



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use

HEARING DATE: DECEMBER 9, 2010

*Date:* December 2, 2010  
*Case No.:* **2010.0970 C**  
*Project Address:* **2342-2348 MARKET STREET**  
*Zoning:* Upper Market Neighborhood Commercial District  
65-B Height and Bulk District  
*Block/Lot:* 3562/007  
*Project Sponsor:* Greg Bronstein  
2342-2348 Market Street  
San Francisco, CA 94114  
*Staff Contacts:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)  
Kate Conner – (415) 575-6914  
[Kate.Conner@sfgov.org](mailto:Kate.Conner@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The Planning Department seeks a modification to the previously approved Conditional Use Authorization (approved through Case No. 2008.0444C, Motion No. 17637), pursuant to Planning Code Section 303, to eliminate or enclose the outdoor activity area (smoking patio) located at the front of the existing bar with other entertainment (dba Trigger), in order to mitigate noise complaints that have gone unresolved. The Subject Property is within the Upper Market Neighborhood Commercial District (NCD) and 65-B Height and Bulk District.

Trigger is currently permitted to be open and serving alcohol with other entertainment from 6:00 a.m. to 2:00 a.m., seven days a week.

### SITE DESCRIPTION AND PRESENT USE

The Subject Property is located at 2342-2348 Market Street, at the north side of Market Street, between Castro and 16<sup>th</sup> Streets. The lot currently contains a one-story commercial structure – built in 1907 – that includes one commercial tenant space (occupied by a bar dba Trigger), and one dwelling unit that is located in the eastern corner of the lot. The bar contains approximately 3,240 square feet of gross floor area and approximately 45 feet of frontage. The northeastern corner of the lot contains a detached structure with one dwelling unit that is not associated with this Project. The Property is located within the Upper Market NCD and 65-B Height and Bulk District.

### SURROUNDING PROPERTIES & NEIGHBORHOOD

Land uses located within the subject block of Market Street include one-, two-, three-, and four-story buildings containing primarily commercial uses on the ground floor with residential units located above. The properties on the subject block are all located within the Upper Market Neighborhood Commercial

District. Land uses located along Castro Street include a mix of commercial and residential uses, while uses along 16<sup>th</sup> Street are primarily residential in character, with mostly two-, three-, and four-story buildings that are zoned RH-3 (Residential, House, Three Units). To the east of the subject lot are properties containing Copy Central and a French Cleaners; and to the west is a property containing Streetlight Records at the ground floor. Across Market Street are mixed-use buildings with ground floor commercial and one-to-two stories of residential occupancy above.

The Subject Property is located within the Upper Market NCD. The Upper Market NCD controls are designed to encourage a diversified commercial environment with a wide variety of uses, with special emphasis on neighborhood-serving businesses, and limits on the number of eating, drinking and entertainment uses at the ground story.

## ENFORCEMENT HISTORY

A complaint was received on October 15, 2009 (Complaint ID 10416) stating that there was excessive noise at Trigger, a violation of the conditions of approval (specifically numbers 13 and 14) that were adopted by the Planning Commission as part of Conditional Use Authorization 2008.0444C on June 26, 2008.

An Enforcement Notification was issued on November 25, 2009. Planning staff was in communication with Jeremy Paul, representing the business owner, who stated that he would work with Greg Bronstein, the business operator, and the sound engineer for Trigger Bar, CM Salter. Planning staff contacted the sound inspector at the Entertainment Commission, Vajra Granelli, who sent over a report he made at the end of May which stated that "the glass front of the building [along the western portion of the façade] is unable to contain the sound from inside the club, like the sound of bass." He continued in the report that the outdoor smoking area at the front of the building is acting "like a sound box" and bouncing the sound of people's conversations out onto the street. Planning staff did not receive evidence of abatement of this Enforcement Notification and continued to receive complaints about the noise from neighbors.

Planning Enforcement staff attended a community meeting on February 25, 2010 about Trigger and the numerous complaints received by both the Planning Department and the Entertainment Commission. Entertainment Commission staff relayed the findings from their previous inspections and made suggestions to Trigger's representatives who were present at the meeting to mitigate the sound including baffling along the doorway.

Planning Enforcement staff attended a Eureka Valley Neighborhood Association meeting on March 24, 2010 where the pending enforcement of Trigger was discussed. Bob Davis from the Entertainment Commission stated that Trigger would have seven days to make the necessary adjustments or else Trigger would risk suspension of their entertainment permit.

On April 17, 2010, the sound inspector for the Entertainment Commission made a site visit. Trigger continued to be in violation. The report stated, "the sound level of bass coming from the club is better, but still audible across the street. The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section has not gotten any better."

On April 28, 2010, Planning Enforcement staff received a copy of a letter from the operator of Trigger, Greg Bronstein, to Bob Davis of the Entertainment Commission. Included was a plan for installing sound mitigation measures. Listed in the letter was the following timeline:

**First step improvements: to be purchased and installed by May 21<sup>st</sup>, 2010**

- Absorption panels for the two entrance vestibules and smoking patio
- Bonded acoustical cotton panels installed from the ceiling
- Sealing any gaps and/or penetrations with sealant
- Replacing ventilation grilles with other sound abating options

**Second step improvements being finalized: This will be started by end of May**

- Soundproofing door kits

Although the Planning Department was supportive of the improvements listed above, the amount of time that it had taken for compliance was considered excessive, almost five months after the initial Enforcement Notification.

On May 7, 2010, a Notice of Violation and Penalty was issued by the Planning Department with penalty accrual beginning on May 24, 2010. This date was close to the projected completion dates for the proposed improvements. The Entertainment Commission sound inspector made a site visit on May 22, 2010. He stated in his report that:

- The sound level coming from the club is better.
- The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.

The Entertainment Commission sound inspector made a site visit on June 13, 2010. He stated in his report that:

- The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high. The sound from the people standing in front of the club is very loud.

The operator of Trigger did not either request a hearing before the Zoning Administrator to contest the notice of violation and assessment of penalties or appeal the notice and penalties to the Board of Appeals within the 15-day deadline for appeal. Therefore, the notice of violation and assessment of penalties became final on May 24, 2010.

On June 28, 2010, Planning Enforcement staff sent an Administrative Penalty Reminder to all interested parties stating that due to continued noncompliance of the conditions of approval, the amount of administrative penalties had reached an amount of \$8,500.00.

On July 19, 2010, Planning Enforcement staff sent a second Administrative Penalty Reminder stating that due to continued noncompliance, the amount of administrative penalties had reached an amount of \$14,000.00.

On September 5, 2010, the Entertainment Commission sound inspector made a site visit and stated the following:

- The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.

Planning staff continues to receive multiple complaints from the neighborhood stating that the noise associated with Trigger is a nuisance and that Trigger is unresponsive to their requests to control the noise emitted from the smoking patio. As of the date on this writing, on December 2, 2010, due to continued noncompliance, the amount of administrative penalties had reached an amount of \$48,250.00.

## ENVIRONMENTAL REVIEW STATUS

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

## HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	November 19, 2010	November 17, 2010	22 days
Posted Notice	20 days	November 19, 2010	November 19, 2010	20 days
Mailed Notice	20 days	November 19, 2010	November 18, 2010	21 days

## ISSUES AND OTHER CONSIDERATIONS

- The Department has received three letters in support of this staff-initiated modification, in addition to strong support from Duboce Triangle Neighborhood Association (DTNA) and Eureka Valley Neighborhood Association (EVNA). The Department has also received correspondence regarding this modification hearing from Greg Bronstein, operator of Trigger.
- This request by the Department for the Commission to modify the previously approved Conditional Use Authorization was the result of many months of enforcement action. The first complaint was filed in October 2009 and Planning staff continues to receive complaints regarding Trigger. Trigger was found to be in violation of Conditions 13 and 14 of Motion No. 17637.<sup>1</sup> Per Planning Code Section 174, Trigger was required to abide by the conditions of approval that were adopted by the Planning Commission on June 26, 2008. Condition number five stated:

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<sup>1</sup> 13. The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.

14. The business operation shall be conducted in such a manner that noise, vibration, odors and nuisance factors shall be adequately controlled so that nearby residents are not adversely affected. The heating, ventilation and air-conditioning (HVAC) systems in the building shall be upgraded as necessary to allow implementation of the conditions of this Motion. These systems shall have noise baffling panels or walls to minimize noise emission.

Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Planning Code to consider revocation of this Conditional Use Authorization.

Both DTNA and EVNA requested that a revocation hearing be held due to continued months on non-compliance. After discussion with all interested parties, Planning staff determined that a modification hearing should be held to address the particular noise complaints, rather than a full revocation.

## REQUIRED COMMISSION ACTION

The Department is requesting that the Commission modify the previously approved Conditional Use Authorization pursuant to Planning Code Sections 303 and 174 so as to eliminate or enclose the smoking patio as previously authorized by Conditional Use Authorization 2008.0444C and Motion No. 17637. Revised plans illustrating removal of the smoking patio must be submitted to the Planning Department for review and approval. Conditions numbers 1, 15, 16, 17 of Motion No. 17637 refer to the smoking patio; these references should be deleted and the conditions modified to reflect the new design. The outstanding conditions from Motion No. 17637 shall remain valid and are included in the draft motion with the revised conditions.

## BASIS FOR RECOMMENDATION

- The revised conditions of approval in Exhibit A mitigate noise concerns articulated by the neighborhood and confirmed by the Entertainment Commission.
- Trigger is an independently-owned, neighborhood-serving business. By removing the smoking patio, Trigger will generate fewer noise complaints, making it a more compatible use in the neighborhood.
- The Project, as modified, meets all applicable requirements of the Planning Code and is consistent with the General Plan.
- Pursuant to Planning Code 174, Trigger was required to meet all conditions of approval. Violation of these conditions of approval required enforcement action under Planning Code 176. Trigger continues to violate the conditions of approval. Pursuant to Planning Code Section 303 it is within the jurisdiction of the Planning Commission to modify the conditions of approval if the use operates in such a manner as to create hazardous, noxious or offensive conditions and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authorities.

<b>RECOMMENDATION:</b> <b>Approve with Conditions</b>
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**Attachments:**

Motion No. 17637

Inspection report from the Entertainment Commission sound inspector for April 17, 2010.

Inspection report from the Entertainment Commission sound inspector for May 22, 2010.

Inspection report from the Entertainment Commission sound inspector for June 13, 2010.

Inspection report from the Entertainment Commission sound inspector for September 5, 2010.

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Correspondence from Greg Bronstein

Administrative Penalty Reminder #2 Packet

Reduced Plans

*EW: I:\Cases\2010\2010.0970\Executive Summary.doc*

## Exhibit Checklist

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Executive Summary                              | <input checked="" type="checkbox"/> Context Photos                            |
| <input checked="" type="checkbox"/> Draft Motion                                   | <input checked="" type="checkbox"/> Administrative Penalty Reminder #2 Packet |
| <input checked="" type="checkbox"/> Motion No. 17637                               | <input checked="" type="checkbox"/> Correspondence                            |
| <input checked="" type="checkbox"/> Entertainment Commission<br>Inspection Reports | <input checked="" type="checkbox"/> Project sponsor submittal                 |
| <input checked="" type="checkbox"/> Block Book Map                                 | Drawings: <u>Existing Conditions</u>  |
| <input checked="" type="checkbox"/> Sanborn Map                                    | <input checked="" type="checkbox"/> Check for legibility                      |
| <input checked="" type="checkbox"/> Zoning District Map                            | Drawings: <u>Proposed Project</u>   |
| <input checked="" type="checkbox"/> Aerial Photo                                   | <input checked="" type="checkbox"/> Check for legibility                      |

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

\_\_\_\_\_  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Draft Motion

HEARING DATE: DECEMBER 9, 2010

*Date:* December 2, 2010  
*Case No.:* **2010.0970 C**  
*Project Address:* **2342-2348 MARKET STREET**  
*Zoning:* Upper Market Neighborhood Commercial District  
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 Kate Conner – (415) 575-6914  
[Kate.Conner@sfgov.org](mailto:Kate.Conner@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE MODIFICATION OF CONDITIONAL USE AUTHORIZATION CASE NO. 2008.0444C, MOTION NO. 17637, PURSUANT TO PLANNING CODE SECTION 303, TO ENCLOSE OR REMOVE THE EXISTING SMOKING PATIO IN ORDER TO MITIGATE COMPLAINTS REGARDING NOISE AT THE FRONT OF AN EXISTING BAR WITH OTHER ENTERTAINMENT (DBA TRIGGER) LOCATED AT 2342-2348 MARKET STREET WITHIN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND 65-B HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 17, 2008, Greg Bronstein of Trigger (at the time of application, the bar was known as Jet), (hereinafter "Applicant"), made application for Conditional Use on the property at 2342-2348 Market Street, Assessor's Lot 007 in Block 3562 (hereinafter "Property"), for a use size exceeding 2,999 square feet that would accommodate an expansion of the existing bar and other entertainment uses into the adjacent ground-floor commercial tenant space, including construction of an outdoor smoking patio at the front of the property, per the application and plans dated April 14, 2008 in the project file for Case No. 2008.0444C.



On June 26, 2008 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.0444C and approved said Conditional Use Authorization with conditions.

On October 15, 2009, a complaint (Complaint ID 10416) was received by the Planning Department stating that there was excessive noise at Trigger, a violation of the conditions of approval (numbers 13 and 14) adopted by the Planning Commission as part of Motion 17637, Conditional Use Authorization 2008.0444C.

On November 25, 2009, Planning staff issued an Enforcement Notification. Planning staff was in communication with Jeremy Paul, who represents the business owner, who stated that he would work with Greg Bronstein, the business operator, and the sound engineer for Trigger Bar, CM Salter. Planning staff contacted the sound inspector at the Entertainment Commission, Vajra Granelli, who sent over a report he made at the end of May 2009, which stated that "the glass front of the building [along the western portion of the façade] is unable to contain the sound from inside the club, like the sound of bass." He continued in the report by stating that the outdoor smoking area at the front was acting "like a sound box" and bouncing the sound of people's conversations out onto the street. Planning staff did not receive evidence of abatement of this Enforcement Notification and continued to receive complaints about the noise from neighbors.

On February 25, 2010, Planning Enforcement staff attended a community meeting about Trigger and the numerous complaints received by both the Planning Department and the Entertainment Commission. Entertainment Commission staff relayed the findings from their previous inspections and made suggestions to Trigger's representatives who were present at the meeting to mitigate the sound including baffling along the doorway.

On March 24, 2010, Planning Enforcement staff attended a Eureka Valley Neighborhood Association meeting where the pending enforcement of Trigger was discussed. Bob Davis from the Entertainment Commission stated that Trigger would have seven days to make the necessary adjustments or else Trigger would risk suspension of their entertainment permit.

On April 17, 2010, the sound inspector for the Entertainment Commission made a site visit. Trigger continued to violate the conditions of approval. The report stated, "the sound level of bass coming from the club is better, but still audible across the street. The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section has not gotten any better."

On April 28, 2010, Planning Enforcement staff received a copy of a letter from the operator of Trigger, Greg Bronstein, to Bob Davis of the Entertainment Commission. Included was a plan for installing sound mitigation measures.

On May 7, 2010, a Notice of Violation and Penalty was issued by the Planning Department with penalty accrual beginning on May 24, 2010.

On May 22, 2010, the Entertainment Commission sound inspector made a site visit and stated in his report that although the sound from the club was better, Trigger continued to violate the conditions of approval.

On June 13, 2010, the Entertainment Commission sound inspector made a site visit. He stated in his report that, "the sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high. The sound from the people standing in front of the club is very loud."

On May 24, 2010 the notice of violation and assessment of penalties became final. The operator of Trigger did not either request a hearing before the Zoning Administrator to contest the notice of violation and assessment of penalties or appeal the notice and penalties to the Board of Appeals within the 15-day deadline for appeal.

On June 28, 2010, Planning staff sent an Administrative Penalty Reminder to all interested parties stating that due to continued noncompliance, the amount of administrative penalties had reached an amount of \$8,500.00.

On July 19, 2010, Planning Enforcement staff sent a second Administrative Penalty Reminder stating that due to continued noncompliance, the amount of administrative penalties had reached an amount of \$14,000.00.

On September 5, 2010, the Entertainment Commission sound inspector made a site visit and stated the following, "the sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high."

On October 27, 2010, Planning staff initiated a request for modification of the conditions of approval of 2008.04444C, Motion No. 17637, by filing 2010.0970C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1(a) categorical exemption. The Commission has reviewed and concurs with said determination.

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

**MOVED**, that the Commission hereby approves the modifications to the previously approved Conditional Use Authorization 2008.0444C, as requested by Planning staff in Application No. 2010.0970 C subject to the conditions contained in "EXHIBIT A", attached hereto and incorporated herein by reference thereto, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Planning Department seeks a modification to the previously approved Conditional Use Authorization (approved through Case No. 2008.0444C, Motion No. 17637), pursuant to Planning Code Section 303, to eliminate or enclose the outdoor activity area (smoking patio) located at the front of the existing bar with other entertainment (dba Trigger), in order to mitigate noise complaints that have gone unresolved. The subject property is within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District.

Trigger is currently permitted to be open and serving alcohol with other entertainment from 6:00 a.m. to 2:00 a.m., seven days a week.

3. **Site Description and Present Use.** The subject property is located at 2342-2348 Market Street, at the north side of Market Street, between Castro and 16<sup>th</sup> Streets. The lot currently contains a one-story commercial structure – built in 1907 – that includes one commercial tenant space (occupied by a bar dba Trigger), and one dwelling unit that is located in the eastern corner of the lot. The bar contains approximately 3,240 square feet of gross floor area and approximately 45 feet of frontage. The northeastern corner of the lot contains a detached structure with one dwelling unit that is not associated with this Project. The Property is located within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District.
4. **Surrounding Properties and Neighborhood.** Land uses located within the subject block of Market Street include one-, two-, three-, and four-story buildings containing primarily commercial uses on the ground floor with residential units located above. The properties on the subject block are all located within the Upper Market Neighborhood Commercial District. Land uses located along Castro Street include a mix of commercial and residential uses, and uses along 16<sup>th</sup> Street are primarily residential in character, with mostly two-, three-, and four-story buildings that are zoned RH-3 (Residential, House, Three Units). To the east of the Subject Lot are properties containing Copy Central and a French Cleaners; and to the west is a property containing Streetlight Records at the ground floor. Across Market Street are mixed-use buildings with ground floor commercial and one-to-two stories of residential occupancy above.

The subject property is located within the Upper Market NCD (Neighborhood Commercial District). The Upper Market NCD controls are designed to encourage a diversified commercial environment with a wide variety of uses, with special emphasis on neighborhood-serving businesses, and limits on the number of eating, drinking and entertainment uses at the ground story.

5. **Public Comment.** As of December 1, 2010, the Planning Department has received 3 letters supporting the Department's request of the Commission to modify their previous approval to

enclose or remove the outdoor activity area (i.e. smoking patio) at the front of the property. Duboce Triangle Neighbors Association (DTNA) and Eureka Valley Neighbors Association (EVNA) also support this modification, although they would also support of a full revocation. Greg Bronstein, the business operator, submitted a letter opposing the Department's request for modification.

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. **Compliance with Conditions of Approval.** Planning Code Section 174 states that every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code, whether such actions are discretionary or ministerial, shall be complied with in the development and use of land and structures. All such conditions, stipulations, special restrictions and other limitations shall become requirements of this Code, and failure to comply with any such condition, stipulation, special restriction or other limitation shall constitute a violation of the provisions of the Planning Code.

*Planning staff received complaints stating that conditions of approval from Motion No. 1763, Conditional Use Authorization 2008.0444C were being violated by Trigger. Specifically, the conditions being violated were item number 13 and 14. Condition number 13 states:*

*The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.*

*Noise must be contained within the facility. Condition number 14 states:*

*The business operation shall be conducted in such a manner that noise, vibration, odors and nuisance factors shall be adequately controlled so that nearby residents are not adversely affected. The heating, ventilation and air-conditioning (HVAC) systems in the building shall be upgraded as necessary to allow implementation of the conditions of this Motion. These systems shall have noise baffling panels or walls to minimize noise emission.*

*Due to continued noncompliance, Planning staff initiated enforcement procedures under Planning Code Section 176.*

- B. **Enforcement against Violations.** Planning Code Section 176 authorizes the Zoning Administrator to enforce against any condition of approval found to be in violation.

*This request by the Department for the Commission to modify the previously approved Conditional Use Authorization was the result enforcement action that has spanned over many months. The first complaint was filed in October 2009 for violation of conditions of approval. On November 25, 2009, Planning staff issued an Enforcement Notification. After continued noncompliance, Planning Department staff issued a Notice of Violation and Penalty on May 7, 2010, with penalty accrual beginning on May 24, 2010. On May 24, 2010 the notice of violation and assessment of penalties became final. The responsible party did not either request a hearing before the Zoning Administrator to contest the notice of violation and assessment of penalties or appeal the notice and penalties to the*

*Board of Appeals within the 15-day deadline for appeal. On June 28, 2010, Planning staff sent an Administrative Penalty Reminder to all interested parties stating that due to continued noncompliance, the amount of administrative penalties had reached an amount of \$8,500.00. On July 19, 2010, Planning Enforcement staff sent a second Administrative Penalty Reminder stating that due to continued noncompliance, the amount of administrative penalties had reached an amount of \$14,000.00. Planning staff has diligently followed enforcement procedures outlined in Planning Code Section 176. As of the date on this writing, on December 2, 2010, due to continued noncompliance, the amount of administrative penalties had reached an amount of \$48,250.00.*

- C. **Conditions of Approval.** The Conditional Use Authorization granted under Planning Code Section 303 allowed Trigger to operate at its current size and intensity with conditions that were an integral component of the project. The Commission conditioned their approval on the business operator's full continued compliance with the Entertainment Commission and Policy Department, including a working relationship with the Entertainment Commission's Sound Technician to ensure compliance with the San Francisco Sound Ordinance and to verify that all sound, bass, and vibrations be contained within the enclosed structure.

*Pursuant to Planning Code Section 303 it is within the jurisdiction of the Planning Commission to modify the conditions of approval if the use operates in such a manner as to create hazardous, noxious or offensive conditions and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Planning staff is recommending the enclosure and elimination of the smoking patio located at the front of Trigger. Revised plans illustrating removal of the smoking patio must be submitted to the Planning Department for review and approval. Conditions number 1, 15, 16, 17 of Motion No. 17637 refer to the smoking patio. These references should be deleted and the conditions modified to reflect the new design. The outstanding conditions from Motion No. 17637 shall remain valid and are included in this motion with the revised conditions.*

- D. **Use Size.** Planning Code Section 721.21 permits a use size of 3,000 square feet and above in the Upper Market NCD with Conditional Use Authorization.

*Under Motion No. 17637; Case No. 2008.0444C, the Planning Commission conditionally authorized a use size of approximately 3,240 square feet, pursuant to Planning Code Sections 721.21 and 790.130.*

- E. **Outdoor Activity Area:** Planning Code Section 721.24 permits an outdoor activity area by-right if it is located in the front of the property, and permits an outdoor activity area with Conditional Use Authorization if it is located elsewhere on the lot.

*Conditional Use Authorization 2008.0444C included a new outdoor activity area (smoking patio) that abuts the front property line. The intention of this space was to allow an area for patrons who smoke on the Subject Property rather than having patrons loitering on the public sidewalk. This outdoor activity area is located entirely within the Subject Property, and is accessed via a succession of two doors so to prevent noise from escaping the interior space as patrons travel to and from the smoking*

*patio. This smoking patio continues to be the cause of multiple complaints made to both the Planning Department and the Entertainment Commission. Although permitted by right, this patio is not appropriate for the given location and has been a nuisance to surrounding neighbors. Planning staff recommends the removal of the outdoor activity area.*

- F. **Bar Use:** Planning Code Section 721.41 permits bars in the Upper Market NCD with Conditional Use Authorization.

*Under Motion No. 17637; Case No. 2008.0444C, the Planning Commission conditionally authorized the expansion of the existing bar into the adjacent commercial tenant space, pursuant to Planning Code Sections 721.41 and 790.22. Planning staff recommends the continued operation of the bar use with the modification to remove the smoking patio.*

- G. **Other Entertainment Use:** Planning Code Section 721.48 permits other entertainment in the Upper Market NCD with Conditional Use Authorization.

