



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JUNE 20, 2013

Date: June 13, 2013
Case No.: **2012.1356 C**
Project Address: **2100 MARKET STREET**
Zoning: Upper Market Street Neighborhood Commercial Transit District
40-X/60/65-X Height and Bulk District
Block/Lot: 3542/041
Project Sponsor: Lisa Burbey
Chipotle Mexican Grill, Inc.
c/o Messner & Reeves, LLC
1430 Wynkoop Street, Ste. 300
Denver, CO 80202
Staff Contact: Adrian C. Putra – (415) 575-9079
adrian.putra@sfgov.org
Recommendation: **Disapproval**

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PROJECT DESCRIPTION

The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 703.4 to allow a formula retail use operating as a restaurant (d.b.a. Chipotle) at a vacant commercial building previously occupied by a restaurant (d.b.a. Home). The proposed formula retail restaurant would offer Chipotle's standard menu of burritos, tacos, and salad featuring pork, beef, chicken, and vegetarian fillings. Additionally, this proposed Chipotle location would offer alcoholic beverages in the form of bottled beers and margaritas. The project would not increase the exterior dimensions of the existing building, but would involve interior tenant improvements and façade alterations. The project would occupy approximately 3,467 square-feet of floor area and establishing an approximately 611 square-foot outdoor seating area directly adjacent to the west of the building where there is currently a partially enclosed storage area proposed for removal. The outdoor seating area would be screened from view from Market Street behind an 8'-0" high solid wall that the project sponsor intends to turn into a public art mural. The proposed hours of operation would be from 11:00 AM to 10:00 PM daily, which are Chipotle's standard operating hours.

Chipotle is based in Denver, Colorado and has approximately 1,200 locations nationally, nine of which are located in San Francisco. The nearest existing Chipotle location is approximately two miles away at 865 Mission Street, inside the Westfield San Francisco Centre.

SITE DESCRIPTION AND PRESENT USE

The project site at 2100 Market Street is a triangular lot that faces the northwest corner of Market and Church Streets, and contains a commercial building which is currently vacant, but was last occupied by a

restaurant use (d.b.a. Home) in 2011. The project site contains approximately 9,490 square-feet in lot area, with approximately 129-feet of frontage along Market Street, 11-feet of frontage along Church Street, and 141-feet of frontage along 14th Street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Upper Market Street NCT District, which is part of the Upper Market Street corridor along Market Street between Castro and Church Streets. Commercial uses located within the neighborhood include restaurants, bars, various retail establishments, financial services, and personal and professional service uses, and dry cleaners. Surrounding this neighborhood commercial corridor in the adjacent blocks are mostly residential dwellings in residentially zoned districts. The immediately adjacent to the west of the project site and facing Market Street is a three-story, mixed-use building containing two residential flats above a formula retail, financial service (d.b.a. Sterling Bank & Trust) at the ground floor.

ENVIRONMENTAL REVIEW

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

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 31, 2013	May 31, 2013	20 days
Posted Notice	20 days	May 31, 2013	May 31, 2013	20 days
Mailed Notice	20 days	May 31, 2013	May 31, 2013	20 days

PUBLIC COMMENT

- In support of the project the Department has received in the following: A letter of support from the Merchants of Upper Market & Castro (MUMC), a letter of support from the Castro/Upper Market Community Benefit District (Castro CBD), 34 letters/emails of support from local merchants, 48 letters/emails of support from the public, a petition of support with 34 individual signatures from local merchants, a petition of support with 1,661 signatures, and 69 public supporter cards.
- In opposition to the project the Department has received in the following: A letter of opposition from the Duboce Triangle Neighborhood Association (DTNA), 10 letters/emails of opposition from local merchants, 3 letters/emails of opposition from the public, and a petition of opposition with 255 signatures.
- Additionally, the Department is aware of an online petition in support to the project with 433 signatures, and another online petition in opposition to the project with 773 signatures.

ISSUES AND OTHER CONSIDERATIONS

- The Upper Market Neighborhood from Octavia Boulevard to Castro Street is currently experiencing a tremendous amount of transformation, with close to 1,000 units of new housing and thousands of square feet of commercial space currently under construction or entitled. The majority of these new projects are on corner lots that will provide large and prominent ground floor commercial spaces that are attractive to formula retail, with some of these locations already leased to formula retail uses.
- With regard to Conditional Use authorizations for Formula Retail Uses the Commission is required to consider, among other criteria, the existing concentrations of formula retail uses, the availability of other similar retail uses, the existing retail vacancy rates within the District.
- The Commission recently adopted a policy that established a standardized method for determining the existing and appropriate concentration of formula retail uses in the Upper Market Neighborhood that extends from Octavia Boulevard to Castro Street. The policy requires the Planning Department to recommend disapproval of any project that brings the concentration of formula retail within 300 feet of the subject property to 20% or greater, although the Commission still retains its discretion to approve or disapprove the project. There are currently 10 Formula Retail Uses that include Sterling Bank & Trust, Ace Hardware, Walgreens, Crossroads Trading, Good Feet, Safeway, Jamba Juice, Starbucks, GNC, and Mike's Camera that occupy approximately 873.7 linear feet of commercial frontage within 300 feet of the project site, resulting in an existing formula retail concentration of approximately 27%. The project would increase the formula retail commercial frontage to 1154.7 linear feet, which would increase the concentration of Formula Retail Uses to approximately 36% within 300 feet of the project site.
- Other formula retail uses located within the Upper Market Street NCT beyond 300 feet of the project site include: Peet's Coffee & Tea, Wells Fargo Home Mortgage, Community – A Walgreen's Pharmacy, Chase Bank, Radio Shack, and Verizon Wireless.
- There are currently nine vacant commercial storefronts in the Upper Market NCT, including the project site.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow the establishment of a Formula Retail Restaurant within the Upper Market Street Neighborhood Commercial Transit District, pursuant to Planning Code Sections 303 and 703.4.

BASIS FOR RECOMMENDATION

- There are currently 10 Formula Retail Uses that occupy commercial frontage within 300 feet of the project site that include Sterling Bank & Trust, Ace Hardware, Walgreens, Crossroads Trading, Good Feet, Safeway, Jamba Juice, Starbucks, GNC, and Mike's Camera that occupy approximately 733.5 linear feet of commercial frontage within 300 feet of the project site,

resulting in a formula retail concentration of approximately 27%. The proposed Chipotle would further increase the concentration formula retail to approximately 36% within 300 feet of the project site.

- The Upper Market NCT is already well served by several nearby independently owned restaurants, Casa Mexicana at 180 Church, Taqueria El Castillito at 136 Church, and Chilango at 235 Church that already offer products that similar or identical to those offered by Chipotle.
- The Project would be detrimental to the neighborhood by occupying a prominent corner lot with a formula retail use that uses standardized color schemes, decor and signage that will detract from the distinctive character of the Upper Market Neighborhood which includes primarily local, independent retail businesses.

RECOMMENDATION: Disapproval

Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
Zoning Map
Site Photographs
Written Letters in Support of the Project
Written Letters in Opposition to the Project
Project Sponsor submittal
Reduced Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input type="checkbox"/> Housing Documents |
| | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input type="checkbox"/> Residential Pipeline |

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

ACP

Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Inclusionary Housing (Sec. 315) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Draft Planning Commission Motion

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ADOPTING FINDINGS RELATING TO THE DISAPPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 703.4 TO ALLOW A FORMULA RETAIL USE OPERATING AS RESTAURANT (D.B.A. CHIPOTLE) WITH AN OUTDOOR ACTIVITY AREA WITHIN THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, AND A 40-X/60/65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 26, 2012, Chipotle Mexican Grill, Inc. (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 303 and 703.4 of the Planning Code to allow a formula retail use operating as a restaurant (d.b.a. Chipotle) with an outdoor activity area within the Upper Market Street Neighborhood Commercial Transit District, and a 40-X/60/65-X Height and Bulk District.

On June 20, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1356C.

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

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

MOVED, that the Commission hereby **DISAPPROVES** the Conditional Use Authorization requested in Application No. 2012.1356C, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site at 2100 Market Street is a triangular lot located on the northwest corner of Market and Church Streets, and contains a commercial building which is currently vacant, but was last occupied by a restaurant use (d.b.a. Home) in 2011. The project site contains approximately 9,490 square-feet in lot area, with approximately 129-feet of frontage along Market Street, 11-feet of frontage along Church Street, and 141-feet of frontage along 14th Street.
3. **Surrounding Properties and Neighborhood.** The subject property is located in the Upper Market Street NCT District, which is part of the Upper Market Street corridor along Market Street between Castro and Church Streets. Commercial uses located within the neighborhood include restaurants, bars, various retail establishments, financial services, and personal and professional service uses, and dry cleaners. Surrounding this neighborhood commercial corridor in the adjacent blocks are mostly residential dwellings in residentially zoned districts. The immediately adjacent to the west of the project site and facing Market Street is a three-story, mixed-use building containing two residential flats above a formula retail, financial service (d.b.a. Sterling Bank & Trust) at the ground floor.

The Upper Market Street NCT District is located on Market Street from Church to Noe Streets, and on side streets off Market. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street Transit District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

This district is well served by transit and is anchored by the Market Street subway (with stations Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally, Market Street is a

primary bicycle corridor. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. The Upper Market Street district controls are designed to promote moderate-scale development which contributes to the definition of Market Street's design and character. They are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas

4. **Project Description.** The Project Sponsor seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 703.4 to allow a formula retail use operating as a restaurant (d.b.a. Chipotle) at a vacant commercial building previously occupied by a restaurant (d.b.a. Home). The proposed formula retail restaurant would offer Chipotle's standard menu of burritos, tacos, and salad featuring pork, beef, chicken, and vegetarian fillings. Additionally, this proposed Chipotle location would offer alcoholic beverages in the form of bottled beers and margaritas. The project would not increase the exterior dimensions of the existing building, but would involve interior tenant improvements and façade alterations. The project would occupy approximately 3,467 square-feet of floor area and establishing an approximately 611 square-foot outdoor seating area directly adjacent to the west of the building where there is currently a partially enclosed storage area proposed for removal. The outdoor seating area would be screened from view from Market Street behind an 8'-0" high solid wall that the project sponsor intends to turn into a public art mural.

Chipotle is based in Denver, Colorado and has approximately 1,200 locations nationally, nine of which are located in San Francisco. The nearest Chipotle location is located approximately two miles away at 865 Mission Street, inside the Westfield San Francisco Centre.

5. **Public Comment.** In support of the project the Department has received in the following: A letter of support from the Merchants of Upper Market & Castro (MUMC), a letter of support from the Castro/Upper Market Community Benefit District (Castro CBD), 34 letters/emails of support from local merchants, 48 letters/emails of support from the public, a petition of support with 34 individual signatures from local merchants, a petition of support with 1,661 signatures, and 69 public supporter cards.

In opposition to the project the Department has received in the following: A letter of opposition from the Duboce Triangle Neighborhood Association (DTNA), 10 letters/emails of opposition from local merchants, 3 letters/emails of opposition from the public, and a petition of opposition with 255 signatures.

Additionally, the Department is aware of an online petition in support of the project with 433 signatures, and another online petition in opposition to the project with 773 signatures.

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. **Restaurant.** Planning Code Section 733.44 states that a restaurant is permitted as a conditional use on the first story. A restaurant is defined in Section 790.91 as: a retail eating

or eating and drinking use which serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 41, 47, 49, 59, or 75); however, if it does so it shall be required to operate as a Bona Fide Eating Place as defined in Section 790.142. It is distinct and separate from a Limited-Restaurant as defined in Section 790.90.

It shall not be required to operate within an enclosed building pursuant to Section 703.2(b)(1) so long as it is also a Mobile Food Facility as defined in Section 102.34. Any associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in this Code.

The subject property contains a vacant commercial building that was previously occupied by a restaurant (d.b.a. Home) that operated with an ABC type-47 license, which allowed the sale of beer, wine and distilled spirits for consumption on the premises in conjunction with a bona fide eating place. The proposed Chipotle would continue to operate as a restaurant with an ABC type-47 license allowing on-site beer, wine, and/or liquor sales on the premises.

- B. **Outdoor Activity Area.** Planning Code Section 790.70 defines an Outdoor Activity Area as an area, not including primary circulation space or any public street, located outside of a building or in a courtyard which is provided for the use or convenience of patrons of a commercial establishment including, but not limited to, sitting, eating, drinking, dancing, and food-service activities. Planning Code Section 733.24 states that in the Upper Market Street NCT District an Outdoor Activity Area is principally permitted at the ground floor, if located at the front.

The project sponsor is proposing to add an Outdoor Activity Area at the front of the subject parcel facing Market Street and directly adjacent to the west of the subject building. The proposed outdoor activity area (17 feet wide by 24 feet, 1 inch deep) would be screened behind an 8'-0" tall solid wall that the project sponsor intends on turning into a public art mural.

- C. **Hours of Operation.** Planning Code Section 733.27 states that in the NC-S District maintaining hours of operation from 6:00 AM. to 2:00 AM. is permitted by right, and that hours of operation from 2:00 AM. to 6:00 AM. is conditionally permitted.

The project sponsor has indicated that the proposed hours of operation would be from 11:00 AM to 10:00 PM daily, which are Chipotle's standard operating hours.

- D. **Use Size.** Planning Code Section 733.21 states that a use size of up to 2,999 square feet is permitted by right.

The proposed formula retail restaurant would be located an existing commercial building and occupy approximately 3,467 gross square-feet of floor area. The project would not increase the use size of the existing building.

- E. **Parking.** Section 151 of the Planning Code requires a restaurant, bar, nightclub, pool hall, dancehall, bowling alley or other similar enterprise to provide one off-street parking space for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

The project site contains approximately 3,467 gross square-feet devoted to a restaurant with an outdoor activity area, and as a result the project does not require off-street parking spaces. However, the lot contains an existing parking lot with 10 off-street parking spaces.

- F. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses, including large fast-food restaurants, have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject storefront has a total of approximately 80-feet of frontage devoted to either to the entrance or window space fronting Market, Church, and 14th Streets. The project does not involve reducing the existing amount of street facing entrance or window space.

- G. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

Any proposed signage shall be subject to the review of the Planning Department and required to meet all provisions set forth in Article 6 of the Planning Code pending the approval of this application.

- H. **Formula Retail.** Planning Code Section 703.3 defines Formula Retail as a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

The proposed Formula Retail Restaurant would share a standardized array of merchandise, a uniform apparel, standardized signage and trademark with approximately 1,200 other existing Chipotle establishments.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does not comply with said criteria in that:

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

The project is not necessary because there are a number of similar establishments in close proximity to the subject property. Nor is the proposed use desirable in that it would introduce a formula retail use at a prominent corner building in a neighborhood characterized by independently-owned businesses.

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

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the project site is compatible with the pattern of development in the area, and the project will not change the size, shape or arrangement of the existing structure on the subject property.

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

Traffic conditions will not be significantly impacted by this project because the proposed use is a can be easily frequented via foot, cab, or public transportation, and is well served by the K, L, M and T streetcar lines.

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

The project is not anticipated to produce noxious or offensive emissions related to noise glare, dust and odor.

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

The project will provide new landscaping to the project site.

- 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. However, on balance the project is not consistent with the 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 a formula retail use and is not appropriate for the neighborhood. There are several nearby independently owned restaurants, Casa Mexicana at 180 Church, Taqueria El Castillito at 136 Church, and Chilango at 235 Church that already offer products that similar or identical to those offered by Chipotle.

- E. That the existing concentration of eating and drinking uses in the area should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject property. For the purposes of Section 303(p) of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

The existing total commercial frontage within 300 feet of the project site is approximately 3293.5 linear feet, and the existing concentration of eating and drinking uses (including the project site) within 300 feet of the project site is 623 linear feet, or 19%. Since, the project is a change of use from a restaurant to a formula retail restaurant it would not result in a net increase of commercial frontage within the Upper Market Street Neighborhood Commercial Transit District dedicated to eating and drinking establishments.

