
To: Flores, Veronica (CPC)
Cc: Kingston Wu
Subject: Trademark Patio

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Hello,

My name is Darnell Kenebrew and I'm an employee for Trademark and Copyright; I'm reaching out to you and to whomever it pertains to in regards to the closure of our patio and our chance to re-open it again. Since the closure of our patio, all the smiles the patio provided have now devolved into a ghost town of unoccupied chairs, tables and an overall loss in traffic/business. I have been with the establishment since the very beginning and I was there when the patio was open and served many guests happy to be outside enjoying their food and drinks outside in the warm sun. It's been very disheartening due to an overall loss in business; especially being in the service industry where we want to do whatever we can to make sure our guests are happy and have an overall great time. In addition, we have always been mindful of our neighbors by implementing noise cancelling foam on our ceilings, under our tables, volume restrictions and imposed time restrictions on our patio as a courtesy to them. Also, since loss of revenue, shifts have lessened overall and I myself have also been affected by this as a once full-time employee; I am now only part-time with 24 hours weekly. The opening of our patio would mean so much to not only the establishment and it's employees, but also our guests.

Thank you for your time,

Darnell Kenebrew



November 30, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

Dear Ms. Flores:

On behalf of SOMA Pilipinas, San Francisco's Filipino Cultural Heritage District, I write in support for Trademark Sports Bar, a business located at 1123 Folsom Street in their application for a conditional use authorization to utilize their patio as a seating and event space for their customers.

SOMA Pilipinas has been the cultural heritage home for Filipinos for over a hundred years and as a community we are very active and supportive of small businesses that are good neighbors and have a commitment to the surrounding communities.

As a business located in SOMA Pilipinas, we consider Trademark a community asset as it hosts Alchemy, one of our newest and most exciting Filipino-inspired pop up kitchens in our cultural district. Trademark has also been a location of our community meeting and gatherings in the last year. In fact, Trademark offers free use of its space to customers and the community for neighborhood meetings, bridal showers, craft shows, and works with non-for-profits to give them a percentage of the bar for any charity mixer that is held in the space.

While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in. Most importantly, our neighborhood is one of the most starving for open space and activating a patio at Trademark would be a great addition allowing for outside gatherings for residents, customers and community members.

Sincerely,

RAQUEL REDONDIEZ

Director

November 30, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

I would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

My name is De'Andre Smith, I'm a resident of SOMA and work at UCSF Children's Hospital. With being a San Francisco native and spending a lot of time in the SOMA as a youth there's a lot of change that has happened in the area throughout the years. Some change is great but some things not so good. I've been pretty much a regular patron of Trademark since they've opened. I love that the owners are also natives of San Francisco. It saddens me to hear that a local small business has been struggling due to there patio not being opperatable. The patio has so much character and makes the bar stand out amongst others. I've personally seen baby showers, birthdays, fundraisers and bridal showers held in the patio. There has been nothing but positive things from Trademarks owners and staff. Please don't let Trademark be just another local business being forced out of my neighborhood and city.

Sincerely,

De'Andre Smith

Patient Transport Tech/UCSF Children's Hospital

529 Stevenson St. #403

San Francisco, Ca. 94103

T:(510)688-7354

E:Deventsfg@gmail.com

Flores, Veronica (CPC)

From: LANCEALOTA FREESTYLES <lancealottafreestyles@gmail.com>
Sent: Friday, November 30, 2018 3:48 PM
To: Flores, Veronica (CPC)
Subject: TRADEMARK SF PATIO

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

My name is Lance I am a server at trademark and part and I'm very proud and fortunate to be part of the trademark family. We consider ourselves family meaning the staff but also family with our community, regulars and neighbors. Which makes it all the more difficult to dissappoint our customers who constantly ask and are immediately discouraged after seeing how beautiful it is outside and how pleasant it would be to enjoy drinks and food out on the patio. The unsettling face expression that is followed after hearing that the patio was closed for no visible or apparent reason puts an awkward vibe between the customer and the employee. As a parent and provider for my household knowing that I'm missing out on so much revenue and money for no apparent reason does not sit well with me, combined with the fact that every other previous establishment has used and utilize the patio this is been told to me by long-standing residents of the immediate community. We deserve the right to provide our guest with the full experience of Trademark SF!