*Under Motion No. 17637; Case No. 2008.0444C, the Planning Commission conditionally authorized the expansion of the existing other entertainment into the adjacent commercial tenant space, pursuant to Planning Code Sections 721.48 and 790.38.*

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

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

*The Project provides uses that are both necessary and desirable for the neighborhood in that it will allow for the continued operation of a well-used existing neighborhood-serving use. With the modifications recommended by Planning staff, this use will be more compatible with the neighborhood as the removal of the smoking patio will mitigate noise concerns. There appears to be a demand for the existing use in this neighborhood the expansion authorized by Conditional Use Authorization 2008.0444C was necessary to meet the neighborhood demand and to make the necessary improvements to the facility. Only one element of the expansion, the smoking patio, has proven problematic. Enclosing the smoking patio will not enlarge the existing building envelope and Planning staff will ensure that the façade alterations will utilize high quality materials and will be compatible with the existing character of the neighborhood. The Project provides the community a choice of nighttime entertainment venues, specifically one that permits dancing.*

- 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;

*Planning staff recommends eliminating or enclosing the smoking patio at the front of Trigger. This modification will alleviate noise concerns and improve the health, safety and convenience of those residing in the area.*

- 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 remained substantially unaltered by this Project, and should remain so with this modification, because the proposed use is a neighborhood-serving business, frequented via foot, cab, or public transportation by many residents of the surrounding neighborhoods. This Property is well served by public transit, being on Market Street near the Castro Street MUNI Station, and along or in close proximity to the 24-Divisadero, 35-Eureka, and 37-Corbet buses, and the K-, L-, M-, T-, S-, and F-MUNI lines. Further, condition of approval number 22 limits the hours allowed for loading activities and garbage collection.*

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

*This commercial use has proven problematic in the past. Multiple complaints have been made by individuals, the Duboce Triangle Neighborhood Association, and the Eureka Valley Neighborhood Association to the Planning Department and the Entertainment Commission about the noise emitted from Trigger. As a result, Planning staff recommends the elimination or enclosure of the smoking patio to mitigate the noise emitted. If adopted, it is anticipated that the Project will not create any noxious or offensive emissions, such as glare, dust, or odor. The amplified entertainment will be regulated by the Entertainment Commission and Police Department so that it will meet the Noise Ordinance, and not be heard outside of the enclosed structure.*

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

*There are no setbacks to allow for landscaping in front of the subject property, although the Project Sponsor has committed to providing new street trees/trash receptacles in front of the Subject Property. There is no parking or dedicated loading space required for the Subject Property, although the Project Sponsor has agreed to prohibit loading activities along Market Street during early morning hours and peak-commute hours. All signage at this site is required to meet the Upper Market Sign provisions of the Planning Code and the Project Sponsor will be required to obtain the necessary building permits for any new business signs.*

- C. With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning category .48 (Other Entertainment), that such use or feature will:

- i. Not be open between 2:00 a.m. and 6:00 a.m.;

*The entertainment use will cease at 2:00 a.m., seven days-a-week.*

- ii. Not use electronic amplification between midnight and 6:00 a.m.; and

*Amplification will be permitted between midnight and 2:00 a.m., seven days-a-week, based on the results of a sound test conducted by the Entertainment Commission. The Entertainment Commission will not permit noise and vibration associated with the entertainment use to be audible beyond the enclosed structure. Previously, the Planning Department received complaints regarding the amplified music; however, after multiple sound tests, the Project Sponsor was able to mitigate these concerns. The only outlying noise issue is the noise generated from patrons using the smoking patio.*

- iii. Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified on the San Francisco Noise Control Ordinance.

*The San Francisco Entertainment Commission regulates noise, verifying that the decibel levels specified in the San Francisco Noises Control Ordinance are not exceeded. Enclosing or eliminating the smoking patio will remedy outstanding noise concerns.*

- D. Notwithstanding the above, the Planning Commission may authorize a Conditional Use which does not satisfy the criteria set forth in C (1) (2) and (3) above if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

*The Planning Commission authorizes this Conditional Use to allow amplified entertainment between midnight and 2:00 a.m. seven (7) days-a-week. Although this does not satisfy the criteria set forth in C (2) above, the Commission relies on the Entertainment Commission and Police Department to regulate the City's Noise Ordinance. The Noise Ordinance does not permit sound to be audible beyond the enclosed structure, and modifying the design so as to enclose or eliminate the smoking patio, will help make this requirement possible. This modified design will minimize disruption to residences in and around the district.*

- 8. **General Plan Compliance.** The Project meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in the Findings 6 and 7 above and by affirmatively promoting the objectives and policies of the General Plan as outlined below:

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies



**OBJECTIVE 1:**

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

**Policy 1.1:**

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

**Policy 1.2:**

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

**Policy 1.3:**

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

*The Project provides desirable goods and services to the neighborhood and will provide resident employment opportunities to people in the community. Trigger is an independently-owned business and a popular nighttime destination for many people. The intensity of uses proposed at the Site are compatible with the other businesses along Market Street, and the conditions of approval shown in Exhibit A are imposed to mitigate noise complaints. The proposed modifications will mitigate undesirable consequences (noise) while continuing to provide residents and visitors with a popular nighttime destination. The enclosure or elimination of the smoking patio will ensure reasonable performance standards from Trigger.*

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The modifications enable the retention of this existing commercial activity.*

**OBJECTIVE 3:** PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

**Policy 3.1:**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment opportunities for unskilled and semi-skilled workers.

**Policy 3.4:**

Assist newly emerging economic activities.

*Trigger is a small independently-owned and operated business that provides employment opportunities for San Francisco residents. Trigger provides employment opportunities for local residents and musicians, and will also provide employment opportunities during non-traditional business hours. This modification allows for the retention of this business.*

**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.

*No commercial tenant would be displaced by the authorization of this Conditional Use, and the Project would not prevent the Upper Market District from achieving optimal diversity in the types of goods and services available in the neighborhood. Rather, this Conditional Use Authorization allows for the retention of an existing bar and nightclub.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does 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 granting of this Conditional Use Authorization will not adversely affect the existing neighborhood retail uses because the existing use is a bar with other entertainment. The business is owned and operated by a San Francisco resident.*

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

*The immediate vicinity is characterized by predominantly commercial and mixed-use buildings of two-to-three stories in height with ground-floor retail stores along Market Street. The Planning Department is recommending that the smoking patio located at the front of Trigger be enclosed to mitigate noise concerns; however, the existing envelope will not be affected. The existing housing and neighborhood character will be preserved and protected by the elimination of the smoking patio.*

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

*This Project does not include any residential dwelling units. There is one dwelling unit located at the rear of the property in a detached structure, and that unit will not be affected by the Project. The*

*modification of the conditions of approval for an existing bar with other entertainment will not impact the City's supply of affordable housing as the Project does not contain or remove housing.*

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

*The Project has less than 5,000 square feet and will have a low demand on neighborhood parking. The area is well-served by public transit, with a MUNI underground station at the corner of Castro and Market Streets, and numerous bus lines along Market Street. The Project will not impede MUNI transit or 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 existing buildings do not contain industrial uses, and no industrial uses will be displaced as part of this Project. This modification will enable service sector employment opportunities to be retained.*

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

*The building complies with all required seismic and life-safety codes in order to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The Department proposed façade alterations will not significantly impact the existing structure and the specific design remedies will be reviewed for consistency with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

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

*This Project will not affect any parks or open space because it does not include any expansion to the existing building envelope.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.0970C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17637. 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 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 9, 2010.

Linda Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 9, 2010

## Exhibit A

# Conditions of Approval

The conditions of approval adopted by the Planning Commission on June 26, 2008 in Motion No. 17637 are hereby incorporated below into these conditions of approval. These conditions shall supersede the conditions outlined in Motion No. 17637.

1. Project seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303, 721.21, 790.130, 721.41, 790.22, 721.48, 790.38, for a use size exceeding 2,999 square feet that will accommodate the expansion of the existing bar with other entertainment (dba Trigger) into the adjacent ground-floor commercial space. The Subject Property is within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District. Such modifications apply to the property located at 2342-2348 Market Street, in general conformance with plans filed with the Application as received on May 30, 2008, and stamped "EXHIBIT B" included in the docket for Case No. 2008.0444C, reviewed and approved by the Commission on June 26, 2008. Conditional Use Authorization 2010.0970C was approved to modify Conditional Use Authorization 2008.0444C to eliminate or enclose the smoking area to mitigate noise complaints. Plans incorporating the elimination or enclosure of the front smoking patio, which will supersede those submitted on May 30, 2008, shall be submitted to the Planning Department for review and approval within 60 days of this approval.
2. After the Conditional Use Authorization for the Project becomes final and before the issuance of any building permit, the Zoning Administrator shall approve and order the recordation of a Notice of Special Restrictions in the Official Records of the Recorder of the City and County of San Francisco against the land record of the Subject Lot. Said notice shall state that the operation of the proposal has been authorized by and is subject to the conditions of this Motion applicable to the Project. From time to time, after the recordation of such notice, at the request of the Applicant or the successor-in-interest thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines of not less than \$250 a day in accordance with Planning Code Section 176.
4. Should monitoring of the conditions of approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning

Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Planning Code to consider revocation of this Conditional Use Authorization.

6. The Project Sponsor shall implement any other conditions and/or management practices – as determined by the Zoning Administrator, in consultation with the Police Department, Entertainment Commission, and other appropriate public agencies – to be necessary to ensure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use.
7. This Authorization is valid for a period of three (3) years from the date of approval by the Planning Commission. This Authorization may be extended at the discretion of the Zoning Administrator for up to two years where the failure to implement the Project is caused by delay by any other public agency or by legal challenge.
8. The Project Sponsor shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Community Liaison Officer will be the current manager, Greg Bronstein, who can be contacted at (415) 259-1123. The Applicant will keep the Zoning Administrator updated with any changes to the contact information or if a different liaison is designated.
9. The Project Sponsor – though the Community Liaison – shall work with existing neighbors and neighborhood groups toward resolving any problems identified as being caused by the bar and the entertainment use. The Zoning Administrator shall report to the Commission any unresolved matters brought to the Department's attention regarding noncompliance with or ineffectiveness of any condition contained in this Exhibit.
10. The operator shall comply with all conditions required by the Entertainment Commission and Police Department at all times.
11. Prior to commencement of the entertainment use expansion, a final sound test shall be conducted by the Entertainment Commission's Sound Technician in order to set the maximum decibel limit allowed for the Subject Property. Any future structural or soundproofing alterations made to the building shall require a new sound check by the Entertainment Commission's Sound Technician to ensure compliance with the San Francisco Sound Ordinance and to verify that all sound, bass, and vibrations are contained within the enclosed structure. It is the responsibility of the Project Sponsor to recognize when such change to the building occurs and schedule the required sound check with the Entertainment Commission.
12. During the nine-month timeframe following completion of Trigger's entitlement process, Planning Department staff shall work with the Entertainment Commission's Sound Technician to ensure that two unannounced sound checks are successfully conducted.

13. The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.
14. The business operation shall be conducted in such a manner that noise, vibration, odors and nuisance factors shall be adequately controlled so that nearby residents are not adversely affected. The heating, ventilation and air-conditioning (HVAC) systems in the building shall be upgraded as necessary to allow implementation of the conditions of this Motion. These systems shall have noise baffling panels or walls to minimize noise emission.
15. The building walls of the Subject Property, including doors and windows, shall be adequately soundproofed, and made of highly-rated sound-limiting material. Windows serving Trigger shall be inoperable or locked in such a manner that patrons are unable to unlock the windows at their leisure. The Project Sponsor shall ensure that the establishment provides adequate ventilation within the structure such that doors and/or windows are not left open during business hours.
16. Dancing shall be permitted only on the dance floor as indicated on the plans filed with the Application for Conditional Use Authorization and labeled as "Exhibit B".
17. On those evenings when dancing or live entertainment occurs, employees of the establishment shall be posted at all entrances and exists for the establishment to ensure that patrons waiting to enter and/or exit the establishment are encouraged not to park motorcycles on the sidewalk and to respect the quiet and cleanliness of the neighborhood as they leave the vicinity.
18. The Project Sponsor shall maintain the Subject Property and all sidewalks abutting the Subject Property in a clean, sound and attractive condition, consistent with the general appearance of the neighborhood. Such maintenance shall include at a minimum, daily litter pick-up and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
19. The Project Sponsor shall designate employees of the establishment to walk down the north side of Market Street between Castro and 16th Streets some time between 30 minutes after closing time and 8:00 a.m. the following morning to pick-up and dispose of any trash.
20. All garbage and recycling containers shall be stored within the enclosed building or designated storage areas except during collection periods.
21. The Project Sponsor shall prohibit loading activities and garbage/recycling collection at the Subject Property during early morning hours and weekday peak commute hours. Such loading activities on Market Street shall not be permitted any day of the week from 11:00 p.m. and 9:30 a.m., and shall not be permitted during weekday evening commute hours from 4:00 p.m. to 6:30 p.m.

22. The Project Sponsor shall retain the services of private "Police Specials" officers or other legally authorized and trained professional security whose duties include ensuring that patrons behave in an orderly, peaceful and respectful manner, not only within Trigger, but also within a one-block distance from Trigger (or approximately 500-feet from the Subject Property, whichever is greater). In addition, the Project Sponsor shall have Trigger staff or hired security guards stationed at every entrance and exit (emergency exits do not require such monitoring) of Trigger. The staff and/or security stationed at these entrances and exits shall monitor patrons coming to and from Trigger within 50-feet of the business and ensure their orderly behavior. At a minimum, the private "Police Specials" and door staff shall be on duty and monitoring their respective responsibilities while Trigger is open during the hours of 10:30 p.m. to 2:00 a.m. and shall continue to patrol and monitor the area at least 30 minutes after the bar closes.
23. The Project Sponsor shall provide well lit notices that are prominently displayed at all entrances and exits of the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to not litter or block driveways in the neighborhood. These notices shall be made of durable material and permanently affixed to the building.
24. The Project Sponsor and Trigger management shall at all times keep a copy of these "Conditions of Approval-Exhibit A" on the premises for reference. Trigger management shall review with new employees as part of their training and orientation, and periodically (at least at twelve month intervals) review with the other Trigger employees, these conditions of approval related to operational concerns and quality of life issues, with emphasis on noise control, street cleanliness, and respectful behavior towards neighbors by Trigger patrons. Employees are to be reminded that continued successful operation of Trigger, and their respective jobs are dependant on compliance with these conditions of approval.

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion #17637

HEARING DATE: JUNE 26, 2008

*Date:* June 18, 2008  
*Case No.:* **2008.0444 C**  
*Project Address:* **2342-2348 MARKET STREET**  
*Zoning:* Upper Market Neighborhood Commercial District  
 65-B Height and Bulk District  
*Block/Lot:* 3562/007  
*Project Sponsor:* Greg Bronstein  
 2342-2348 Market Street  
 San Francisco, CA 94114  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION, UNDER PLANNING CODE SECTIONS 303, 721.21, 790.130, 721.41, 790.22, 721.48, AND 790.38, FOR A USE SIZE EXCEEDING 2,999 SQUARE FEET THAT WILL ACCOMMODATE AN EXPANSION OF THE EXISTING BAR AND OTHER ENTERTAINMENT USES (DBA JET) INTO THE ADJACENT GROUND-FLOOR COMMERCIAL TENANT SPACE, LOCATED WITHIN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND 65-B HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On April 17, 2008, Greg Bronstein of Jet, (hereinafter “Applicant”), made application (hereinafter “Application”) for Conditional Use on the property at 2342-2348 Market Street, Assessor’s Lot 007 in Block 3562 (hereinafter “Property”), for a use size exceeding 2,999 square feet that will accommodate an expansion of the existing bar and other entertainment uses (DBA Jet) into the adjacent ground-floor commercial tenant space, per the application and plans dated April 14, 2008 and labeled “EXHIBIT B” (hereinafter “Project”), within the Upper Market Neighborhood Commercial District (hereinafter “Upper Market NCD”) in a 65-B Height and Bulk District.

On June 26, 2008 the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. **2008.0444C**. Conditional Use Authorization is required pursuant to Planning Code Section 303, 721.21, 790.130,

721.41, 790.22, 721.48, and 790.38, in order to allow a use size over 2,999 square feet with a bar and other entertainment uses in the Upper Market NCD.

The Application was determined by the San Francisco Planning Department (hereinafter "Department") to be Categorically Exempt from the environmental review process pursuant to Title 14, Class 1(a) of Category 15301 (Existing Facilities) of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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

**MOVED**, that the Commission hereby approves the Conditional Use requested in Application No. 2008.0444 C subject to the conditions contained in "EXHIBIT A", attached hereto and incorporated herein by reference thereto, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303, 721.21, 790.130, 721.41, 790.22, 721.48, 790.38, for a use size exceeding 2,999 square feet that will accommodate the expansion of the existing bar with other entertainment (dba Jet) into the adjacent ground-floor commercial space, which is currently occupied by a campaign headquarters. The Project also includes an outdoor activity area, pursuant to Planning Code Sections 721.24 and 790.70 consisting of a front smoking patio, which is permitted-by-right when located at the front of a property. The Subject Property is within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District.

Jet is currently permitted to be open and serving alcohol with other entertainment from 6:00 a.m. to 2:00 a.m., seven days a week.

3. **Site Description and Present Use.** The Subject Property is located at 2342-2348 Market Street, at the north side of Market Street, between Castro and 16<sup>th</sup> Streets. The lot currently contains a one-story commercial structure – built in 1907 – that is divided into two commercial tenant spaces, and one dwelling unit that is located in the eastern corner of the lot. The commercial tenant on the west side of the lot is currently dedicated to Jet bar, with approximately 1,611 square feet of gross floor area (including a mezzanine of 294 square feet), and the commercial tenant on the east side of the lot is currently occupied by a temporary political campaign headquarters, and contains approximately 1,746 square feet of gross floor area (including a mezzanine of 345 square feet). The existing commercial tenant spaces together have approximately 45 feet of frontage; approximately 21'-6" dedicated to Jet's tenant space, and 23'-6" dedicated to the political

headquarters. The proposed bar expansion will merge these two tenant space and include an expansion to the mezzanine level to accommodate a new storage room. This Project will result in a use size of approximately 3,240 square feet of gross floor area, and thus requires Conditional Use authorization for a use size that exceeds 2,999 square feet. The northeastern corner of the lot contains a detached structure with one dwelling unit that is not involved in the proposed Project. The Property is located within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District.

4. **Surrounding Properties and Neighborhood.** Land uses located within the subject block of Market Street include one-, two-, three-, and four-story buildings containing primarily commercial uses on the ground floor with residential units located above. The properties on the subject block are all located within the Upper Market Neighborhood Commercial District. Land uses located along Castro Street include a mix of commercial and residential uses, and uses along 16<sup>th</sup> Street are primarily residential in character, with mostly two-, three-, and four-story buildings that are zoned RH-3 (Residential, House, Three Units). To the east of the Subject Lot is a property containing Shala Yoga studio, John Brody salon, and Copy Central; and to the west is a property containing Streetlight Records at the ground floor. Across Market Street are mixed-use buildings with ground floor commercial and one-to-two stories of residential occupancy above.

The Subject Property is located within the Upper Market NCD (Neighborhood Commercial District). The Upper Market NCD controls are designed to encourage a diversified commercial environment with a wide variety of uses, with special emphasis on neighborhood-serving businesses, and limits on the number of eating, drinking and entertainment uses at the ground story.

5. **Public Comment.** As of June 17, 2008, the Planning Department has received letters of support from approximately 55 people and/or organizations – including Eureka Valley Promotion Association (EVPA), Duboce Triangle Neighbors Association (DTNA), and Merchants of Upper Market & Castro (MUMC) – as well as a petition with approximately 360 signatures. The Department has received two (2) letters in opposition to the Project, one of which only expressed opposition to the front smoking patio.
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. **Floor Area Ratio (FAR).** Planning Code Section 721.20 allows a floor area ratio of up to 3.0 in the Upper Market Neighborhood Commercial District.

The Project will result in a floor area ratio of .88.
  - B. **Use Size.** Planning Code Section 721.21 permits a use size of 3,000 square feet and above in the Upper Market NCD with Conditional Use Authorization.

*The Project seeks Conditional Use Authorization under Planning Code Sections 721.21 and 790.130 to allow a use size of approximately 3,240 square feet.*

- C. **Outdoor Activity Area:** Planning Code Section 721.24 permits an outdoor activity area by-right if it is located in the front of the property, and permits an outdoor activity area with Conditional Use Authorization if it is located elsewhere on the lot.

*The Project includes a new outdoor activity area that abuts the front property line. The intention of this space is to allow an area for patrons who smoke on the Subject Property rather than having patrons loitering on the public sidewalk. This outdoor activity area is located entirely within the Subject Property, and is accessed via a succession of two doors so to prevent noise from escaping the interior space as patrons travel to and from the smoking patio.*

- D. **Bar Use:** Planning Code Section 721.41 permits bars in the Upper Market NCD with Conditional Use Authorization.

*The Project seeks Conditional Use Authorization, under Planning Code Sections 721.41 and 790.22, to permit the expansion of the existing bar into the adjacent commercial tenant space.*

- E. **Other Entertainment Use:** Planning Code Section 721.48 permits other entertainment in the Upper Market NCD with Conditional Use Authorization.

*The Project seeks Conditional Use Authorization, under Planning Code Sections 721.48 and 790.38, to permit the expansion of the existing other entertainment into the adjacent commercial tenant space.*

- F. **Parking:** Section 151 of the Planning Code states that off-street parking is required for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The Project will result in approximately 3,240 of floor area. A bar and entertainment use of this size does not require any off-street parking.*

- G. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses, including bars, 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 Project has approximately 45 feet of frontage on Market Street. Approximately 36 feet of the frontage is devoted to either the business entrance or window space. This is an increase from the existing conditions, which contains 23 feet of frontage that is dedicated to entrances, windows, or*

*display space. The Project includes eliminating the existing roll-down metal security gate and aluminum storefront windows, and creating a uniform façade with channel glass walls.*

H. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any new signage will be subject to the Upper Market Sign provisions of the Planning Code and will be reviewed by the Planning Department prior to the issuance of any sign permit.

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

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

*The Project will provide uses that are both necessary and desirable for the neighborhood in that it will expand a well-used existing neighborhood-serving use. There appears to be a demand for the existing use in this neighborhood and the existing space is not practical in its current configuration. The space is small and the single bathroom is deficient. The expansion is necessary to meet the neighborhood demand and to make the necessary improvements to the facility.*

*The proposed commercial use is compatible with the existing uses in the general vicinity of the Subject Property. The existing use provides the community a choice of nighttime entertainment venues, specifically one that permits dancing. The proposed expansion into the adjacent commercial space will allow tenant improvements that will enhance and preserve a desirable use. The envelope of the existing building will not be enlarged, and the façade alterations will utilize high quality materials and will be compatible with the existing character of the neighborhood.*

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;

*There are no modifications proposed to the exterior of the 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 remain substantially unaltered by this Project, because the proposed use is a neighborhood-serving business, frequented via foot, cab, or public transportation by many residents of the surrounding neighborhoods. This Property is well served by public transit, being*

*on Market Street near the Castro Street MUNI Station, and along or in close proximity to the 24-Divisadero, 35-Eureka, and 37-Corbet buses, and the K-, L-, M-, T-, S-, and F-MUNI train lines. Further, Condition of Approval number 22 will limit the hours allowed for loading activities and garbage collection.*

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

*The Project will not create any noxious or offensive emissions, such as glare, dust, or odor, seeing as the Project is an expansion of existing uses on the Property that do not currently create such offensive emissions. The front smoking patio is provided on the Subject Property so to deter smoking on the public right-of-way in an attempt to contain such offensive emissions within a designated area. The amplified entertainment will be regulated by the Entertainment Commission and Police Department so that it will meet the Noise Ordinance, and not be heard outside of the enclosed structure. The Project Sponsor has redesigned his entrances to have two sets of doors so that interior noise from the bar patrons and/or entertainment will be contained within the structure at all times. Furthermore, Condition of Approval numbers 11, 13, 14, and 15 restricts noise and vibration associated with the entertainment use to within the enclosed structure.*

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

*There are no setbacks to allow for landscaping in front of the Subject Property, although the project sponsor has committed to providing new street trees/trash receptacles in front of the Subject Property. There is no parking or dedicated loading space required for the Subject Property, although the Project Sponsor has agreed in Condition of Approval number 22 to prohibit loading activities along Market Street during early morning hours and peak-commute hours. Although there is no signage plan on file with the Planning Department, all signage at this site is required to meet the Upper Market Sign provisions of the Planning Code and the Project Sponsor will be required to obtain the necessary building permits for any new business signs.*

- C. With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning category .48 (Other Entertainment), that such use or feature will:

- i. Not be open between 2:00 a.m. and 6:00 a.m.;

*The entertainment use will cease at 2:00 a.m., seven days-a-week.*

- ii. Not use electronic amplification between midnight and 6:00 a.m.; and

*Amplification will be permitted between midnight and 2:00 a.m., seven days-a-week, based on the results of a sound test conducted by the Entertainment Commission. The Entertainment Commission will not permit noise and vibration associated with the entertainment use to be audible beyond the enclosed structure. Condition of Approval numbers 11, 13, 14, and 15 further*

*limits the bass and vibrations of the other entertainment from being heard and/or felt outside the enclosed structure.*

- iii. Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified on the San Francisco Noise Control Ordinance.