8. **Planning Code Sections 303(i) and 703.4** require Conditional Use authorization for the establishment of a Formula Retail Use in Neighborhood Commercial Districts. The Planning Commission shall consider the following criteria set forth in Section 303(i) in addition to the criteria set forth in Section 303(c):

- A. The existing concentrations of formula retail uses within the Neighborhood Commercial District.

The Commission recently adopted a policy that established a standardized method for determining the existing and appropriate concentration of formula retail uses in the Upper Market Neighborhood that extends from Octavia Boulevard to Castro Street. The policy requires the Planning Department to recommend disapproval of any project that brings the concentration of formula retail within 300 feet of the subject property to 20% or greater, although the Commission still retains its discretion to approve or disapprove the project. There are currently 10 Formula Retail Uses that include Sterling Bank & Trust, Ace Hardware, Walgreens, Crossroads Trading, Good Feet, Safeway, Jamba Juice, Starbucks, GNC, and Mike's Camera that occupy approximately 873.7 linear feet of commercial frontage within 300 feet of the project site, resulting in an existing formula retail concentration of approximately 27%. The project would increase the formula retail commercial frontage to 1154.7 linear feet, which would increase the concentration of Formula Retail Uses to approximately 36% within 300 feet of the project site.

Other formula retail uses located within the Upper Market Street NCT beyond 300 feet of the project site include: Peet's Coffee & Tea, Wells Fargo Home Mortgage, Community – A Walgreen's Pharmacy, Chase Bank, Radio Shack, and Verizon Wireless.

- B. The availability of other similar retail uses within the Neighborhood Commercial District.

As earlier stated, there are three other restaurants (Casa Mexicana at 180 Church, Taqueria El Castillito at 136 Church, and Chilango at 235 Church) within the Upper Market Street NCT that offer products similar or identical to Chipotle's menu offerings. Additionally, Casa Mexicana and Chilango are located within 300 feet of the project site.

- C. The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.

The project includes minor façade alterations to the existing structure, which is in keeping with the architectural and aesthetic character of the Upper Market Street NCT.

- D. The existing retail vacancy rates within the Neighborhood Commercial District.

There are nine retail vacancies within the Upper Market Street NCT, including the project site.

- E. The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

The proposed project could detrimentally alter the existing mix of neighborhood-serving retail uses within the Upper Market Street NCT due to the proposed restaurant offering a specific type of cuisine in an area where it has been demonstrated that such businesses already exist.

- 9. **General Plan Compliance.** The Project is, on balance, not consistent with the Objectives and Policies of the General Plan:

NEIGHBORHOOD COMMERCE

Objectives and Policies

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.

The proposed formula retail restaurant would negatively affect the diversity of this portion of the Upper Market Street neighborhood by adding a formula retail use at a prominent corner location which would erode the existing character of the area predominately made up of local, independently owned and operated businesses.

Policy 6.2:

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

The project would not promote the Upper Market Street NCT as a neighborhood commercial district which fosters small business enterprises and entrepreneurship by allowing a formula retail restaurant, which offers a particular good and service that is readily available in the neighborhood from existing small businesses.

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 does not comply with said policies in that:

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

The existing neighborhood-serving retail uses will not be preserved and enhanced, since many existing independently owned businesses in the neighborhood operate and/or provide goods similar in nature to the proposed business.

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

The project will not adversely affect existing housing. However, the project would introduce a formula retail establishment at a prominent corner building within the Upper Market Street NCT, and as a result will change the neighborhood character and economic diversity of this neighborhood.

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

The project will not impact the City's supply of affordable housing.

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

The project would not impede MUNI transit service, and is within close access to public transit as it is located in front of the Church Street MUNI station. Additionally, the project should not overburden the City's streets or neighborhood parking.

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 would create new service sector employment opportunities for local residents. However, the business qualifies as a formula retail use, thus preventing the establishment of a locally-owned business.

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

The project will comply with all applicable building codes to ensure the greatest possible preparedness in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The subject building is not a landmark or historic building, but is located within the potential Upper Market Street Commercial Historic District that extends from 14th Street to Noe Street. The proposed alterations will not expand the envelope of the building and will not have negative impact on the character and integrity of this potential historic district.

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

The project will not affect any existing parks or open space.

11. The Project is inconsistent with and would not promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would not contribute to the character and stability of the neighborhood and would not constitute a beneficial development.
12. The Commission hereby finds that approval of the Conditional Use authorization would not 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 **DISAPPROVES Conditional Use Application No. 2012.1356C** as submitted on October 26, 2012.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA, 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 20, 2013.

Jonas P. Ionin
Acting Commission Secretary

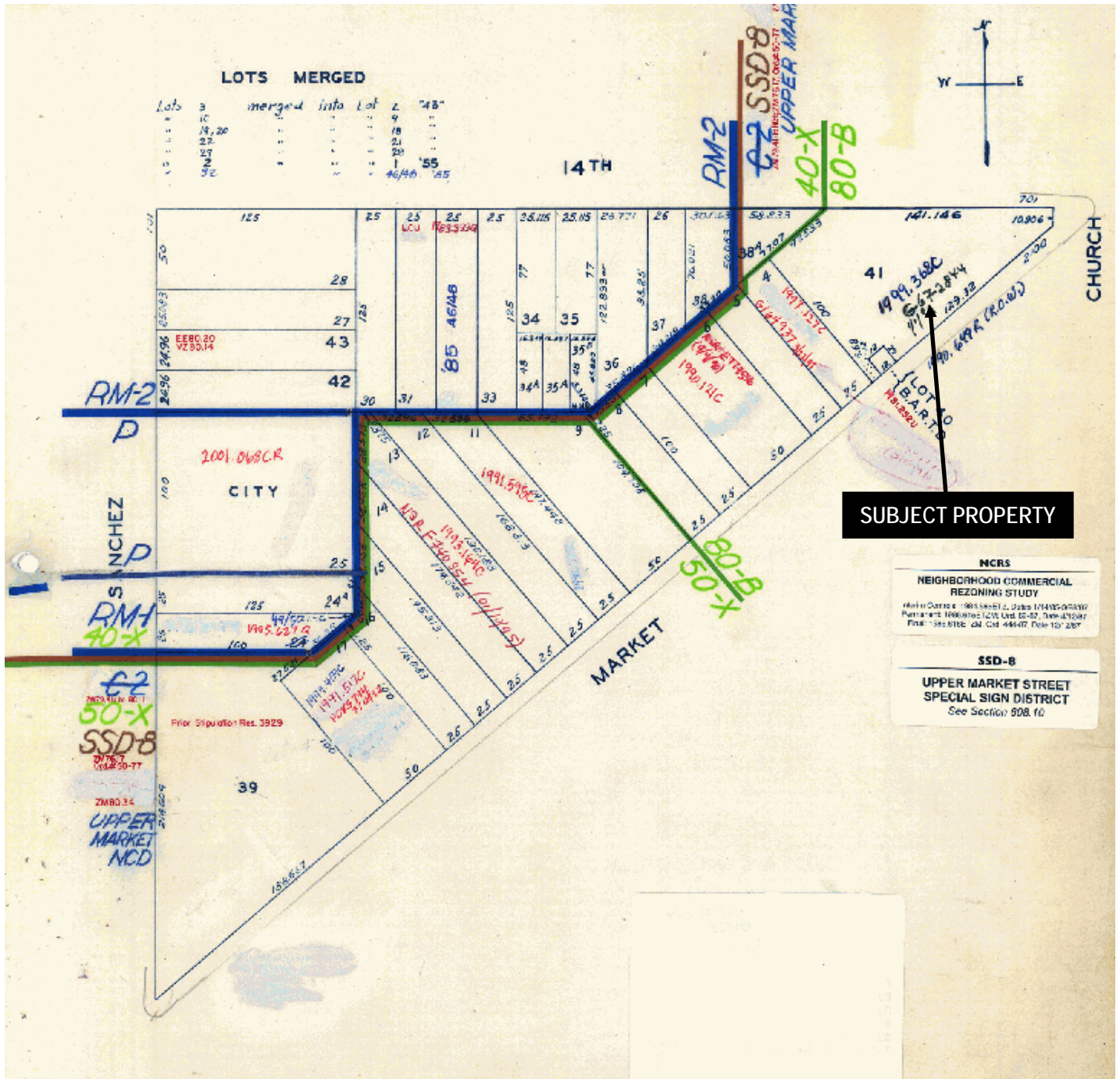
AYES:

NAYES:

ABSENT:

ADOPTED:

Parcel Map



SUBJECT PROPERTY

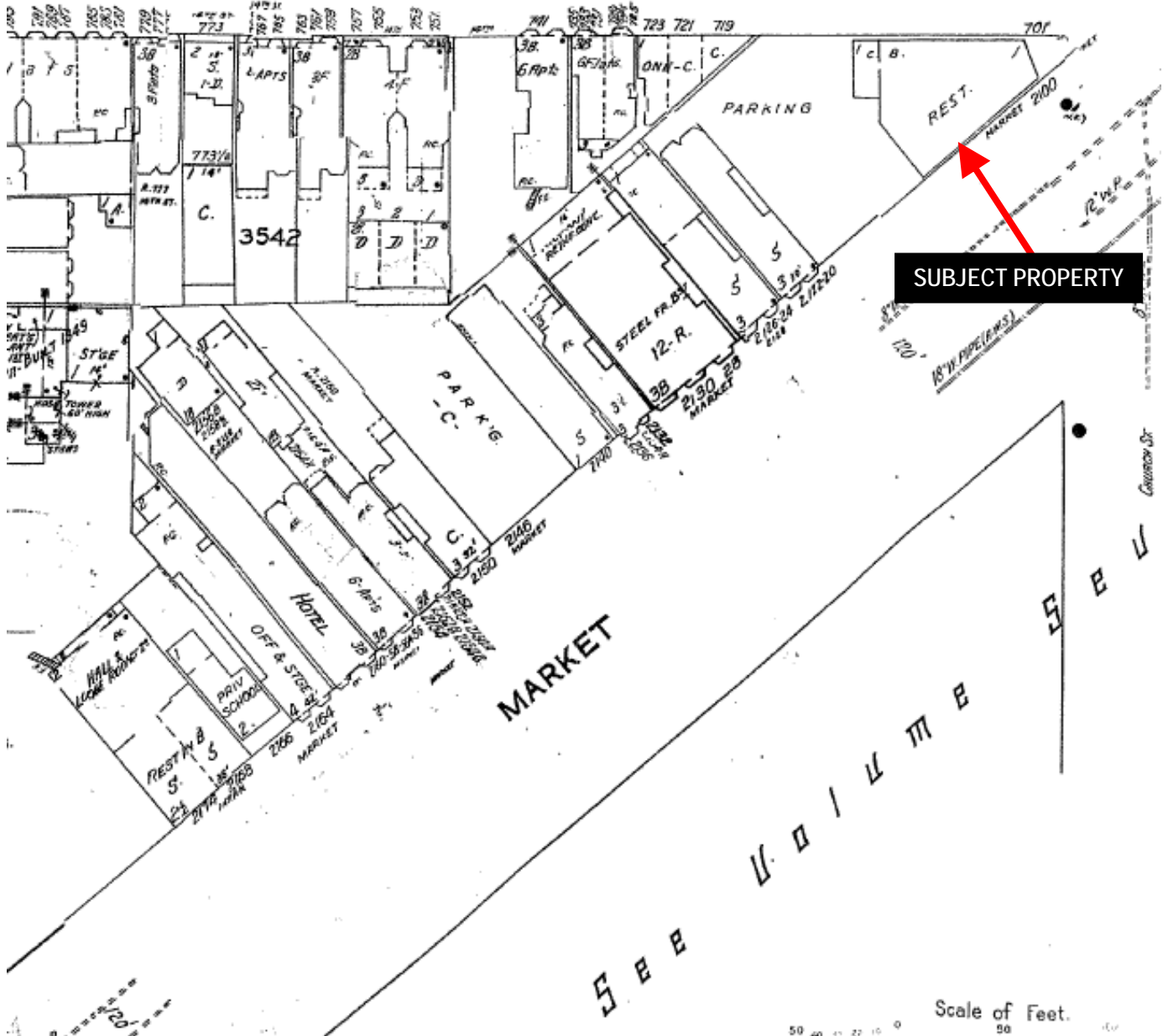
NCRS
NEIGHBORHOOD COMMERCIAL REZONING STUDY
 Map to Ordinance 1991.598C, 1991.599C, 1991.600C, 1991.601C, 1991.602C, 1991.603C, 1991.604C, 1991.605C, 1991.606C, 1991.607C, 1991.608C, 1991.609C, 1991.610C, 1991.611C, 1991.612C, 1991.613C, 1991.614C, 1991.615C, 1991.616C, 1991.617C, 1991.618C, 1991.619C, 1991.620C, 1991.621C, 1991.622C, 1991.623C, 1991.624C, 1991.625C, 1991.626C, 1991.627C, 1991.628C, 1991.629C, 1991.630C, 1991.631C, 1991.632C, 1991.633C, 1991.634C, 1991.635C, 1991.636C, 1991.637C, 1991.638C, 1991.639C, 1991.640C, 1991.641C, 1991.642C, 1991.643C, 1991.644C, 1991.645C, 1991.646C, 1991.647C, 1991.648C, 1991.649C, 1991.650C, 1991.651C, 1991.652C, 1991.653C, 1991.654C, 1991.655C, 1991.656C, 1991.657C, 1991.658C, 1991.659C, 1991.660C, 1991.661C, 1991.662C, 1991.663C, 1991.664C, 1991.665C, 1991.666C, 1991.667C, 1991.668C, 1991.669C, 1991.670C, 1991.671C, 1991.672C, 1991.673C, 1991.674C, 1991.675C, 1991.676C, 1991.677C, 1991.678C, 1991.679C, 1991.680C, 1991.681C, 1991.682C, 1991.683C, 1991.684C, 1991.685C, 1991.686C, 1991.687C, 1991.688C, 1991.689C, 1991.690C, 1991.691C, 1991.692C, 1991.693C, 1991.694C, 1991.695C, 1991.696C, 1991.697C, 1991.698C, 1991.699C, 1991.700C.