Flores, Veronica (CPC)

From: Deena Brooks <deenatrademarksf@gmail.com>
Sent: Friday, November 30, 2018 3:57 PM
To: Flores, Veronica (CPC)
Subject: Fwd: In Support of the Trademark & Copyright Patio

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----- Forwarded message -----

From: Jessica Sagen <jessicasagen@gmail.com>
Date: Fri, Nov 30, 2018 at 1:46 PM
Subject: In Support of the Trademark & Copyright Patio
To: <deenatrademarksf@gmail.com>

To whom it may concern,

I am in support of reopening the patio at Trademark and Copyright. I have rented one of the units ([1121 Folsom Street](#)) directly above Trademark and Copyright since July 1, 2017, and am now the master tenant of that unit. Since moving in, my roommates and I have had no complaints about the establishment and have enjoyed the many community and cultural events Trademark and Copyright has offered. Further, the staff have always been polite and accommodating of us as their neighbors.

It is my understanding that the noise from the patio is what affected other neighbors and resulted in its forced closing. Our unit is directly above the patio so my roommates and I should have been the most affected but, on the contrary, the patio did not affect our quality of living or our sleep quality. Sporting events typically end before the sun sets and other events are held indoors for the light. In fact, at one point Trademark and Copyright posted a sign saying the patio would close at 9pm in respect of its neighbors, and the establishment strictly followed this rule. As I recall, the patio does not have speakers so any noise is the chatter of guests and would be similar to that of a small park.

I would also like to point out that most of the events involving the patio were to bring community members together. Trademark and Copyright hosts sports viewings, comedy shows, and other fun game competitions and these events always have impressive interest from the community as can be seen by the number of guests. I have made friends with many of the Trademark and Copyright guests and it is clear to me most of them live in the neighborhood and are excited to have a fun, safe place to spend their evenings. I especially like to stress that living above Trademark and Copyright makes me feel safe - the staff works hard to keep guests happy and to avoid any conflicts one might expect from environments where alcohol is served.

Finally, when the space was open, I personally found that the patio was mostly used casually by guests of Trademark and Copyright who, like myself, wanted to enjoy food and beverages in the sunshine with friends and family. The patio was an overwhelmingly positive part of my experience living above the establishment, I have no concerns about its possible reopening, and I am looking forward to enjoying the space again.

Best,
Jessica Sagen

[1121 Folsom Street](#)
jessicasagen@gmail.com
406.253.0935

--

Deena Brooks
Trademark SF
(818) 427-5192

Flores, Veronica (CPC)

From: Deena Brooks <deenatrademarksf@gmail.com>
Sent: Friday, November 30, 2018 3:59 PM
To: Flores, Veronica (CPC)
Subject: Fwd:

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----- Forwarded message -----

From: ylina Smith <ylinasmith14@gmail.com>
Date: Fri, Nov 30, 2018 at 2:42 PM
Subject:
To: <deenatrademarksf@gmail.com>

To whom it may concern,

My name is Ylina Smith and I work at trademark and copyright on Folsom. In the time that I have worked there are patio has been closed and it's been very disappointing. We have a constant flow of guests who come in and want to run events or just enjoy the back patio for simple beautiful day in the city and then are not able to and are always disappointed because of it. As you know living in San Francisco we get very few days of beauty and sunshine, we also have a large majority of pet enthusiast as well. Without access to our patio it limits these kind of guests to our business. If the patio was available it would add to supporting our pet friendly customers and just add to the ambiance businesses give our lovely city. I am hoping you will approve our patio opening for all visitors and residents of San Francisco to experience a business thriving and alive here in our town.