*The San Francisco Entertainment Commission will regulate noise, verifying that the decibel levels specified in the San Francisco Noises Control Ordinance are not exceeded. Further, the Project Sponsor has proposed interior alterations to the facility that include two sets of doors at all entrances so that at least one set of doors are closed at all times so to prevent noise associated with the entertainment from leaving the enclosed building.*

- D. Notwithstanding the above, the Planning Commission may authorize a Conditional Use which does not satisfy the criteria set forth in C (1)(2) and (3) above if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

*The Planning Commission authorizes this Conditional Use to allow amplified entertainment between midnight and 2:00 a.m. seven (7) days-a-week. Although this does not satisfy the criteria set forth in C (2) above, the Commission relies on the Entertainment Commission and Police Department to regulate the City's Noise Ordinance. The Noise Ordinance does not permit sound to be audible beyond the enclosed structure, and Condition of Approval numbers 11, 13, 14, and 15 further restrict any bass and vibrations from being heard and/or felt outside the enclosed structure. This Condition of Approval will minimize disruption to residences in and around the district. Further, Condition of Approval number 23 requires the Project Sponsor to hire security guards to monitor the area within one block (500-feet) of the Subject Property to assure that patrons and employees of the bar are respectful and quiet when traveling to and from Jet.*

8. **General Plan Compliance.** The Project meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in the Findings 6 and 7 above and by affirmatively promoting the objectives and policies of the General Plan as outlined below:

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.1:

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

**Policy 1.2:**

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

**Policy 1.3:**

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

*The Project will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to people in the community. Jet is an independently-owned business and a popular nighttime destination for many people. The intensity of uses proposed at the Site are compatible with the other businesses along Market Street, and the Conditions of Approval shown in Exhibit A are imposed to mitigate potential quality of life concerns expressed by some of the residential neighbors.*

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will retain an existing commercial activity and will enhance the diverse economic base of the City by allowing an expansion of a successful business and by creating an opportunity for more jobs. The tenant space that will be absorbed by this Project has been operating as a temporary political headquarters and will be vacant shortly. No neighborhood-serving businesses will be displaced by Jet's expansion.*

**OBJECTIVE 3:** PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

**Policy 3.1:**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment opportunities for unskilled and semi-skilled workers.

**Policy 3.4:**

Assist newly emerging economic activities.



*Jet is a small independently-owned and operated business that provides employment opportunities for San Francisco residents. This Authorization will allow for more employment opportunities for local residents and musicians, and will also provide employment opportunities during non-traditional business hours.*

**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.

*No commercial tenant would be displaced by the authorization of this Conditional Use, and the Project would not prevent the Upper Market District from achieving optimal diversity in the types of goods and services available in the neighborhood.*

**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 is sponsored by an independent entrepreneur who seeks to provide a larger bar and entertainment venue for patrons of the existing bar. The expansion includes exterior alterations that will improve the exterior façades, by removing the roll-down metal gate and creating one contemporary commercial frontage.*

**EATING AND DRINKING ESTABLISHMENTS**

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and Planning Commission approval. Pertinent guidelines may be applied as conditions of approval for individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

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

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;

- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

In districts where the proliferation of eating and drinking establishments could generate problems, the following guidelines should be employed in the consideration of new establishments, relocations, changes from one kind of eating and drinking establishment to another (e.g. from self-service restaurant to full-service restaurant), expansion or intensification of existing establishments:

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25% of the total commercially occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances. Fixed source equipment noise should not exceed the decibel levels specified in the Noise Control Ordinance.

*The General Plan states that there is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the Upper Market NCD, which contains the proposed use. Including the expanded bar use, approximately 16.88% of the commercial frontage of the Upper Market NCD is dedicated to eating and drinking establishments.*

*The Project is not located within a 500-foot walking distance of an elementary or secondary school. The closest elementary or secondary school is Sanchez Elementary School, which is located at 325 Sanchez Street, approximately 1,060 feet from the Subject Property.*

*Parking is not required in this District for uses that occupy less than 5,000 square-feet. Traffic impacts are not anticipated because the bar draws patrons primarily from the surrounding neighborhoods. Further, this establishment is well served by public transit so that patrons and employees alike can arrive by means other than an automobile.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does 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 granting of this Conditional Use Authorization will not adversely affect the existing neighborhood retail uses because the existing use is a bar with other entertainment, and the adjacent commercial space that will be absorbed under this Project is being used as a temporary political campaign headquarters. The business is owned and operated by a San Francisco resident, and the expanded business will allow for additional employment opportunities for residents.*

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

*The immediate vicinity is characterized by predominantly commercial and mixed-use buildings of two-to-three stories in height with ground-floor retail stores along Market Street. No changes are proposed to the existing building envelope and no existing housing will be removed. Therefore, the existing housing and neighborhood character will be preserved.*

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

*This Project does not include any residential dwelling units. There is one dwelling unit located at the rear of the property in a detached structure, and that unit will not be affected by the Project. The expansion of the existing bar with other entertainment will not impact the City's supply of affordable housing as the Project does not contain or remove housing.*

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

*The Project has less than 5,000 square feet and will have a low demand on neighborhood parking. The area is well-served by public transit, with a MUNI underground station at the corner of Castro and Market Streets, and numerous bus lines along Market Street. The Project will not impede MUNI transit or 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 existing buildings do not contain industrial uses, and no industrial uses will be displaced as part of this Project. Service sector employment opportunities may increase as a result of the expanded bar and entertainment uses.*

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

*The building will comply with all required seismic and life-safety codes in order to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The proposed façade alterations will not significantly impact the existing structure and appear to be consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

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

*This Project will not affect any parks or open space because it does not include any expansion to the existing building envelope.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2008.0444C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17637. 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 94103.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 26, 2008.

Linda Avery  
Commission Secretary

AYES: Commissioners Christina Olague, Michael J. Antonini, Kathrin Moore, Bill Sugaya, Ron Miguel

NAYS: None

ABSENT: Commissioner William L. Lee

ADOPTED: June 26, 2008

## Exhibit A

# Conditions of Approval

1. The Project seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303, 721.21, 790.130, 721.41, 790.22, 721.48, 790.38, for a use size exceeding 2,999 square feet that will accommodate the expansion of the existing bar with other entertainment (dba Jet) into the adjacent ground-floor commercial space, which is currently occupied by a temporary campaign headquarters. The Project also includes an outdoor activity area, pursuant to Planning Code Sections 721.24 and 790.70 consisting of a front smoking patio. The Subject Property is within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District. Such modifications apply to the property located at 2342-2348 Market Street, in general conformance with plans filed with the Application as received on May 30, 2008, and stamped "EXHIBIT B" included in the docket for Case No. 2008.0444C, reviewed and approved by the Commission on June 26, 2008.
2. After the Conditional Use Authorization for the Project becomes final and before the issuance of any building permit, the Zoning Administrator shall approve and order the recordation of a Notice of Special Restrictions in the Official Records of the Recorder of the City and County of San Francisco against the land record of the Subject Lot. Said notice shall state that the operation of the proposal has been authorized by and is subject to the conditions of this Motion applicable to the Project. From time to time, after the recordation of such notice, at the request of the Applicant or the successor-in-interest thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines of not less than \$200 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Planning Code to consider revocation of this Conditional Use Authorization.
6. The Project Sponsor shall implement any other conditions and/or management practices – as determined by the Zoning Administrator, in consultation with the Police Department and other

appropriate public agencies – to be necessary to ensure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use.

7. This Authorization is valid for a period of three (3) years from the date of approval by the Planning Commission. This Authorization may be extended at the discretion of the Zoning Administrator for up to two years where the failure to implement the Project is caused by delay by any other public agency or by legal challenge.
8. The Project Sponsor shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Community Liaison Officer will be the current manager, Greg Bronstein, who can be contacted at (415) 259-1123. The Applicant will keep the Zoning Administrator updated with any changes to the contact information or if a different liaison is designated.
9. The Project Sponsor – though the Community Liaison – shall work with existing neighbors and neighborhood groups toward resolving any problems identified as being caused by the bar and the entertainment use. The Zoning Administrator shall report to the Commission any unresolved matters brought to the Department's attention regarding noncompliance with or ineffectiveness of any condition contained in this Exhibit.
10. The operator shall comply with all conditions required by the Entertainment Commission and Police Department at all times.
11. Prior to commencement of the entertainment use expansion, a final sound test shall be conducted by the Entertainment Commission's Sound Technician in order to set the maximum decibel limit allowed for the Subject Property. Any future structural or soundproofing alterations made to the building shall require a new sound check by the Entertainment Commission's Sound Technician to ensure compliance with the San Francisco Sound Ordinance and to verify that all sound, bass, and vibrations are contained within the enclosed structure. It is the responsibility of the Project Sponsor to recognize when such change to the building occurs and schedule the required sound check with the Entertainment Commission.
12. During the nine-month timeframe following completion of Jet's entitlement process, Planning Department staff shall work with the Entertainment Commission's Sound Technician to ensure that two unannounced sound checks are successfully conducted.
13. The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.
14. The business operation shall be conducted in such a manner that noise, vibration, odors and nuisance factors shall be adequately controlled so that nearby residents are not adversely affected. The heating, ventilation and air-conditioning (HVAC) systems in the building shall be upgraded as

necessary to allow implementation of the conditions of this Motion. These systems shall have noise baffling panels or walls to minimize noise emission.

15. The building walls of the Subject Property, including doors and windows, shall be adequately soundproofed, and made of highly-rated sound-limiting material. Windows serving Jet (other than the window system along the front property line that separates the smoking patio from the sidewalk along Market Street) shall be inoperable or locked in such a manner that patrons are unable to unlock the windows at their leisure. The Project Sponsor shall ensure that the establishment provides adequate ventilation within the structure such that doors and/or windows are not left open during business hours.
16. Amplified music is not permitted in the smoking patio area.
17. Dancing shall be permitted only on the dance floor as indicated on the plans filed with the Application for Conditional Use Authorization and labeled as "Exhibit B" and under no circumstances shall dancing be permitted in the designated smoking patio area.
18. On those evenings when dancing or live entertainment occurs, employees of the establishment shall be posted at all entrances and exists for the establishment to ensure that patrons waiting to enter and/or exit the establishment are encouraged not to park motorcycles on the sidewalk and to respect the quiet and cleanliness of the neighborhood as they leave the vicinity.
19. The Project Sponsor shall maintain the Subject Property and all sidewalks abutting the Subject Property in a clean, sound and attractive condition, consistent with the general appearance of the neighborhood. Such maintenance shall include at a minimum, daily litter pick-up and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
20. The Project Sponsor shall designate employees of the establishment to walk down the north side of Market Street between Castro and 16<sup>th</sup> Streets some time between 30 minutes after closing time and 8:00 a.m. the following morning to pick-up and dispose of any trash.
21. All garbage and recycling containers shall be stored within the enclosed building or designated storage areas except during collection periods.
22. The Project Sponsor shall prohibit loading activities and garbage/recycling collection at the Subject Property during early morning hours and weekday peak commute hours. Such loading activities on Market Street shall not be permitted any day of the week from 11:00 p.m. and 9:30 a.m., and shall not be permitted during weekday evening commute hours from 4:00 p.m. to 6:30 p.m.
23. The Project Sponsor shall retain the services of private "Police Specials" officers or other legally authorized and trained professional security whose duties include ensuring that patrons behave in an orderly, peaceful and respectful manner, not only within Jet, but also within a one-block distance from Jet (or approximately 500-feet from the Subject Property, whichever is greater). In addition, the Project Sponsor shall have Jet staff or hired security guards stationed at every entrance and exit (emergency exits do not require such monitoring) of Jet. The staff and/or security stationed at these



24. The Project Sponsor shall provide well lit notices that are prominently displayed at all entrances and exits of the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to not litter or block driveways in the neighborhood. These notices shall be made of durable material and permanently affixed to the building.
  
25. The Project Sponsor and Jet management shall at all times keep a copy of these "Conditions of Approval-Exhibit A" on the premises for reference. Jet management shall review with new employees as part of their training and orientation, and periodically (at least at twelve month intervals) review with the other Jet employees, these Conditions of Approval related to operational concerns and quality of life issues, with emphasis on noise control, street cleanliness, and respectful behavior towards neighbors by Jet patrons. Employees are to be reminded that continued successful operation of Jet, and their respective jobs are dependant on compliance with these Conditions of Approval.

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## VENUE INSEPCION

Sound Test \_\_ Venue Investigation \_\_ Case Record \_\_ Venue Complaint \_\_

**Reported By / Complainant's Information**

**Organization Involved**

<b>Date:</b> 4-17-2010 11:46pm	<b>Name of Venue:</b> Trigger
<b>Name:</b> V. Granelli Badge # 101	<b>Venue Address:</b> 2344 market street SF CA
<b>Phone:</b> 415-554-6007	<b>Name of Owner / Manger:</b> Greg Bronstein
<b>Address:</b> 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	<b>Venue Phone:</b>

**Nature of Complaint / Violation Description:**

MPC 49

**Involved Persons:**

**Address:**

**Phone:**

1	Address:	Phone:
2		

**Narrative / Details / Report:**

At approximately 11:46pm I arrived down (east) the street from 2344 market street SF CA (Trigger). I parked my car on market street pointing west. I then exited the car and traveled on foot on the north side of Market st. I then crossed Market st. to the south side of the st. I was now across the street from the club Trigger. I then took sound readings in the area (see below). While taking the sound readings I observed the following ;

- There was 1 security guards working the front of the club.
- The west front door was being used as the main entrance.
- The doors are kept closed as much as possible by security.
- When a door is opened the sound level will jump by 5 to 10 dBA.
- The sound level of bass coming from the club is better , but still audible across the street.
- The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section has not gotten any better.

I then left the area.  
End report.

<b>Time &amp; Date:</b> 4-17-2010 11:46pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA across the street	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 68 71 70 68 70	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 60 65 62 61 bass, people talking	<b>Sound Readings (dBA):</b>
<b>Time &amp; Date:</b> 4-17-2010 11:46pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA 50 feet away	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 61 65 63	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 69 68 69 71 72 bass, people talking	<b>Sound Readings (dBA):</b>

**Recommendation / Results/Observations:** once again; I recommend that trigger be served with a 7day suspension. Sound curtains must be added to the space and the bass sound levels must be turned down.



## VENUE INSEPCION

Sound Test \_\_ Venue Investigation \_\_ Case Record \_\_ Venue Complaint \_\_

**Reported By / Complainant's Information**

**Organization Involved**

<b>Date:</b> 5-22-2010 11:14pm	<b>Name of Venue:</b> Trigger
<b>Name:</b> V. Granelli Badge # 101	<b>Venue Address:</b> 2344 market street SF CA
<b>Phone:</b> 415-554-6007	<b>Name of Owner / Manger:</b> Greg Bronstein
<b>Address:</b> 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	<b>Venue Phone:</b>

**Nature of Complaint / Violation Description:**

MPC 49

**Involved Persons:**

**Address:**

**Phone:**

1		
2		

**Narrative / Details / Report:**

At approximately 11:14pm I arrived up (west) the street from 2344 market street SF CA (Trigger). I parked my car on market street pointing east. I then exited the car and traveled on foot on the south side of Market st. until I was across the street from the club Trigger. I then took a sound reading ( see below). I then took sound readings in the area (see below). As in past vists to the area I observed the fallowing ;

- The sound level of bass coming from the club is better. I could not hear it across the street.
- The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.
- There was 2 security guards working the front of the club.
- The west front door was being used as the main entrance.
- The doors are kept closed as much as possible by security.

I then left the area.  
End report.

<b>Time &amp; Date:</b> 5-22-2010 11:14pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA across the street	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 64 66 61 64	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 60 65 62 61 bass, people talking	<b>Sound Readings (dBA):</b>
<b>Time &amp; Date:</b> 5-22-2010 11:14pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA 50 feet away	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 61 65 63	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 69 68 69 71 72 bass, people talking	<b>Sound Readings (dBA):</b>

**Recommendation / Results/Observations:** at this time I recommend that trigger be watch very closely to insure they keep improving their sound proofing. .



## VENUE INSEPCION

Sound Test \_\_ Venue Investigation \_\_ Case Record \_\_ Venue Complaint \_\_

**Reported By / Complainant's Information**

**Organization Involved**

<b>Date:</b> 6-13-2010 12:35am	<b>Name of Venue:</b> Trigger
<b>Name:</b> V. Granelli Badge # 101	<b>Venue Address:</b> 2344 market street SF CA
<b>Phone:</b> 415-554-6007	<b>Name of Owner / Manger:</b> Greg Bronstein
<b>Address:</b> 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	<b>Venue Phone:</b>

**Nature of Complaint / Violation Description:**

MPC 49

**Involved Persons:**

**Address:**

**Phone:**

1		
2		

**Narrative / Details / Report:**

At approximately 12:35 am I arrived across the street from 2344 market street SF CA (Trigger). I parked my car on market street pointing east. I then exited the car, I was across the street from the club Trigger. I then took a sound reading (see below). I then took sound readings in the area (see below).

As in past visits to the area I observed the fallowing ;

- The sound level of bass coming from the club is better. I could not hear it across the street.
- The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.
- The sound from the people standing in front of the club is very loud.
- There was 1 security guard working the front of the club.
- The west front door was being used as the main entrance.
- The doors are kept closed as much as possible by security.

I then left the area.  
End report.

<b>Time &amp; Date:</b> 6-13-2010 12:35am	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA across the street	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 63 63 60 62 65 65	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 60 65 62 61 bass, people talking	<b>Sound Readings (dBA):</b>
<b>Time &amp; Date:</b> 6-13-2010 12:35am	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA 50 feet away	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 61 65 63	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 69 70 69 71 69 72, people talking	<b>Sound Readings (dBA):</b>

**Recommendation / Results/Observations:** at this time I recommend that the EC continue to monitor trigger very closely.



## VENUE INSEPCION

Sound Test \_\_ Venue Investigation \_\_ Case Record \_\_ Venue Complaint \_\_

**Reported By / Complainant's Information**

**Organization Involved**

<b>Date:</b> 9-5-2010 11pm	<b>Name of Venue:</b> Trigger
<b>Name:</b> V. Granelli Badge # 101	<b>Venue Address:</b> 2344 market street SF CA
<b>Phone:</b> 415-554-6007	<b>Name of Owner / Manger:</b> Greg Bronstein
<b>Address:</b> 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	<b>Venue Phone:</b>

**Nature of Complaint / Violation Description:**

MPC 49

**Involved Persons:**

**Address:**

**Phone:**

1	Address:	Phone:
2		

**Narrative / Details / Report:**

At approximately 11 pm I arrived on foot across the street from 2344 market street SF CA (Trigger). When I was directly across the street from the club Trigger, I took a sound reading (see below). I then took sound readings in the area (see below).

As in past visits to the area I observed the following ;

I could not hear the sound of bass coming from the club across the street (expect when a door to the club was opened).

The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.

The sound from the people standing in front of the club is very loud.

There were 1 to 2 security guards working the front of the club.

The west front door was being used as the main entrance. The east door is the exit.

The doors are kept closed as much as possible by security.

\*note- there is a door next to the east exit door that is part of the building. In the past I have seen this door being used by the club as an entrance. Also they have used this door to access a room that is not part of the main building. I have seen this room eased as lounge for the club.

I then left the area.

End report.

<b>Time &amp; Date:</b> 9-5-2010 11pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA across the street	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 59 60 61 62 65 64	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 65 64 62 68 69, people talking	<b>Sound Readings (dBA):</b>
<b>Time &amp; Date:</b> 9-5-2010 11pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA 50 feet away	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 59 61 65 63 63	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 60 64 62 65 63 68, people talking	<b>Sound Readings (dBA):</b>

**Recommendation / Results/Observations:** at this time I recommend that the EC have the club cited for MPC 49.



# Sanborn Map\*



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



Modification of Conditional Use  
Case Number 2010.0970C  
Trigger  
2342-2348 Market Street



# Aerial Photo



Modification of Conditional Use  
Case Number 2010.0970C  
Trigger  
2342-2348 Market Street



# Aerial Photo



SUBJECT PROPERTY



Modification of Conditional Use  
Case Number 2010.0970C  
Trigger  
2342-2348 Market Street

# Aerial Photo

SUBJECT PROPERTY

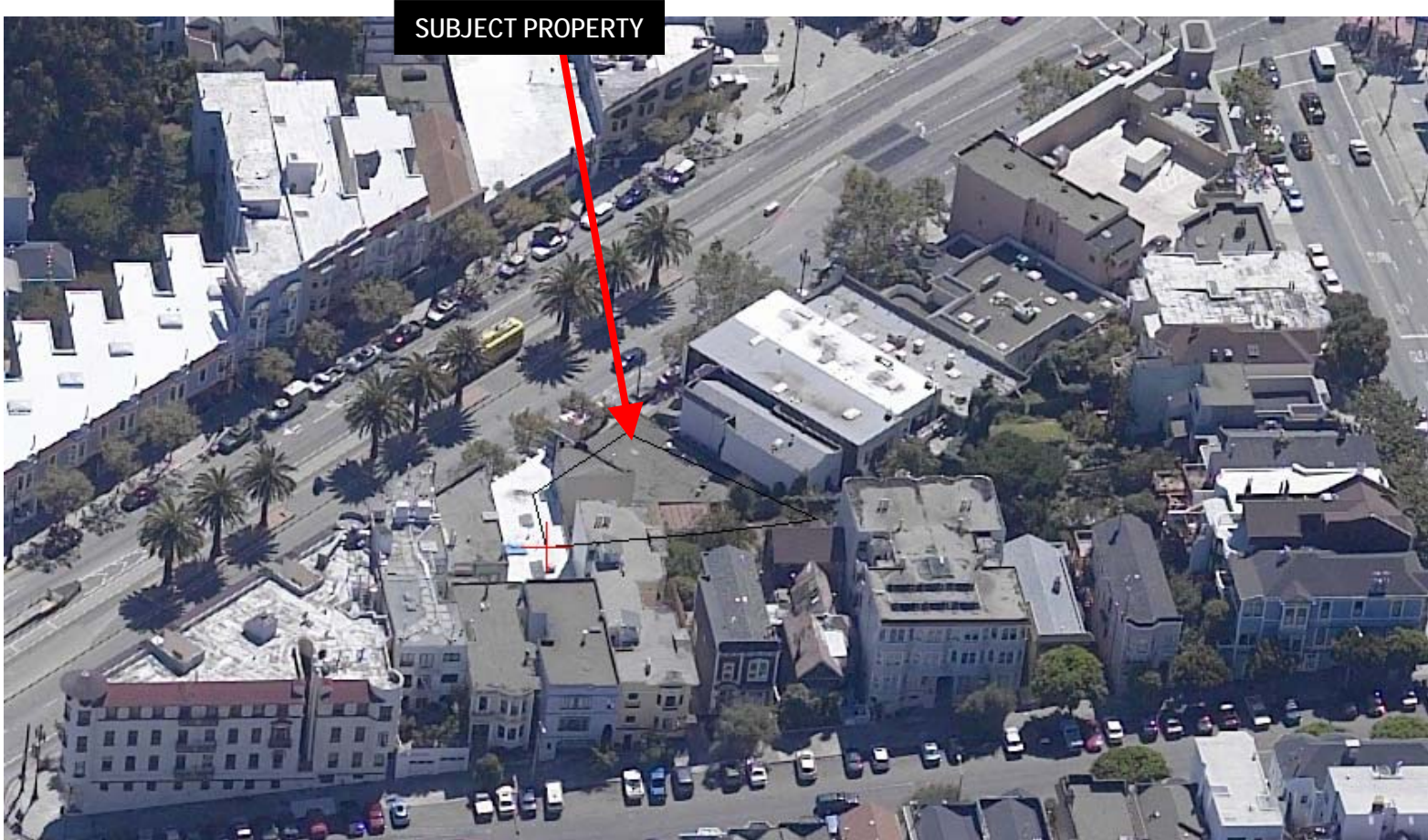


Modification of Conditional Use  
Case Number 2010.0970C  
Trigger  
2342-2348 Market Street