SSD-8
UPPER MARKET STREET SPECIAL SIGN DISTRICT
 See Section 908.10



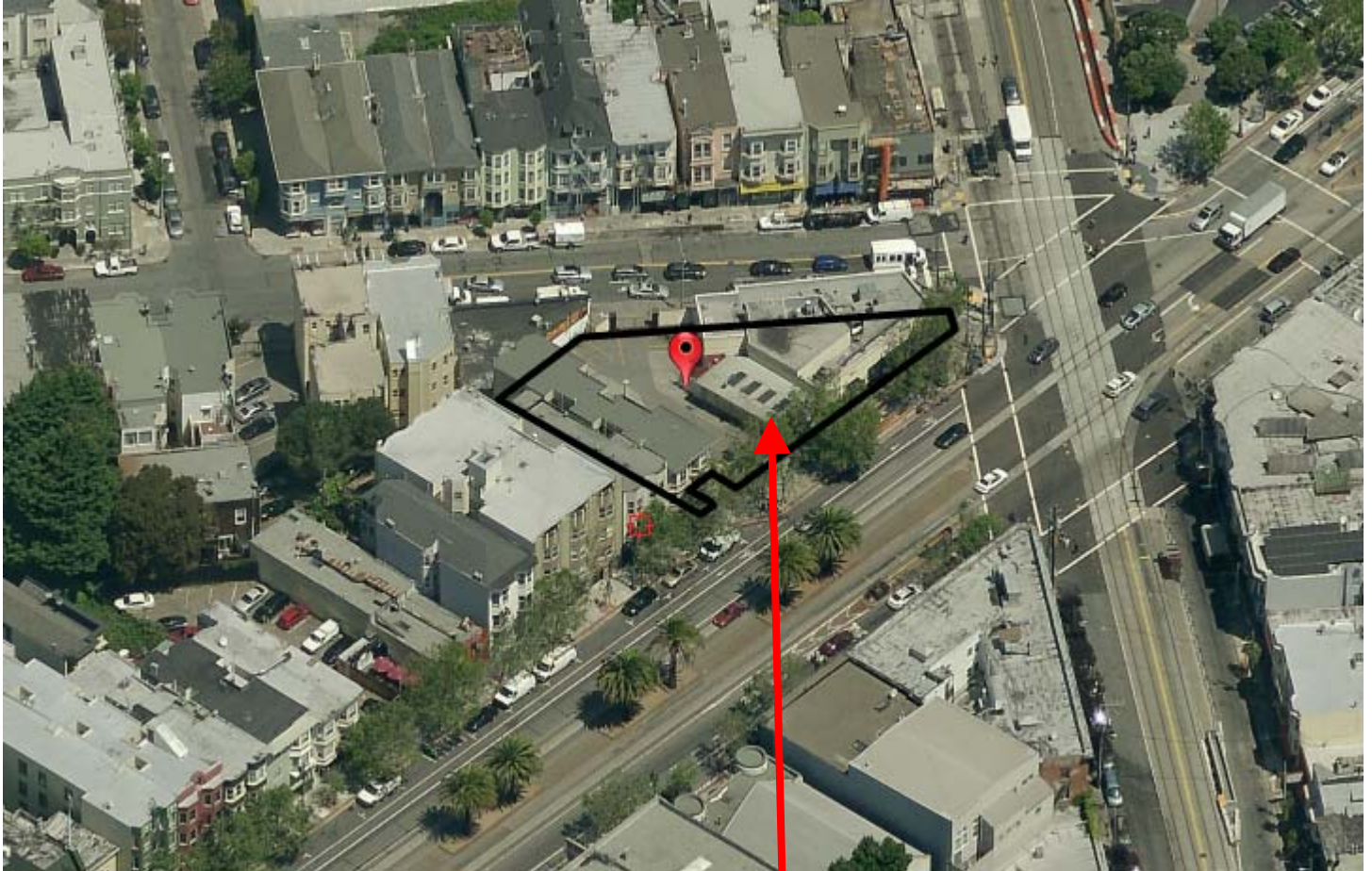
Conditional Use Request Hearing
 Case Number 2012.1356 C
 Formula Retail Use
 2100 Market Street

Sanborn Map



Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

Aerial Photo view looking North



SUBJECT PROPERTY

Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

Aerial Photo view looking East



SUBJECT PROPERTY

Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

Aerial Photo view looking South



Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

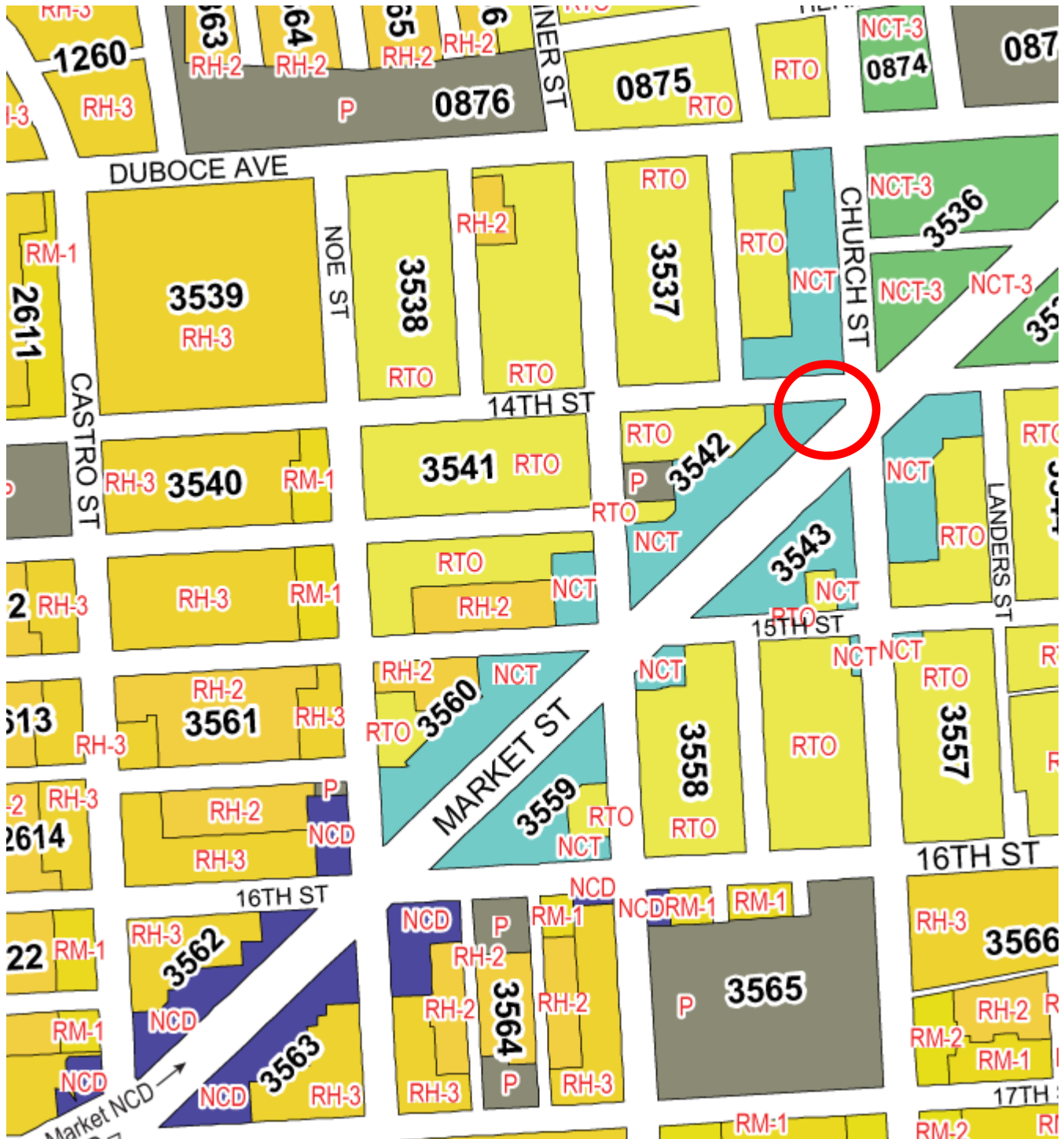
Aerial Photo view looking West



SUBJECT PROPERTY

Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

Zoning Map



Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

Site Photo - Subject Property View from Market Street



Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

Site Photo - Subject Property

View from Church Street



Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

Site Photo - Subject Property

View from 14th Street



Conditional Use Request Hearing
Case Number 2012.1356 C
Formula Retail Use
2100 Market Street

**Written Letters in Support to the Proposed Chipotle restaurant at
2100 Market Street**



584 Castro Street, # 333
San Francisco CA 94114-2512
415/431-2359
Email MUMC-SF@earthlink.net
www.CastroMerchants.com

Terry Asten Bennett, President
415/431-5365 Ext. 4
TerryAsten@cs.com

May 28, 2013

By Email and USPS hardcopy

Adrian Putra, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

Re: Planning Case No. 2012.1356C, Request for Conditional Use Authorization
2100 Market Street, *Chipotle*

Dear Mr. Putra,

This confirms that the Members of **Merchants of Upper Market & Castro (MUMC)** have voted to SUPPORT the Request for Conditional Use Authorization and related approvals (including an allowed Formula Retail use) of *Chipotle Mexican Grill* at 2100 Market Street in San Francisco. We understand that Planning Commission's Hearing for this item currently is scheduled for June 20, 2013.

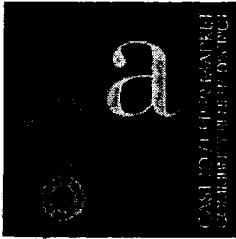
MUMC is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19th Street; and cross streets throughout that area. MUMC has over 250 paid Members for 2013-2014. The property covered by this matter is within MUMC's primary service area.

Please let us know if you have any questions regarding MUMC's SUPPORT for this Request. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,

Terry Asten Bennett, President

cc: Lisa Burbey, *Chipotle Mexican Grill*
Luis Cuadra, *BergDavis Public Affairs*
email cc: Supervisor Scott Wiener and staff
Capt. Bob Moser, SFPD Mission Station
Capt. Greg McEachern, SFPD Northern Station



584 Castro Street #336
San Francisco, CA 94114
PH 415.500.1181
FX 415.522.0395
www.castrocbd.org
www.facebook/
castrocbd
@visitthecastro

June 10, 2013

San Francisco Planning Commission
1650 Market Street, Suite 400
San Francisco, CA 94103

Case No. 2012.1356C-2100 Market Street

Dear Planning Commission,

This letter is written to express the Castro/Upper Market Community Benefit District's (Castro CBD) support for the Conditional Use Authorization request to allow a Chipotle restaurant to open at 2100 Market Street. In writing this letter of support, the Board of Directors wants the Commission to understand this was a divided decision. The motion to support this project failed at the Castro CBD's Land Use Committee. The motion failed primarily because the committee believes the proposed project does not align well with the Castro CBD's Land Use Committee's mission statement: *Encourages land use that aligns with the Upper Market Guidelines, compliments the existing diverse and historic character of the district, adds to the economic vitality through new community-serving uses and increases public safety for residents and visitors.*

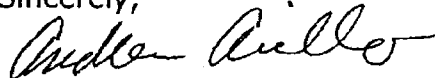
The concerns at the Land Use Committee were as follows: branding a key corner of the district with formula retail, the project did not appreciably change the façade of the building, and that the project would not primarily be providing new community-serving uses.

At the Board level, there was much discussion about this project. Concerns for board members wanting to support the project were primarily related to the continued blight that extended vacancy would bring to this key corner in the district and less concern with the impact of formula retail at the corner.

The Board of Director's vote was a tie, with the President breaking the tie to support the Conditional Use Authorization request.

Thank you for your consideration of this important matter and for considering the Castro/Upper Market Community Benefit Districts position on this matter.

Sincerely,



Andrea Aiello
Executive Director

cc: Supervisor Scott Wiener, Supervisor District 8
Andres Power, Legislative Aide, Supervisor Scott Wiener
John Rahaim, Director S.F. Planning Dept.
Adrian Putra, Planner, S.F. Planning Dept.
Louis Cuadra, Berg Davis Public Affairs
Board of Directors, Castro/Upper Market Community
Benefit District

Putra, Adrian

From: Rachel Fleischman <dancingyourbliss@gmail.com>
Sent: Monday, February 04, 2013 7:07 PM
To: Putra, Adrian
Cc: Cuadra@bergdavis.com; Rachel Fleischman; Ben Wood
Subject: Chipotle 2100 Market Street

Dear Ms. Putra,
San Francisco Planning Department

I am writing this email as a supporter of Chipotle restaurant being built at 2100 Market Street.

Currently our community consists of street people toileting on the street daily. And not just urinating either. At this moment a full-on urine-saturated bed and 3 bottles of liquor sit in the doorway of what was Home restaurant.

I am harassed daily by homeless addicts as I walk to and from my building. This has affected my psychotherapy business enormously.

For years now I have spoken to Supervisor Scott Weiner and Andrea Aiello of the Castro Business Development Center to receive assistance in these matters, and to see how I might assist as well.

For 5 years I have been a merchant right next door to the proposed Chipotle project at 2100 Market Street and have been extremely dismayed to hear of such challenges to this business being erected.

I support Chipotle in every way and I am shocked that planning department would rather have a corner sit empty when we could bring work to upwards of 50 people in the restaurant, and have a wonderful and charming eating establishment that actually fits right in to the Castro/Duboce community.

Please kindly do let me know why there is such backlash in the building of Chipotle. I wish there had been such in the building of the marijuana distributor across the street, or the CVS being built at Noe and Market.

Why waste time when we can save a precious and wonderful active corner of San Francisco?

Sincerely,
Rachel Fleischman

CC:
Luis Cuadra
BergDavis Public Affairs

Rachel Fleischman, LCSW, REAT
Licensed Psychotherapist & Consultant

Registered Expressive Arts Therapist
Facebook Page

Private Practice:
2120 Market St.
San Francisco, CA 94114
BlissCounseling.com

Dance Your Bliss Workshops:
DancingYourBliss.com

Last night, as I was sleeping,
I dreamt - marvelous error!
that I had a beehive here,
inside my heart.
And the golden bees
were making white combs
and sweet honey
from my old failures

Antonio Machado; trans by Robert Bly

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential or proprietary information. Any unauthorized review, use, disclosure or distribution is prohibited.

If you are not the intended recipient, immediately contact me by reply e-mail and destroy all copies of the original message. Thank you.

Hello Chipotle!

I am one of your favorite fans in San Francisco. I eat at Chipotle at least 3 times a week. I live and work in the SOMA area and I am half way between two Chipotle's near the Metron and Westfield. I think occupying the old Home Restaurant would be such a great idea not only for the community but for Chipotle fans like me! I would eat there everyday if you opened at 2100 Market Street. I would rather see a chain restaurant that has respect for animals, farmers and the environment than a restaurant that is hit or miss or may close in 6 months. A lot of that has been going on in the Castro and store fronts stay empty because of high rent. I think Chipotle is a winner all around. If you make the space inviting and to the neighborhood it would be a hit, use the outdoor patio as a fun space to eat.

I hope that this idea comes reality and I welcome to be the first one in line once the doors open!

Sincerely a die hard Chipotle fan,

Jonathan

PS... I live right in the heart of the transition in Mid Market, right across from the Twitter building. You guys should also look at opening a store in the mid market area!

--

Jonathan Foulk

iPhone: 415.308.6646

e: jonathanfoulk@gmail.com

I support Chipotle opening a new restaurant in the vacant building at 2100 Market Street. Chipotle would serve healthy and affordable food for the neighborhood. Even though Chipotle is a national chain, it would be a greater concern to me if this location were occupied by yet another upscale restaurant catering to those who do not live in the neighborhood.

Tim Tune

timw2n@yahoo.com

1839 15th Street, Apt. 261
San Francisco, CA 94103

Is your new Chipotle going to be in the former "Home" restaurant location on Market? If so YES please open a Chipotle there, it's a shame to have that great building empty as long as it has been. I've never eaten at a Chipotle but I've heard good things about them. I've lived in that neighborhood for nearly 20 years and would welcome your business to fill that empty location.

Thanks, Mike Hill
mjhill64@gmail.com
SF, CA

Hi -

Just offering you my support for a Chipotle at 2100 Market Street!

Thank You -

Tom Shaw
tommynewyear@gmail.com

Please open a Chipotle at 2100 Market, they have great, fresh, affordable food. It is definitely needed in the area.

Don Eubank
deubank@gmail.com

My partner and I live in the Castro --
We support a Chipotle at Church and Market (old location of Home) -- (and the proposed new Starbucks at 15th and Sanchez).
Let me know when any neighborhood meetings on this issue are scheduled by Chipotle.
Tom Mayer and Luiz Netto
584 Castro #678

SF, CA 94114
tjmayerinsf@yahoo.com

To whom,

As a long-time Castro district resident/homeowner, I thank Chipotle for considering opening in my community. My neighbors might not be as likely to write their opinions, but I know from personal conversations that all welcome Chipotle into the Castro. I have yet to meet a neighbor who is not excited about this needed neighborhood addition – a known good restaurant.