--

Deena Brooks
Trademark SF
(818) 427-5192

Flores, Veronica (CPC)

From: Lopez, Maria <maria.lopez@paradigmcorp.com>
Sent: Friday, November 30, 2018 4:00 PM
To: Flores, Veronica (CPC)
Cc: deenatrademarksf@gmail.com
Subject: FW: Patio Support Statement

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Thanks,

Maria Lopez
Front Desk Coordinator/Receptionist | Paradigm Outcomes
1277 Treat Boulevard, Suite 800 | Walnut Creek, CA 94597
p: 925.676.2300 | f: 925.680.4469
maria.lopez@paradigmcorp.com

[Blog](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#) | [Facebook](#)

From: Lopez, Maria
Sent: Friday, November 30, 2018 2:59 PM
To: 'deenatrademarksf@gmail.com' <deenatrademarksf@gmail.com>
Subject: Patio Support Statement

Hello,

My concerns not having patio is customer always ask for it, especially in the summer time it is a great environment to be outside and enjoy the San Francisco air. As well it hurts the income of the company and workers due to having more of a volume of customers if we had the patio open. Thank You!

Kindly,
Maria Lopez
Front Desk Coordinator/ Receptionist | Paradigm Outcomes
1277 Treat Boulevard, Suite 800 | Walnut Creek, CA 94597
p: 925.676.2300 | f: 925.680.4469
maria.lopez@paradigmcorp.com



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Flores, Veronica (CPC)

From: Deena Brooks <deenatrademarksf@gmail.com>
Sent: Friday, November 30, 2018 4:01 PM
To: Flores, Veronica (CPC)
Subject: Patio Support Letter

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

Hello,

My name is Deena, I am the bar manager at Trademark and Copyright, and let me tell you: I love my job.

I recently moved to San Francisco, and moving to a new city means finding new friends and community. Since I started working here at Trademark, I have made a handful of really genuine, heartwarming connections with our guests, and I am primarily referring to the neighbors on our block. This bar is more than just a bar. It is a place to gather, connect, and build relationships within our community. I firmly believe that part of the responsibility of any business is to contribute and bring value to it's neighborhood. Trademark does that extremely well.

Because we are so involved and connected in the neighborhood, this sports bar draws a crowd. At the moment, the only seating we have available for our guests is limited to indoors. Turning away great people who just want to sit and relax with their loved ones because we don't have enough seating for them is unfortunate. It's especially upsetting when the patio catches their eye and I am asked if they can sit out there. "No, I am so sorry. We are not allowed to use the patio at the moment out of respect for our neighbors." They admire our respect for our neighbors, however they are still in need of a place to gather, and unfortunately our limitations make it extremely difficult for us to deliver this.

Having more space to accommodate the crowd will make a positive impact on the business, which will have a huge impact on our employees and their income (our employees pay their rent with the tips they earn). We have created a great work environment for our employees, however the business we have lost as a direct result of our patio being closed threatens our ability to ensure they will be making enough money to afford the cost of living in a city like San Francisco. Yes, we want the business to be successful, however our employees are our family, and we would like to see that the jobs we have created survive.

Thank you for giving us the hope of opening our patio, and I am looking forward to seeing a happy ending for us all at Trademark, and for the neighborhood as a whole.

Deena Brooks

--

Deena Brooks

Flores, Veronica (CPC)

From: Max McBride <max.b.mcbride@gmail.com>
Sent: Friday, November 30, 2018 4:39 PM
To: Flores, Veronica (CPC)
Subject: Re: Letter of support for Activating Trademark's Patio

November 30, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

I would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

As an employee of Trademark and Copyright, it's very important to me that we re-open the patio. It's no news to anyone how expensive the cost of living is in the Bay Area, and especially San Francisco. Our patio is a big pull for our potential guests, and losing out on that money has had a noticeable impact on our total sales over the last year, much to the chagrin of practically everyone on staff. Being able to bring in more business and accommodate a larger crowd would definitely ease the economic burden of living and working in such a high-rent city.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other business in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

Trademark has taken in the comedians that were displaced when BrainWash closed, offering them free use of their speakeasy for comedy events. Trademark offers free use of it's space to customers and the community for neighborhood meetings, bridal showers, craft shows, and works with non-for-profits to give them a percentage of the bar for any charity mixer that is held in the space.