# Aerial Photo



# Context Photo



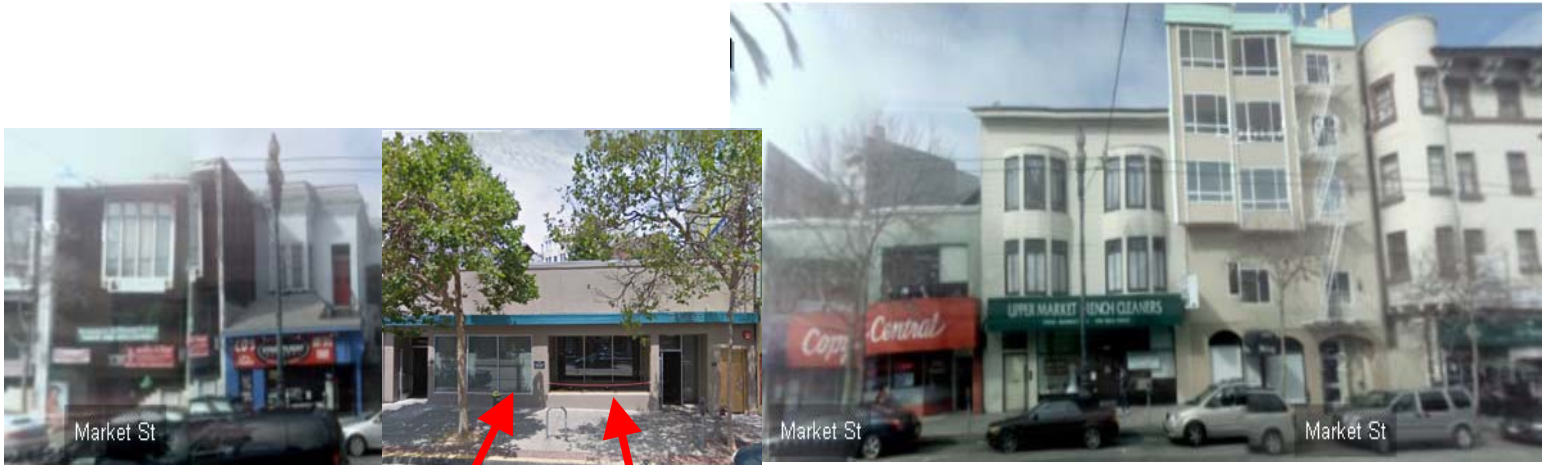
OUTDOOR SMOKING PATIO



Modification of Conditional Use  
Case Number 2010.0970C  
Trigger  
2342-2348 Market Street



# Context Photo



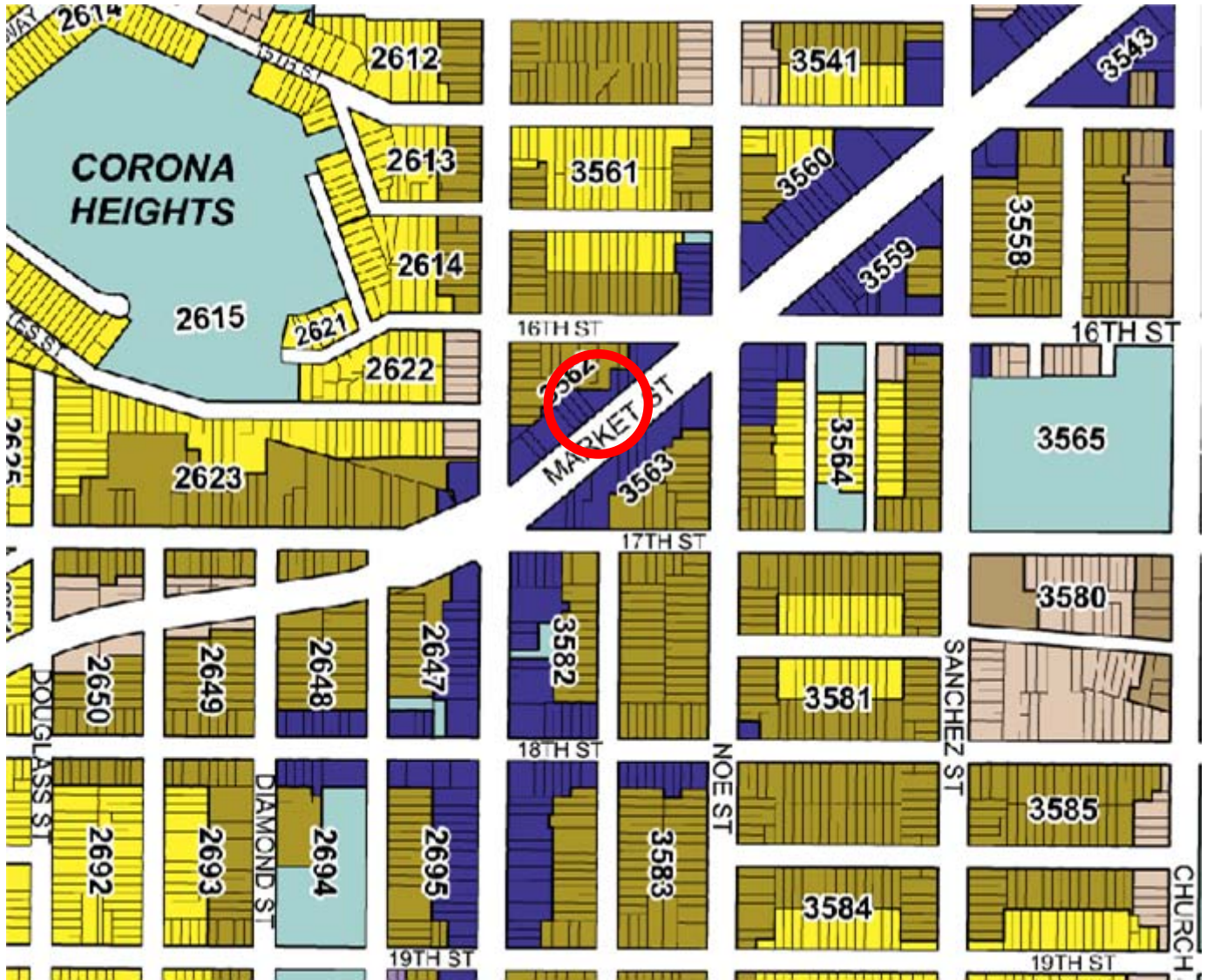
SUBJECT PROPERTY

OUTDOOR SMOKING PATIO



Modification of Conditional Use  
Case Number 2010.0970C  
Trigger  
2342-2348 Market Street

# Zoning Map



## ZONING USE DISTRICTS

- RESIDENTIAL, HOUSE DISTRICTS
  - RH-1(D) RH-1 RH-1(S) RH-2 RH-3
- RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS
  - RM-1 RM-2 RM-3 RM-4
- NEIGHBORHOOD COMMERCIAL DISTRICTS
  - NC-1 NC-2 NC-3 NCD NC-S
- SOUTH OF MARKET MIXED USE DISTRICTS
  - SPD RED RSD SLR SLI SSO
- COMMERCIAL DISTRICTS
  - C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)
- INDUSTRIAL DISTRICTS
  - C-M M-1 M-2

- CHINATOWN MIXED USE DISTRICTS
  - CRNC CVR CCB
- RESIDENTIAL-COMMERCIAL DISTRICTS
  - RC-3 RC-4
- REDEVELOPMENT AGENCY DISTRICTS
  - MB-RA HP-RA
- DOWNTOWN RESIDENTIAL DISTRICTS
  - RH DTR TB DTR
- MISSION BAY DISTRICTS
  - MB-OS MB-O
- PUBLIC DISTRICT
  - P



Modification of Conditional Use  
 Case Number 2010.0970C  
 Trigger  
 2342-2348 Market Street

# TRIGGER

Pres. Ron Miguel  
San Francisco Planning Commission  
1650 Mission St., San Francisco, CA

Re: 2344 Market Street Sound Abatement / Notice of Violation

Dear Pres. Miguel & Hon. Planning Commissioners:

My name is Greg Bronstein and I have owned and operated restaurants bars and nightclubs in San Francisco's Castro district for many years. I currently operate three such venues with a weekly payroll exceeding 80 employees - almost all of whom are San Francisco residents.

This is a difficult business that I am in. Inclement weather can ruin a weekend; the competition is fierce to present the freshest and most exciting place around; rents and labor costs are among the highest in the world; etc. I and all of my fellow club operators understand and accept these issues well. On the other hand it is very difficult to accept a city bureaucracy unjustly targeting this business.

There is no massive community outcry or critical neighborhood disruption to be addressed here. We are conscientious operators and community responsive. The record is very clear, there are a few individuals who have chosen to live in a very noisy neighborhood who have persistently used a new and imperfect code enforcement process to push my business to the brink.

On a typical busy night in the Castro district one could stand on the median strip of Market Street between Noe and Castro, and hear people having fun in every direction; loudly shouting from their cars; laughing on the sidewalk; Muni; ambulances and police activity ; strains of music occasionally coming from The Café, the Lookout, and Trigger; super powered car stereos cruising the neighborhood - there IS noise. We live in a city, a city that chooses to have nightlife in the upper market and Castro area. Unfortunately, a few individuals have decided to target my business and have undertaken a deliberate campaign against Trigger.

These people have enlisted the support of a few "Neighborhood Activists" who are constantly in search of their next cause celebre, and have learned to work the new

Planning system to their benefit. All an individual has to do is make an occasional phone call to a code enforcement planner to ensure that a complaint stays active and that absurd daily penalties continue to accrue regardless of the validity of the complaint.

Trigger has done everything the Planning Department has asked - from sound abatement expenditures in the thousands to doubling full time security but the idea that patrons voices could be controlled by a club owner 100% of the time is ludicrous.

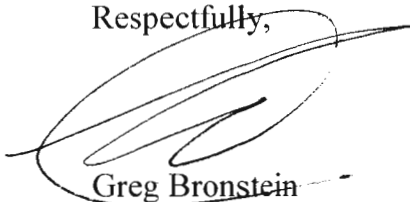
The idea that Trigger should be fined \$250 a day for a series of months for not complying with a Notice of Violation because of occasional phone call from the same individuals is equally ludicrous. Thousands of people come from all over the world to spend their money in San Francisco and enjoy nightlife in the Castro. Thousands of people live in the Castro and are undisturbed by nightlife. It is wrong and undemocratic to allow businesses like mine to be bullied by a few squeaky wheels and a tireless bureaucracy.

Does San Francisco City Hall really want more boarded up storefronts in our best commercial districts? Does San Francisco City Hall really want more unemployed young people on the streets? Does San Francisco City Hall really want fewer tax paying businesses keeping the city functioning? Well if the answer is yes the San Francisco Planning Department is doing a great job of bringing about this reality. There is no question about it, if this enforcement continues in the same way, I will no longer do business in San Francisco - there will be three more boarded up storefronts, 40 more unemployed people, and hundreds of thousands of dollars less in taxes collected. This short list of impacts does not even begin to contemplate the broader effect on San Francisco's tourist industry.

Ask the Convention Center. Ask the hotels. Ask the Chamber of Commerce; if San Francisco's nightlife takes many more hits, every major conference and convention will be heading straight to Vegas (Las Vegas knows who their competition is! They've spent the last decade building up a restaurant industry to eclipse ours . . .) It's time for San Francisco to grow up and start respecting what makes this a great city. Stop allowing a few individuals to work the system to the disadvantage of the rest of us.

Please act now to protect Trigger, waive these baseless penalties and give San Franciscans and our international guests safe, controlled and comfortable places to go out at night.

Respectfully,



Greg Bronstein





# SAN FRANCISCO PLANNING DEPARTMENT

KC

## Administrative Penalty Reminder #2 Planning Code Section 176

July 19, 2010

Robert G. and Rickey A. Kafka  
10 Edgemar Way  
Corte Madera CA 94925

Occupant Trigger Bar  
2344 Market Street  
San Francisco, CA 94114

Greg Bronstein  
2342-2348 Market Street  
San Francisco, CA 94114

1650 Mission St  
Suite 400  
San Francisco  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

<b>RE: Violation of Planning Code Section:</b>	<b>Sec. 303 (d) Conditional Uses, Conditions.</b>
<b>Complaint Identification Number:</b>	<b>10416</b>
<b>Site Address:</b>	<b>2344 Market Street</b>
<b>Assessor's Block/Lot:</b>	<b>3562/007</b>
<b>Zoning District:</b>	<b>Upper Market Neighborhood Commercial District</b>
<b>Staff Contact:</b>	<b>Kate Conner, (415) 575-6914 or <a href="mailto:kate.conner@sfgov.org">kate.conner@sfgov.org</a></b>

Dear Sir or Madam:

Since 2009, the Planning Department has received complaints regarding the above-referenced property alleging that one or more violations of the Planning Code exist on the site. As the owner or leaseholder of the property, you are a responsible party. The exact nature of the violation(s) is detailed below:

### DESCRIPTION OF VIOLATION

The complaint alleges that the subject property's current operation, d.b.a. "Trigger Bar," is in violation of the conditions of approval, stipulated in Exhibit A, adopted by the Planning Commission on June 18, 2008 per Motion Number 17637 and Case Number 2008.0444C. Specifically, the condition being violated is item number 13. The condition states:

The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.

You must contain all noise within the facility. Planning staff has received complaints regarding noise, specifically amplified music.

Please be aware that condition number 14 also speaks to issues regarding sound. It states:

The business operation shall be conducted in such a manner that noise, vibration, odors and nuisance factors shall be adequately controlled so that nearby residents are not adversely affected. The heating, ventilation and air-conditioning (HVAC) systems in the building shall be upgraded as necessary to allow implementation of the conditions of this Motion. These systems shall have noise baffling panels or walls to minimize noise emission.

I have included a copy of Exhibit A (conditions of approval) from Motion Number 17637 for your review. Please be aware that per Planning Code Section 174, compliance with these conditions of approval is required. Planning Code Section 174, Compliance with Conditions, Stipulations and Special Restrictions Required, states:

Every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code, whether such actions are discretionary or ministerial, shall be complied with in the development and use of land and structures. All such conditions, stipulations, special restrictions and other limitations shall become requirements of this Code, and failure to comply with any such condition, stipulation, special restriction or other limitation shall constitute a violation of the provisions of this Code.

**The Planning Department requests that you immediately rectify the noise problem by completely containing sound and vibrations from the music, bass, and patrons within the building at Trigger Bar.**

## **TIMELINE**

An Enforcement Notification was issued on November 25, 2009. Planning staff has been in communication with Jeremy Paul who stated that he would work with Greg Bronstein and the sound engineer for Trigger Bar, CM Salter. Planning staff has spoken directly to the sound inspector at the Entertainment Commission who sent over a report he made at the end of May which stated that "the glass front of the building is unable to contain the sound from inside the club, like the sound of bass." He continued in the report that the smoking area in the front is acting "like a sound box" and bouncing the sound of people's conversations out onto the street.

Planning staff attended a community meeting on February 25, 2010 about Trigger and the numerous complaints received by both the Planning Department and the Entertainment Commission. Entertainment Commission staff relayed the findings from their previous inspections and made suggestions to mitigate the sound including baffling along the doorway.

Planning staff attended a Eureka Valley Neighborhood Association meeting on March 24, 2010 where pending enforcement of Trigger was discussed. Bob Davis from the Entertainment Commission stated that Trigger would have seven days to make the necessary adjustments.

On April 17, 2010, the Sound Inspector for the Entertainment Commission made a site visit. Trigger was still in violation. A copy of the inspection report is attached for your review.

On April 28, 2010, Planning staff received a copy of a letter from the operator of Trigger, Greg Bronstein, to Bob Davis of the Entertainment Commission. Included was a plan for installing sound mitigation measures. Listed in the letter was the following timeline:

**First step improvements: to be purchased and installed by May 21<sup>st</sup>**

- Absorption panels for the two entrance vestibules and smoking patio
- Bonded acoustical cotton panels installed from the ceiling
- Sealing any gaps and/or penetrations with sealant
- Replacing ventilation grilles with other sound abating options

**Second step improvements being finalized: This will be started by end of May**

- Soundproofing door kits

Although the Planning Department is supportive of the improvements listed above, the amount of time that it has taken for compliance is excessive. The violation has been confirmed numerous times by Entertainment Commission staff.

Planning staff continues to receive multiple complaints from the neighborhood stating that the noise associated with Trigger bar is nuisance and that Trigger Bar is unresponsive to their requests to adjust the music and bass levels.

On May 7, 2010, a Notice of Violation was issued by the Planning Department with penalty accrual beginning on May 24, 2010. The Entertainment Commission sound inspector made a site visit on May 22, 2010. He stated in his report that:

The sound level coming from the club is better.

The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.

The Entertainment Commission sound inspector made a site visit on June 13, 2010. He stated in his report that:

The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high. The sound from the people standing in front of the club is very loud.

Administrative Penalty Reminder  
Kafka / Occupant / Bronstein  
2344 Market Street

July 19, 2010  
Complaint Identification Number: 10416

The responsible party did not either request a hearing before the Zoning Administrator to contest the notice of violation and assessment of penalties or appeal the notice and penalties to the Board of Appeals within the 15-day deadline for appeal. Therefore, the notice of violation and assessment of penalties became final on May 24, 2010. As of the date of this letter, Planning staff has not received a response to the Notice of Violation and Penalty from either the owner or occupant.

On June 28, 2010, Planning staff sent an Administrative Penalty Reminder to all interested parties stating that due to continued noncompliance, the amount of administrative penalties had reached an amount of \$8,500.00. Planning staff has not received a response to that Administrative Penalty Reminder. This notice serves as the second Administrative Penalty Reminder.

## **PENALTIES**

Planning Code Section 176(c) authorizes the Zoning Administrator to assess upon the responsible party an administrative penalty for each violation in an amount of \$250.00 for each day the violation continues unabated, excluding the period of time that the matter has been pending before the Zoning Administrator or the Board of Appeals. Beginning on the **May 24, 2010**, administrative penalties of **\$250 per day** are being assessed to the responsible party for each day the above-referenced violation continues unabated at 2344 Market Street, excluding the period of time that the matter has been pending either before the Zoning Administrator or before the Board of Appeals. With penalty accrual occurring at a rate of \$250.00 per day, as of this writing the responsible party owes the Planning Department **\$14,000.00**. Please be aware that the penalties will continue to accrue at a rate of \$250.00 per day. **Payment of the penalty does not excuse failure to correct the violation(s) or bar further enforcement action by the City.**

To pay the administrative penalty, please make a check payable to **"San Francisco Planning Department"** and address it to 1650 Mission Street, Suite 400, San Francisco, CA 94103 (Attn: Kate Conner - Code Enforcement Division)

In addition, please note that per Planning Code Section 350(c) (1), the Planning Department is authorized to charge for time and materials to recover the cost of correcting code violations and violations of Planning Commission and Department conditions of approval of use if such costs are not covered by any permit or application fees collected as part of the legalization of such violations.

**In the event that payment is not received in full within 30 days from the date of this notice, the Department will forward this matter to the Bureau of Delinquent Revenue for collection as authorized by Article V, Section 10.39 of the San Francisco Administrative Code.**

## **OTHER APPLICATIONS UNDER PLANNING DEPARTMENT CONSIDERATION**

We want to assist you in ensuring the subject property is in full compliance with Planning Code and that no violations are pending. The Planning Department requires that pending violations be resolved prior to the processing and approving of any new building permits or other applications. Therefore, any applications under consideration by the Planning Department for the subject site will be placed on hold until further notice.

Administrative Penalty Reminder  
Kafka / Occupant / Bronstein  
2344 Market Street

July 19, 2010  
Complaint Identification Number: **10416**

Sincerely,



Kate Conner

Attachments: Administrative Penalty Reminder dated June 28, 2010  
Notice of Violation and Penalty – May 7, 2010  
Enforcement Notification – November 25, 2009  
Inspection report from the Entertainment Commission sound inspector for April 17, 2010,  
May 22, 2010, and June 13, 2010

cc: Kate Conner, Planning Department  
Alex Tse, City Attorney's Office  
Supervisor Bevan Dufty  
Vajra Granelli, Entertainment Commission

中文詢問請電: 558.6378  
Para información en Español llamar al: 558.6378

I:\Code Enforcement\SOUTHWEST Quadrant\SW CASE FILES\SW CASES\2344 Market Street - Violation of COA for  
Trigger\2344 Market Street-penaltyletter2-kmc.doc



# SAN FRANCISCO PLANNING DEPARTMENT

## Administrative Penalty Reminder Planning Code Section 176

June 28, 2010

Robert G. and Rickey A. Kafka  
10 Edgemar Way  
Corte Madera CA 94925

Occupant Trigger Bar  
2344 Market Street  
San Francisco, CA 94114

Greg Bronstein  
2342-2348 Market Street  
San Francisco, CA 94114

<b>RE: Violation of Planning Code Section:</b>	Sec. 303 (d) Conditional Uses, Conditions.
<b>Complaint Identification Number:</b>	10416
<b>Site Address:</b>	2344 Market Street
<b>Assessor's Block/Lot:</b>	3562/007
<b>Zoning District:</b>	Upper Market Neighborhood Commercial District
<b>Staff Contact:</b>	Kate Conner, (415) 575-6914 or <a href="mailto:kate.conner@sfgov.org">kate.conner@sfgov.org</a>

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The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.

You must contain all noise within the facility. Planning staff has received complaints regarding noise, specifically amplified music.

Please be aware that condition number 14 also speaks to issues regarding sound. It states:

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## **TIMELINE**

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- Soundproofing door kits

Although the Planning Department is supportive of the improvements listed above, the amount of time that it has taken for compliance is excessive. The violation has been confirmed numerous times by Entertainment Commission staff.

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The sounds level coming from the club is better.

The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.

Entertainment Commission sounds inspector made a site visit on June 13, 2010. He stated in his report that:

The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high. The sound from the people standing in front of the club is very loud.



The responsible party did not either request a hearing before the Zoning Administrator to contest the notice of violation and assessment of penalties or appeal the notice and penalties to the Board of Appeals within the 15-day deadline for appeal. Therefore, the notice of violation and assessment of penalties became final on May 24, 2010. As of the date of this letter, Planning staff has not received a response to the Notice of Violation and Penalty from either the owner or occupant.

## **PENALTIES**

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To pay the administrative penalty, please make a check payable to "San Francisco Planning Department" and address it to 1650 Mission Street, Suite 400, San Francisco, CA 94103 (Attn: Kate Conner - Code Enforcement Division)

In addition, please note that per Planning Code Section 350(c) (1), the Planning Department is authorized to charge for time and materials to recover the cost of correcting code violations and violations of Planning Commission and Department conditions of approval of use if such costs are not covered by any permit or application fees collected as part of the legalization of such violations.

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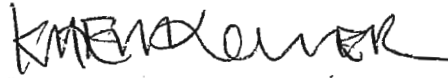
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We want to assist you in ensuring the subject property is in full compliance with Planning Code and that no violations are pending. The Planning Department requires that pending violations be resolved prior to the processing and approving of any new building permits or other applications. Therefore, any applications under consideration by the Planning Department for the subject site will be placed on hold until further notice.

Administrative Penalty Reminder  
Kafka / Occupant / Bronstein  
2344 Market Street

June 28, 2010  
Complaint Identification Number: 10416

Sincerely,



Kate Conner

Attachments: Notice of Violation and Penalty – May 7, 2010  
Enforcement Notification – November 25, 2009  
Inspection report from the Entertainment Commission sound inspector for April 17, 2010,  
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cc: Kate Conner, Planning Department  
Alex Tse, City Attorney's Office  
Supervisor Bevan Dufty  
Vajra Granelli, Entertainment Commission

中文詢問請電: 558.6378  
Para información en Español llamar al: 558.6378

I:\Code Enforcement\SOUTHWEST Quadrant\SW CASE FILES\SW CASES\2344 Market Street - Violation of COA for  
Trigger\2344 Market Street-penaltyletter-kmc.doc



# SAN FRANCISCO PLANNING DEPARTMENT

## NOTICE OF VIOLATION AND PENALTY Planning Code Section 176

May 7, 2010

Robert G. and Rickey A. Kafka  
10 Edgemar Way  
Corte Madera CA 94925

Occupant Trigger Bar  
2344 Market Street  
San Francisco, CA 94114

Greg Bronstein  
2342-2348 Market Street  
San Francisco, CA 94114

<b>RE: Violation of Planning Code Section:</b>	Sec. 303 (d) Conditional Uses, Conditions.
<b>Complaint Identification Number:</b>	10416
<b>Site Address:</b>	2344 Market Street
<b>Assessor's Block/Lot:</b>	3562/007
<b>Zoning District:</b>	Upper Market Neighborhood Commercial District
<b>Staff Contact:</b>	Kate Conner, (415) 575-6914 or <a href="mailto:kate.conner@sfgov.org">kate.conner@sfgov.org</a>

Dear Sir or Madam:

The Planning Department recently received a complaint regarding the above-referenced property alleging that one or more violations of the Planning Code exist on the site. As the owner or leaseholder of the property, you are a responsible party. The exact nature of the violation(s) is detailed below:

### DESCRIPTION OF VIOLATION

The complaint alleges that the subject property's current operation, d.b.a. "Trigger Bar," is in violation of the conditions of approval, stipulated in Exhibit A, adopted by the Planning Commission on June 18, 2008 per Motion Number 17637 and Case Number 2008.0444C. Specifically, the condition being violated is item number 13. The condition states:

The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.

You must contain all noise within the facility. Planning staff has received complaints regarding noise, specifically amplified music.

I have included a copy of Exhibit A (conditions of approval) from Motion Number 17637 for your review. Please be aware that per Planning Code Section 174, compliance with these conditions of approval is required. Planning Code Section 174, Compliance with Conditions, Stipulations and Special Restrictions Required, states:

Every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code, whether such actions are discretionary or ministerial, shall be complied with in the development and use of land and structures. All such conditions, stipulations, special restrictions and other limitations shall become requirements of this Code, and failure to comply with any such condition, stipulation, special restriction or other limitation shall constitute a violation of the provisions of this Code.