My neighbors and I share a deep concern about our long-running Castro district commercial vacancy epidemic. No other commercial shopping district has the number of vacancies as does the Castro. Not Fillmore, or the Haight, or Hays Valley or Noe Valley or Valencia corridor. Add in the commercial space under construction, and this area is on course to become retail ghost-town. I implore my city officials to bend-over-backwards in encouraging Chipotle to move into the Castro.

The opening of yet one more terrific restaurant has consistently improved Valencia corridor, and it will do the same for the Castro. We want more good restaurants, we want more retail, and we want Chipotle at 2100 Market St.

Sincerely,

Roger Tellis
85 Caselli
San Francisco
rogertellis@yahoo.com
(415) 863-1795

Hello,

My name is Alin and I live at 706 14th St; San Francisco, which is across the street from where Chipotle is planning to open a new restaurant on Market St. I am one of the people who appreciates what Chipotle has to offer to their customers - tasty food, raised sustainably, decently priced and served efficiently. I have been appreciating this model for the past four years, since I have been living in the city, and I very much welcome Chipotle's presence to my neighbourhood.

I am also a co-owner of a company (Tesla Solutions Inc.) that specializes in electrical and lighting, both design and installation. We have the knowledge and expertise to complete the electrical retrofit and lighting installation in case you are planning to redesign the current setting . For more information about us please visit our website www.Tesla-Solutions.com.

If it is in your power, we would like to be considered to bid on this project. Because Tesla Solutions is registered to 706 14th St, including us to the bidder list could serve as a public outreach that can benefit both businesses.

Thank you and, once again, welcome to our neighbourhood.

Alin

greg moore <gmooresf02@gmail.com>

At Church/Market. Being a HUGE fan at other outlets of your fresh, affordable, and consistently great food, I can't wait for a more convenient location. Hurry!!

Greg Moore

Sent from my Windows Phone

Good afternoon,

I saw that you are planning to open a restaurant at the corner of Market/Church/14th Street. I work on the same block on Market Street (same side as the restaurant). I just wanted to let you know that I am so excited and I hope the restaurant opens soon!

Sincerely,
Marie

Marie Le Jew
Anchor Realty, Inc.
2148A Market Street
San Francisco, CA 94114
Tel: 415-621-2700
Fax: 415-621-0888
www.anchorrealtyinc.com
Sales~Rental~Management



From: John Tighe <jtsf200@yahoo.com>

Date: Thu, 7 Feb 2013 17:18:02 -0700

To: Chipotle <castrorestaurant@chipotle.com>

Subject: market street restaurant

Hi. I think it would be great to have Chipotle in my neighborhood. I think Chipotle is great.

I know there is a select group (primarily businesses and a small minority of businesses) that strongly opposes "chains" being in the neighborhood, but I think the opposition doesn't take into account that having Chipotle and other businesses in the neighborhood that are community conscious is important to the neighborhood's variety, and keeping the neighborhood vital and diverse.

Good luck, and I hope you keep at it.

John

John Tighe

On 3/23/13 11:56 AM, "Mark Newman" <mark@marknewmandesign.com> wrote:

>I hope Chipotle is able to take over the old Home space on Market - I
>love Chipotle, and have been hoping for one in the neighborhood! Best
>of luck.
>Mark Newman

From: Gina Brown <brownginam@yahoo.com>

Reply-To: Gina Brown <brownginam@yahoo.com>

Date: Thu, 21 Mar 2013 08:19:52 -0600

To: Chipotle <castrorestaurant@chipotle.com>

Subject: In support of a Castro store

Hello - I would like to voice my support for a Chipotle in the old Home Restaurant space. I live in the neighborhood and walk by that space at least 2 times a day. I'm tired of seeing it vacant and a magnet for vandalism (and other unsavory things).

Please continue to fight for the space! Thank you.

Gina Brown
SF, CA

On 3/21/13 10:20 PM, "Juan Nogueiro" <jjnogueiro@gmail.com> wrote:

>I wish to sign our petition to have your restaurant come to the Castro
>in SF.

>

>Juan Nogueiro

On 2/27/13 7:08 PM, "Daezy" <Daezy@aol.com> wrote:

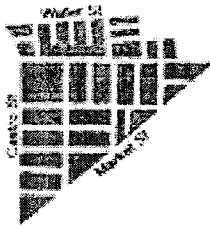
>You have wonderful food, supportive staff, and a clean place to eat. We
>need more Chipotles.

>

>Best regards,

>Cathy O'Brien

**Written Letters in Opposition to the Proposed Chipotle restaurant
at 2100 Market Street**



Duboce Triangle Neighborhood Association

PMB # 301, 2261 Market Street, San Francisco, CA 94114

(415) 295-1530 / www.dtna.org

RE: Chipotle proposal at 2100 Market St.

March 15, 2013

Dear Adrian Putra:

I am writing on behalf of DTNA's Board of Directors to urge you, to deny the conditional use application of Chipotle Mexican Grill Inc. This location is within 150 feet of three existing Mexican restaurants. Chipotle is a prolific formula retailer, with over 1,300 stores and revenues exceeding \$670,000,000. The existing small businesses would be discriminated against because they would not be able to compete against the "low cost producer" business model of Chipotle.

2100 Market St. is strategically located at the crossroads of Church St., Market St, and 14th St. This location is a significant gateway into the Upper Market corridor, therefore it is desirable to maintain neighborhood character and locally supported businesses. The adjacent property of Safeway is an immense parcel of formula retail, which includes Safeway, Starbucks, and Wells Fargo. This parcel demonstrates a disproportionate percentage of formula retail and it is *undesirable* to permit another multi-national formula retailer on this corner. It is clear that an additional formula retailer and a fourth Mexican restaurant in this location is *unnecessary*.

DTNA is extremely concerned about the proliferation of formula retail uses within the Upper Market commercial district. We don't want the proliferation of such uses, to force out small, local, character-defining businesses who do not have the resources of a multinational corporation like Chipotle Mexican Grill Inc. Neighborhood character is lost when multiple parcels of generic formula retail is allowed to proliferate. Tourism is a major aspect of our neighborhood and we believe if we lose the unique character we will also lose the economic benefit it brings.

For all of these reasons, we find this project to be highly *undesirable* for its negative impacts on the neighborhood. In summary, the proposed Chipotle Mexican Grill Inc. is neither necessary nor desirable, and this application for Conditional Use authorization should be denied.

Thank you for considering our views.

Sincerely,

President- Duboce Triangle Neighborhood Association

Putra, Adrian

From: Anthony Healy-London <ahlondon@gmail.com>
Sent: Tuesday, February 19, 2013 9:40 AM
To: Putra, Adrian; Rahaim, John; Wiener, Scott
Subject: Regarding Chipotle Restaurant

Anthony Healy-London/Owner
Churchill
www.churchillsf.com
198 Church st.
SF CA 94117

To My Local Elected Official,

My name is Anthony Healy-London, I am one of the owners of Churchill Bar in San Francisco (198 Church St) and I am writing to express my strong opposition to Chipotle moving into the old "Home" restaurant space, across the street from my business. I will be extremely disappointed if Chipotle is allowed to move into that space, across the street from Churchill, and I have spoken with hundreds of neighborhood residents that agree. This is not because I oppose Chipotle per se, but because I am against any formula retail chain being allowed to occupy this location. A large part of what makes San Francisco great is that we care about local businesses and we have created a unique community with a strong, creative, diverse local business culture. We must not take this for granted and take steps to protect it.

Formula retail businesses such as Chipotle hurt our local businesses in number of ways. Large corporate tenants like Chipotle drive up the rent in the neighborhood and make it nearly impossible for local, small businesses to afford. Formula Retail tenants already occupy a large portion of the usable real estate in the neighborhood (FedEx, Blockbuster, Safeway), Chipotle would only add to this problem. On top of this, there are already three small family-owned Mexican restaurants within a one block radius of the proposed Chipotle location. Chipotle moving in would over-saturate the neighborhood and push out local business. In a city of rising rents and rocketing real estate prices, steps must be taken to prevent the formula retail from destroying our vibrant local culinary scene. As a Bay Area native, neighborhood resident for ten years and local business owner I am adamantly opposed to Chipotle moving into our neighborhood.

Thank you for taking the time to read my letter and I sincerely hope that you listen to the neighborhood and protect our local business culture.

Sincerely,
Anthony Healy-London

--
Anthony Healy-London
Owner/Manager/Bartender
Churchill
www.churchillsf.com

Putra, Adrian

From: Michael Goebel <mike@churchillsf.com>
Sent: Monday, February 04, 2013 12:33 PM
To: Putra, Adrian; Wiener, Scott
Subject: Fw: Re: Chipotle restaurant
Attachments: Planning Commision Letter chipotle copy.pdf

Hi Adrian,

See email below from David Handler, the owner of 'Photoworks' located at 2077 Market Street. He wrote another letter of opposition to the Chipotle Project and to Formula Retail in the neighborhood.

Also, i have attached another letter from Dylan McNivan, owner of 'Woodhouse Fish Company' located at 2073 Market Street. He wrote a letter of opposition to the project as well.

Please confirm that you received these letters and that they will be added to the case file.

thank you!
-mike goebel
415.271.5760

--- On Tue, 1/8/13, David Handler <photohandlers@yahoo.com> wrote:

From: David Handler <photohandlers@yahoo.com>
Subject: Re: Chipotle restaurant
To: "Michael Goebel" <mike@churchillsf.com>
Date: Tuesday, January 8, 2013, 3:39 PM

TO: SF PLANNING DEPARTMENT RE: CHIPOTLE RESTAURANT ON MARKET ST

To Whom it May Concern,

I am the owner of Photoworks San Francisco, a small business in the same location (2077 Market St) for 24 years. I write to express my concern and displeasure with the pending Chipotle Restaurant plans at Market and Sanchez St. I can tell you from years of hands on neighborhood experience that a chain store in this location would be a disaster. Much like the failed Boston Market, Chipotle does not fit the neighborhood needs, and I can assure you it will fail as a business. Most importantly, this idea ruins the integrity of the existing businesses in the area, and will make it harder on small companies to survive, and will discourage the growth of unique stores in the area. The rent which is already high, will get worse as building owners hold out for corporate clients.

I hope that the planning commission will consider a more inherent, non corporate interest so that our neighborhood can stay unique and grow inherently.

Thank You For Your Consideration,

David Handler
Owner
www.photoworkssf.com
415.626.6800

January 2nd, 2013



San Francisco Planning Department
Suite 400
1660 Mission Street
San Francisco, CA 94103

Re: **CONDITIONAL USE APPLICATION FOR 2100 Market St**

Dear President Fong and San Francisco Planning Commissioners:

I have owned and operated the Woodhouse Fish Co at 2073 Market St for nearly 7 years. I recently was made aware that Chipotle is interested in opening a location at the old Home Restaurant space at 2100 Market St. I do not feel that a large national fast-food operation with over 1300 locations is the best usage of a highly visible, neighborhood-anchoring building. We strive to create a unique San Francisco experience for the community and to place such a large chain would counter our vision for the corner at Church and Market St. Please consider denying the conditional use permit for 2100 Market St.

Dylan MacNiven

Owner, Woodhouse Fish Co

A handwritten signature in black ink, appearing to be "Dylan MacNiven", written over a horizontal line.

Putra, Adrian

From: Joe Gallagher <joe@joesbarbershop.com>
Sent: Saturday, February 02, 2013 10:29 PM
To: Wiener, Scott; Putra, Adrian; Rahaim, John
Subject: I am opposed to Chipolte

Dear Adrian Putra, John Rahim, and Supervisor Scott Weiner,

I am opposed to Chipolte coming to my business' block of Market and Church in San Francisco. Please do not destroy our fragile neighborhood with more formula retail.

Chipotle restaurant is a 'Formula Retail' chain, and the allowing Formula Retail to enter our neighborhood opens the doors for all other large-scale national chain retailers to come in as well. This is bad for the neighborhood because it threatens the unique and diverse community we have created.

1. Land Use and driving up rents: Formula Retail tenants already occupy a large portion of the usable real estate in the neighborhood, Chipotle would only add to the over saturation of this problem. Also, large corporate tenants like Chipotle drive up the rent in the neighborhood and make it impossible for local, small businesses to afford.

2. No neighborhood unity and involvement from large corporations like this: With a large retail chain like this we cannot expect any community participation or local contribution. Historically large corporate owned retailers like this are non-existent on a local level and don't bother with small neighborhood issues. The owners of the business are not on site. With our smaller local business the owners are on site and involved.

3. We already have three locally owned Mexican taqueria's on the block

4. EMPTY at night: Proposed closing time of 10pm means the building would sit unattended throughout the night during peak vandalism hours. Homeless would still be allowed to gather and dirty the streets.

Thank you for taking the time to read this. **I really hope you do not approve Chipolte for this site.**

Joe Gallagher, Owner
Joe's Barbershop
2150 Market Street
SF CA 94114
415-378-3656

Putra, Adrian

From: Darin Brunson <darinbrunson@hotmail.com>
Sent: Tuesday, February 05, 2013 7:22 PM
To: Putra, Adrian; Rahaim, John; Wiener, Scott
Subject: Regarding Chipotle Restaurant

To whom it may concern,

My name is Darin Brunson. I am one of the founders of Churchill bar located on the corner of Church and 14th st. I am also the co-owner of the building. I am strongly opposed to the addition of a Chipotle Restaurant in the vacant property across the street where Home used to reside. I am basically one of the closest neighbors to that building and will be extremely disappointed if a formula retail or chain restaurant moves into the vacancy. These types of businesses hurt our neighborhood in several ways. First of all being a formula retail they have little to no pride in the local community. This is a vibrant part of San Francisco, and having a chain restaurant that doesn't care about the local issues is a huge problem. The high rent in San Francisco in combination with the high density of corporate entities that already occupy much of the space here, make it nearly impossible for small businesses to afford. Not to mention the difficulties of competing with these chain restaurants. There are already 3 small mom and pop taquerias within a block of the proposed Chipotle takeover. How will this new mexican chain restaurant affect those small businesses? These kinds of additions only hurt our neighborhood for many reasons. If Chipotle comes, we are inviting more and more large chains to move in to the Castro devaluing one of the greatest things about San Francisco, it's diversity. I hope that we can agree that this is not what we want for our local neighborhood, and the city in general.

Please respond to this email that you received it and that it will be put into the case file as another local San Franciscan who opposes Chipotle and other formula retail in our neighborhood.

Sincerely,
Darin Brunson

Putra, Adrian

From: babsark47@aol.com
Sent: Wednesday, January 16, 2013 8:57 AM
To: Putra, Adrian
Subject: Fwd: CHIPOLTE...CASTRO

THE LITTLE ARK GROOMING SHOP
748 14th St.
San Francisco, Ca. 94114

To All It May Concern,

I am opposed to allowing Chipolte to enter our community.

I have been a small business owner in the Castro for 25 years (almost across the street from the proposed Chiplote). It is hard enough to make-it in this economy, let alone try to compete with BIG business. Allowing this would probably damage or kill the other small Mexican eateries in the area. Let's keep the integrity of our neighborhoods and stay local.

San Francisco neighborhoods are unique, please help us keep them that way.

Regards,
Barbara Wood

January 15, 2013

IXIA

June 1, 2013

Attn: Adrian Putra
Re: Chipotle at Market and Church Streets

Dear Mr. Putra,

I own a flower shop on Market Street, about a block from the proposed Chipotle Restaurant. I have been open for almost 30 years. I am **opposed** to their being allowed to open in that location.

Besides the new rule adopted by Planning to disapprove formula retail businesses that would exceed 20% within a 300 foot radius, I feel that this business will add nothing to the vitality of our neighborhood. No one will come to Upper Market just to go to a Chipotle. They would come if it were a individually owned restaurant.