While we understand that having guests assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in.

Sincerely,

Max McBride

1241 Regent Street, Unit D
Alameda, Ca 94501

Flores, Veronica (CPC)

From: Barry Taranto <barryto@pacbell.net>
Sent: Friday, November 30, 2018 4:54 PM
To: Flores, Veronica (CPC)
Subject: 2018-008372CUA

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

Dear Ms. Flores,

I am adding my support to this application requesting use of this venue's outdoor patio for events and patron use.

I found the owners and staff extremely helpful and cooperative as the organizer of USC game-watch gatherings during the 2018 football season.

Trademark Sports Bar welcomed guests of the USC Alumni Club of San Francisco for several of their Saturday game watches with great service and courtesy. The bar and food service staff ensured that customers felt at home during the viewing parties and reserved space for us on short notice.

The staff demonstrated responsibility and care in how guests were treated and helped maintain decorum throughout the venue. Opening up the patio would add to the camaraderie created by the coziness of the venue.

Barry Taranto
Game-Watch Coordinator
USC Alumni Club of San Francisco

[Sent from Yahoo Mail on Android](#)

Flores, Veronica (CPC)

From: Colin Kenney <ckenney88@gmail.com>
Sent: Saturday, December 1, 2018 4:14 PM
To: Flores, Veronica (CPC)
Cc: Kingston Wu
Subject: Trademark and Copyright Patio

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

To whom it may concern,

Hello! My name is Colin Kenney and Ive been an employee of Trademark and Copyright since they opened over a year ago. I'm writing this letter to express my concern over the closing and potential reopening of the patio. First off I would like to mention what a lovely patio it is. Ive been to plenty of bars in the city with "patios" that are little more then dirty back yards. The owners of Trademark and Copyright really care about this space and that is evident in how inviting a space they have made. With its large mural and comfortable seating this space was supposed to be the crown jewel of this bar and a meeting place for the community and now is stands empty.

About three times a day or more if the weathers nice I have to explain to frustrated and bewildered customers why such a great space is empty and they are barred from entering it. I have to explain to them that yes the other businesses that previously used this space did have a patio and yes through all of the permitting process concern for the use of this space was never raised by the city. But because of a very small number of neighbors whom we have tried to be good neighbors to by limiting the patio operating hours from 11 am to 9pm, by not having any music outside, their complaints and honestly speaking creepy recording of us and our patrons and posting these videos online has closed the patio. I usually tell my customers that I would like nothing more then for them to sit outside on our patio with a drink and a burger while they enjoy a good book or the company of friends but a few unreasonable people will not allow them such a simple thing.

So many unique places are closing their doors all over San Francisco. Since Ive worked in this neighborhood City Beer Store and Brainwash have closed. Both of these businesses where unique places that helped define this neighborhood. Copyright helped save Brainwash's comedy night by taking them in but the continued success of this business is directly linked to being able to open the patio again.

When i think about what makes any city great it is the unique night life and community spaces that make it great, not the apartments or landlords. Please put the things that make this city great first or soon we will have the prettiest, quietest and most boring city in the country.

,
Sincerely,
Colin Kenney

November 28th, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

My name is Michael Vuong, Clubhouse Director of the Boys & Girls Clubs of San Francisco, Tenderloin Clubhouse. Our Clubhouse serves nearly 120 youth every day in programs ranging from education programs, leadership and character development, community building, and more. Over the course of the last few years, each Clubhouse has been working hard to hold their own fundraisers and bring in additional funds in order to continue doing great things. Trademark Sports Bar was a major partner for us this past October and hosted a special fundraiser at their location, free of cost. In working with their staff, we were able to cross promote, bring in supporters of both of our causes, and create a friendly, safe, and community driven environment. Through our collective efforts, money was donated to help our Clubhouse continue to do great work with a community that truly needs AND deserves it. Additionally, the staff have been nothing but kind to us, offering to have us back anytime we needed.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other businesses in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The businesses head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are group that is connected to, and cares about its customer base.

