



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: FEBRUARY 17, 2011  
CONSENT CALENDAR

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* February 10, 2011  
*Case No.:* 2010.1035C  
*Project Address:* 3157 - 3161 FILLMORE STREET  
*Zoning:* Union Street Neighborhood Commercial District  
 40-X Height and Bulk District  
*Block/Lot:* 0515/002  
*Project Sponsor:* Pizza Orgasmica  
 c/o Stan Teng, AIA  
 Architectural Studio  
 490 Hayes Street  
 San Francisco, CA 94102  
*Staff Contact:* Mary Woods – (415) 558-6315  
[mary.woods@sfgov.org](mailto:mary.woods@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The project sponsor proposes to expand the existing small self-service restaurant (dba "Pizza Orgasmica") at 3157 Fillmore Street into an adjacent vacant nail salon (formerly occupied by "Stephanie Nails") at 3161 Fillmore Street, and convert the operation to a full-service restaurant. The proposed restaurant, at approximately 1,800 square feet, will occupy the entire ground floor. The proposal involves interior remodeling work with minimal exterior improvements, while maintaining the existing building envelope and height.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Fillmore Street, between Greenwich and Pixley Streets; Assessor's Block 0515, Lot 002. The lot area of the site is approximately 2,400 square feet, measuring 24 feet wide by 100 feet deep. The property is developed with a two-story building with two commercial spaces on the ground floor and a dwelling unit above. The project sponsor currently leases a space, operating as Pizza Orgasmica, on the ground floor. The second commercial space is currently vacant. The property is located within the Union Street Neighborhood Commercial District (NCD) and 40-X Height and Bulk District.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Marina district, a neighborhood with a variety of neighborhood-serving uses, including a mixture of food establishments, personal services, and small retail establishments. The food service establishments are primarily full-service restaurants. One block north of the project site is the Lombard Street commercial corridor, and one block south of the site is the Union Street commercial corridor. Land uses in the project vicinity consist of two- and three-story tourist-oriented lodging facilities, multiple-unit residential buildings, restaurants, and neighborhood-serving retail businesses. Buildings on the subject block and the facing blocks range from one to three stories tall.

## ENVIRONMENTAL REVIEW

The project was determined by the Department to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 1(a), Section 15301(a) - Existing Facilities exemption under CEQA Guidelines.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	January 28, 2011	January 28, 2011	20 days
Posted Notice	20 days	January 28, 2011	January 28, 2011	20 days
Mailed Notice	20 days	January 28, 2011	January 28, 2011	20 days

## PUBLIC COMMENT

- The Department has not received any letters in opposition to or in support of the proposal.

## ISSUES AND OTHER CONSIDERATIONS

- The General Plan encourages the retention and provision of neighborhood-serving goods and services in the City's neighborhood commercial districts in order to enhance a diverse economic base.
- The proposed use is an independent use and locally owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use. The proposal is considered a change of use and requires Section 312-neighborhood notification that was conducted in conjunction with the Conditional Use authorization notification process.
- Recently-adopted legislation allows 5 new full-service restaurants for a net total of no more than 32 restaurants in the Union Street Neighborhood Commercial District. The proposed project is the fifth restaurant to apply under the new legislation since it was approved in January of 2009.

### REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow a full-service restaurant (dba "Pizza Orgasmica") within the Union Street Neighborhood Commercial District.

### BASIS FOR RECOMMENDATION

The Department believes that this project is necessary and/or desirable for the following reasons:

- The project site has housed continuous commercial/retail activities, and the proposed expansion into an adjacent retail space would not be expected to affect existing traffic patterns.
- The project site is well-served by public transit lines. Metered and non-metered parking spaces are provided on the streets as well as a 4-story public parking garage a block away on Moulton Avenue between Fillmore and Webster Streets.
- The project will preserve and enhance the cultural and economic diversity of the neighborhood commercial character of the Union Street NCD.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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#### Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>                          |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Parcel Map          | Drawings: <u>Proposed Project</u>                             |
| <input type="checkbox"/> Height & Bulk Map              | <input checked="" type="checkbox"/> Check for legibility      |
| <input checked="" type="checkbox"/> Sanborn Map         | <input checked="" type="checkbox"/> Existing Site Photos      |
| <input checked="" type="checkbox"/> Aerial photo        | <input type="checkbox"/>                                      |
| <input checked="" type="checkbox"/> Zoning District Map | <input type="checkbox"/>                                      |
| <input type="checkbox"/> Existing Site Photos           |   |
| <input type="checkbox"/> Proposed Site Photos           |   |