Currently landlords are keeping many storefronts empty in the hopes that they will be able to get exhorbitant rents - rents that only chain stores can afford.

Thank you very much,

Gary Weiss, owner
IXIA



Thorough Bread and Pastry
248 Church Street | San Francisco, CA 94114 | 415.558.0690

Duboce Triangle Neighborhood Association
PMB#301
2261 Market Street
San Francisco, CA 94114

May 30, 2013

Dear Mr. Putra,

My name is Michel Suas; I am the owner of the retail bakery, Thorough Bread and Pastry, at 248 Church Street in San Francisco. The startup of that bakery was hard 5 years ago; the foot traffic on that side of the street was not for retail but get on the BART or any public transportation starting from Market and Church. The neighborhood came slowly but surely to our establishment since we didn't have fund for marketing, PR, etc. We have a very loyal customers now and successful business because our diversity and identity of a single unit neighborhood retail operation. The beauty of San Francisco is that you can go from one area to another and see a vast diversity of small operator retail store from food to clothes, etc. Thanks to the city planning and strong neighborhood associations who understand a city street is not a mall with all the large brand names available under one roof. Why would a customer will go try to find a parking space, walk under the rain sometimes, to shop, if he or she can get the same thing at larger brand names under one roof at a mall because that customer wants to keep a busy side walk with unique small boutiques and foot traffic. All that help keeps the city become clean and safer, making it a best city for visiting, specially people from other cities or county who do not have a retail commercial city like San Francisco. As you all know that is good for the city economy because San Francisco does not have a lot of spare land to build mega malls like the nearby cities.

My long bla bla is just to reinforce the opinion of lot other people who are not in favor for Chipotle opening on 2100 Market Street. We already have three Latino food restaurants and plenty others who for sure cannot compete against an organization like Chipotle. Even I will agree Chipotle is a good establishment with good system but this is still a large food process operation. I also want to point out San Francisco is becoming an attraction worldwide for food innovation and creativity with young chefs. We are passing NY for sure when it comes to low key but great food or baking goods.

Keep the building 2100 Market Street available for food innovation is what the city planning should defend and be proud to have that position of protection and supporting the unique energy San Francisco city has. If you have any questions or want to reach me I will be more then pleased to help your support your decision to keep those large organizations for San Francisco next door city with no personality.

Best Regards,

Michel Suas
Owner

Putra, Adrian

From: Wendy Mogg <wendy.mogg@gmail.com>
Sent: Tuesday, June 04, 2013 3:12 PM
To: planning@rodneymogg.com; cwu.planning@gmail.com; Secretary, Commissions; hs.commish@yahoo.com; mooreurban@aol.com; Gwyneth Borden; richhillissf@yahoo.com; wordweaver21@aol.com; Putra, Adrian
Subject: opposed to Chipotles at 2100 Market: Bad for business

I am writing to oppose the CU Application of Chipotles at 2100 Market Street, because it would quite simply be bad for business on the Upper Market Corridor. There is already substantial Formula Retail near this site, and local businesses that would suffer on the same block. Further, the landlords have received offers from locally owned restaurateurs, and will likely receive more. **THIS IS NOT A CHOICE BETWEEN CHIPOTLES OR AN EMPTY RETAIL SPACE. ALL ARGUMENTS IN SUPPORT OF THIS APPLICATION BASED ON THE ADVANTAGES OF IT BEING OCCUPIED MUST BE IGNORED.**

Denying this application leaves a critical corner space available for a **locally owned business** which **will bring more money, more character, more investment, more support for non-profits and more environmentally sound procurement** to the immediate neighborhood and to San Francisco at large.

Significantly more money re-circulates in San Francisco when purchases are made at locally owned, rather than nationally owned, businesses. More money is kept in the community because locally owned businesses purchase from other local businesses, service providers and farms. Purchasing locally helps grow other businesses as well as the San Francisco tax base.

Our one-of-a-kind businesses are an integral part of our distinctive character. The unique character of San Francisco is what brought us here and will keep us here. Our tourism businesses also benefit. "When people go on vacation they generally seek out destinations that offer them the sense of being someplace, not just anyplace." ~ Richard Moe, President, National Historic Preservation Trust

Encourages investment in San Francisco. A growing body of economic research shows that in an increasingly homogenized world, entrepreneurs and skilled workers are more likely to invest and settle in communities that preserve their one-of-a-kind businesses and distinctive character.

Non-profits receive greater support. Non-profit organizations receive an average 350% greater support from local business owners than they do from non-locally owned businesses.

Reduced environmental impact. Locally owned businesses can make more local purchases requiring less transportation and generally set up shop in town or city centers as opposed to developing on the fringe. This generally means contributing less to sprawl, congestion, habitat loss and pollution.

Thank you for your consideration of this and of all the land use choices which so directly affect the vitality our neighborhoods,

Wendy L. Mogg, Local Merchant

San Francisco Small business owner, 20 years

San Francisco home owner

Member, SF Locally Owned Merchants Alliance



2352 Market Street, Suite B.
San Francisco, CA 94114
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January 17, 2013

Adrian Putra
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Re: Oppose proposed Chipotle restaurant to open in our neighborhood

Dear Chair Putra,

We are writing to express our opposition of the proposed Chipotle restaurant (Formula Retail) to open in our neighborhood. We strongly urge the San Francisco Planning Department to determine that our neighborhood is better off without "Formula Retail".

We believe that by letting such chains like Chipotle restaurant to enter our neighborhood will completely change the dynamics. It opens the door for all other large-scale national chain retailers to come in as well. This is a very important issue to the local businesses in our community as it will cause a bad reaction by taking away business to our current local business owners. This will also cause the rent to go up in the neighborhood which will make it nearly impossible for the small businesses to afford.

Also, it will threaten the unique and diverse community that we have created. Large corporate owned retailers like this are non-existent on a local level and are not involved with our small neighborhood issues. In order to maintain neighborhood unity and involvement, we need to keep our area free of large corporations like this.

Sincerely,

Gina Waota
Managing Partner
Olsen & Partners, CPA

Putra, Adrian

From: Belinda Waltman <belinda.waltman@gmail.com>
Sent: Wednesday, June 05, 2013 4:14 PM
To: Putra, Adrian
Subject: re: chipotle case 2012.1356C

Hi Adrian,

I sent the below email to the DNTA, and David suggested that I send it along to you so that it can be incorporated into the case report. Hopefully Chipotle's application will be blocked.

Many thanks,
Belinda

Dear DTNA,

Thank you for the great newsletters. I was surprised to see and learn of Chipotle's attempt to move in to our neighborhood. I sent them the following email and also signed the petition. I have forwarded the petition link to 15 friends/neighbors. I will be unable to attend the meeting next Monday 6/10, but please let me know if there are other actions that would be helpful to prevent Chipotle moving in.

Best,
Belinda

"Dear Castro Chipotle,

As a resident of Duboce neighborhood, I strongly object to the opening of a fast food chain like Chipotle on one of our most important corners because: 1) our neighborhood prides itself on locally-owned and independent stores, and Chipotle is the opposite, 2) there are at least 3 local taquerias who could suffer, 3) fast food chains are an eyesore and will decrease the charm and possible value of our neighborhood. As a physician, I also care deeply about the health of residents in SF and the healthy food choices within my neighborhood. The choices and the menu at Chipotle, including the average calories in an average burrito, are outside of the realm of a healthy diet. I specifically tell my patients to avoid fast food chains like McDonalds, Burger King, and Chipotle. It would be deeply upsetting to have a fast food chain conglomerate like Chipotle move into our wonderful neighborhood.

Sincerely,
Belinda Waltman"

Putra, Adrian

From: Steaven Campbell <steavencampbell@gmail.com>
Sent: Monday, June 10, 2013 9:01 PM
To: Putra, Adrian
Subject: Chipotle Restaurant at Church and Market

Adrian:

I am writing as a resident of SF and Noe Valley to voice my opposition to Chipotle. With the exception of pharmacies and a couple of other smaller businesses, the Castro is unique. That's one reason why folks like to visit. Giving this chain such a prominent corner at the beginning of the district is poor planning. I realize that space is probably difficult to lease, but giving it to a chain business, one that would compete with local businesses, is the wrong move.

Steaven Campbell

Putra, Adrian

From: Allan John <petpaljohn@yahoo.com>
Sent: Tuesday, June 04, 2013 3:31 PM
To: Putra, Adrian
Subject: chipotle at 14th and market

Hello,

As a longtime resident of the Castro, I wish to register my strong objection to the addition of a Chipotle in the building formerly occupied by Home Restaurant at 14th and Market Streets.

In the first place, I would like to know why we need four Mexican restaurants in less than one city block!!

In the second place, I want to voice my opposition to the type of company that employs people whom the racist, homophobic Mitt Romney used in his presidential campaign.

In the third place, since Chipotle is the kind of fast food joint found in strip malls and faceless suburban office complexes, do we really want to put this blemish on the face of our great city right where everyone can see it?

The gentrification of Upper Market makes me want to puke - just like the junk food they serve at Chipotle!

Like the Burger King in th Inner Sunset and the Colonel Sanders on Valencia in the Mission, the people of our neighborhood will band together to see to it that, if Chipotle is allowed to move in, this disgusting Mexican

McDonald's will be forced to close down!!

Sincerely,

John C. Allan

37 States Street

San Francisco, 94114

(415) 565-0138

REUBEN, JUNIUS & ROSE, LLP

June 10, 2013

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: Chipotle – 2100 Market Street
Planning Case No. 2012.1356C
Hearing Date: June 20, 2013
Our File No.: 6714.02**

Dear President Fong and Commissioners:

This office represents the project sponsor for the proposed Chipotle at the corner of Market and Church Streets. We urge the Commission to approve this project for the following reasons:

- Chipotle brings a unique eating establishment to the neighborhood, serving food with integrity to the Castro. Food served by Chipotle is raised with respect for the animals, the environment and the farmers. Chipotle's philosophy of using its business to support and sustain family farmers who respect the land and the animals in their care is a model for the restaurant industry;
- The project will put a retail space on a prominent Market Street corner that has been vacant since 2011;
- The new store will feature an updated exterior, unique store signage, public art in the form of a Market Street mural, windows that that open, and a welcoming patio;
- The project has garnered significant neighborhood support and has received endorsements from the Merchants of Upper Market Street and the Castro Community Benefits District.

We are also concerned that the recently adopted Commission policy on formula retail in the Castro area does not accurately assess many important factors that the Planning Code requires be considered, including the amount of vacancy within the area, the existing mix of Citywide-serving retail uses and neighborhood-serving retail uses, and the availability of other similar retail uses within the NC district.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben¹ | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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The Sponsor respectfully requests that the Planning Commission grant conditional use authorization to allow the Project to proceed.

A. Project Description

The project would establish a formula retail Chipotle Mexican Grill (“Chipotle”) restaurant in an existing building at the southwest corner of Market and Church Streets, which most recently housed a restaurant use (d.b.a “Home”) but has sat vacant since fall 2011.

The existing building was originally constructed in 1955 as a drive-in restaurant. The building was expanded in the 1970s, when the drive-in was eliminated and the area was incorporated into the building. Chipotle would occupy approximately 3,467 square feet of existing space at the property, and would significantly beautify the surrounding street corner by renovating the interior and exterior of the existing building and installing new landscaping.

Chipotle offers a simple menu of burritos, tacos and salads featuring pork, shredded beef, chicken, steak and vegetarian fillings. Chipotle was an early competitor in the growing “fast-casual” dining category, with customers expecting food more in line with full-service restaurants, but served with the speed and convenience of fast food. Alcohol service would be limited to single bottles of beer and margaritas.

Interior Renovations

Chipotle would conduct internal tenant improvements in to modernize the existing building. However, Chipotle’s proposed size, shape and arrangement would be nearly identical to the previous restaurant use at the site. The dining area will be located along the Property’s Market Street frontage, and would partially wrap-around to its 14th Street frontage. The kitchen and back-of-house operations will be located at the far corner from Market Street, along the Property’s 14th Street frontage. The existing mezzanine level of the building house the restaurant’s mechanical systems and will not include any occupied floor area.

Exterior Remodeling

Chipotle would improve the exterior of the existing building and prominent street corner location by remodeling the building’s façade and installing landscaping in a style complimentary to the aesthetics of the surrounding neighborhood. The remodeled building would be clad in a high-quality and damage resistant cement clad siding in a light grey shade, wrapped above a dark brick border. The building’s existing windows will be replaced with windows that can fully open, allowing light and air to communicate between the interior of

the building and the street. In addition, the Project would remove an 859 square foot addition that was constructed in the 1970s to the rear of the building along Market Street, and would replace this area with a landscaped outdoor dining patio.

Landscaping will be installed at the corner of Church and Market Streets, along the Market Street frontage of the building and surrounding the new outdoor patio area. A visually engaging public art mural will also be created along the wall, providing a break between the street and the patio area. This feature will be designed and painted by the winner of a neighborhood competition. The design will also feature new signage, of a design that is unique to the location and has not been replicated at any other Chipotle locations. In addition, Chipotle will maintain the property free of garbage and graffiti, reactivating the important corner storefront, discouraging vagrancy, and creating a safer and more inviting pedestrian experience.

B. Chipotle – Food with Integrity

Chipotle would provide residents with a unique dining experience that is not available elsewhere within the Upper Market neighborhood. When Chipotle opened its first store in 1993, it began with a simple goal: to demonstrate that food served fast didn't have to be a typical "fast-food" experience. Chipotle uses high-quality raw ingredients, classic cooking methods and distinctive interior design features that are more frequently found in the world of fine dining. It serves a simple menu of burritos, tacos and salads featuring pork, shredded beef, chicken, steak and vegetarian fillings, but strives to elevate basic raw ingredients into food that's richer and more sophisticated through our recipes and cooking techniques. As a result, Chipotle customers experience food quality that's more in line with full-service restaurants, coupled with the speed and convenience of fast food.

In addition, while using a variety of fresh ingredients remains the foundation of Chipotle's menu, the company has come to believe that "fresh is not enough, anymore." Instead, Chipotle has demonstrated its commitment to providing "*food with integrity*," a term which describes its policy of servicing customers the very best ingredients, all raised with respect for the animals, the environment and the farmers. This term also reflects Chipotle's demonstrated philosophy of using its business to support and sustain family farmers who respect the land and the animals in their care. To this end, Chipotle has worked to support and sustain family farmers who respect the land and the animals in their care. To this end, Chipotle has committed to sourcing all of its pork, beef, dairy and chicken from farms and ranches that adhere to a natural and humane manner of raising and caring for animals.

Chipotle uses only zero-trans-fat oil, purchases all of its dairy products from farms that do not administer recombinant bovine growth hormone (RBGH), and obtains meat (including chicken, pork and beef) only from farmers who do not administer sub-therapeutic antibiotics to the animals. In addition, many of the ingredients used at Chipotle are

ingredients from local, family farming operations. These policies have earned Chipotle a reputation for serving the very best sustainably raised food possible with an eye to great taste, great nutrition, and great value.