Trademark has taken in the comedians that were displaced when BrainWash closed, offering them free use of their speakeasy for comedy events. Trademark offers free use of it's space to customers and the community for neighborhood meetings, bridal showers, craft shows, and works with non-for-profits to give them a percentage of the bar for any charity mixer that is held in the space.

While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in.

Sincerely,

Michael Vuong
Clubhouse Director
Boys & Girls Clubs of San Francisco
Tenderloin Clubhouse
115 Jones Street
San Francisco, CA 94102
T: 415.516.2320
E: mvuong@kidsclub.org
W: <http://www.kidsclub.org>

To:

Veronica Flores: Planner
San Francisco Planning Department
<veronica.flores@sfgov.org>

Regarding:

Trademark Conditional Use Authorization
1123 Folsom Street
San Francisco, CA 94103
Planning Record # 2018-008372CUA

From:

Gerald Wolf
Owner 50 and 60 Hallam
Email: Wolf Gerald <wolfgk@earthlink.net>
Phone: 415-626-6650

Dated: November 30th, 2018

Petition: Against the Granting of Conditional Use Authorization

For: Trademark Sports Bar and Eatery

With: 20 residents names opposed and attached

Followed by: 20 emails stating objections

Let it be known:

We, the undersigned residents of Hallam street in San Francisco, strongly oppose any permit which would grant the establishment known as Trademark general use of the open patio area at said establishment. Our opposition is based on the grounds that the open air patio environment creates conditions which produce excessive noise.

The patio is adjacent to the rear yards of the Residential Enclave District zone located between Hallam and Langton streets. We believe as long as the patio is used in its present open configuration by any entertainment establishment, aggravating and unreasonably loud noise levels will continue to persist unabated.

The close proximity of the patio to the open courtyards and homes of the residential area causes sound to travel unimpeded throughout the rear yards and beyond. Loud noise coming from that patio area can be heard around the neighborhood. Noise from crowds, music, and activities taking place at Trademark and its predecessors has been a repeated source of grief for the residents and a point of contention for many years in the past. This noise issue takes a day to day toll on the quality of life of the residents of this community.

If the commission grants this authorization it will only assure the continuation of outdoor activities and associated disturbing noise levels potentially until 9PM every night. This is a serious nuisance we have endured for years and we would like it to end.

We are also aware that there is a petition in circulation supporting the reopening of the patio. However, we would like to point out that the vast majority, if not everybody, signing the petition do not live in close proximity of Trademark. They will not suffer the consequences of granting the conditional use authorization of the outdoor space.

We believe the time has come for the owners of the Trademark establishment to find a permanent solution to the noise problem created by the commercial use of the open air patio in the property. We would like to encourage the owners of Trademark to build a proper and permanent roof enclosure with sound proofing that would contain crowd noise and music sound in a reasonable way. We would also like to take this opportunity to ask the planning commission to look favorably on granting such a construction permit that would solve this problem once and for all.

But as it is now, we respectfully request the commission deny the conditional use permit application.

Thank you for your consideration.
Respectfully,

Gerald Wolf

And:

Michael Smith, 7 Hallam Apt #1A
Trevor Edmonds, 7 Hallam Apt #1C
Chris and Renee Jue, 7 Hallam Apt #2A
Andrew Lee, 7 Hallam Apt #2B
Steve Jeffe, 7 Hallam Apt # 2C
Janice Leong, 7 Hallam Apt #3C
George and Rebecca Soler, 7 Hallam Apt #3A
Haz Patel, 10 Hallam (ABV Inn)
Cindy Casey, 33 Hallam
Dan Dokovna, 35 Hallam
Donald MacDonald, 41, 43, 61, 65 Hallam
Sarah Zins, 45 Hallam
Seth Goldstein, 47 Hallam
Jason Brenier & Abigail Kroch, 49 Hallam
Gerald Wolf, 50, 60 Hallam
Randall Sexton, 63 Hallam
Adam Nedelman, 65 Hallam
Jeff Tobler, 67 Hallam
Rob Spoor, 69 Hallam
Nadine Defranoux, 71 Hallam

Emails

Regarding: Trademark Conditional Use Authorization
20 emails from neighborhood residents opposed

Listed by property addresses from low to high on Hallam

Michael Smith <msmithtransit@gmail.com> 7 Hallam #1A

I'm opposed to the permitting of the outdoor use of the space at night.
It was a huge problem when other businesses had an outdoor area with loud people. Giving Trademark the ability to have a noisy outdoor area is simply not acceptable.