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

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

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion

HEARING DATE: FEBRUARY 17, 2011

*Date:* February 10, 2011  
*Case No.:* 2010.1035C  
*Project Address:* 3157 - 3161 FILLMORE STREET  
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490 Hayes Street  
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*Staff Contact:* Mary Woods - (415) 558-6315  
[mary.woods@sfgov.org](mailto:mary.woods@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303(C) AND 725.42 OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT (DBA PIZZA ORGASMICA) WITHIN THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On November 30, 2010, Pizza Orgasmica (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303(c) and 725.42 to allow a full-service restaurant (dba Pizza Orgasmica) within the Union Street Neighborhood Commercial District and 40-X Height and Bulk District.

On February 17, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.1035C.

The Project was determined by the Department to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 1(a), Section 15301(a) - Existing Facilities exemption under CEQA Guidelines. The Commission has reviewed and concurs with said determination.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.1035C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

### FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located on the west side of Fillmore Street, between Greenwich and Pixley Streets; Assessor's Block 0515, Lot 002. The lot area of the site is approximately 2,400 square feet, measuring 24 feet wide by 100 feet deep. The property is developed with a two-story building with two commercial spaces on the ground floor and a dwelling unit above. The Project Sponsor currently leases a space, operating as Pizza Orgasmica, on the ground floor. The second commercial space is currently vacant. The property is located within the Union Street Neighborhood Commercial District and 40-X Height and Bulk District.
3. **Surrounding Properties and Neighborhood.** The Project Site is located in the Marina district, an area with a variety of neighborhood-serving uses, including a mixture of food establishments, personal services, and small retail establishments. The food service establishments are primarily full-service restaurants. One block north of the Project Site is the Lombard Street commercial corridor, and one block south of the Site is the Union Street commercial corridor. Land uses in the Project vicinity consist of two- and three-story tourist-oriented lodging facilities, multiple-unit residential buildings, restaurants, and neighborhood-serving retail businesses. Buildings on the subject block and the facing blocks range from one to three stories tall.

Lombard Street (also serving as Highway 101) is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the site. The Project Site is also well-served by public transit. Several MUNI transit lines run directly in front of or near the site on Fillmore and Union Streets.

Six blocks west of the Project Site is the Golden Gate National Recreation Area, the Presidio, and the Golden Gate Bridge. Northwest of the Site are the Palace of Fine Arts and the Exploratorium; to the northeast is Fisherman's Wharf and Pier 39.

Land use controls in the neighborhood commercial districts are designed to promote development compatible with the surrounding neighborhood and maintain a harmony of uses that supports the district's vitality. The Union Street Neighborhood Commercial District is located in northern San Francisco between the Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard. The shopping area provides limited convenience goods for the residents of sections of the Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately surrounding the street. Important aspects of Union Street's business activity are eating and drinking establishments and specialty shops whose clientele comes from a wide trade area. There are also a significant number of professional, realty, and business offices. Many restaurants and bars are open into the evening hours, and on weekends the street's clothing, antique stores and galleries do a vigorous business.

The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the ground story and at all residential levels are protected. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. Controls are necessary to preserve the remaining convenience businesses and to reduce the cumulative impacts which the growth of certain uses have on neighborhood residents. Such controls prohibit additional drinking establishments and limit additional eating establishments and entertainment and financial service uses. However, in January of 2009, the Board of Supervisors adopted legislation that permits five new full-service restaurants for a net total of no more than 32 restaurants in the Union Street Neighborhood Commercial District. The proposed Project is the fifth restaurant to apply under the new legislation since it was approved.

4. **Project Description.** The proposal is to expand the existing small self-service restaurant (dba Pizza Orgasmica) at 3157 Fillmore Street into an adjacent vacant nail salon (formerly occupied by "Stephanie Nails") at 3161 Fillmore Street, and convert the operation to a full-service restaurant. The proposed restaurant, at approximately 1,800 square feet, will occupy the entire ground floor. The proposal involves interior remodeling work with minimal exterior improvements, while maintaining the existing building envelope and height. The proposed commercial use is under 5,000 square feet in size, so there is not an on-site parking requirement.

The proposed use is an independent use and locally-owned, which has been encouraged throughout San Francisco. The proposed use is not a Formula Retail use as defined by Section 703.3 of the Planning Code. The proposal is considered a change of use and requires Section 312-neighborhood notification that was conducted in conjunction with the Conditional Use Authorization notification process. The proposed use is a neighborhood-serving use.