C. Benefits of the Project

This Project is desirable and compatible with the neighborhood and would be an asset to the City as a whole. The Project would offer numerous benefits, including:

- **Renovating and Re-Activating the Existing Retail Space.** The project would renovate the interior and exterior of an existing commercial building which was previously used by a restaurant use, but has sat vacant since 2011. Chipotle would install significant landscaping and greenery, and incorporate a visually stimulating public art mural designed and painted by the winner of a community competition. In addition, the project would install a new outdoor patio dining area, accessible from the building's Market Street frontage and capable of accommodating approximately 80 customers. These changes will significantly beautify the building and corner, encouraging more foot traffic to the area and contributing to a resurgence of commercial activity in the neighborhood.
- **Increasing Neighborhood-Serving Retail Services.** The proposed Chipotle will predominantly serve the surrounding neighborhood, rather than the city generally or the Bay Area region. It is anticipated that the predominance of its customers will live or work in the immediate area. An increase in such neighborhood-serving restaurants is desirable, as the Upper Market neighborhood is experiencing a period of rapid and unprecedented growth, with close to 1,000 units of new housing under construction or entitled from Octavia Boulevard to Castro Street. The influx of residents to this area will require more neighborhood-serving dining options such as Chipotle.
- **Increased Competition.** There are four existing Mexican restaurants within the immediate vicinity of the property, and only one other Mexican restaurant in the entire Upper Market Street corridor. Chipotle will provide residents in the surrounding residential neighborhoods with an additional dining option, and will provide a unique "fast casual" dining experience focusing on fresh, locally-sourced, organic ingredients, that is not available elsewhere in the district.
- **Generating Permanent Jobs for San Francisco Residents.** The new Chipotle would create approximately 30 new jobs in the City. Chipotle looks forward to being a strong source of good jobs in the community, and prefers to hire its employees from within the surrounding neighborhood. In addition, Chipotle is committed to retaining and developing its employees, giving them opportunities to quickly rise from crew to

management positions. As a result, Chipotle is proud to note that ninety-seven percent (97%) of its managers are hired from the ranks of its own crew.

- **Commitment to Community and Environment.** Chipotle has consistently demonstrated its commitment to making positive environmental and social impacts. It focuses on fresh, locally-sourced and sustainably raised ingredients, and has committed to sourcing all of its pork, beef, dairy and chicken from farms and ranches that adhere to a natural and humane manner of raising and caring for animals. Chipotle uses only zero-trans-fat oil, purchase all of its dairy products from farms that do not administer recombinant bovine growth hormone (RBGH), and obtains meat (including chicken, pork and beef) from farmers who do not administer subtherapeutic antibiotics to the animals. This socially-minded restaurant will be an attractive draw for San Francisco diners while providing a healthy, convenient and inexpensive dining alternative for the local neighborhood.

D. Upper Market Formula Retail Policy

The Property is located within the Upper Market Neighborhood Commercial Transit District (“NCT”). This area is within the boundaries of a recent Upper Market Formula Retail Concentration Policy (the “Policy”), approved by the Board in April 2013. The Policy prohibits the Planning Department from recommending approval of new uses that would bring the concentration of formula retail within 300 feet of the proposed location to a threshold of 20% or greater.

The Policy, when applied in the most conservative way to achieve the highest possible concentration percentage at this site, **results in a 34% formula concentration.** However, as discussed below, some of the Policy criteria appear arbitrary, and slight variations in interpreting how the Policy is applied would change the calculation in a significant way. A copy of the radius and calculations are attached as **Exhibit A.**

Under the Policy, the Planning Department is not permitted to recommend approval of the proposed Chipotle, regardless of the project’s numerous benefits. However, the Policy is advisory only, and **does not prohibit the Planning Commission from approving the project.**

In addition, the Policy should not be applied alone as a tool to reliably determine the appropriateness or desirability of a proposed formula retail use in the Upper Market neighborhood, as it fails to address a range of crucial factors. Specifically, the Policy should not govern the Commission’s decision with regard to the proposed Chipotle for the following reasons:

- **Applies an Arbitrary Numerical Limit on Formula Retail Concentration.** The Policy prohibits the Planning Department from recommending approval of any new use in the Upper Market NCT that would result in a 20% or greater concentration of formula retail within a 300 foot radius. However, the 20% figure is an arbitrary guideline that cannot assess the desirability of locating a neighborhood-serving Chipotle use at the property. In fact, the Planning Department's Executive Summary of the Policy explained that the 20% figure arose solely because "In areas that the DTNA felt had too much Formula Retail, the concentration *tended to be above* 20%, while in areas with more acceptable levels of Formula Retail the concentration was under 20%."

Although this number may provide a very general guideline, the Planning Code establishes several other factors that should be considered when determining the appropriateness of a particular formula retail use. These factors include the amount of vacancy within the area, the existing mix of Citywide-serving retail uses and neighborhood-serving retail uses, and the availability of other similar retail uses within the NC district. In addition, several other concerns are more relevant to the Commission's decision than a flat numerical concentration, such as an assessment of the kinds of formula retail present, their visual prominence, regional draw, level of active use or specific amount of street frontage. As a result, in some stretches of the Upper Market Street NCT particular formula retail uses would be undesirable even if they resulted in a much higher concentration of formula retail. *It is for precisely this reason that the Planning Commission retains ultimate discretion to make the determinations regarding the desirability of a proposed formula retail use within the Upper Market NCT.*

- **300 Foot Scope Does Not Reflect the Character of the Upper Market NCT or NCD Districts.** The Policy was created to preserve the character of the Upper Market NCT, but attempts to do so by surveying all uses in any NC District located within 300 feet of a proposed site. Unfortunately, this creates a survey area that is both overly broad and under inclusive for its stated purpose – it analyzes the Upper Market NCT and NCD on the basis of uses outside the districts, but does not analyze the full scope of the district when considering any single project. As a result, the Policy's application varies significantly among each of the blocks of the Upper Market NCT and NCD. *This 300 foot radius prevents consideration of approximately 628 linear square feet of non-formula retail street frontage located on the same block as the proposed Chipotle within the Upper Market NCT, but requires the calculation to include parking lot area serving the Safeway complex that is located within an adjacent NCT-3 District.*

If all of the parcels on the same block at Chipotle were considered in the Policy's calculation, Chipotle's formula retail concentration **would reduce by 5%**. Further, if

the parcels on the same block as the proposed Chipotle were all considered in the Policy's calculation, and only parcels within the Upper Market NCT or NCD district were included, Chipotle's formula retail concentration would be as low as 17%.

- **Policy Does Not Consider Commercial Market Factors.** The Policy sets an arbitrary 20% threshold for formula retail uses within 300 feet of a proposed site, and does not consider the specific characteristics of the site or surrounding commercial conditions. This limitation is particularly relevant to the proposed project. Currently, a number of vacant commercial properties exist within the Upper Market NCT and NCD Districts. In fact, the property is prominent corner lot location that *has sat vacant since 2011*. Larger spaces, such as the proposed 3,467 square foot property, are well suited to formula retail uses but may not be desirable for the business model of smaller private businesses. In addition, the Upper Market neighborhood is experiencing a period of unprecedented growth, with thousands of square feet for retail spaces currently under construction or entitled from Octavia Boulevard to Castro Street. This growth will create new retail spaces that are more ideally suited for smaller private businesses, decreasing the pool of potential tenants for larger, dated, existing spaces such as the proposed site. Given the current market conditions and the unique characteristics of the proposed site, Chipotle's operation, maintenance and commitment to the interior and exterior of the existing vacant building constitutes an extremely desirable use.
- **Lumps All Formula Retail Together.** The Policy attempts to calculate the concentration of all formula retail within a specific radius of a proposed site, without any reference to the type of formula retail use proposed. *Banks, restaurants, clothing stores, flower marts, smoothie shops, bakeries, pharmacies, convenience stores, liquor stores, movie theaters and arcades are all lumped together into a single category under the Policy.* This system is an ineffective means of gauging the desirability of a Chipotle at the proposed site. Chipotle represents a unique "fast casual" Mexican dining experience that is not available elsewhere within the Upper Market NCT or NCD. In fact, there are no other formula retail restaurant uses within the Upper Market NCT district. The desirability of Chipotle at this location should therefore not be based solely on its proximity to a Safeway grocery store, Sterling Bank, Ace Hardware or Walgreens convenience store.
- **Applies a Misleading Calculation of Parking Lot Frontages.** The Policy provides for the frontages of parking lots to be included with the calculation of linear square footage for the use that they serve. This methodology creates misleading results for two reasons.

First, the Policy does not state whether all street frontages of parking lots with multiple frontages should be included within the calculation. Other Policy rules state

that when evaluating through lots, only frontages that contain storefronts are included in the calculations. However, parking lots do not have their own storefronts, creating an ambiguity that can lead to skewed results. The proposed Chipotle is within 300 feet of three separate lots that contain parking space associated with the regional Safeway shopping center one block to the north of the property. Two of these parking lots have multiple Street frontages. ***If these lots were not treated as through lots, and only the Market Street frontage of such lots was counted, Chipotle's formula retail concentration would be reduced to 26%.***

Second, it is misleading to include parking lots within the calculation of formula retail uses they serve. The proposed Chipotle would be located to the south of a large parking area associated with formula retail uses in a major regional Safeway shopping Center located in the adjacent NCT-3 District. The parking lot spans the distance of nearly one full block along Market Street. In addition, although it is monitored and intended to be restricted for 1-hour parking by shoppers visiting the complex, the reality is that shoppers parking in this location are likely to visit other adjacent non-formula retail uses during their visit. ***If the Policy refrained from calculating the linear street frontages of all parking lots, Chipotle's formula retail concentration would be lowered to 20%.***

In summary, the Policy does not take into consideration a variety of important factors affecting the character of the Upper Market neighborhood and the desirability of the proposed Chipotle use. The Planning Department's recommendation pursuant to the Policy is advisory only, and **does not prohibit the Board of Supervisors from approving the project.** For these reasons, we urge the Commission not to rely upon the numerical concentration of all formula retail within a limited radius of the Property, but instead to evaluate the project on the basis of the full scope of factors provided in the Planning Code. Under these standards, the proposed Chipotle should be approved as a highly desirable use that will benefit the surrounding community and is appropriate for the existing building at the property.

E. Compliance with Conditional Use Criteria for Formula Retail, Use Size, and Hours of Operation

This Project would meet and exceed the requirements necessary to grant to requested conditional use authorization for a formula retail use and a use size greater than 2,999 square feet.

The Project would create a desirable new neighborhood-serving Chipotle restaurant in the Upper Market neighborhood, which surrounded by residential neighborhoods and is currently experiencing a period of unprecedented growth with close to 1,000 units of new housing and thousands of square feet for retail spaces currently under construction or entitled

from Octavia Boulevard to Castro Street. This anticipated influx of new residents and visiting consumers will create increased demand for neighborhood restaurants, such as Chipotle.

The existing building at the property has been vacant since 2011, and was last occupied by a restaurant use. Chipotle's proposed size, shape and arrangement would be nearly identical to the previous restaurant use at the site, and would be in conformity with other retail uses in the surrounding area. In addition, the proposed location on the corner of Market and Church Streets will provide customers and employees with easy access to a range of public transit options, discouraging the use of automobile travel to the area.

There are currently only 12 formula retail uses located in the approximately 1.2 mile long Upper Market Street corridor, making the existing concentration of formula retail uses moderate as compared to other NC districts. Moreover, none of the other formula retail uses within the district are restaurants, and so establishing a Chipotle on the property will not saturate the area with formula retail uses of this type. There are four existing Mexican restaurants within the immediate vicinity of the property, and only one other Mexican restaurant in the entire Upper Market Street corridor. Chipotle would represent the only "fast-casual" Mexican dining experience in the Upper Market neighborhood, providing a healthy, convenient and inexpensive dining alternative for the local neighborhood.

Finally, the Upper Market Street district contains numerous vacant storefronts. There are approximately 10 vacant storefronts along the Upper Market Street corridor. Lack of available retail space is not an issue in the district, and thousands of square feet of new retail spaces are currently under construction or entitled within the area. The project would create work towards revitalizing the district, by occupying a high-visibility retail space with a popular restaurant use.

F. Community Outreach

Over the past year, Chipotle has proactively engaged the surrounding community on behalf of Chipotle by conducting extensive community outreach to the residents, merchants and community organizations in the Upper Market/Castro neighborhood. A myriad of community outreach tools were used to engage the community in the planning process including a merchant open house, design review meeting, community meeting, presentations to community organizations, merchant walks, participation in key community events and local advertising.

As a result, Chipotle has garnered strong community support. Chipotle has received project endorsements from the Merchants of Upper Market Street and the Castro Community Benefits District, and petitions in support of the project signed by 50 merchants operating in

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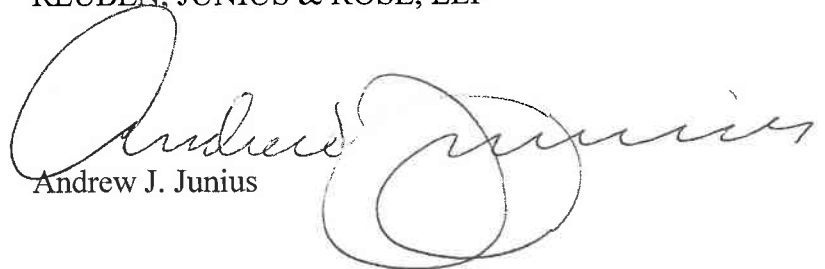
the immediate vicinity of the property and 1,800 San Francisco residents. A summary of the project's extensive outreach efforts and community support is attached as **Exhibit B**.

G. Conclusion

A Chipotle restaurant at this location would provide substantial benefits for the City by occupying, modernizing, and re-activating a prominent corner location that has been vacant since 2011. Chipotle would remodel the exterior of the building and provide significant new landscaping and an attractive outdoor dining patio that will attract pedestrian foot traffic and contribute to the revitalization of the surrounding neighborhood. For all of the reasons set forth above, we respectfully request that the Commission grant the conditional use authorization for this Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP


Andrew J. Junius

Enclosures

cc: Vice-President Cindy Wu
Commissioner Michael Antonini
Commissioner Gwyneth Borden
Commissioner Rich Hillis
Commissioner Kathrin Moore
Commissioner Bill Sugaya
Jonas P. Ionin – Acting Commission Secretary
John Rahaim – Planning Director
Scott Sanchez – Zoning Administrator
Adrian Putra – Project Planner
Lisa Burbey – Chipotle
Chris Arnold – Chipotle
Melinda Sarjapur - Reuben, Junius & Rose, LLP

One Bush Street, Suite 600
San Francisco, CA 94104

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fax: 415-399-9480

REUBEN, JUNIUS & ROSE, LLP

www.reubenlaw.com

**2100 Market Street
Formula Retail Concentration Within 300 Feet**

Block	Lot	Use	NON - Formula Retail Linear Street Frontage	Formula Retail Street Frontage
3535	13	Art shade shop	285.281	0
3536	7	*1 of 8 lots used for parking at Safeway complex	0	75
3536	10	*1 of 8 lots used for parking at Safeway complex	0	292.813
3536	12	*1 of 8 lots used for parking at Safeway complex	0	241.105
3537	91	Vacant storefront	55	0
3537	13	Vacant storefront	50	0
3537	14	Produce store	25	0
3537	15	Mexican food establishment	25	0
3537	16	Bar	125	0
3537	17	Local market	25	0
3537	18	Vietnamese restaurant	25	0
3537	19	Vacant storefront	25	0
3537	20	Asian restaurant	25	0
3537	21	Residential	0	0
35237	101/107	Nail salon	25	0
3537	23	Storefronts	37	0
3537	24	Pet grooming	107.92	0
3537	117 & 118	Residential only	0	0
3542	38A	Pizza / laundry	58.833	0
3542	41	Proposed Chipotle	0	281.686
3542	40	BART TD	12	0
3542	4	Sterling Bank - 17 locations	0	25
3542	5	Vacant storefront	25	0
3542	6	MAAS	58	0
3542	7	Residential only	0	0
3542	8	Bar	25	0
3542	9	Parking for bar	50	0
3542	11	Barber	25	0
3542	12	Residential only	0	0
3542	13	Residential only	0	0
3542	14	Hotel	25	0
3542	15	Vacant storefront & hotel	25	0
3543	10	Walgreens	0	75
3543	3B	24 Hour Fitness	37	0
3543	3A	Vacant storefront	58	0
3543	12	Crossroads Trading Co.	0	50
3543	1	Market St - Good feet FR store and 2 non-FR storefronts; Church Street -3 non-FR storefronts	214.302	35