Mike

Trevor Edmonds <tjedmo@gmail.com> 7 Hallam #1C

Thanks so much for bringing this to my attention. I may be one of the closest to trademarks patio and have already been disturbed by them many times. I have called the cops probably about 10 times to complain about noise on their patio.

I am 100% absolutely opposed to this and will be willing to do whatever it takes to make myself heard.

That bar already creates a really annoying scene on Folsom by getting people way too drunk and rowdy late on Friday and Saturday night and we suffer from the remnants of their antics the following mornings. I do not want them to be enabled any more.

Best,
Trevor

Andrew Lee <drew2cell@gmail.com> 7 Hallam #2B

Opposed as well...

Steve Jeffe <steve.jeffe@gmail.com> 7 Hallam #2C

I'm concerned as well
Thank you

Janice Leong <janice.lk@sbcglobal.net> 7 Hallam #3C

We too, oppose this outdoor patio plan.

It is so aggravating every MarchMadness and sport championship matches in the past, as it is...hooting and hollering. Activity on the patio into wee hours is intolerable, not to mention bad karaoke. Thank you.

Janice and Henrik

Soler George <gs@gsoler.com> 7 Hallam #3A

Hello all,

Yes I am concerned about it.

I am planning to go to the public hearing,

George

Haz Patel <info@abvisoma.com> 10 Hallam (Hotel)

Count us in, we would like to oppose out door patio plan.

10 Hallam st

Thanks

Haz

Casey Cindy <cindycasey3@gmail.com> 33 Hallam

HORRIBLY Worried - I can not even think when they have the football games on now. I would completely object - they need to be required to cover the patio, just like Julie's Supper Club did in order to have activities outside. Especially at night.

Sound amplifies and comes straight into our homes, it is louder due to the amplification caused by the concrete floor and walls than one would think.

PLEASE - PLEASE make a request to stop this - I would be all over it if I were home

Dan Dokovna <ddokovna@gmail.com> 35 Hallam

I am opposed to the re-permitting the space. They tried to "keep quite" before but it sounds like a party is going on in my back yard. Unless the patio space is covered with sound absorbing material the sound just carries down the easement.

Didn't we already fight something like this with the proposed building on 7th on the Raw Hide lot?

Daniel Dokovna

MacDonald Donald <dmd@dmdarch.com> 41, 43, 61, 65 Hallam
Gerald:

I'm absolutely opposed to the use of the outside patio

D o n a l d M a c D o n a l d , F A I A

m a c d o n a l d
a r c h i t e c t s
1516 folsom street
sf, ca 94103 usa
415.626.9100 (t)
415.626.9296 (f)

Zins Sarah <sarah.zins@gmail.com> 45 Hallam

Adele and I live far away now, but our tenants are friends and I don't believe they (or any resident) would want this. Feel free to add my name and email to any complaint or action if you need it, but I unfortunately can't come to any meetings/hearings. ;)

Sarah @ 45 Hallam

Goldstein Seth <sethgoldst@gmail.com> 47 Hallam

Tom DeCaigny <tdecaigny@gmail.com> 47 Hallam

We're opposed as well. Thank you for bringing this to our attention, Jerry.

-Seth & Tom, 47 Hallam

Brenier Jason <jbrenier@gmail.com> 49 hallam

Abigail Kroch <aekroch@gmail.com> 49 Hallam

WE ARE OPPOSED...

Gerald Wolf <wolfgk@earthlink.net> 50, 60 Hallam

Use of the outdoor patio would be permanent and until 9PM 7 days a week.