**The Planning Department requests that you immediately rectify the noise problem by completely containing sound and vibrations from the music, bass, and patrons within the building at Trigger Bar.**

#### **TIMELINE OF INVESTIGATION**

An Enforcement Notification was issued on November 25, 2009. Planning staff has been in communication with Jeremy Paul who stated that he would work with Greg Bronstein and the sound engineer for Trigger Bar, CM Salter. Planning staff has spoken directly to the sound inspector at the Entertainment Commission who sent over a report he made at the end of May which stated that "the glass front of the building is unable to contain the sound from inside the club, like the sound of bass." He continued in the report that the smoking area in the front is acting "like a sound box" and bouncing the sound of people's conversations out onto the street.

Planning staff attended a community meeting on February 25, 2010 about Trigger and the numerous complaints received by both the Planning Department and the Entertainment Commission. Entertainment Commission staff relayed the findings from their previous inspections and made suggestions to mitigate the sound including baffling along the doorway.

Planning staff attended a Eureka Valley Neighborhood Association meeting on March 24, 2010 where pending enforcement of Trigger was discussed. Bob Davis from the Entertainment Commission stated that Trigger would have seven days to make the necessary adjustments.

On April 17, 2010, the Sound Inspector for the Entertainment Commission made a site visit. Trigger was still in violation. A copy of the inspection report is attached for your review.

On April 28, 2010, Planning staff received a copy of a letter from the operator of Trigger, Greg Bronstein, to Bob Davis of the Entertainment Commission. Included was a plan for installing sound mitigation measures. Listed in the letter was the following timeline:

**First step improvements: to be purchased and installed by May 21<sup>st</sup>**

- Absorption panels for the two entrance vestibules and smoking patio
- Bonded acoustical cotton panels installed from the ceiling
- Sealing any gaps and/or penetrations with sealant
- Replacing ventilation grilles with other sound abating options

**Second step improvements being finalized: This will be started by end of May**

- Soundproofing door kits

Although the Planning Department is supportive of the improvements listed above, the amount of time that it has taken for compliance is excessive. The violation has been confirmed numerous times by Entertainment Commission staff.

Planning staff continues to receive multiple complaints from the neighborhood stating that the noise associated with Trigger bar is nuisance and that Trigger Bar is unresponsive to their requests to adjust the music and bass levels.

## HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by ceasing the activities that are in conflict with the conditions stipulated in Exhibit A, Motion 17637. By not containing the noise on-site, condition 13 of Motion 17637 is being violated. The operator must contain all noise on-site.

To verify correction of the violation and avoid accrual of penalties, please contact the staff planner shown at the top of this notice immediately. The responsible party will need to provide sufficient evidence to demonstrate that the violation has been abated. Evidence may include the following: issuance of a building permit to correct the violation, site visit by staff contact or photographs demonstrating abatement.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: [www.sfgov.org/dbi](http://www.sfgov.org/dbi), regarding any building permits that may be required to perform the subject work.

## TIMELINE TO RESPOND

The responsible party (property owner and current leaseholder) has fifteen (15) days from the date of this notice to either 1) correct the violation as outlined above or 2) appeal this notice and assessment of penalties as outlined below.

## PENALTIES

Beginning on the May 24<sup>th</sup>, 2010, administrative penalties of \$250 per day are being assessed to the responsible party for each day the violation continues unabated, excluding the period of time that the matter has been pending either before the Zoning Administrator or before the Board of Appeals. This notice and any assessed penalties may be appealed to the Board of Appeals. The Board of Appeals may not reduce the amount of the penalty below \$100 per day for each day that the violation exists, excluding the period of time that the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

In addition, please note that per Planning Code Section 350(c) (1), the Planning Department is authorized to charge for time and materials to recover the cost of correcting code violations and violations of Planning Commission and Department conditions of approval of use if such costs are not covered by any permit or application fees collected as part of the legalization of such violations.

## APPEAL PROCESSES

If the responsible party believes that this order to remove a violation of the Planning Code is an abuse of discretion by the Zoning Administrator, the following appeal processes are available within fifteen (15) days from the date of this notice:

- 1) The responsible party may request a Zoning Administrator's hearing to show cause why this notice and assessment of penalties are in error and should be rescinded by filing a written request with the Department (on a form supplied by the Planning Department). The Zoning Administrator shall render a decision within 30 days of such hearing and the responsible party may appeal the Zoning Administrator's decision to the Board of Appeals within 15 days from the date of the decision.
- 2) The responsible party may request that the Zoning Administrator refer the matter to the Director for enforcement action under the process set forth in Planning Code Section 176.1 by filing a written request with the Department (on a form supplied by the Planning Department). The Zoning Administrator shall render a decision within 30 days of such request and the responsible party may appeal the Zoning Administrator's decision to the Board of Appeals within 15 days from the date of this notice. If the Zoning Administrator determines that the enforcement case will proceed under Planning Code Section 176 that determination shall be made as part of a final decision and is not appealable separately from the decision on the merits.
- 3) The responsible party may waive the right to a Zoning Administrator's hearing and proceed directly to an appeal to the Board of Appeals, 1650 Mission Street, Room 304, San Francisco, CA 94103, telephone: (415) 575-6880, website: [www.sfgov.org/bdappeal](http://www.sfgov.org/bdappeal).

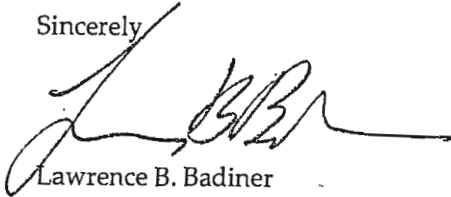
Notice of Violation and Penalty  
Kafka / Occupant / Bronstein  
2344 Market Street

May 7, 2010  
Complaint Identification Number: 10416

### OTHER APPLICATIONS UNDER PLANNING DEPARTMENT CONSIDERATION

We want to assist you in ensuring the subject property is in full compliance with Planning Code and that no violations are pending. The Planning Department requires that pending violations be resolved prior to the processing and approving of any new building permits or other applications. Therefore, any applications under consideration by the Planning Department for the subject site will be placed on hold until further notice.

Sincerely



Lawrence B. Badiner  
Zoning Administrator

cc: Kate Conner, Planning Department  
Alex Tse, City Attorney's Office

中文詢問請電: 558.6378  
Para información en Español llamar al: 558.6378

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# SAN FRANCISCO PLANNING DEPARTMENT

## ENFORCEMENT NOTIFICATION Planning Code Section 176

November 25, 2009

Robert G. and Rickey A. Kafka  
10 Edgemar Way  
Corte Madera CA 94925

Occupant Trigger Bar  
2344 Market Street  
San Francisco, CA 94114

Greg Bronstein  
2342-2348 Market Street  
San Francisco, CA 94114

RE: Violation of Planning Code Section:	Sec. 303 (d) Conditional Uses, Conditions.
Complaint Identification Number:	10416
Site Address:	2344 Market Street
Assessor's Block/Lot:	3562/007
Zoning District:	Upper Market Neighborhood Commercial District
Staff Contact:	Kate Conner, (415) 575-6914 or <a href="mailto:kate.conner@sfgov.org">kate.conner@sfgov.org</a>

Dear Sir or Madam:

The Planning Department recently received a complaint regarding the above-referenced property alleging that one or more violations of the Planning Code exist on the site. As the owner or leaseholder of the property, you are a responsible party. The exact nature of the violation(s) is detailed below:

### DESCRIPTION OF VIOLATION

The complaint alleges that the subject property's current operation, d.b.a. "Trigger Bar," is in violation of the conditions of approval, stipulated in Exhibit A, adopted by the Planning Commission on June 18, 2008 per Motion Number 17637 and Case Number 2008.0444C. Specifically, the condition being violated is item number 13. The condition states:

The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the



City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.

You must contain all noise within the facility. Planning staff has received complaints regarding noise, specifically amplified music.

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## HOW TO CORRECT THE VIOLATION

The Planning Department requires that you immediately proceed to abate the violation by ceasing the activities that are in conflict with the conditions stipulated in Exhibit A, Motion 17637. By not containing the noise on-site, condition 13 of Motion 17637 is being violated. The operator must contain all noise on-site.

To verify correction of the violation and avoid accrual of penalties, please contact the staff planner shown at the top of this notice immediately. The responsible party will need to provide sufficient evidence to demonstrate either that no violation exists or that the violation has been abated. Evidence may include the following: issuance of a building permit to correct the violation, site visit by staff contact or photographs demonstrating compliance or abatement.

Please contact the Department of Building Inspection (DBI), 1660 Mission Street, San Francisco, CA 94103, telephone: (415) 558-6088, website: [www.sfgov.org/dbi](http://www.sfgov.org/dbi), regarding any building permits that may be required to perform the subject work.

## TIMELINE TO RESPOND

The responsible party (property owner and current leaseholder) has fifteen (15) days from the date of this notice to contact the staff planner shown at the top of this notice and demonstrate that the subject property is in compliance with the Planning Code.

## PENALTIES AND APPEAL RIGHTS

Failure to respond to this notice by correcting the violation or demonstrating compliance with the Planning Code within fifteen (15) days from the date of this notice will result in the issuance of a Notice

Enforcement Notification  
Kafka / Occupant / Bronstein  
2344 Market Street

November 25, 2009  
Complaint Identification Number: 10416

of Violation and Penalty by the Zoning Administrator. Administrative penalties of up to \$250 per day may be assessed to the responsible party for each day the violation continues unabated. The Notice of Violation and Penalty provides appeals processes including 1) request for Zoning Administrator's hearing, 2) request for alternative review by Planning Director under Section 176.1 and 3) appeal of notice and any assessed penalties to the Board of Appeals. The Board of Appeals may not reduce the amount of the penalty below \$100 per day for each day that the violation exists, excluding the period of time that the matter has been pending either before the Zoning Administrator or before the Board of Appeals.

#### OTHER APPLICATIONS UNDER PLANNING DEPARTMENT CONSIDERATION

We want to assist you in ensuring the subject property is in full compliance with Planning Code and that no violations are pending. The Planning Department requires that pending violations be resolved prior to the processing and approving of any new building permits or other applications. Therefore, any applications under consideration by the Planning Department for the subject site will be placed on hold until further notice.

cc: Kate Conner, Planning Department

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中文詢問請電: 415.558.5956  
Para Información en Español llamar al: 415.558.5952



# 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                             |

1650 Mission  
Suite 400  
San Francisco  
CA 94103-24

Reception:  
415.558.63

Fax:  
415.558.64

Planning  
Information:  
415.558.63

## Planning Commission Motion #17637

HEARING DATE: JUNE 26, 2008

*Date:* June 18, 2008  
*Case No.:* 2008.0444 C  
*Project Address:* 2342-2348 MARKET STREET  
*Zoning:* Upper Market Neighborhood Commercial District  
65-B Height and Bulk District  
*Block/Lot:* 3562/007  
*Project Sponsor:* Greg Bronstein  
2342-2348 Market Street  
San Francisco, CA 94114  
*Staff Contact:* Elizabeth Watty – (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION, UNDER PLANNING CODE SECTIONS 303, 721.21, 790.130, 721.41, 790.22, 721.48, AND 790.38, FOR A USE SIZE EXCEEDING 2,999 SQUARE FEET THAT WILL ACCOMMODATE AN EXPANSION OF THE EXISTING BAR AND OTHER ENTERTAINMENT USES (DBA JET) INTO THE ADJACENT GROUND-FLOOR COMMERCIAL TENANT SPACE, LOCATED WITHIN THE UPPER MARKET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AND 65-B HEIGHT AND BULK DISTRICT.

### PREAMBLE

On April 17, 2008, Greg Bronstein of Jet, (hereinafter "Applicant"), made application (hereinafter "Application") for Conditional Use on the property at 2342-2348 Market Street, Assessor's Lot 007 in Block 3562 (hereinafter "Property"), for a use size exceeding 2,999 square feet that will accommodate an expansion of the existing bar and other entertainment uses (DBA Jet) into the adjacent ground-floor commercial tenant space, per the application and plans dated April 14, 2008 and labeled "EXHIBIT B" (hereinafter "Project"), within the Upper Market Neighborhood Commercial District (hereinafter "Upper Market NCD") in a 65-B Height and Bulk District.

On June 26, 2008 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2008.0444C. Conditional Use Authorization is required pursuant to Planning Code Section 303, 721.21, 790.130,

721.41, 790.22, 721.48, and 790.38, in order to allow a use size over 2,999 square feet with a bar and other entertainment uses in the Upper Market NCD.

The Application was determined by the San Francisco Planning Department (hereinafter "Department") to be Categorically Exempt from the environmental review process pursuant to Title 14, Class 1(a) of Category 15301 (Existing Facilities) of the California Administrative Code. The Commission has reviewed and concurs with said determination.

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

MOVED, that the Commission hereby approves the Conditional Use requested in Application No. 2008.0444 C subject to the conditions contained in "EXHIBIT A", attached hereto and incorporated herein by reference thereto, based on the following findings:

#### FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303, 721.21, 790.130, 721.41, 790.22, 721.48, 790.38, for a use size exceeding 2,999 square feet that will accommodate the expansion of the existing bar with other entertainment (dba Jet) into the adjacent ground-floor commercial space, which is currently occupied by a campaign headquarters. The Project also includes an outdoor activity area, pursuant to Planning Code Sections 721.24 and 790.70 consisting of a front smoking patio, which is permitted-by-right when located at the front of a property. The Subject Property is within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District.

Jet is currently permitted to be open and serving alcohol with other entertainment from 6:00 a.m. to 2:00 a.m., seven days a week.

3. **Site Description and Present Use.** The Subject Property is located at 2342-2348 Market Street, at the north side of Market Street, between Castro and 16<sup>th</sup> Streets. The lot currently contains a one-story commercial structure – built in 1907 – that is divided into two commercial tenant spaces, and one dwelling unit that is located in the eastern corner of the lot. The commercial tenant on the west side of the lot is currently dedicated to Jet bar, with approximately 1,611 square feet of gross floor area (including a mezzanine of 294 square feet), and the commercial tenant on the east side of the lot is currently occupied by a temporary political campaign headquarters, and contains approximately 1,746 square feet of gross floor area (including a mezzanine of 345 square feet). The existing commercial tenant spaces together have approximately 45 feet of frontage; approximately 21'-6" dedicated to Jet's tenant space, and 23'-6" dedicated to the political

headquarters. The proposed bar expansion will merge these two tenant space and include an expansion to the mezzanine level to accommodate a new storage room. This Project will result in a use size of approximately 3,240 square feet of gross floor area, and thus requires Conditional Use authorization for a use size that exceeds 2,999 square feet. The northeastern corner of the lot contains a detached structure with one dwelling unit that is not involved in the proposed Project. The Property is located within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District.

4. **Surrounding Properties and Neighborhood.** Land uses located within the subject block of Market Street include one-, two-, three-, and four-story buildings containing primarily commercial uses on the ground floor with residential units located above. The properties on the subject block are all located within the Upper Market Neighborhood Commercial District. Land uses located along Castro Street include a mix of commercial and residential uses, and uses along 16<sup>th</sup> Street are primarily residential in character, with mostly two-, three-, and four-story buildings that are zoned RH-3 (Residential, House, Three Units). To the east of the Subject Lot is a property containing Shala Yoga studio, John Brody salon, and Copy Central; and to the west is a property containing Streetlight Records at the ground floor. Across Market Street are mixed-use buildings with ground floor commercial and one-to-two stories of residential occupancy above.

The Subject Property is located within the Upper Market NCD (Neighborhood Commercial District). The Upper Market NCD controls are designed to encourage a diversified commercial environment with a wide variety of uses, with special emphasis on neighborhood-serving businesses, and limits on the number of eating, drinking and entertainment uses at the ground story.

5. **Public Comment.** As of June 17, 2008, the Planning Department has received letters of support from approximately 55 people and/or organizations – including Eureka Valley Promotion Association (EVPA), Duboce Triangle Neighbors Association (DTNA), and Merchants of Upper Market & Castro (MUMC) – as well as a petition with approximately 360 signatures. The Department has received two (2) letters in opposition to the Project, one of which only expressed opposition to the front smoking patio.
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. **Floor Area Ratio (FAR).** Planning Code Section 721.20 allows a floor area ratio of up to 3.0 in the Upper Market Neighborhood Commercial District.

The Project will result in a floor area ratio of .88.

- B. **Use Size.** Planning Code Section 721.21 permits a use size of 3,000 square feet and above in the Upper Market NCD with Conditional Use Authorization.

*The Project seeks Conditional Use Authorization under Planning Code Sections 721.21 and 790.130 to allow a use size of approximately 3,240 square feet.*

- C. **Outdoor Activity Area:** Planning Code Section 721.24 permits an outdoor activity area by-right if it is located in the front of the property, and permits an outdoor activity area with Conditional Use Authorization if it is located elsewhere on the lot.

*The Project includes a new outdoor activity area that abuts the front property line. The intention of this space is to allow an area for patrons who smoke on the Subject Property rather than having patrons loitering on the public sidewalk. This outdoor activity area is located entirely within the Subject Property, and is accessed via a succession of two doors so to prevent noise from escaping the interior space as patrons travel to and from the smoking patio.*

- D. **Bar Use:** Planning Code Section 721.41 permits bars in the Upper Market NCD with Conditional Use Authorization.

*The Project seeks Conditional Use Authorization, under Planning Code Sections 721.41 and 790.22, to permit the expansion of the existing bar into the adjacent commercial tenant space.*

- E. **Other Entertainment Use:** Planning Code Section 721.48 permits other entertainment in the Upper Market NCD with Conditional Use Authorization.

*The Project seeks Conditional Use Authorization, under Planning Code Sections 721.48 and 790.38, to permit the expansion of the existing other entertainment into the adjacent commercial tenant space.*

- F. **Parking:** Section 151 of the Planning Code states that off-street parking is required for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The Project will result in approximately 3,240 of floor area. A bar and entertainment use of this size does not require any off-street parking.*

- G. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses, including bars, 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 Project has approximately 45 feet of frontage on Market Street. Approximately 36 feet of the frontage is devoted to either the business entrance or window space. This is an increase from the existing conditions, which contains 23 feet of frontage that is dedicated to entrances, windows, or*

*display space. The Project includes eliminating the existing roll-down metal security gate and aluminum storefront windows, and creating a uniform façade with channel glass walls.*

H. Signage. Currently, there is not a proposed sign program on file with the Planning Department. Any new signage will be subject to the Upper Market Sign provisions of the Planning Code and will be reviewed by the Planning Department prior to the issuance of any sign permit.

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

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

*The Project will provide uses that are both necessary and desirable for the neighborhood in that it will expand a well-used existing neighborhood-serving use. There appears to be a demand for the existing use in this neighborhood and the existing space is not practical in its current configuration. The space is small and the single bathroom is deficient. The expansion is necessary to meet the neighborhood demand and to make the necessary improvements to the facility.*

*The proposed commercial use is compatible with the existing uses in the general vicinity of the Subject Property. The existing use provides the community a choice of nighttime entertainment venues, specifically one that permits dancing. The proposed expansion into the adjacent commercial space will allow tenant improvements that will enhance and preserve a desirable use. The envelope of the existing building will not be enlarged, and the façade alterations will utilize high quality materials and will be compatible with the existing character of the neighborhood.*

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;

*There are no modifications proposed to the exterior of the 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 remain substantially unaltered by this Project, because the proposed use is a neighborhood-serving business, frequented via foot, cab, or public transportation by many residents of the surrounding neighborhoods. This Property is well served by public transit, being*

*on Market Street near the Castro Street MUNI Station, and along or in close proximity to the 24-Divisadero, 35-Eureka, and 37-Corbet buses, and the K-, L-, M-, T-, S-, and F-MUNI train lines. Further, Condition of Approval number 22 will limit the hours allowed for loading activities and garbage collection.*

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

*The Project will not create any noxious or offensive emissions, such as glare, dust, or odor, seeing as the Project is an expansion of existing uses on the Property that do not currently create such offensive emissions. The front smoking patio is provided on the Subject Property so to deter smoking on the public right-of-way in an attempt to contain such offensive emissions within a designated area. The amplified entertainment will be regulated by the Entertainment Commission and Police Department so that it will meet the Noise Ordinance, and not be heard outside of the enclosed structure. The Project Sponsor has redesigned his entrances to have two sets of doors so that interior noise from the bar patrons and/or entertainment will be contained within the structure at all times. Furthermore, Condition of Approval numbers 11, 13, 14, and 15 restricts noise and vibration associated with the entertainment use to within the enclosed structure.*

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

*There are no setbacks to allow for landscaping in front of the Subject Property, although the project sponsor has committed to providing new street trees/trash receptacles in front of the Subject Property. There is no parking or dedicated loading space required for the Subject Property, although the Project Sponsor has agreed in Condition of Approval number 22 to prohibit loading activities along Market Street during early morning hours and peak-commute hours. Although there is no signage plan on file with the Planning Department, all signage at this site is required to meet the Upper Market Sign provisions of the Planning Code and the Project Sponsor will be required to obtain the necessary building permits for any new business signs.*

- C. With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning category .48 (Other Entertainment), that such use or feature will:

- i. Not be open between 2:00 a.m. and 6:00 a.m.;

*The entertainment use will cease at 2:00 a.m., seven days-a-week.*

- ii. Not use electronic amplification between midnight and 6:00 a.m.; and

*Amplification will be permitted between midnight and 2:00 a.m., seven days-a-week, based on the results of a sound test conducted by the Entertainment Commission. The Entertainment Commission will not permit noise and vibration associated with the entertainment use to be audible beyond the enclosed structure. Condition of Approval numbers 11, 13, 14, and 15 further*



*limits the bass and vibrations of the other entertainment from being heard and/or felt outside the enclosed structure.*

- iii. Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified on the San Francisco Noise Control Ordinance.

*The San Francisco Entertainment Commission will regulate noise, verifying that the decibel levels specified in the San Francisco Noises Control Ordinance are not exceeded. Further, the Project Sponsor has proposed interior alterations to the facility that include two sets of doors at all entrances so that at least one set of doors are closed at all times so to prevent noise associated with the entertainment from leaving the enclosed building.*

- D. Notwithstanding the above, the Planning Commission may authorize a Conditional Use which does not satisfy the criteria set forth in C (1)(2) and (3) above if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

*The Planning Commission authorizes this Conditional Use to allow amplified entertainment between midnight and 2:00 a.m. seven (7) days-a-week. Although this does not satisfy the criteria set forth in C (2) above, the Commission relies on the Entertainment Commission and Police Department to regulate the City's Noise Ordinance. The Noise Ordinance does not permit sound to be audible beyond the enclosed structure, and Condition of Approval numbers 11, 13, 14, and 15 further restrict any bass and vibrations from being heard and/or felt outside the enclosed structure. This Condition of Approval will minimize disruption to residences in and around the district. Further, Condition of Approval number 23 requires the Project Sponsor to hire security guards to monitor the area within one block (500-feet) of the Subject Property to assure that patrons and employees of the bar are respectful and quiet when traveling to and from Jet.*

8. General Plan Compliance. The Project meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in the Findings 6 and 7 above and by affirmatively promoting the objectives and policies of the General Plan as outlined below:

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.1:

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

**Policy 1.2:**

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

**Policy 1.3:**

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

*The Project will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to people in the community. Jet is an independently-owned business and a popular nighttime destination for many people. The intensity of uses proposed at the Site are compatible with the other businesses along Market Street, and the Conditions of Approval shown in Exhibit A are imposed to mitigate potential quality of life concerns expressed by some of the residential neighbors.*

**OBJECTIVE 2:**

**MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will retain an existing commercial activity and will enhance the diverse economic base of the City by allowing an expansion of a successful business and by creating an opportunity for more jobs. The tenant space that will be absorbed by this Project has been operating as a temporary political headquarters and will be vacant shortly. No neighborhood-serving businesses will be displaced by Jet's expansion.*

**OBJECTIVE 3: PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

**Policy 3.1:**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment opportunities for unskilled and semi-skilled workers.

**Policy 3.4:**

Assist newly emerging economic activities.

*Jet is a small independently-owned and operated business that provides employment opportunities for San Francisco residents. This Authorization will allow for more employment opportunities for local residents and musicians, and will also provide employment opportunities during non-traditional business hours.*

**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.

*No commercial tenant would be displaced by the authorization of this Conditional Use, and the Project would not prevent the Upper Market District from achieving optimal diversity in the types of goods and services available in the neighborhood.*

**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 is sponsored by an independent entrepreneur who seeks to provide a larger bar and entertainment venue for patrons of the existing bar. The expansion includes exterior alterations that will improve the exterior façades, by removing the roll-down metal gate and creating one contemporary commercial frontage.*

**EATING AND DRINKING ESTABLISHMENTS**

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and Planning Commission approval. Pertinent guidelines may be applied as conditions of approval for individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

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

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;

- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.