3543	3	Restaurants	82	0
3543	4	Chiropractor	25	0
3544	57	Residential Only	0	0
3544	58	Japanese Restaurant	25	0
3544	59	Chinese restaurant	25	0
3544	60	Gift Shop / Restaurant	50	0
3544	62	Bookstore	25	0
3544	63	Eatery	25	0
3544	64	Restaurant	25	0
3544	65	Karisma Jewelry & Skyline Realty.	122.958	0
3544	67	Photo Works, Liquor store, Ace Hardware, and laundry mat.	77.5015	47.5105
3544	70	Storefront	25	0
3544	71	Laundry mat	25	0
3544	105-119	Allstate insurance	160	0

Total:	2140.7955	1123.1145	Total linear square footage of all uses:	3263.91
Total l.f. for both:	3263.91		Total l.f. for both:	
		% FR within 30		34%

2100 Market - 300 Foot Formula Retail Calculation

(If All Properties on the Same Block as Chipotle Were Considered)

Block	Lot	Use	NON - Formula Retail Linear	Formula Retail Street Frontage
3535	13	Art shade shop	285.281	0
3536	7	*1 of 8 lots used for parking at Safeway complex	0	75
3536	10	*1 of 8 lots used for parking at Safeway complex	0	292.813
3536	12	*1 of 8 lots used for parking at Safeway complex	0	241.105
3537	91	Vacant storefront	55	0
3537	13	Vacant storefront	50	0
3537	14	Produce store	25	0
3537	15	Mexican food establishment	25	0
3537	16	Bar	125	0
3537	17	Local market	25	0
3537	18	Vietnamese restaurant	25	0
3537	19	Vacant storefront	25	0
3537	20	Asian restaurant	25	0
3537	21	Residential	0	0
35237	101/107	Nail salon	25	0
3537	23	Storefronts	37	0
3537	24	Pet grooming	107.92	0
3537	117 & 118	Residential only	0	0
3542	38A	Pizza / laundry	58.833	0
3542	41	Proposed Chipotle	0	281.686
3542	40	BART TD	12	0
3542	4	Sterling Bank - 17 locations	0	25
3542	5	Vacant storefront	25	0
3542	6	MAAS	58	0
3542	7	Residential only	0	0
3542	8	Bar	25	0
3542	9	Parking for bar	50	0
3542	11	Barber	25	0
3542	12	Residential only	0	0
3542	13	Residential only	0	0
3542	14	Hotel	25	0
3542	15	Vacant storefront & hotel	25	0
3543	10	Walgreens	0	75
3543	3B	24 Hour Fitness	37	0
3543	3A	Vacant storefront	58	0
3543	12	Crossroads Trading Co.	0	50
3543	1	Market St - Good feet FR store and 2 non-FR storefronts; Church Street -3 non-FR storefronts	214.302	35
3543	3	Restaurants	82	0
3543	4	Chiropractor	25	0

3544	57	Residential Only	0	0
3544	58	Japanese Restaurant	25	0
3544	59	Chinese restaurant	25	0
3544	60	Gift Shop / Restaurant	50	0
3544	62	Bookstore	25	0
3544	63	Eatery	25	0
3544	64	Restaurant	25	0
3544	65	Karisma Jewelry & Skyline Realty.	122.958	0
3544	67	Photo Works, Liquor store, Ace Hardware, and laundry mat.	77.5015	47.5105
3544	70	Storefront	25	0
3544	71	Laundry mat	25	0
3544	105-119	Allstate insurance	160	0
3542	016, 017,039 & 3543/11	All remaining parcels on same block face not within 300 foot radius	628.271	0

Total:	2769.0665	1123.1145	Total linear square footage of all uses:	3892.181
Total l.f. for both:	3892.181	Total l.f. for both:		
	% FR within 30			29%

2100 Market - 300 Foot Formula Retail Calculation

**(If All Properties on Same Block Were Considered and only Upper Market
NCT or NCD Parcels Included)**

Block	Lot	Use	NON - Formula Retail Linear Street Frontage	Formula Retail Street Frontage
3535	13	Art shade shop	0	0
3536	7	*1 of 8 lots used for parking at Safeway complex	0	0
3536	10	*1 of 8 lots used for parking at Safeway complex	0	0
3536	12	*1 of 8 lots used for parking at Safeway complex	0	0
3537	91	Vacant storefront	55	0
3537	13	Vacant storefront	50	0
3537	14	Produce store	25	0
3537	15	Mexican food establishment	25	0
3537	16	Bar	125	0
3537	17	Local market	25	0
3537	18	Vietnamese restaurant	25	0
3537	19	Vacant storefront	25	0
3537	20	Asian restaurant	25	0
3537	21	Residential	0	0
35237	101/107	Nail salon	25	0
3537	23	Storefronts	37	0
3537	24	Pet grooming	107.92	0
3537	117 & 118	Residential only	0	0
3542	38A	Pizza / laundry	58.533	0
3542	41	Proposed Chipotle	0	281.686
3542	40	BART TD	12	0
3542	4	Sterling Bank - 17 locations	0	25
3542	5	Vacant storefront	25	0
3542	6	MAAS	58	0
3542	7	Residential only	0	0
3542	8	Bar	25	0
3542	9	Parking for bar	50	0
3542	11	Barber	25	0
3542	12	Residential only	0	0
3542	13	Residential only	0	0
3542	14	Hotel	25	0
3542	15	Vacant storefront & hotel	25	0
3543	10	Walgreens	0	75
3543	3B	24 Hour Fitness	37	0
3543	3A	Vacant storefront	58	0
3543	12	Crossroads Trading Co.	0	50

3543	1	Market St - Good feet FR store and 2 non-FR storefronts; Church Street -3 non-FR storefronts	214.302	35
3543	3	Restaurants	82	0
3543	4	Chiropractor	25	0
3544	57	Residential Only	0	0
3544	58	Japanese Restaurant	25	0
3544	59	Chinese restaurant	25	0
3544	60	Gift Shop / Restaurant	50	0
3544	62	Bookstore	25	0
3544	63	Eatery	25	0
3544	64	Restaurant	25	0
3544	65	Karisma Jewelry & Skyline Realty.	122.958	0
3544	67	Photo Works, Liquor store, Ace Hardware, and laundry mat.	77.5015	47.5105
3544	70	Storefront	25	0
3544	71	Laundry mat	25	0
3544	105-119	Allstate insurance	160	0
3542	016, 017,039 & 3543/11	All remaining parcels on same block face not within 300 foot radius	628.271	0

Total:
Total l.f. for both:

2483.7855
2997.982

514.1965

% FR within 30

Total linear square footage of all uses: 2997.982

Total l.f. for both:

17%

**2100 Market Street - 300 Foot Formula Retail Calculation
(If Parking Lots Were Not Considered Through Lots)**

Block	Lot	Use	NON - Formula Retail Linear Street Frontage	Formula Retail Street Frontage
3535	13	Art shade shop	285.281	0
3536	7	*1 of 8 lots used for parking at Safeway complex	0	75
3536	10	*1 of 8 lots used for parking at Safeway complex	0	50
3536	12	*1 of 8 lots used for parking at Safeway complex	0	113.917
3537	91	Vacant storefront	55	0
3537	13	Vacant storefront	50	0
3537	14	Produce store	25	0
3537	15	Mexican food establishment	25	0
3537	16	Bar	125	0
3537	17	Local market	25	0
3537	18	Vietnamese restaurant	25	0
3537	19	Vacant storefront	25	0
3537	20	Asian restaurant	25	0
3537	21	Residential	0	0
35237	101/107	Nail salon	25	0
3537	23	Storefronts	37	0
3537	24	Pet grooming	107.92	0
3537	117 & 118	Residential only	0	0
3542	38A	Pizza / laundry	58.833	0
3542	41	Proposed Chipotle	0	281.686
3542	40	BART TD	12	0
3542	4	Sterling Bank - 17 locations	0	25
3542	5	Vacant storefront	25	0
3542	6	MAAS	58	0
3542	7	Residential only	0	0
3542	8	Bar	25	0
3542	9	Parking for bar	50	0
3542	11	Barber	25	0
3542	12	Residential only	0	0
3542	13	Residential only	0	0
3542	14	Hotel	25	0
3542	15	Vacant storefront & hotel	25	0
3543	10	Walgreens	0	75
3543	3B	24 Hour Fitness	37	0
3543	3A	Vacant storefront	58	0
3543	12	Crossroads Trading Co.	0	50
3543	1	Market St - Good feet FR store and 2 non-FR storefronts; Church Street -3 non-FR storefronts	214.302	35

3543	3	Restaurants	82	0
3543	4	Chiropractor	25	0
3544	57	Residential Only	0	0
3544	58	Japanese Restaurant	25	0
3544	59	Chinese restaurant	25	0
3544	60	Gift Shop / Restaurant	50	0
3544	62	Bookstore	25	0
3544	63	Eatery	25	0
3544	64	Restaurant	25	0
3544	65	Karisma Jewelry & Skyline Realty.	122.958	0
3544	67	Photo Works, Liquor store, Ace Hardware, and laundry mat.	77.5015	47.5105
3544	70	Storefront	25	0
3544	71	Laundry mat	25	0
3544	105-119	Allstate insurance	160	0

				Total linear square footage of all uses:	2893.909
Total:		2140.7955	753.1135		
Total l.f. for both:		2893.909		Total l.f. for both:	
			% FR within 30'		26%

**2100 Market Street - 300 Foot Formula Retail Calculation
(If Parking Lots Were Not Counted At All)**

Block	Lot	Use	NON - Formula Retail Linear Street Frontage	Formula Retail Street Frontage
3535	13	Art shade shop	285.281	0
3536	7	*1 of 8 lots used for parking at Safeway complex	0	0
3536	10	*1 of 8 lots used for parking at Safeway complex	0	0
3536	12	*1 of 8 lots used for parking at Safeway complex	0	0
3537	91	Vacant storefront	55	0
3537	13	Vacant storefront	0	0
3537	14	Produce store	25	0
3537	15	Mexican food establishment	25	0
3537	16	Bar	125	0
3537	17	Local market	25	0
3537	18	Vietnamese restaurant	25	0
3537	19	Vacant storefront	25	0
3537	20	Asian restaurant	25	0
3537	21	Residential	0	0
35237	101/107	Nail salon	25	0
3537	23	Storefronts	37	0
3537	24	Pet grooming	107.92	0
3537	117 & 118	Residential only	0	0
3542	38A	Pizza / laundry	58.833	0
3542	41	Proposed Chipotle	0	281.686
3542	40	BART TD	12	0
3542	4	Sterling Bank - 17 locations	0	25
3542	5	Vacant storefront	25	0
3542	6	MAAS	58	0
3542	7	Residential only	0	0
3542	8	Bar	25	0
3542	9	Parking for bar	0	0
3542	11	Barber	25	0
3542	12	Residential only	0	0
3542	13	Residential only	0	0
3542	14	Hotel	25	0
3542	15	Vacant storefront & hotel	25	0
3543	10	Walgreens	0	75
3543	3B	24 Hour Fitness	37	0
3543	3A	Vacant storefront	58	0
3543	12	Crossroads Trading Co.	0	50

3543	1	Market St - Good feet FR store and 2 non-FR storefronts; Church Street -3 non-FR storefronts	214.302	35
3543	3	Restaurants	82	0
3543	4	Chiropractor	25	0
3544	57	Residential Only	0	0
3544	58	Japanese Restaurant	25	0
3544	59	Chinese restaurant	25	0
3544	60	Gift Shop / Restaurant	50	0
3544	62	Bookstore	25	0
3544	63	Eatery	25	0
3544	64	Restaurant	25	0
3544	65	Karisma Jewelry & Skyline Realty.	122.958	0
3544	67	Photo Works, Liquor store, Ace Hardware, and laundry mat.	77.5015	47.5105
3544	70	Storefront	25	0
3544	71	Laundry mat	25	0
3544	105-119	Allstate insurance	160	0

			Total linear square footage of all uses:	2554.992
Total:	2040.7955	514.1965		
Total l.f. for both:	2554.992		Total l.f. for both:	
		% FR within 30'		20%

BergDavis Public Affairs



Date: June 10, 2013
To: San Francisco Planning Commission
From: BergDavis Public Affairs
Re: Chipotle Mexican Grill, Inc- Community Outreach

For one year BergDavis Public Affairs on behalf of Chipotle Mexican Grill, Inc. has conducted extensive community outreach to the residents, merchants and community organizations in the Upper Market/Castro neighborhood. A myriad of community outreach tools were used to engage the community in the planning process including a merchant open house, design review meeting, community meeting, presentations to community organizations, merchant walks, participation in key community events and local advertising.

Below is a timeline of community outreach activities:

- July 2012 -Before scheduling any public noticed meetings, BergDavis began initial discussions with key community organizations including the Merchants of Upper Market and Castro (MUMC), Duboce Triangle Neighborhood Association (DTNA) and the Eureka Valley Neighborhood Association (EVNA) to assess community reaction to the proposed Chipotle.
- August 2012 – Community organizations were invited to attend a preliminary design meeting with the project sponsor and architect. The purpose of the meeting was to present the preliminary project designs and to solicit feedback from the community.
- September 6, 2012 – Merchants and community organizations along the Castro/Upper Market Corridor were invited to attend a merchant open house at the proposed site to meet the project team, preview the project designs and receive information about the project and the company. Invitations were hand-delivered to merchants, along with project information.
- September 27, 2012 – Chipotle held a community meeting as required by the conditional use process. Five community members, including two representatives from DTNA attended the meeting. A follow-up merchant walk

was conducted to ensure that neighborhood merchants had received project information.

- October 2012 - Informational presentation at the MUMC general membership meeting.
- November 2012 – Received endorsement from MUMC at their general membership meeting.
- December 2012 – Sponsor of the Annual Castro Tree Lighting ceremony.
- February 2013 – Ad in the Bay Area Reporter notifying the community of Chipotle’s plans to open a restaurant at 2100 Market Street.
- March 2013 – Presentation to the Castro CBD Land Use Committee.
- April 2013 – Table sponsor at the Open House Spring Fling.
- May 2013 – Received endorsement from the Castro CBD at their Board of Directors meeting. Informational presentation to EVNA. Informational ad in the Bay Area Reporter.
- June 2013 – Informational presentation to DTNA on June 10. Presentation to EVNA Board of Directors for project endorsement on June 12. Additional ads in the Bay Area Reporter.
- Ongoing – From December 2012 through the present, Chipotle has held over 15 pop-up events at 2100 Market Street (proposed site). Offering project information and samples of chips, salsa and guacamole to residents and neighborhood visitors.

Below is a summary of the widespread support the proposed Chipotle at 2100 Market Street has received from over 1,800 neighbors, merchants, community organizations and residents of San Francisco.

- Endorsements from the Merchants of Upper Market and Castro and the Castro Community Benefits District.
- Merchant petition with 34 signatures from merchants that operate in the immediate vicinity of 2100 Market Street.
- Letters of support from 34 merchants that operate in the immediate vicinity of 2100 Market Street.
- Letters of support and emails from 42 neighbors and residents of San Francisco.

- Supporter cards from 69 neighbors and residents of San Francisco.
- Petition with 1,661 signatures from neighbors and San Francisco residents.



MERCHANTS OF
UPPER MARKET & CASTRO

584 Castro Street, # 333
San Francisco CA 94114-2512
415/431-2359
Email MUMC-SF@earthlink.net
www.CastroMerchants.com

Terry Asten Bennett, President
415/431-5365 Ext. 4
TerryAsten@cs.com

May 28, 2013

By Email and USPS hardcopy

Adrian Putra, Staff Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

Re: Planning Case No. 2012.1356C, Request for Conditional Use Authorization
2100 Market Street, *Chipotle*

Dear Mr. Putra,

This confirms that the Members of **Merchants of Upper Market & Castro (MUMC)** have voted to SUPPORT the Request for Conditional Use Authorization and related approvals (including an allowed Formula Retail use) of *Chipotle Mexican Grill* at 2100 Market Street in San Francisco. We understand that Planning Commission's Hearing for this item currently is scheduled for June 20, 2013.

