



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

September 19, 2016

Philip Lesser
MX3 Ventures
555 Laurel Avenue #501
San Mateo, CA 94401

Site Address:	3140-3150 16 th Street
Assessor's Block/Lot:	3555/018
Zoning District:	Valencia Street Neighborhood Commercial Transit
Staff Contact:	Doug Vu, (415) 575-9120 or Doug.Vu@sfgov.org
Record No.:	2016-007387ZAD

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

Dear Mr. Lesser:

This letter is in response to your request for a Letter of Determination regarding the property at 3140-3150 16th Street. The subject parcel is located in the Valencia Street NCT (Neighborhood Commercial Transit) District, Mission Alcoholic Beverage SUD (Special Use District), Fringe Financial Restricted Use District and 55-X Height and Bulk District. The request is for a determination regarding the property's potential use as three restaurants at the ground floor and event center with bars at the second floor and roof of the building, as described in your June 2, 2016 letter. You also requested a determination for operating a movie theater at the roof level of the event center.

3140-3150 16th Street is a square shaped property located at the northeast corner of 16th and Albion Streets that was developed in 1920 by the R. J. Taussig family with a two-story, 20,400 sf, six-bay, reinforced concrete commercial building. The structure was designed by the architect Joseph Lemley Stewart in the Beaux Arts style that is one of a group of commercial and residential over commercial properties along the 16th Street corridor that are locally significant because they embody the distinctive characteristics of a type and period of construction with significance during the reconstruction of the Mission after the 1906 earthquake. There is a long standing importance of 16th Street in the social importance in the Mission dating back to the 1780s and the construction of the Mission Dolores. In the 1850s, the street was known as Center Street, and was the main access to the mission from the bed of Mission Creek, and developed into the social and commercial center of the Inner Mission by the 1880s. The 16th Street strip has continued to be important in commerce and social activities to this day. The subject property appears to be in good structural and material condition that has been unchanged from the time it was constructed. It is currently being used as an automotive repair shop dba Superior Auto Body. Within the Valencia NCT, an automotive repair shop is permitted with a conditional use at the ground floor and prohibited above the ground floor. As such, the existing use is a non-conforming use on the second story.

The development controls for the Valencia Street NCT are designed to promote neighborhood-serving commercial development mainly at the ground story, with limited offices and general retail sales at the second story of new buildings under certain circumstances. Most commercial uses are prohibited above the second story, and in order to protect the balance and variety of retail uses and the livability of adjacent uses and areas, most eating and drinking and entertainment uses at the ground story are limited.

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It should be noted that because the subject building was originally constructed for a single tenant it is eligible for review under Planning Code Section 186.2. This section allows any use which is permitted as a principal or conditional use at the first story to also occupy the upper story as a nonconforming use as provided in Section 186.1(b) if the use occupies all stories as a single tenant and obtains a Conditional Use Authorization.

Pursuant to Planning Code Section 726.21, each proposed restaurant at the building's ground floor is principally permitted up to 2,999 sf in area, but would require a Conditional Use (CU) Authorization for each restaurant that is 3,000 sf or more in area. Regardless of the existing size or area of the current use, these use size limitations apply to the subject property.

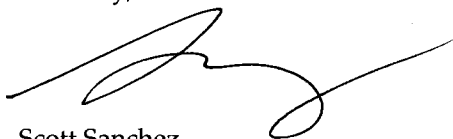
The property at 3140-3150 16th Street is also located within the Mission Alcoholic Beverage SUD that permits restaurants under Section 790.91 to serve alcoholic beverages when operating as a bona fide eating place, as defined in Section 790.142. Restaurants within the Mission Alcoholic Beverage SUD may obtain the necessary liquor licenses that are transferred from within or outside the SUD.

In regards to the second story "event center", such use would generally be prohibited in the Valencia Street NCT except for that which may be allowed pursuant to the provisions of Section 186.2. Likewise, any Bar use on the second story could only be permitted through the provisions of Section 186.2. Any such bar must obtain a liquor license that is transferred from another bar within the Mission Alcoholic Beverage SUD and also receive a CU Authorization under Section 249.60(b). Any use of the rooftop would for the event center would be considered to be an Outdoor Activity Area and require Conditional Use Authorization per Section 726.24.

Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott Sanchez
Zoning Administrator

cc: Property Owner
BBN Holder (if any)
Neighborhood Groups

June 2, 2016

R# 2016-007387 ZAD
CK# 6953 \$ 645. -
R. SUCRE (SE)

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JUN 03 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Mr. Scott Sanchez
Zoning Administrator
San Francisco Planning Department
1650 Mission Street
Suite 400
San Francisco CA 94103

Re: Requested Letter of Determination – Change of Use at 3140-50 16th Street (3555/018)

Dear Mr. Sanchez,

MX3 Ventures would like a determination from your office as to the permissibility of operating three full-service restaurants at the ground level and an event center with bars on the second and roof levels at its building located at 3140-50 16th Street, San Francisco. The roof level would also have an operative movie screen. The bars would only be operative when the event center is being utilized.

The concrete two-story structure erected in 1926 on this site was previously utilized for automotive repair. It is now vacant.

The structure has total lot coverage. The recorded parcel and building areas are 10,214 and 20,400 square feet respectively. It is listed as having an “A” historic resource status for being a contributor to the 16th and Valencia Post-Fire Historic District.

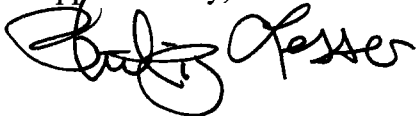
The specific determinations that are sought pertain to the change of use and associated alcohol-service as well as spatial limitations:

- 1) Three full-service restaurants (per Sections 790.91 and 790.142) are proposed for the first story, which contains total lot coverage. Is this use “as of right” given that the building size exceeds use-size limits?
- 2) Can liquor licenses be transferred from “within the *MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT* SUD as well as licenses transferred from outside the SUD” per SEC. 249.60 (b) & (1) (A) for these full-service restaurants?
- 3) An event center with full dining service is proposed for the second story, which also contains total lot coverage. Is that use limited to a mezzanine area or can the entire second-floor plate be utilized for this purpose?
- 4) Can a subsidiary bar, utilized only during events be located on the mezzanine or second floor? Would that be “as of right” or would a conditional-use permit be required?
- 5) Can the rooftop be activated to include the full-dining event center with another subsidiary bar utilized only during events?

- 6) Can the rooftop also be activated with a screen showing continuous black and white movies? Would that activity fall under SEC. 790.64 (Movie Theater) and be permitted as a "conditional use"?
- 7) Would the events center fall under SEC. 249.60 (1) (B) Non-Profit Theaters? If so, would it be eligible to use liquor licenses transferred from within the SUD as well as licenses transferred from outside the SUD?

Feel free to have your staff contact me for any additional information that may be needed during the determination process.

Appreciatively,



Philip Lesser
For MX3 Ventures
555 Laurel Avenue, #501
San Mateo CA 94401

phnsan@msn.com
(650) 346-2903 cell

Attachments: \$645 Check for Written Determination Fee
Photograph of 3140-50 Mission Street Building