It would be a big interference into all our lives living close to this.

They should be required to put a cover over it for use.

Gerald

Sexton Randall <rsdesign@pacbell.net> 63 Hallam
I am absolutely opposed to the outdoor use permit.
Best,

Randall Sexton
63 Hallam Street
San Francisco, CA 94103-3906
USA

415-516-2143

Nedelman Adam <adam@x31.net> 65 Hallam (Renter)
I know the bar owners well enough to know they want to make money. I get that. But it will be at the expense of our peace. No peace. This outside venue should not be allowed to disrupt the lives of 50+ residents **every night** for as long as they can afford the lease.
It will be loud, and it will affect all of us within range.
Adam

Tobler Jeff <jtobler@sideman.com> 67 Hallam
Me too. Opposed...

Jeffrey E. Tobler
Billing Coordinator

Sideman & Bancroft LLP
One Embarcadero Center
Twenty-Second Floor
San Francisco, CA 94111

Main: 415.392.1960
Fax: 415.392.0827

jtobler@sideman.com
Visit us at www.sideman.com

Spoor Rob <RobGemini@aol.com> 69 Hallam
I'm out of town until early next week, and cannot attend the Dec. 13th hearing.
Absolutely Opposed! (For all the reasons already mentioned by my fellow friends and neighbors.)

Rob Spoor
69 Hallam
San Francisco CA

Defranoux Nadine <defranouxnadine@yahoo.com> 71 Hallam

Of everyone in the group I am probably one who is furthest away from the patio/outdoor space and would thus be less affected by the noise. However there is no such thing as no impact in this case. This is going to be an intrusion in our quiet enclave with a potential to greatly affect the quality of life of everyone around and thus changing the nature of our neighborhood and affecting its value. We all cherished living in our dead-end alleys because they offer quiet in the middle of a busy corridor. Their intent to stop the noise at 9PM could appear acceptable at first but it is really not as it would be 7 days a week. Our quality of life is already being greatly impacted by the recent and coming changes and I don't think we need any additional aggravation. They have enough place to keep the sound inside.

Thank you for bringing that to our attention
Nadine

Chris Jue <jue0613@gmail.com> 7 Hallam #2A
We are opposed as well.

Chris

END

Done Letter of Support - 1123-1127 Fols...



November 30, 2018

Veronica Flores, Planner
Southeast Team, Current Planning Division
San Francisco Planning Department
1650 Mission Street, Suite 400 S
San Francisco, CA 94103

RE: Letter of Support for Activating Trademark's Patio

Dear Ms. Flores

I am writing this letter of support for Trademark Sports Bar, a business located at 1123 Folsom Street, San Francisco, CA 94103.

We would like to support Trademark's pursuit for a conditional use authorization to utilize their patio as a seating and event space for their customers.

I met Kingston and his other partners when the build-out for the business was happening. I was happy to know that they are all very committed to building community, which is something that is very important to me. I've seen many changes in this neighborhood since I moved in nearly 15 years ago. And they have stayed true to their word. They have even allowed me to host events in the Copyright space, which has allowed me to grow in my business as well.

As the captain of our neighborhood watch group, I believe that Trademark & Copyright have brought great energy to our neighborhood and I wish for them to continue their success and contributions to our community.

Trademark has been a good member of the community since it has opened to the public. Unlike some businesses that only open on 'busy nights', Trademark is open 7 days a week, providing a safe, nicely programmed space to eat, drink and socialize with coworkers, friends and family.

Trademark is operated by an active ownership team that live in the neighborhood, work in San Francisco, and own other businesses in the City. Two owners help run the daily operations of the business. Another does the accounting and special events. The business's head chef has worked under Michael Mina and also helps to run the food program at EventBrite. Collectively, they are a group that is connected to, and cares about its customer base.

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While we understand that having customers assemble in an open air environment can create noise, we strongly believe that the business owners will utilize the patio in a responsible manner for the benefit of their customers and the community it resides in.

Sincerely,
Jessica Parui
General Manager
Akiko's Restaurant & Sushi Bar