The regulation of eating and drinking establishments should consider the following:

- Balance of retail sales and services;
- Current inventory and composition of eating and drinking establishments;
- Total occupied commercial linear frontage, relative to the total district frontage;
- Uses on surrounding properties;
- Available parking facilities, both existing and proposed;
- Existing traffic and parking congestion; and
- Potential impacts on the surrounding community.

In districts where the proliferation of eating and drinking establishments could generate problems, the following guidelines should be employed in the consideration of new establishments, relocations, changes from one kind of eating and drinking establishment to another (e.g. from self-service restaurant to full-service restaurant), expansion or intensification of existing establishments:

- The establishment should not add to an over-concentration of eating and drinking establishments in a single district. The balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage. Proposals for eating and drinking establishments which would increase the proportion of total occupied commercial frontage above 20% should be reviewed to ensure that they would not reduce the variety of neighborhood-serving uses; nor create substantial noise, traffic, parking problems, or other nuisances in the district or surrounding neighborhood. Those establishments that would do the above should not be permitted. Except in districts with an established pattern of service to a broad market, such as North Beach, such establishments should not occupy more than 25% of the total commercially occupied frontage in a district. To minimize the problems they can create, eating and drinking uses should generally be at least 100 feet apart from each other, unless there are factors making clustering of uses appropriate. For example, a configuration of clustered eating and drinking uses where off-street parking is shared might be more appropriate than an even distribution of such establishments.
- New, expanding or relocating eating and drinking uses should not impose significant adverse impacts on traffic and transit volumes and circulation and parking congestion. If such impacts are anticipated, especially on transit-preferential streets, the proposed use, expansion or relocation should be redesigned to mitigate such impacts, or it should be prohibited.
- Eating and drinking uses should be adequately soundproofed or insulated for noise and operated so as to reasonably protect adjoining and surrounding upper-story residences from disturbances. Fixed source equipment noise should not exceed the decibel levels specified in the Noise Control Ordinance.

*The General Plan states that there is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the Upper Market NCD, which contains the proposed use. Including the expanded bar use, approximately 16.88% of the commercial frontage of the Upper Market NCD is dedicated to eating and drinking establishments.*

*The Project is not located within a 500-foot walking distance of an elementary or secondary school. The closest elementary or secondary school is Sanchez Elementary School, which is located at 325 Sanchez Street, approximately 1,060 feet from the Subject Property.*

*Parking is not required in this District for uses that occupy less than 5,000 square-feet. Traffic impacts are not anticipated because the bar draws patrons primarily from the surrounding neighborhoods. Further, this establishment is well served by public transit so that patrons and employees alike can arrive by means other than an automobile.*

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does 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 granting of this Conditional Use Authorization will not adversely affect the existing neighborhood retail uses because the existing use is a bar with other entertainment, and the adjacent commercial space that will be absorbed under this Project is being used as a temporary political campaign headquarters. The business is owned and operated by a San Francisco resident, and the expanded business will allow for additional employment opportunities for residents.*

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

*The immediate vicinity is characterized by predominantly commercial and mixed-use buildings of two-to-three stories in height with ground-floor retail stores along Market Street. No changes are proposed to the existing building envelope and no existing housing will be removed. Therefore, the existing housing and neighborhood character will be preserved.*

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

*This Project does not include any residential dwelling units. There is one dwelling unit located at the rear of the property in a detached structure, and that unit will not be affected by the Project. The expansion of the existing bar with other entertainment will not impact the City's supply of affordable housing as the Project does not contain or remove housing.*

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

*The Project has less than 5,000 square feet and will have a low demand on neighborhood parking. The area is well-served by public transit, with a MUNI underground station at the corner of Castro and Market Streets, and numerous bus lines along Market Street. The Project will not impede MUNI transit or 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 existing buildings do not contain industrial uses, and no industrial uses will be displaced as part of this Project. Service sector employment opportunities may increase as a result of the expanded bar and entertainment uses.*

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

*The building will comply with all required seismic and life-safety codes in order to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.*

- G. That landmarks and historic buildings be preserved.

*The proposed façade alterations will not significantly impact the existing structure and appear to be consistent with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.*

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

*This Project will not affect any parks or open space because it does not include any expansion to the existing building envelope.*

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

Motion #17637  
June 18, 2008

CASE NO. 2008.0444 C  
2342-2348 Market Street

### DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2008.0444C subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17637. 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 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 26, 2008.

Linda Avery  
Commission Secretary

AYES: Commissioners Christina Olague, Michael J. Antonini, Kathrin Moore, Bill Sugaya, Ron Miguel

NAYS: None

ABSENT: Commissioner William L. Lee

ADOPTED: June 26, 2008

## Exhibit A

# Conditions of Approval

1. The Project seeks a Conditional Use Authorization, pursuant to Planning Code Sections 303, 721.21, 790.130, 721.41, 790.22, 721.48, 790.38, for a use size exceeding 2,999 square feet that will accommodate the expansion of the existing bar with other entertainment (dba Jet) into the adjacent ground-floor commercial space, which is currently occupied by a temporary campaign headquarters. The Project also includes an outdoor activity area, pursuant to Planning Code Sections 721.24 and 790.70 consisting of a front smoking patio. The Subject Property is within the Upper Market Neighborhood Commercial District and 65-B Height and Bulk District. Such modifications apply to the property located at 2342-2348 Market Street, in general conformance with plans filed with the Application as received on May 30, 2008, and stamped "EXHIBIT B" included in the docket for Case No. 2008.0444C, reviewed and approved by the Commission on June 26, 2008.
2. After the Conditional Use Authorization for the Project becomes final and before the issuance of any building permit, the Zoning Administrator shall approve and order the recordation of a Notice of Special Restrictions in the Official Records of the Recorder of the City and County of San Francisco against the land record of the Subject Lot. Said notice shall state that the operation of the proposal has been authorized by and is subject to the conditions of this Motion applicable to the Project. From time to time, after the recordation of such notice, at the request of the Applicant or the successor-in-interest thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this motion have been satisfied.
3. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines of not less than \$200 a day in accordance with Planning Code Section 176.
4. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
5. Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Section 174, 306.3 and 306.4 of the Planning Code to consider revocation of this Conditional Use Authorization.
6. The Project Sponsor shall implement any other conditions and/or management practices – as determined by the Zoning Administrator, in consultation with the Police Department and other



- appropriate public agencies – to be necessary to ensure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use.
7. This Authorization is valid for a period of three (3) years from the date of approval by the Planning Commission. This Authorization may be extended at the discretion of the Zoning Administrator for up to two years where the failure to implement the Project is caused by delay by any other public agency or by legal challenge.
  8. The Project Sponsor shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Community Liaison Officer will be the current manager, Greg Bronstein, who can be contacted at (415) 259-1123. The Applicant will keep the Zoning Administrator updated with any changes to the contact information or if a different liaison is designated.
  9. The Project Sponsor – though the Community Liaison – shall work with existing neighbors and neighborhood groups toward resolving any problems identified as being caused by the bar and the entertainment use. The Zoning Administrator shall report to the Commission any unresolved matters brought to the Department's attention regarding noncompliance with or ineffectiveness of any condition contained in this Exhibit.
  10. The operator shall comply with all conditions required by the Entertainment Commission and Police Department at all times.
  11. Prior to commencement of the entertainment use expansion, a final sound test shall be conducted by the Entertainment Commission's Sound Technician in order to set the maximum decibel limit allowed for the Subject Property. Any future structural or soundproofing alterations made to the building shall require a new sound check by the Entertainment Commission's Sound Technician to ensure compliance with the San Francisco Sound Ordinance and to verify that all sound, bass, and vibrations are contained within the enclosed structure. It is the responsibility of the Project Sponsor to recognize when such change to the building occurs and schedule the required sound check with the Entertainment Commission.
  12. During the nine-month timeframe following completion of Jet's entitlement process, Planning Department staff shall work with the Entertainment Commission's Sound Technician to ensure that two unannounced sound checks are successfully conducted.
  13. The Other Entertainment shall be performed within the enclosed building only. All entertainment shall comply with the conditions imposed by the Entertainment Commission Permit and the City's Noise Ordinance, and shall not be audible outside the enclosed building. Bass and vibrations shall also be contained within the enclosed structure.
  14. The business operation shall be conducted in such a manner that noise, vibration, odors and nuisance factors shall be adequately controlled so that nearby residents are not adversely affected. The heating, ventilation and air-conditioning (HVAC) systems in the building shall be upgraded as

necessary to allow implementation of the conditions of this Motion. These systems shall have noise baffling panels or walls to minimize noise emission.

15. The building walls of the Subject Property, including doors and windows, shall be adequately soundproofed, and made of highly-rated sound-limiting material. Windows serving Jet (other than the window system along the front property line that separates the smoking patio from the sidewalk along Market Street) shall be inoperable or locked in such a manner that patrons are unable to unlock the windows at their leisure. The Project Sponsor shall ensure that the establishment provides adequate ventilation within the structure such that doors and/or windows are not left open during business hours.
16. Amplified music is not permitted in the smoking patio area.
17. Dancing shall be permitted only on the dance floor as indicated on the plans filed with the Application for Conditional Use Authorization and labeled as "Exhibit B" and under no circumstances shall dancing be permitted in the designated smoking patio area.
18. On those evenings when dancing or live entertainment occurs, employees of the establishment shall be posted at all entrances and exits for the establishment to ensure that patrons waiting to enter and/or exit the establishment are encouraged not to park motorcycles on the sidewalk and to respect the quiet and cleanliness of the neighborhood as they leave the vicinity.
19. The Project Sponsor shall maintain the Subject Property and all sidewalks abutting the Subject Property in a clean, sound and attractive condition, consistent with the general appearance of the neighborhood. Such maintenance shall include at a minimum, daily litter pick-up and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
20. The Project Sponsor shall designate employees of the establishment to walk down the north side of Market Street between Castro and 16<sup>th</sup> Streets some time between 30 minutes after closing time and 8:00 a.m. the following morning to pick-up and dispose of any trash.
21. All garbage and recycling containers shall be stored within the enclosed building or designated storage areas except during collection periods.
22. The Project Sponsor shall prohibit loading activities and garbage/recycling collection at the Subject Property during early morning hours and weekday peak commute hours. Such loading activities on Market Street shall not be permitted any day of the week from 11:00 p.m. and 9:30 a.m., and shall not be permitted during weekday evening commute hours from 4:00 p.m. to 6:30 p.m.
23. The Project Sponsor shall retain the services of private "Police Specials" officers or other legally authorized and trained professional security whose duties include ensuring that patrons behave in an orderly, peaceful and respectful manner, not only within Jet, but also within a one-block distance from Jet (or approximately 500-feet from the Subject Property, whichever is greater). In addition, the Project Sponsor shall have Jet staff or hired security guards stationed at every entrance and exit (emergency exits do not require such monitoring) of Jet. The staff and/or security stationed at these

24. The Project Sponsor shall provide well lit notices that are prominently displayed at all entrances and exits of the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to not litter or block driveways in the neighborhood. These notices shall be made of durable material and permanently affixed to the building.
25. The Project Sponsor and Jet management shall at all times keep a copy of these "Conditions of Approval-Exhibit A" on the premises for reference. Jet management shall review with new employees as part of their training and orientation, and periodically (at least at twelve month intervals) review with the other Jet employees, these Conditions of Approval related to operational concerns and quality of life issues, with emphasis on noise control, street cleanliness, and respectful behavior towards neighbors by Jet patrons. Employees are to be reminded that continued successful operation of Jet, and their respective jobs are dependant on compliance with these Conditions of Approval.

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## VENUE INSEPCION

Sound Test \_\_ Venue Investigation \_\_ Case Record \_\_ Venue Complaint \_\_

Reported By / Complainant's Information	Organization Involved
Date: 4-17-2010 11:46pm	Name of Venue: Trigger
Name: V. Granelli Badge # 101	Venue Address: 2344 market street SF CA
Phone: 415-554-6007	Name of Owner / Manger: Greg Bronstein
Address: 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	Venue Phone:
<b><u>Nature of Complaint / Violation Description:</u></b>	
MPC 49	
<b><u>Involved Persons:</u></b>	<b><u>Address:</u></b>
<b><u>Phone:</u></b>	
1	
2	
<b><u>Narrative / Details / Report:</u></b>	
<p>At approximately 11:46pm I arrived down (east) the street from 2344 market street SF CA (Trigger). I parked my car on market street pointing west. I then exited the car and traveled on foot on the north side of Market st. I then crossed Market st. to the south side of the st. I was now across the street from the club Trigger. I then took sound readings in the area (see below). While taking the sound readings I observed the following ;</p> <p>There was 1 security guards working the front of the club.            The west front door was being used as the main entrance.            The doors are kept closed as much as possible by security.            When a door is opened the sound level will jump by 5 to 10.dBA.            The sound level of bass coming from the club is better , but still audible across the street.            The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section has not gotten any better.            I then left the area.            End report.</p>	
<b>Time &amp; Date:</b> 4-17-2010 11:46pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA across the street	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 68 71 70 68 70	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 60 65 62 61 bass, people talking	<b>Sound Readings (dBA):</b>
<b>Time &amp; Date:</b> 4-17-2010 11:46pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA 50 feet away	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 61 65 63	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 69 68 69 71 72 bass, people talking	<b>Sound Readings (dBA):</b>
<b><u>Recommendation / Results/Observations:</u></b> once again; I recommend that trigger be served with a 7day suspension. Sound curtains must be added to the space and the bass sound levels must be turned down.	



**VENUE INSEPCION**

Sound Test \_\_\_ Venue Investigation \_\_\_ Case Record \_\_\_ Venue Complaint \_\_\_

**Reported By / Complainant's Information**

**Organization Involved**

<b>Date:</b> 5-22-2010 11:14pm	<b>Name of Venue:</b> Trigger
<b>Name:</b> V. Granelli Badge # 101	<b>Venue Address:</b> 2344 market street SF CA
<b>Phone:</b> 415-554-6007	<b>Name of Owner / Manger:</b> Greg Bronstein
<b>Address:</b> 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	<b>Venue Phone:</b>

**Nature of Complaint / Violation Description:**

MPC 49

<b>Involved Persons:</b>	<b>Address:</b>	<b>Phone:</b>
1		
2		

**Narrative / Details / Report:**

At approximately 11:14pm I arrived up (west) the street from 2344 market street SF CA (Trigger). I parked my car market street pointing east. I then exited the car and traveled on foot on the south side of Market st. until I was across the street from the club Trigger. I then took a sound reading ( see below). I then took sound readings in the area (see below). As in past vists to the area I observed the following ;

The sound level of bass coming from the club is better. I could not hear it across the street.  
 The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.  
 There was 2 security guards working the front of the club.  
 The west front door was being used as the main entrance.  
 The doors are kept closed as much as possible by security.

I then left the area.  
 End report.

<b>Time &amp; Date:</b> 5-22-2010 11:14pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA across the street	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 64 66 61 64	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 60 65 62 61 bass, people talking	<b>Sound Readings (dBA):</b>
<b>Time &amp; Date:</b> 5-22-2010 11:14pm	<b>Time &amp; Date:</b>
<b>Location:</b> 2344 market street SF CA 50 feet away	<b>Location:</b>
<b>Ambient Noise Average (dBA):</b> 60 61 65 63	<b>Ambient Noise Average (dBA):</b>
<b>Sound Readings (dBA):</b> 69 68 69 71 72 bass, people talking	<b>Sound Readings (dBA):</b>

**Recommendation / Results/Observations:** at this time I recommend that trigger be watch very closely to insure they keep improving their sound proofing. .



**VENUE INSEPCION**

Sound Test      Venue Investigation      Case Record      Venue Complaint     

<b>Reported By / Complainant's Information</b>	<b>Organization Involved</b>
Date: 6-13-2010 12:35am	Name of Venue: Trigger
Name: V. Granelli Badge # 101	Venue Address: 2344 market street SF CA
Phone: 415-554-6007	Name of Owner / Manger: Greg Bronstein
Address: 1 DR. Carlton B. Goodlett PL. city hall , Room 453 San Francisco CA 94102	Venue Phone:

**Nature of Complaint / Violation Description:**  
MPC 49

Involved Persons:	Address:	Phone:
1		
2		

**Narrative / Details / Report:**  
 At approximately 12:35 am I arrived across the street from 2344 market street SF CA (Trigger). I parked my car on market street pointing east. I then exited the car, I was across the street from the club Trigger. I then took a sound reading (see below). I then took sound readings in the area (see below).  
 As in past visits to the area I observed the following ;  
  
 The sound level of bass coming from the club is better. I could not hear it across the street.  
 The sound from the smoking section is very loud; from across the street you can hear people's conversations. The sound of the smoking section is still very high.  
 The sound from the people standing in front of the club is very loud.  
 There was 1 security guard working the front of the club.  
 The west front door was being used as the main entrance.  
 The doors are kept closed as much as possible by security.  
  
 I then left the area.  
 End report.

Time & Date: 6-13-2010 12:35am	Time & Date:
Location: 2344 market street SF CA across the street	Location:
Ambient Noise Average (dBA): 63 63 60 62 65 65	Ambient Noise Average (dBA):
Sound Readings (dBA):60 65 62 61 bass, people talking	Sound Readings (dBA):
Time & Date: 6-13-2010 12:35am	Time & Date:
Location: 2344 market street SF CA 50 feet away	Location:
Ambient Noise Average (dBA): 60 61 65 63	Ambient Noise Average (dBA):
Sound Readings (dBA): 69 70 69 71 69 72, people talking	Sound Readings (dBA):

**Recommendation / Results/Observations:** at this time I recommend that the EC continue to monitor trigger very closely.

# JET BAR

2344-48 MARKET STREET, SAN FRANCISCO, CA 94114

PLANS FOR REFERENCE ONLY: FROM PREVIOUS CONDITIONAL USE AUTHORIZATION,  
2008.0444C - APPROVED BY THE PLANNING COMMISSION ON JUNE 26, 2008 MOTION NO. 17637



JOHN LUM ARCHITECTURE INC.  
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
TEL. 415.558.9550 FAX 415.558.0554

**NOT FOR CONSTRUCTION**  
10.3.159.

**JET BAR**  
2344-48 MARKET STREET  
SAN FRANCISCO, CA 94107

Greg Bronstein  
2348 Market Street  
San Francisco, CA 94107

## ABBREVIATIONS:

A	AND
∠	ANGLE
#	NUMBER
C	CENTER LINE
E	PROPERTY LINE
(E)	EXISTING
(N)	NEW
(R)	REPLACE
ABV.	ABOVE
ADJ.	ADJACENT
ALUM.	ALUMINUM
ARCH.	ARCHITECTURE
ASPH.	ASPHALT
BD.	BOARD
BASE BD.	BASE BOARD
BLDG.	BUILDING
BLK.	BLOCK
BLKG.	BLOCKING
BOT.	BOTTOM
BM.	BEAM
BU.	BUILT-UP
CLG.	CEILING
CNTRL.	CONTROL
CONTR.	CONTINUOUS
CTR.	CENTER
CLR.	CLEAR
CLL.	CENTER LINE
DBL.	DOUBLE
D.F.	DOUGLAS FIR
DIR.	DIRECTION
DN.	DOWN
D.P.	DOUBLE POLE
D.S.	DOWN SPOUT
DWG.	DRAWING
E	EAST
EA.	EACH
EL. OR ELEV.	ELEVATION
ELEC.	ELECTRICAL
EQ.	EQUAL
EXP.	EXPOSED
EXT.	EXTERIOR
F.A.U.	FORCED-AIR UNIT
FDN.	FOUNDATION
F.F.	FINISHED FLOOR
F.F.E.	FINISHED FLOOR ELEVATION
FIN.	FINISH
F.O.C.	FACE OF CONCRETE
F.O.S.	FACE OF STUD
F.P.	FACE OF PLYWOOD
F.P.	FIRE PLACE
FURN.	FURNACE
GA.	GALVE
GALV.	GALVANIZED
GND.	GROUNDED
GYSBD.	Gypsum BOARD
H.C.	HOLLOW CORE
HDR.	HEADER
HWD.	HAUD WOOD
H.V.A.C.	HEATING, VENTILATION, AIR CONDITIONING
LD.	INSIDE DIMENSION
INSUL.	INSULATION
INT.	INTERIOR
JST.	JOIST
MAX.	MAXIMUM
M.C.	MEDICINE CABINET
MECH.	MECHANICAL
MEMB.	MEMBRANE
MANUF.	MANUFACTURER
MIN.	MINIMUM
MTL.	METAL
N	NORTH
N.I.C.	NOT IN CONTRACT
N.O.	NUMBER
OV.	OVER
O.C.	ON CENTER
OPNG.	OPENING
O.D.	OUTSIDE DIMENSION
P.C.	PUMPING CHASE
PL.	PLATE
PLYWD.	PLYWOOD
P.T.	PRESSURE TREATED
PT.	POINT
R.	RADIUS
RET. AIR	RETURN AIR
RM.	ROOM
RWD.	REDWOOD
R.W.L.	RAIN WATER LEADER

## ABBREVIATIONS (CONT.):

S	SOUTH
S.D.	SEE STRUCTURAL DRAWINGS
SQ. FT.	SQUARE FOOT
SHT.	SHEET
SHTG.	SHEATHING
SPL.	SIMILAR
S.P.	SINGLE POLE
SQ.	SQUARE
S.S.T.	STAINLESS STEEL
ST.	STEEL
STD.	STANDARD
SUP. AIR	SUPPLY AIR
T&G	TONGUE AND GROOVE
THICK.	THICK
T.O.P.	TOP OF PLATE
T.O.S.	TOP OF SLAB
T.O.F.F.	TOP OF FINISHED FLOOR
T.O.W.	TOP OF WALL
T.P.	TOILET PAPER HOLDER
T.R.	TOWEL RACK
TYP.	TYPICAL
U.O.N.	UNLESS OTHERWISE NOTED
VAR.	VARIABLE
V.D.C.	VERIFY DURING CONSTRUCTION
VERT.	VERTICAL
V.F.P.	VERIFY IN FIELD
W	WEST
W	WITH
W.C.	WATER CLOSET
WD.	WOOD
WP	WATER PROOF
W.H.	WATER HEATER

## SYMBOLS:

EXISTING WALL	
NEW WALL	
LINE OVERHEAD OR HIDDEN	
CENTERLINE	
PROPERTY LINE	
DIMENSION TO FACE OF FINISH	
DIMENSION TO CL OF STUD	
DATUM LINE	
LIGHTING FIXTURE SYMBOL	
DOOR SYMBOL	
COLOR SYMBOL	
FLOOR SYMBOL	
SECTION MARKER	
ELEVATION MARKER	
INTERIOR ELEVATION MARKER	
PLAN DETAIL MARKER	
DETAIL MARKER	
REVISION MARKER	