5. **Public Comment.** The Department has not received any letters in opposition to or in support of the proposal.

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. **Full-service Restaurant Use.** Planning Code Section 725.42 states that a Conditional Use Authorization is required for a full-service restaurant with waiter service, as defined by Planning Code Section 790.92.

*The Project Sponsor intends to establish a new full-service restaurant pursuant to recently adopted legislation that permits five new full-service restaurants for a net total of no more than 32 restaurants in the Union Street Neighborhood Commercial District. The proposed Project is the fifth restaurant to apply under the new legislation since it was approved in January of 2009.*

B. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet. Section 152 requires one off-street freight loading space for retail stores between 10,001 and 60,000 gross square feet of structure or use.

*The proposed Project contains approximately 1,800 square feet of area, and thus does not require any off-street parking or freight loading spaces.*

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

*The subject commercial space has approximately 24 feet of frontage on Fillmore Street, which is almost entirely devoted to either entrance or window space. The windows are clear and unobstructed.*

D. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department and must be consistent with Article 6 of the Planning Code.

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

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

*The existing pizza restaurant, employing 42 people, has been operating at the Project Site since 1996. The proposed expansion of the existing restaurant into the adjacent vacant space will maintain the ground floor commercial character of the neighborhood. Converting from a small self-service restaurant to a full-service restaurant will allow a more functional layout and efficient use of the space, including handicapped accessibility. At approximately 1,800 square feet, the size of the proposed use is in keeping with other commercial spaces on the blockface. The Project will complement the mix of goods and services currently available in the district. It will also contribute to the economic vitality of the neighborhood by occupying a vacant storefront space that was formerly a nail salon.*

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

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

*The height and bulk of the existing building will remain the same. The Project proposes to expand into an adjacent vacant retail space. The proposed work will not affect the building envelope.*

- 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;

*The Planning Code does not require off-street parking or loading for a 1,800 square-foot full-service restaurant. The Project Site is well-served by public transit. Several MUNI transit lines run directly in front of or near the site. Transit lines serving the site area include the 22-Fillmore, 45-Union, 30-Stockton, and 28-19<sup>th</sup> Avenue. There are on-street metered and non-metered parking spaces as well as a 4-story public parking garage a block away on Moulton Avenue between Fillmore and Webster Streets.*

*The proposed use is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate area or Citywide.*

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

*The proposed use is subject to the standard Conditions of Approval for full-service restaurants as outlined in Exhibit A of this Motion.*

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

*Deliveries from vendors are proposed to occur early in the mornings. The Project Sponsor has indicated that some of the vendors have keys to the premises and leave products in the store even*

*before the first employee arrives. The Project Sponsor is also opening a similar restaurant in San Rafael, which will act as a commissary thus reducing the need for prep space and eliminating some delivery items. All existing exterior lighting will remain. Any new signage will comply with Article 6 of the Planning Code.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements of the Planning Code and is consistent with the Objectives and Policies of the General Plan as detailed below.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed Project is consistent with the stated purposes of the Union Street Neighborhood Commercial District in that the intended use is located at the ground floor, and will provide a compatible convenience service for the immediately surrounding neighborhoods.*

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

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

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 those in the community. The Project currently employs 42 people. With the proposed expansion, additional employment opportunities would be provided. Further, the Project Site is*

*located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

*The Project will occupy a retail storefront that has been vacant since 2010. It will enhance the diverse economic base of the City.*

**OBJECTIVE 6:**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**Policy 6.1:**

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

*No commercial tenant would be displaced and the Project would not prevent the District from achieving optimal diversity in the types of goods and services available in the neighborhood.*

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 of 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**

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.