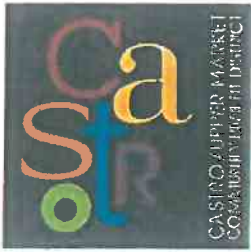
MUMC is the merchants' organization serving San Francisco's Castro-Upper Market area, generally along Upper Market Street from Octavia Blvd. to Castro Street; Castro from Market to 19th Street; and cross streets throughout that area. **MUMC** has over 250 paid Members for 2013-2014. The property covered by this matter is within MUMC's primary service area.

Please let us know if you have any questions regarding **MUMC's** SUPPORT for this Request. Please include this letter in the matter's permanent file, and assure that it is provided to all Planning Staff and Commissioners and to any other hearing panels at the time that this matter is considered by them. Thank you for considering our comments.

Respectfully,

Terry Asten Bennett, President

cc: Lisa Burbey, *Chipotle Mexican Grill*
Luis Cuadra, *BergDavis Public Affairs*
email cc: Supervisor Scott Wiener and staff
Capt. Bob Moser, SFPD Mission Station
Capt. Greg McEachern, SFPD Northern Station



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San Francisco, CA 94114
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www.castrocbd.org
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castrocbd
@visifthecastro

June 10, 2013

San Francisco Planning Commission
1650 Market Street, Suite 400
San Francisco, CA 94103

Case No. 2012.1356C-2100 Market Street

Dear Planning Commission,

This letter is written to express the Castro/Upper Market Community Benefit District's (Castro CBD) support for the Conditional Use Authorization request to allow a Chipotle restaurant to open at 2100 Market Street. In writing this letter of support, the Board of Directors wants the Commission to understand this was a divided decision. The motion to support this project failed at the Castro CBD's Land Use Committee. The motion failed primarily because the committee believes the proposed project does not align well with the Castro CBD's Land Use Committee's mission statement: *Encourages land use that aligns with the Upper Market Guidelines, compliments the existing diverse and historic character of the district, adds to the economic vitality through new community-serving uses and increases public safety for residents and visitors.*

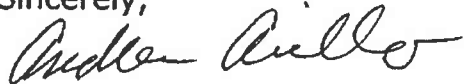
The concerns at the Land Use Committee were as follows: branding a key corner of the district with formula retail, the project did not appreciably change the façade of the building, and that the project would not primarily be providing new community-serving uses.

At the Board level, there was much discussion about this project. Concerns for board members wanting to support the project were primarily related to the continued blight that extended vacancy would bring to this key corner in the district and less concern with the impact of formula retail at the corner.

The Board of Director's vote was a tie, with the President breaking the tie to support the Conditional Use Authorization request.

Thank you for your consideration of this important matter and for considering the Castro/Upper Market Community Benefit Districts position on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Aiello". The signature is fluid and cursive, with a prominent loop at the end.

Andrea Aiello
Executive Director

cc: Supervisor Scott Wiener, Supervisor District 8
Andres Power, Legislative Aide, Supervisor Scott Wiener
John Rahaim, Director S.F. Planning Dept.
Adrian Putra, Planner, S.F. Planning Dept.
Louis Cuadra, Berg Davis Public Affairs
Board of Directors, Castro/Upper Market Community
Benefit District

WATER METER #1
 ELECTRICAL ROOM
 STREET LIGHT BOX
 FIRE SPRINKLER RISER
 GAS METER LOCATION

EXISTING GREASE INTERCEPTOR

NEW LANDSCAPING AND PATIO AREA

EXISTING TRASH ENCLOSURE

SITE LIGHTING (TYP.)

BAY AREA RAPID TRANSIT ELEVATOR ACCESS

14TH STREET

CHIPOTLE
 3,467 SF

MARKET STREET

WATER METER
 BUS STOP
 TRAFFIC SIGNAL BOX
 NEW LANDSCAPING

TRAFFIC SIGNAL

EXISTING LANDSCAPE

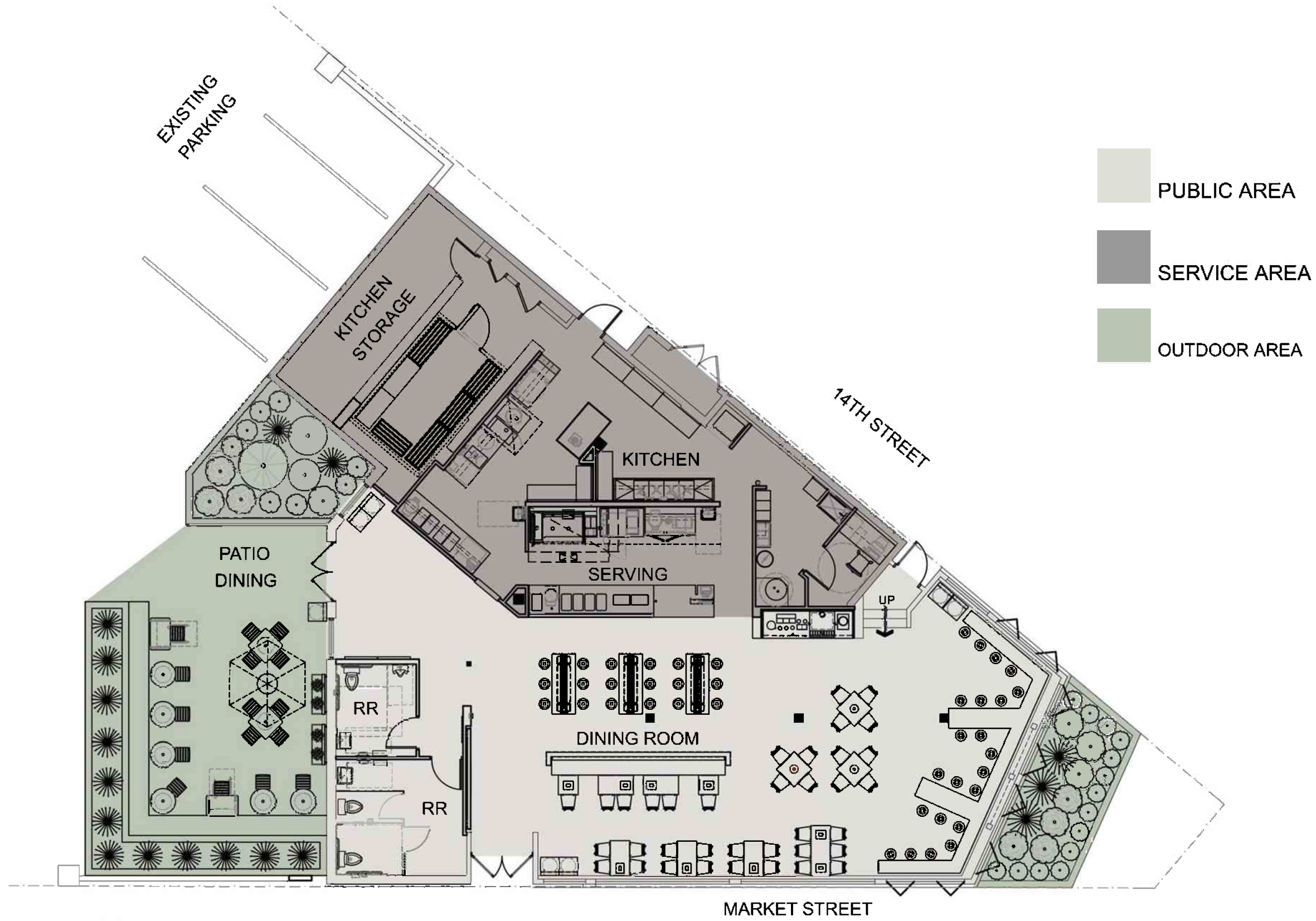
NEWS STAND

BAY AREA RAPID TRANSIT STAIRS / ESCALATOR ACCESS
 LOCATION FOR PUBLIC ART MURAL



SITE PLAN
 SCALE: 1" = 20'-0"

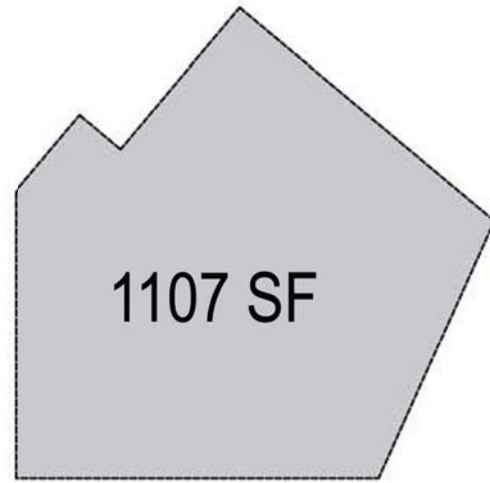




NORTH
 FLOOR PLAN
 3/32" = 1'0"

Current Gross Square Footage:

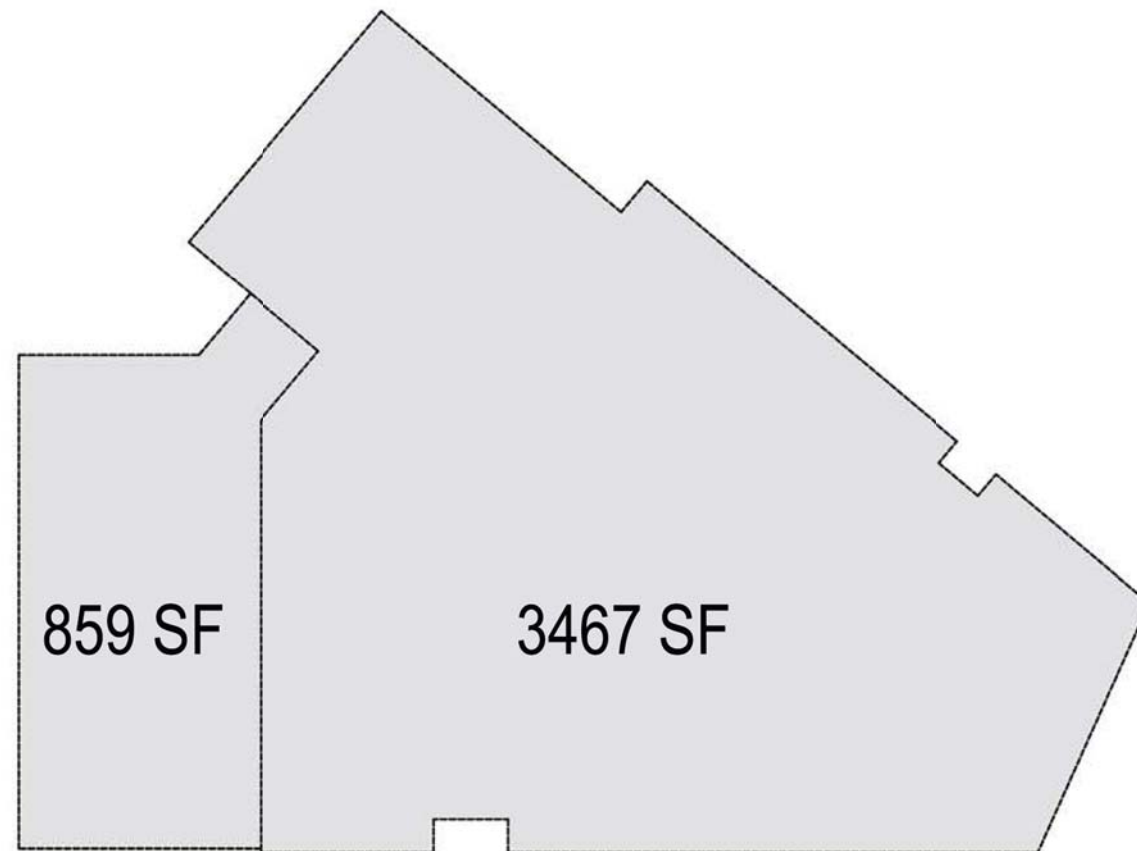
5433 SF



Mezzanine

Proposed Gross Square Footage:

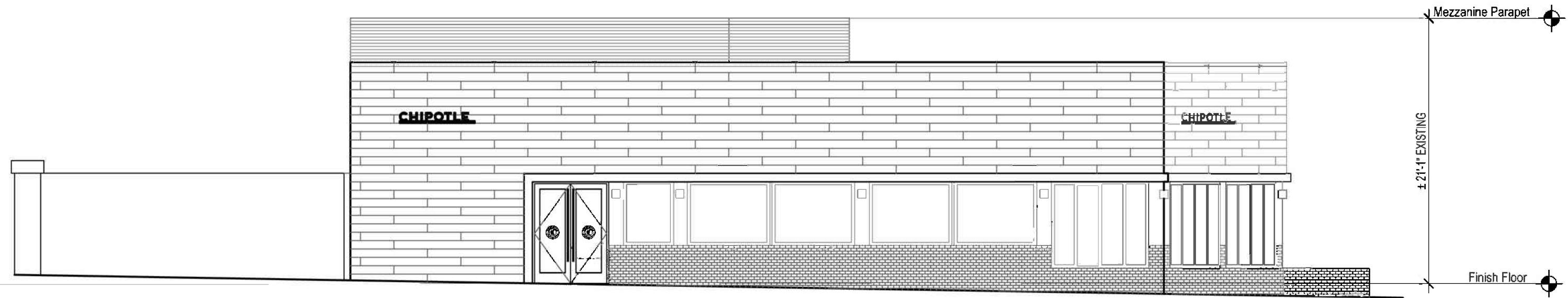
3467 SF



Lower Level

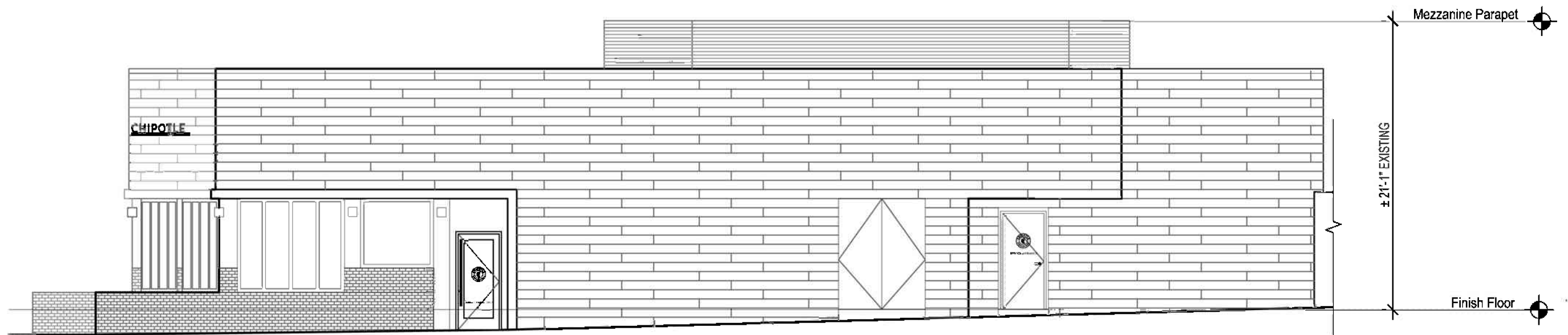


Lower Level



MARKET STREET ELEVATION

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



14TH STREET ELEVATION

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



FHA
ARCHITECTS

UPPER MARKET
2100 MARKET STREET - SAN FRANCISCO, CA



CHIPOTLE

MEXICAN GRILL