## GENERAL NOTES:

- ALL DOCUMENTS, "GENERAL CONDITIONS FOR THE PERFORMANCE OF A CONTRACT", ARE HEREBY INCORPORATED INTO THESE DRAWINGS AND SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE COMPLETION OF WORK. SUPPLEMENTARY CONDITIONS TO THE CONTRACT ALSO APPLY.
- ALL CONSTRUCTION SHALL CONFORM TO CURRENT SAN FRANCISCO CODES AND ANY OTHER GOVERNING CODES, AMENDMENTS, RULES, REGULATIONS, ORDINANCES, LAWS, ORDERS, APPROVALS, ETC. THAT ARE REQUIRED BY APPLICABLE PUBLIC AUTHORITIES. IN THE EVENT OF CONFLICT THE MOST STRINGENT REQUIREMENTS SHALL APPLY.
  - THE GENERAL CONTRACTOR IS RESPONSIBLE FOR CHECKING CONTRACT DOCUMENTS, FIELD CONDITIONS, AND DIMENSIONS FOR ACCURACY AND CONFIRMING THE WORK CAN BE BUILT OR DEMOLISHED AS SHOWN BEFORE PROCEEDING WITH THE WORK. IF THERE ARE ANY QUESTIONS REGARDING THESE OR OTHER COORDINATION QUESTIONS, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE ARCHITECT BEFORE PROCEEDING WITH THE WORK IN QUESTION OR RELATED WORK.
  - ANY ERRORS, OMISSIONS OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT, BEFORE PROCEEDING WITH THE WORK.
  - CONTRACTOR SHALL THOROUGHLY EXAMINE THE PREMISES AND SHALL BASE HIS BID ON THE EXISTING CONDITIONS, NOTWITHSTANDING ANY INFORMATION SHOWN OR NOT SHOWN ON THE DRAWINGS.
  - CONTRACTOR TO MAINTAIN ALL PROPER WORKMAN'S COMPENSATION AND LIABILITY INSURANCE THROUGHOUT THE DURATION OF PROJECT.
  - SUBSTITUTIONS, REVISIONS, OR CHANGES MUST HAVE PRIOR APPROVAL OF THE ARCHITECT.
  - DURING THE BIDDING AND NEGOTIATION PERIOD THE GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL CONFORM IN WRITING APPROX. ON-SITE DELIVERY DATES FOR ALL CONSTRUCTION MATERIALS AS REQUIRED BY THE CONSTRUCTION DOCUMENTS AND SHALL NOTIFY THE ARCHITECT IN WRITING OF ANY POSSIBLE CONSTRUCTION DELAYS AFFECTING OCCUPANCY THAT MAY ARISE DUE TO THE AVAILABILITY OF THE SPECIFIED PRODUCT.
  - ALL WORK SHALL BE PERFORMED SUCH THAT DAMAGE TO EXISTING LANDSCAPE AND/OR PERSONAL PROPERTY IS PREVENTED OR MINIMIZED.
  - CONTRACTOR SHALL TAKE MEASURES TO PROTECT ADJACENT PROPERTIES. USE VISQUEEN, PLYWOOD, ETC. TO MINIMIZE NOISE, DUST, ETC.
  - IN THE EVENT THAT FOUNDATION EXCAVATION MIGHT AFFECT ADJACENT PROPERTIES, CONTRACTOR SHALL TAKE ALL APPROPRIATE STEPS TO NOTIFY THE PROPERTY OWNER OF THE CONDITION, AND TO ADEQUATELY PROTECT THE ADJACENT STRUCTURE.
  - WRITTEN DIMENSIONS REFER TO FACE OF FINISH OR CENTERLINE UNLESS OTHERWISE NOTED. EXTERIOR WALLS ARE DIMENSIONED TO FACE OF SHEATHING, U.O.N.
  - DIMENSIONS ARE TO TOP OF FIN FLOOR, SLAB OR DECK IN SECTION OR ELEVATION, UNLESS OTHERWISE NOTED.
  - "SM" OR "SIMILAR" MEANS COMPARABLE CHARACTERISTICS FOR THE ITEM NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLAN.
  - "TYP" OR TYPICAL MEANS IDENTICAL FOR ALL SIMILAR CONDITIONS UNLESS NOTED OTHERWISE.
  - DIMENSIONS NOTED "CLR" OR "CLEAR" ARE MINIMUM REQUIRED DIMENSIONS AND CLEARANCES MUST BE ACCURATELY MAINTAINED.
  - CONTRACTOR TO VERIFY DIMENSIONS AND CONDITIONS IN FIELD. IF CONDITIONS ARE SIGNIFICANTLY DIFFERENT THAN REPRESENTED IN DRAWINGS, VERIFY CONDITIONS WITH ARCHITECT.
  - ALL MATERIALS AND EQUIPMENT TO BE NEW UNLESS OTHERWISE NOTED.
  - ALL MATERIALS AND EQUIPMENT TO BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS.
  - WINDOW AND DOOR SIZES ARE NOMINAL DIMENSIONS. REFER TO MANUFACTURER'S SPECIFICATIONS FOR ACTUAL ROUGH OPENINGS.
  - WHERE LOCATIONS OF WINDOWS AND DOORS ARE NOT DIMENSIONED THEY SHALL BE CENTERED IN THE WALL OR PLACED TWO STUD WIDTHS FROM ADJACENT WALLS AS INDICATED ON DRAWINGS, UNLESS OTHERWISE NOTED.
  - ALL CHANGES IN FLOOR MATERIAL SHALL OCCUR AT CENTERLINE OF DOOR OR FRAMED OPENING, UNLESS OTHERWISE INDICATED ON THE DRAWINGS.
  - SEALANT, CAULKING, FLASHING, ETC. LOCATIONS SHOWN ON DRAWINGS ARE INTENDED TO BE INCLUSIVE. FOLLOW MANUFACTURER'S INSTALLATION RECOMMENDATIONS AND STANDARD INDUSTRY AND BUILDING PRACTICES.
  - ALL ATTICS, RAFTER SPACES, SOFFITS, CRAWL SPACES, ETC. TO BE FULLY VENTILATED PER APPLICABLE CODE.
  - PROVIDE WOOD BLOCKING FOR ALL TOWEL BARS, ACCESSORIES, ETC.
  - MEET ALL CALIFORNIA ENERGY CONSERVATION REQUIREMENTS INCLUDING BUT NOT LIMITED TO:
    - MINIMUM ROOF/CEILING INSULATION R-19
    - MINIMUM WALL INSULATION IN FRAMED EXTERIOR WALLS R-13
    - MINIMUM FLOOR INSULATION OVER CRAWL OR UNOCCUPIED SPACES R-13
    - ALL INSULATION TO MEET CEC QUALITY STANDARDS
    - INFILTRATION CONTROL:
      - DOORS AND WINDOWS WEATHER-STRIPPED
      - EXHAUST SYSTEMS DAMPENED
      - DOORS AND WINDOWS CEC CERTIFIED AND LABELED
      - ALL JOINTS AND PENETRATIONS CAULKED AND SEALED
    - DUCTS CONSTRUCTED AND INSTALLED PER UMC
    - ELECTRICAL OUTLET PLATE/GSKETS SHALL BE INSTALLED ON ALL RECEPTACLES, SWITCHES AND ELECTRICAL BASES ON EXTERIOR WALLS
  - SMOKE ALARMS ARE TO BE INSTALLED IN ALL SLEEPING ROOMS. SMOKE ALARMS SHALL BE HARDWIRED TO 110V HOUSE WIRING AND WIRED TOGETHER IN SERIES. MINIMUM ONE ALARM PER STORY. REF. PLANS FOR LOCATIONS.
  - GENERAL CONTRACTOR IS TO COORDINATE INSTALLATION OF N.L.C. ITEMS WITH OTHER TRADES
  - LOCATION/SPECIFICATION OF SAFETY GLAZING (TEMPERED GLASS) ARE SOLE RESPONSIBILITY OF CONTRACTOR. ALL DOORS W/ GLAZING AND ALL GLAZING OF WINDOWS WITHIN 24" OF EDGE OF ANY DOOR SHALL BE WITH TEMPERED GLASS (SEE SECTION 240)

## PROJECT DATA:

**CODES:**  
C.B.C. 2007 WITH SAN FRANCISCO AMENDMENTS

**PROJECT ADDRESS:**  
2344-2348 MARKET STREET  
SAN FRANCISCO, CA 94114

**BLOCK / LOT:**  
3562 / 007

**PROJECT DESCRIPTION:**  
THE PROJECT IS A CONVERSION OF TWO EXISTING COMMERCIAL SPACES (A-2 & A-3) INTO A SINGLE COMMERCIAL SPACE (A-2) WITHIN THE SAME BUILDING.

**ZONING:**  
NCS - NEIGHBORHOOD COMMERCIAL DISTRICT

**LOT AREA:** 3833 SQ. FT.

**HEIGHT REQUIREMENTS:** 65 FEET MAX.  
- FEET AT FRONT OF PROPERTY

**YARD REQUIREMENTS:** FRONT: NONE  
REAR: 25% OF LOT DEPTH, 15 FEET MIN.

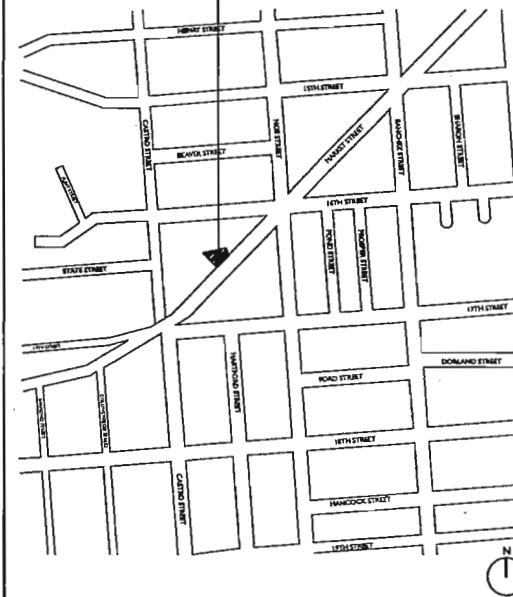
**MAX. FLOOR AREA RATIO:** 1.8:1

**BUILDING CODE:**  
OCCUPANCY (CHAPTER 3): GROUP A-2  
CONSTRUCTION TYPE (TABLE 601): TYPE III  
MINIMUM ROOF CLASS (TABLE 601): CLASS A ROOF

## VICINITY MAP:

IN THE CITY OF SAN FRANCISCO  
NOT TO SCALE

**PROJECT SITE:**  
2344-48 MARKET STREET  
SAN FRANCISCO, CA 94114



## DRAWING INDEX:

1.	A0.0	TITLE
-	A0.1	NOT USED
2.	A0.2	EXISTING / PROPOSED SITE & ROOF PLANS
3.	A1.0	EXISTING / DEMOLITION FLOOR PLANS
4.	A1.1	EXISTING / DEMOLITION FLOOR PLANS
5.	A2.0	PROPOSED FLOOR PLANS
6.	A2.1	PROPOSED FLOOR PLANS
7.	A4.0	EXISTING BUILDING ELEVATIONS
8.	A4.1	PROPOSED BUILDING ELEVATIONS
9.	A4.2	ELEVATION IMAGES & RENDERINGS
10.	A4.3	FACADE SECTIONS

## ISSUE SCHEDULE:

DATE:	ISSUE:
05.23.2008	PLANNING SUBMITTAL

**REDUCED SET SCALE = 45%**

date:	issues/ revisions:	by:
05.23.08	planning submittal	rg

## PROJECT PARTICIPANTS:

**OWNER:**  
MR. GREG BRONSTEIN  
2348 MARKET STREET  
SAN FRANCISCO, CA 94114

**GENERAL CONTRACTOR:**  
T.B.D.

**ARCHITECT:**  
JOHN LUM ARCHITECTURE  
3246 17TH STREET  
SAN FRANCISCO, CA 94110

**DESIGNER - RICHARD QUELCH:**  
t. 415. 558. 9550 x.11  
f. 415. 558. 0554

**STRUCTURAL ENGINEER:**  
T.B.D.

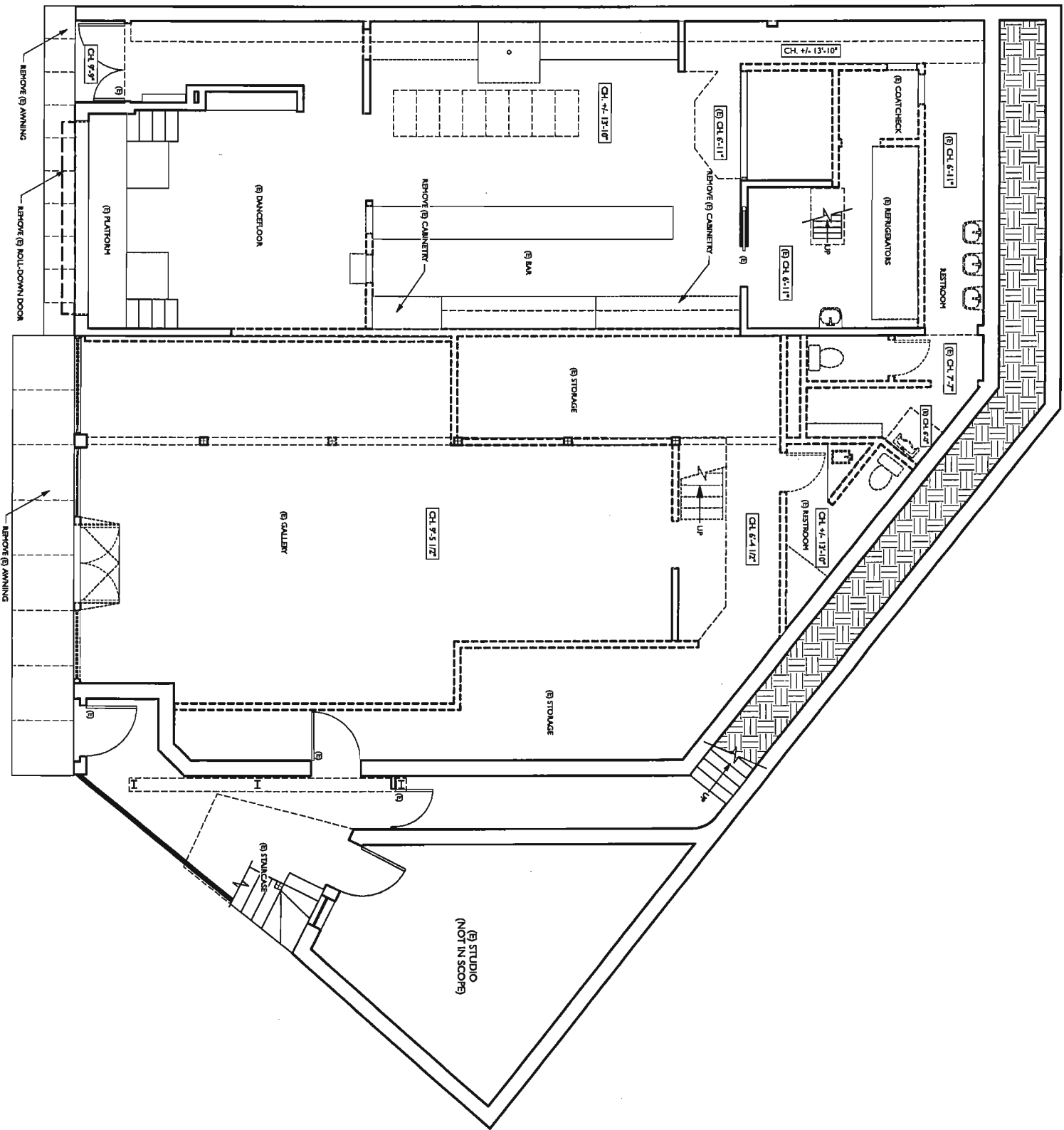
project name: JET BAR  
project number: 06011  
scale: N.T.S.

TITLE

A0.0







1 EXISTING/DEMOLITION FIRST FLOOR PLAN  
 A1.0 Scale: 1/4" = 1'-0"

DEMOLITION LEGEND	
EXISTING WALL TO REMAIN	
EXISTING WALL TO BE REMOVED	
OTHER (S) ITEMS TO BE REMOVED SHOWN DASHED, TYP	
(R) FLOOR, CEILING OR ROOF TO BE REMOVED, TYP	
(R) DOOR TO BE REMOVED, TYP	
(R) WINDOW TO BE REMOVED, TYP	

EXISTING AREA STATISTICS	
PROJ. 102 OF THE 37 FLOORING COORD	
2344 MARKET STREET, (R) GALLERY SPACE	1,401 SQUARE FEET
2344 MARKET STREET, (R) BATH	240 SQUARE FEET
2344 MARKET STREET, (R) BATH SPACE	1,117 SQUARE FEET
2344 MARKET STREET, (R) BATH SPACE	234 SQUARE FEET

DEMOLITION NOTES	
1. CONTRACTOR TO PATCH & REPAIR SURFACES AS REQ'D. FOR A COMPLETE RECONSTRUCTION.	
2. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY LOCATIONS & DEPT. RECORDS. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY LOCATIONS & DEPT. RECORDS. CONTRACTOR TO PROTECT THE EXISTING UTILITIES AS NECESSARY.	



JOHN LUM ARCHITECTURE INC.  
 3248 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
 TEL 415 658 9550 FAX 415 658 0654

NOT FOR CONSTRUCTION  
 10.13.09

**JET BAR**  
 2344-48 MARKET STREET  
 SAN FRANCISCO, CA 94107

Greg Bronstein  
 2348 Market Street  
 San Francisco, CA 94107

REDUCED SET  
 SCALE = 45%

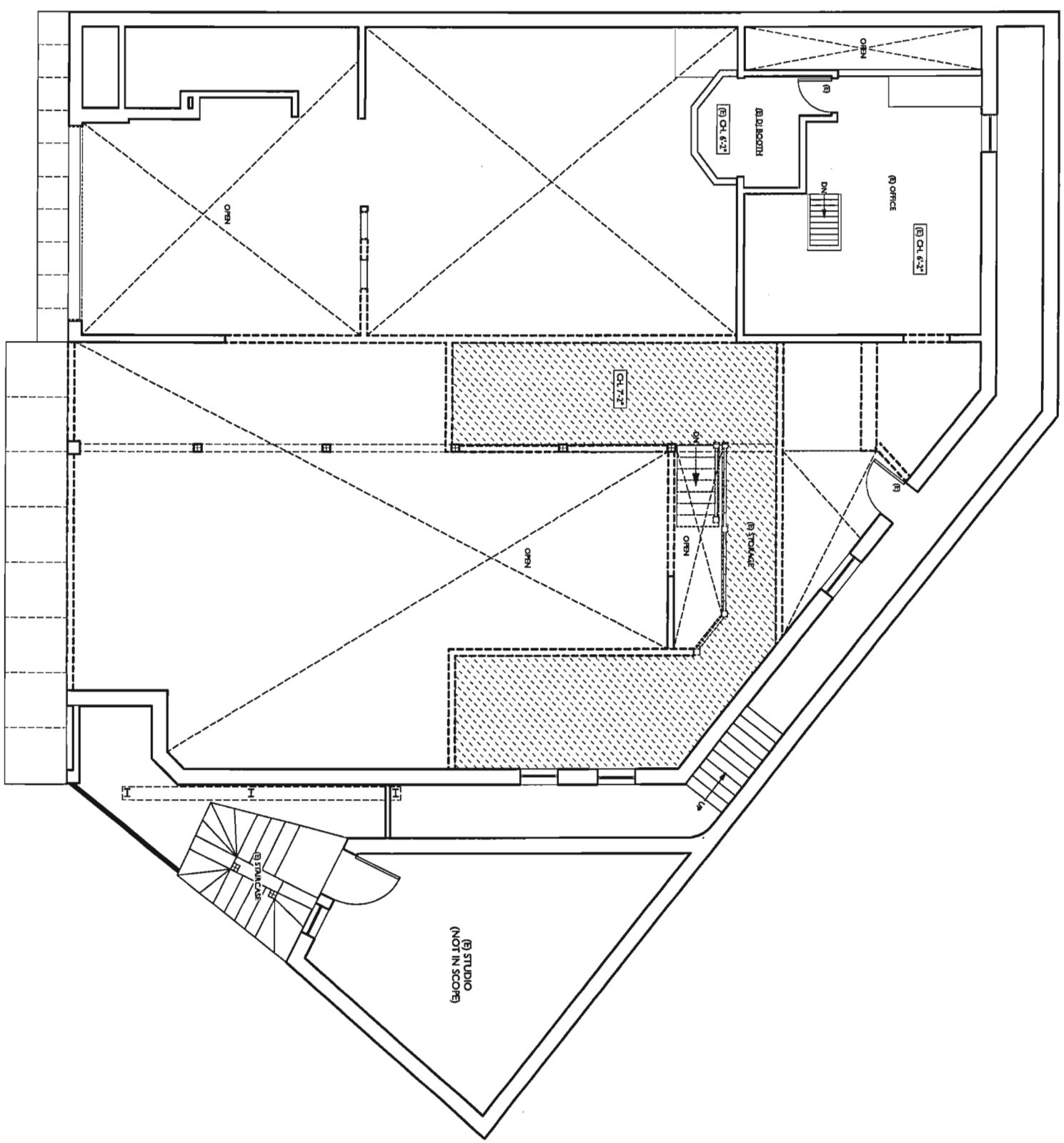
date:	status/revision:	by:
05.23.08	planning submittal	rg

project name:	JET BAR
project number:	08011
scale:	1/4" = 1'-0"

EXIST/DEMOLITION FLOOR PLANS

A1.0



1  
 A1.1  
 EXISTING DEMOLITION MEZZANINE PLAN  
 Scale: 1/4" = 1'-0"



**DEMOLITION LEGEND**

EXISTING WALL TO REMAIN  
 DOTTED WALL TO BE REMOVED  
 OTHER (B) ITEMS TO BE REMOVED SHOWN DASHED TYP.  
 (B) FLOOR, CEILING OR ROOF TO BE REMOVED TYP.  
 (B) DOOR TO BE REMOVED TYP.  
 (B) WINDOW TO BE REMOVED TYP.

**EXISTING AREA STATISTICS**  
 (FOR REF. ONLY OF THE EXISTING CONDS)

2344 MARKET STREET, (B) GALLERY SPACE	1401	SQUARE FEET
FIRST FLOOR AREA - MEZZANINE AREA**	345	SQUARE FEET
2344 MARKET STREET, (B) SAN SPACE	1317	SQUARE FEET
MEZZANINE AREA**	291	SQUARE FEET

**DEMOLITION NOTES**

1. CONTRACTOR TO PROVIDE NEARBY SERVICES AS REQ'D FOR A COMPLETE REMEDIATION.
2. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY LOCATIONS & DEPT. RECORDS PRIOR TO DEMOLITION. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITY LOCATIONS & DEPT. RECORDS PRIOR TO DEMOLITION TO PROTECT THE EXISTING UTILITIES AS NECESSARY.



JOHN LUM ARCHITECTURE INC.  
 3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
 TEL 415 558 9660 FAX 415 558 0564

**NOT FOR CONSTRUCTION**  
 10/1/09

**JET BAR**  
 2344-48 MARKET STREET  
 SAN FRANCISCO, CA 94107

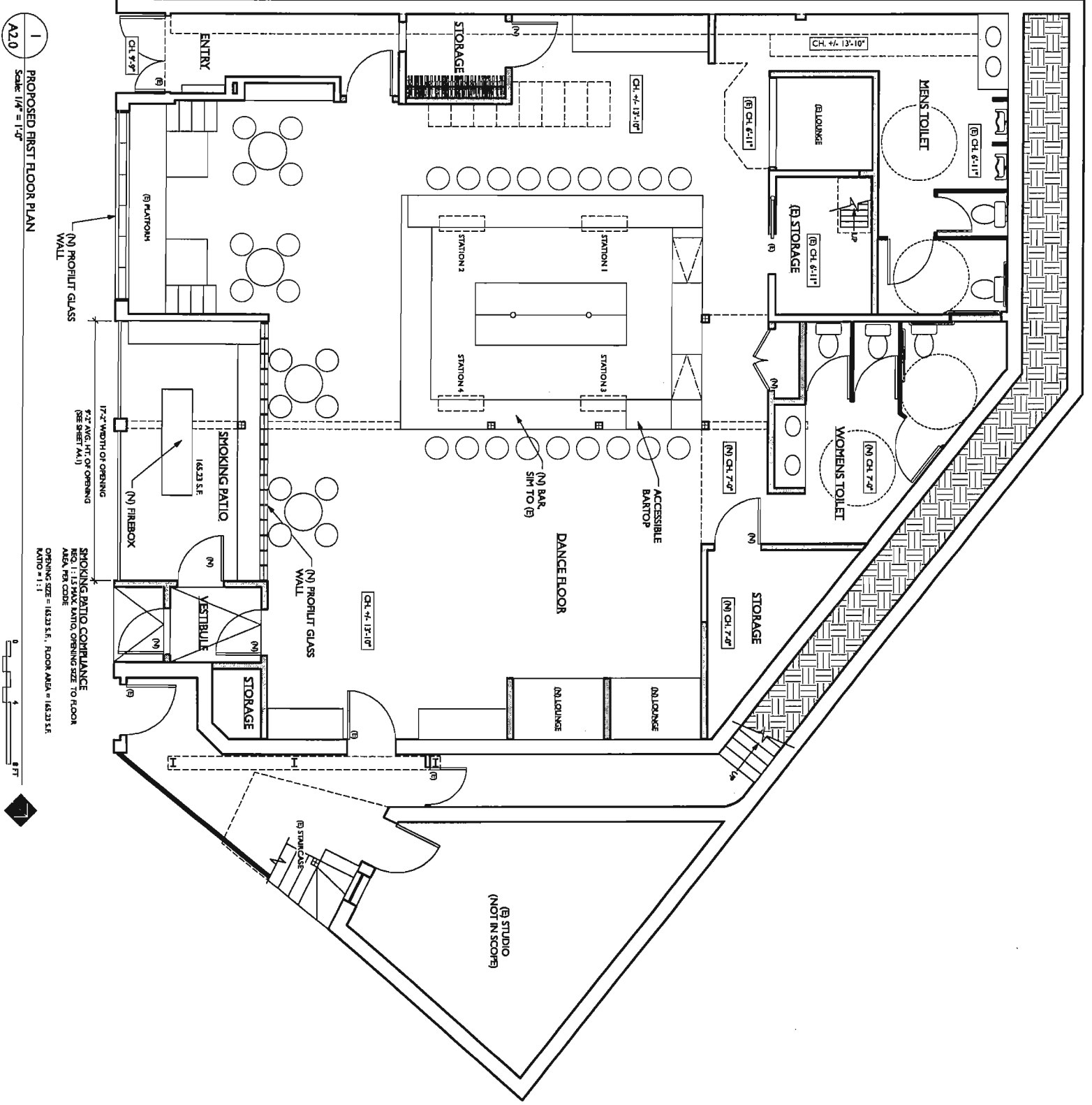
Greg Bronstein  
 2348 Market Street  
 San Francisco, CA 94107

**REDUCED SET**  
 SCALE = 45%

date:	05/23/08	issued / revisions:	planning / substantial	by:	rg
project name:	JET BAR	project number:	00011	scale:	1/4" = 1'-0"

EXIST/ DEMOLITION  
 FLOOR PLANS

A1.1



1 PROPOSED FIRST FLOOR PLAN  
 Scale 1/4" = 1'-0"



**NEW AREA STATISTICS**  
 (PER SECTION OF THE PLANNING CODE)  
 2344-48 MARKET FIRST FLOOR AREA = 2718 SQUARE FEET  
 2344-48 MARKET MEZZANINE AREA = 672 SQUARE FEET

**CONSTRUCTION NOTES**

1. THE CONTRACTOR IS TO VERIFY ALL (B) DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.
2. CARE SHALL BE TAKEN TO ELIMINATE DAMAGE TO (B) MATERIALS AND SURFACES DURING CONSTRUCTION. REPAIRS SHALL BE MADE AT THE CONTRACTOR'S COST. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL COSTS.
3. CONTRACTOR SHALL REPAIR ANY DAMAGE TO (B) WALLS AND FLOORS CAUSED BY DEMOLITION OF (B) PARTITIONS & CEILING.
4. ALL DIMENSIONS ARE TO FACE OF FINISH OR CENTRAL LINE UNLESS OTHERWISE NOTED.
5. ALL BLOCKING AND BRACING SHALL BE FINE TREATED AS REQ. BY BLDG. CODE.
6. ALL PARTITIONS SPLITTING BASE BLDG. CONSTRUCTION SHALL ALSO BE FINE TREATED TO FINISH FACE UNLESS OTHERWISE NOTED.
7. ALL PARTITIONS SHALL BE BUILT PER THE REQUIREMENTS OF CURRENT BLDG. CODE.
8. ALL DOORS TO BE UNDERCUT AS REQ. TO CLEAR FINISH FLOOR BY 1/4".
9. ALL WORK TO BE INSTALLED PLUMB, LEVEL, SQUARE, AND TRUE AND IN PROPER ALIGNMENT.
10. CONTRACTOR TO PROTECT FINISHES IN PATH OF TRAVEL TO AREA OF WORK.
11. .