*There is a concern with the potential over-concentration of food-service establishments in Neighborhood Commercial Districts. 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 percent of the total occupied commercial frontage." Planning staff has performed a site survey of the Union Street Neighborhood Commercial District which contains the proposed new restaurant. With the proposed restaurant use, approximately 12 percent of the frontage in the NCD would be occupied by eating and drinking establishments.*

**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.

*An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood-serving use. It is not a Formula Retail use.*

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 proposal would enhance the district by occupying a vacant retail space that was formerly a nail salon. The proposed alterations are within the existing building footprint. The business would be locally owned. The Project currently employs approximately 42 employees.*

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

*No housing is proposed by the Project. The proposed alterations are within the existing building footprint.*

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

*No housing is removed by this Project.*

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

*The Project Site is well-served by public transit. Several MUNI transit lines run directly in front of or near the site. Transit lines serving the site area include the 22-Fillmore, 45-Union, 30-Stockton, and 28-19<sup>th</sup> Avenue. There are on-street metered and non-metered parking spaces as well as a 4-story public parking garage a block away on Moulton Avenue between Fillmore and Webster Streets.*

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

*The Project will not displace any service or industrial establishments. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.*

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

*The Project will conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project Site.*

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

*The Project will have no negative impact on existing parks and open spaces.*

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 Project Sponsor, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.1035C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application, dated November 30, 2010 and labeled "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. \_\_\_\_\_. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 17, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 17, 2011

## Exhibit A

# Conditions of Approval

### AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow a full-service restaurant (dba Pizza Orgasmica) located at 3157 - 3161 Fillmore Street, Assessor's Block 0515, Lot 002, pursuant to Planning Code Sections 303(c) and 725.42, within the Union Street Neighborhood Commercial District and 40-X Height and Bulk District; in general conformance with plans dated November 30, 2010 and labeled "EXHIBIT B" included in the docket for Case No. 2010.1035C and subject to conditions of approval reviewed and approved by the Commission on February 17, 2011 under Motion No. \_\_\_\_\_. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the Building Permit Application or commencement of use for the project, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 17, 2011 under Motion No. \_\_\_\_\_.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "Exhibit A" of this Planning Commission Motion No. \_\_\_\_\_ shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building Permit Application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section, or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a Building Permit. The Project Sponsor shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A Building Permit Application from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a Site or Building Permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

### DESIGN

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

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

4. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to its approval of the Site or Building Permit Application.

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

### MONITORING - AFTER ENTITLEMENT

5. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject

to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

6. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

7. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

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

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

9. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works' Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

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

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

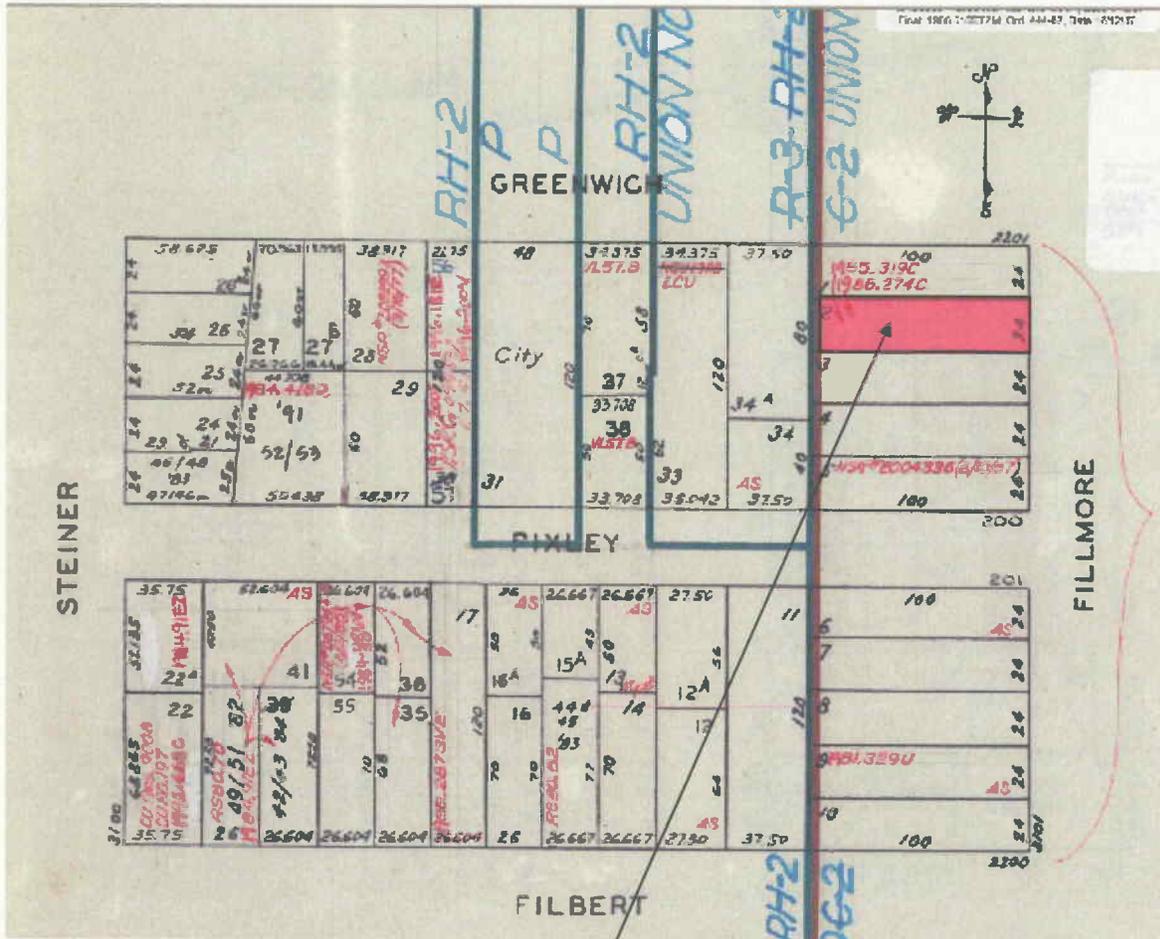
*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, [www.sf-police.org](http://www.sf-police.org)*