**WALL TYPE LEGEND**

<b>EXISTING WALL</b>	=====
<b>EXISTING 1-HOUR FIRE-RATED WALL</b>	=====
<b>NEW EXTERIOR WALL</b> (N) FINISH APPLICATION REFER TO SECTION ELEV. (N) FINISH GRADE TO BUILDING FLOOR. (N) 2X6 WOOD STUDS W/ R19 THERMAL INSULATION, OR 5/8" Gypsum BOARD	=====
<b>NEW PARTIAL HEIGHT WALL</b>	=====
<b>NEW INTERIOR WALL</b> 5/8" Gypsum Board, OR FINISH APPLICATION (WHERE OCCURS PER BLDG. CODE) OR 5/8" Gypsum Board	=====
<b>NEW 1-HOUR FIRE-RATED EXTERIOR WALL</b> (N) FINISH APPLICATION REFER TO SECTION ELEV. (N) FINISH GRADE TO BUILDING FLOOR. (N) 2X6 WOOD STUDS W/ R19 THERMAL INSULATION, OR 5/8" Gypsum Board	=====
<b>NEW 1-HOUR FIRE-RATED INTERIOR WALL</b> 5/8" TYPE "X" Gypsum Board, (N) 2X6 WOOD STUDS W/ R13 THERMAL INSULATION, OR 5/8" TYPE "X" Gypsum Board	=====
<b>NEW 1-HOUR FIRE-RATED PARTIAL WALL</b> (N) FINISH APPLICATION REFER TO SECTION ELEV. (N) FINISH GRADE TO BUILDING FLOOR. (N) 2X6 WOOD STUDS W/ R19 THERMAL INSULATION, OR 5/8" Gypsum Board	=====

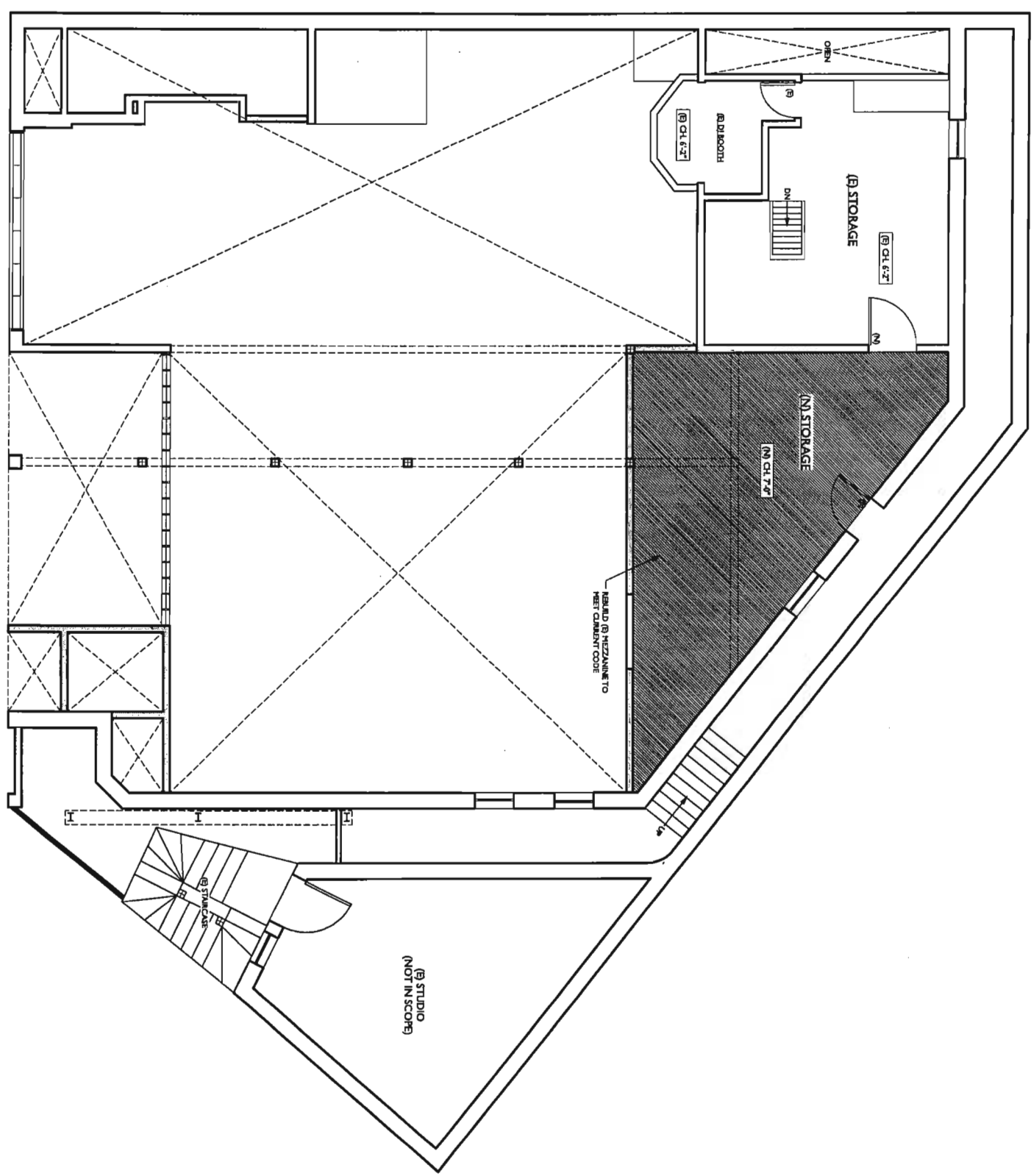
**NOT FOR CONSTRUCTION**  
 1/23/09

**JET BAR**  
 2344-48 MARKET STREET  
 SAN FRANCISCO, CA 94107  
 Greg Bronstein  
 2348 Market Street  
 San Francisco, CA 94107

**LUMI**  
 JOHN LUM ARCHITECTURE INC.  
 3248 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
 TEL 415 658 9660 FAX 415 658 0564

Drawn: <b>James Henderson</b>	By: <b>mg</b>
05/23/08	Planning submitted
Project name: <b>JET BAR</b>	Project number: <b>08011</b>
Scale: <b>1/4" = 1'-0"</b>	

PROPOSED FLOOR PLANS  
**A2.0**



1  
A2.1  
PROPOSED MEZZANINE PLAN  
Scale: 1/4" = 1'-0"



**NEW AREA STATISTICS**  
(PER PERCENT OF THE STAIRWELL CODE)

234-48 MARKET FIRST FLOOR AREA =	2718	SQUARE FEET
234-48 MARKET MEZZANINE AREA =	672	SQUARE FEET

**CONSTRUCTION NOTES**

1. THE CONTRACTOR IS TO VERIFY ALL (B) DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.
2. CASE SHALL BE KEPT TO REMAIN UNTOUCHED TO (B) MATERIALS AND FINISHES DURING CONSTRUCTION. ANY DAMAGE TO EXISTING CONSTRUCTION SHALL BE REPAIRED OR REBUILT AT NO ADDITIONAL COST.
3. CONSTRUCTION SHALL REPAIR ANY DAMAGE TO (B) WALLS AND FLOORS CAUSED BY DESTRUCTION OF (B) PARTITIONS & CEILING.
4. ALL DIMENSIONS ARE TO FACE OF FINISH OR CENTERLINE UNLESS NOTED.
5. ALL FLOORING AND FINISHING SHALL BE THE TREATED AS REQ. BY BLDG. CODE.
6. ALL PARTITIONS ABUTTING BASE BLDG. CONSTRUCTION SHALL ALIGN FRESH FACE TO FRESH FACE UNLESS NOTED.
7. ALL PARTITIONS SHALL BE BACKED PER THE REQUIREMENTS OF CURRENT LOCAL SEISMIC CODE.
8. ALL DOORS TO BE UNBARRICAD AS REQ. TO CLEAR FRESH FLOOR BY 1/4" FROM ALIGNMENT.
9. ALL WORK TO BE INSTALLED PLUMB, LEVEL, SQUARE AND TRUE AND IN ACCORDANCE WITH ALL APPLICABLE CODES.
10. CONTRACTOR TO PROTECT FINISHES IN PATH OF TRAVEL TO AREA OF WORK.
11. .

**WALL TYPE LEGEND**

	<b>EXISTING WALL</b>
	<b>EXISTING 1 HR. FIRE-RATED WALL</b>
	<b>NEW 1-HOUR FIRE-RATED EXTERIOR WALL</b> (N) NEW 1-HOUR FIRE-RATED EXTERIOR WALL TO EXTERIOR ELEV. OF 1 LAYER GRADE "D" BUILDING PAPER, OF EXTERIOR GRADE FINISH, OF 2x4 WOOD STUDS W/ R19 THERMAL INSULATION, OF 5/8" GYPSUM BOARD.
	<b>NEW PARTIAL HEIGHT WALL</b>
	<b>NEW INTERIOR WALL</b> (N) NEW INTERIOR WALL TO EXTERIOR ELEV. OF 2x4 WOOD STUDS, OF STRUCTURAL FINISH (WHERE OCCURS PER SD), OF 5/8" GYPSUM BOARD.
	<b>NEW 1-HOUR FIRE-RATED INTERIOR WALL</b> (N) NEW 1-HOUR FIRE-RATED INTERIOR WALL TO EXTERIOR ELEV. OF 1/2" GYPSUM BOARD, OF 1/2" STRUCTURAL FINISH (WHERE OCCURS PER SD), OF 5/8" GYPSUM BOARD.
	<b>NEW 1-HOUR FIRE-RATED PARTITION WALL</b> (N) NEW 1-HOUR FIRE-RATED PARTITION WALL TO EXTERIOR ELEV. OF 1/2" GYPSUM BOARD, OF 1/2" STRUCTURAL FINISH (WHERE OCCURS PER SD), OF 5/8" GYPSUM BOARD.



JOHN LUM ARCHITECTURE INC.  
3248 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
TEL 415 688 9550 FAX 415 558 0654

**NOT FOR CONSTRUCTION**  
10.1.09

**JET BAR**  
2344-48 MARKET STREET  
SAN FRANCISCO, CA 94107

Greg Bronstein  
2348 Market Street  
San Francisco, CA 94107

date :	5/23/08	sheet / revisions :	pg
project name :	JET BAR	project number :	08011
scale :	1/4" = 1'-0"		

PROPOSED FLOOR PLANS  
A2.1

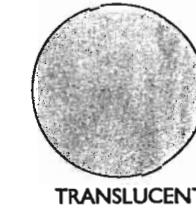




WHITE STUCCO



PROFLIT CHANNEL GLASS



TRANSLUCENT WHITE LEXAN SHEATHING



50'-0"

SUBJECT PROPERTY: BLOCK 3562, LOT 007

2344-48 MARKET STREET  
(PROPOSED BAR)

2342 MARKET STREET  
(NOT IN SCOPE OF PROJECT)

(E) T.O. PARAPET ±16'-2"

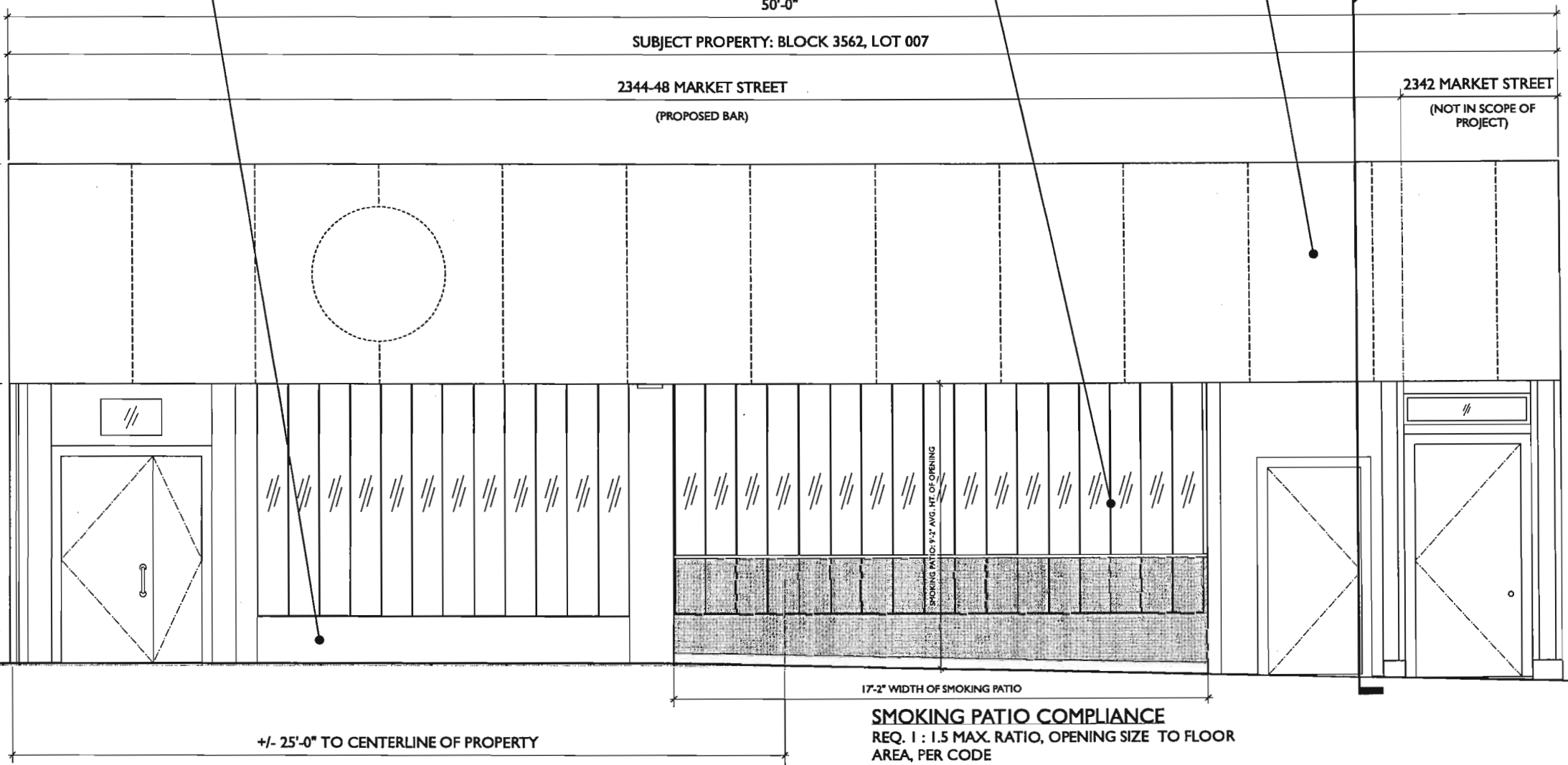
7'-1" (HT. OF (P) AWNING)

(P) T.O. OPENING ±9'-1"

16'-2"

9'-1" CLR.

(E) CENTER OF PROPERTY @ SIDEWALK 0'-0"



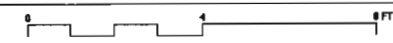
+/- 25'-0" TO CENTERLINE OF PROPERTY

17'-2" WIDTH OF SMOKING PATIO

**SMOKING PATIO COMPLIANCE**  
REQ. 1 : 1.5 MAX. RATIO, OPENING SIZE TO FLOOR AREA, PER CODE

OPENING SIZE = 165.23 S.F., FLOOR AREA = 165.23 S.F.  
RATIO = 1 : 1

1  
A4.1  
PROPOSED BUILDING ELEVATION  
Scale: 1/2" = 1'-0"



**LUMI**

JOHN LUM ARCHITECTURE INC.  
3246 SEVENTEENTH STREET SAN FRANCISCO, CA 94110  
TEL 415 698 9550 FAX 415 698 0664

**NOT FOR CONSTRUCTION**  
10.31.09.

**JET BAR**  
2344-48 MARKET STREET  
SAN FRANCISCO, CA 94107

Greg Bronstein  
2348 Market Street  
San Francisco, CA 94107

REDUCED SET  
SCALE = 45%

date	issues/ revisions	by
05.23.08	planning submittal	rq

project name : JET BAR  
 project number : 08011  
 scale : 1/2" = 1'-0"

PROPOSED BUILDING ELEVATION

A4.1









3255 SOMERSET ST.  
SAN FRANCISCO  
CA 94118  
tel: (415) 879-7600  
fax: (415) 879-7801

www.panosciassociates.com



**TRIGGER**  
2342-48 MARKET STREET  
SAN FRANCISCO, CA 94103

client: *TRIGGER*  
2342 Market Street  
San Francisco, CA 94107

Location	Floor Area	Calculation	Occupancy Load	Plumbing Fixtures Req'd	Mezzanine Floor Area Calc
<b>First Floor</b>					
Storage Area/Toilet/Plac.	575 sq.ft.	575/200	2		
Booth #1 (per CBC Sec.1004.7 Fixed Seating)	151 sq.ft. (2x180)	180/24	8		
Booth #2 (per CBC Sec.1004.7 Fixed Seating)	151 sq.ft. (2x180)	180/24	8		
TABLES (per CBC Sec.1004.7 Standing)	121 sq.ft.	121/5	25		
Dance Floor (Assembly Seating)	828 sq.ft.	828/5	164		
Seating #1 (Assembly Unconcentrated)	126 sq.ft.	126/15	9		
Seating #2 (Assembly Unconcentrated)	102 sq.ft.	102/15	7		
Bar (Kitchen Commercial)	324 sq.ft.	324/200	2		
Smoking Room (Assembly Seating)	240 sq.ft.	240/5	48	Patron-occupied Area 1600 sq.ft.	1st Floor Room Area 1545 sq.ft.
<b>Mezzanine</b>					
Customer Seating Area (Assembly Unconcentrated)	298 sq.ft.	298/15	20		
Customer Seating Area (Assembly Seating)	112 sq.ft.	112/5	23		
<b>Totals</b>			<b>43</b>	<b>Patron-occupied Area 418 sq.ft.</b>	<b>Mezzanine Area 467 sq.ft.</b>
			<b>Total Occupancy 318</b>	<b>Total Patron-occupied Area 1925 sq.ft.</b>	
			<b>TABLE 1004.1-1</b>	<b>Total Req'd Fixtures 3 WCs, 1 lavatory, 1 Men, 1 Wc, 1 urinal, 1 lavatory</b>	<b>Mezzanine Area &lt; 1/2 1st Floor Room Area</b>

(N) WOOD STUD WALLS TO CREATE (N) ACCESSIBLE TOILET ROOM (AS PER CBC2007 SEC.111.5B), STORAGE & WORK AREAS (AS PER CBC2007 SEC.112.3B) AS SHOWN

SEE DRAWINGS A4.02 AND A5.01 FOR ADA BATHROOM LAYOUTS AND DETAILS

(N) COMPARTMENTS IN UNISEX TOILET ROOMS TO BE SIGNED 'MALE' & 'FEMALE' AS APPROPRIATE - ALL PARTITIONS/SCREENS BETWEEN FEMALE COMPARTMENTS & COMMON AREA, MALE COMPARTMENTS & COMMON AREA & BETWEEN MALE & FEMALE COMPARTMENTS ARE TO BE FLOOR-TO-CEILING HEIGHT - PARTITIONS BETWEEN INDIVIDUAL FEMALE COMPARTMENTS & INDIVIDUAL MALE COMPARTMENTS MAY BE LOWER & RAISED OFF FLOOR - ALL COMPARTMENT DOORS ARE TO BE FULL SIZE & EXTEND FULLY TO DOOR HEAD & TO FLOOR

(N) WHEELCHAIR PLATFORM LIFT TO MEZZANINE OVER (RISER 7'-3") W/ LANDINGS, ALL PER CBC2007 SEC.111.6B.2 & SEC.111.8.3 - 'GARAVENTA' SHATTWAT, SMALL, 180" - UPPER SHAFT WALLS TO PROJECT MIN. 3'-6" ABOVE MEZZANINE FLOOR FINISH AS GUARDS PER CBC2007 SEC.1013 - ADD GATE AT MEZZANINE & DOOR AT 1ST FLOOR LEVEL, BOTH PER CBC2007 SEC.111.6B.4

ACCESSIBLE BARTOP AS PER CBC2007 SEC.112.2B

(N) BAR

(N) SEATING #2 102 SQ.FT.

(N) DISPLAY 22 SQ.FT.

(N) ENTRY

(N) SEATING #1 126 SQ.FT.

(N) SMOKING PATIO 121 SQ.FT.

(N) ENTRY VESTIBULE

(N) ENTRY VESTIBULE - ALL PER CBC2007 SEC.1008 & SEC. 112.4B

(N) DOORS & PROFILIT GLASS CHANNEL WALL TO CREATE (N) ENTRY VESTIBULE - ALL PER CBC2007 SEC.1008 & SEC. 112.4B

(N) STRUCTURAL STEEL FRAME - SEE ALSO S.E.D.

(N) OVERHEAD GLAZED GARAGE-TYPE SECURITY DOORS - TO BE OPEN DURING BAR OPENING HOURS - TO BE REMOVED

1 1ST FLOOR PLAN - PROPOSED  
A1.03 Scale: 1/4" = 1'-0"

(N) DJ BOOTH EQUIPMENT TO BE SUPPLIED BY OWNER

(N) FIRE SPRINKLERS THROUGHOUT - TO BE LINEAR SEPARATE PERMIT

(N) FLOOR FINISHES THROUGHOUTS PER CBC2007 SEC.112.4B

(N) SEATING AREAS AS SHOWN

(N) ACCESSIBLE EGRESS DOOR PER CBC2007 SEC.1008 & SEC. 112.4B

(N) STEEL MEZZANINE ACCESS STAIR PER CBC2007 SEC.1009 - TREADS MIN 11" RISES MAX 7" - GUARDRAILS PER CBC2007 SEC.1013 MIN 42" ABOVE STAIR NOSINGS - HANDRAILS ON EACH SIDE PER CBC2007 SEC.1012

RELOCATION of EXISTING SMOKING ROOM - SCOPE of WORK

- 1.) Sound Containment Measures: Replace existing roll up door with sound insulating exterior glass wall. Appearance to match existing setback storefront.
- 2.) Relocate existing smoking room as shown.
- 3.) Add new canopy and accessible door @ new smoking room.

(N) DOORS & WOOD STUD WALLS TO CREATE (N) EXIT VESTIBULE - ALL PER CBC2007 SEC.1008 & SEC. 112.4B

SMOKING PATIO COMPLIANCE  
REQ. 1:1.5 MAX. RATIO, OPENING SIZE TO FLOOR AREA, PER CODE  
OPENING SIZE = 102.3 SF., FLOOR AREA = 117.88 SF.,  
RATIO = 1:1.15  
TO BE RELOCATED.



BLOCK 3562 LOT 007

RELOCATION of EXISTING SMOKING ROOM

REV.	DATE	DESCRIPTION

COMM:

A-1

SCALE: AS NOTED