- 11. Odor Control.** While it is inevitable that some low level of odor may be detectible to nearby residents and passersby, appropriate odor control equipment shall be installed and maintained to prevent any significant noxious or offensive odors from escaping the premises. The building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans.

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

# Zoning / Parcel Map



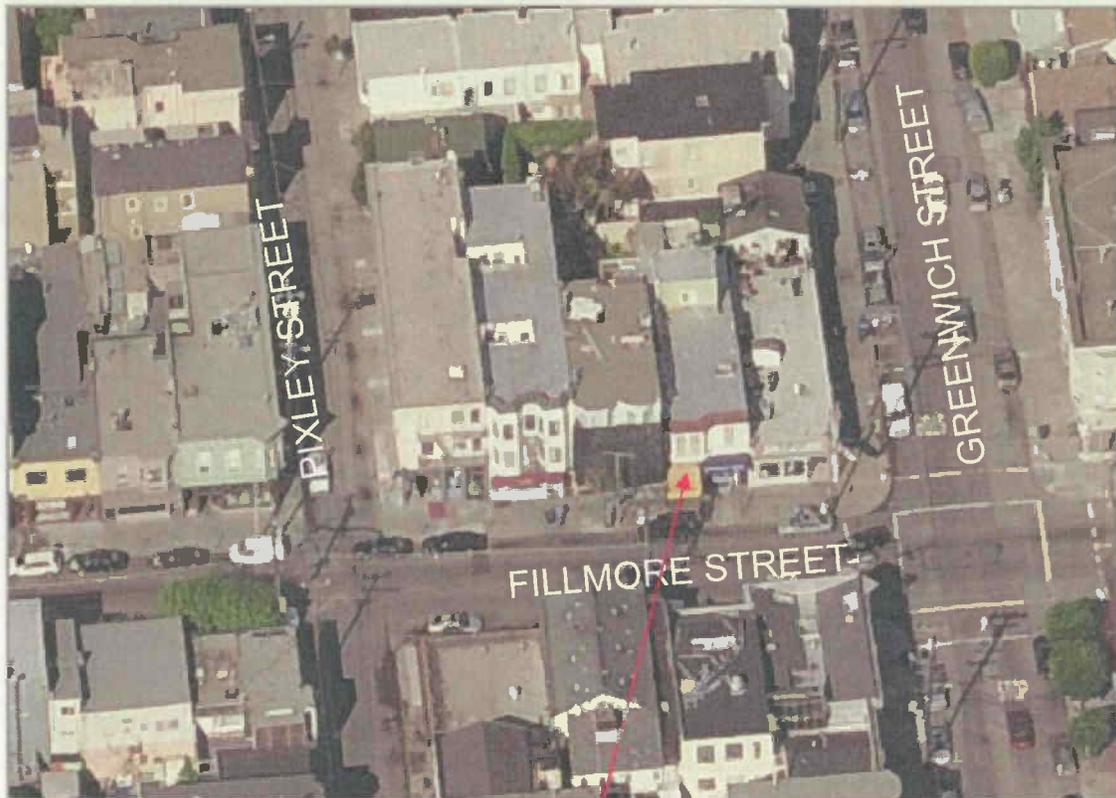
**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2010.1035C  
3157 - 61 Fillmore Street



# Aerial Photo

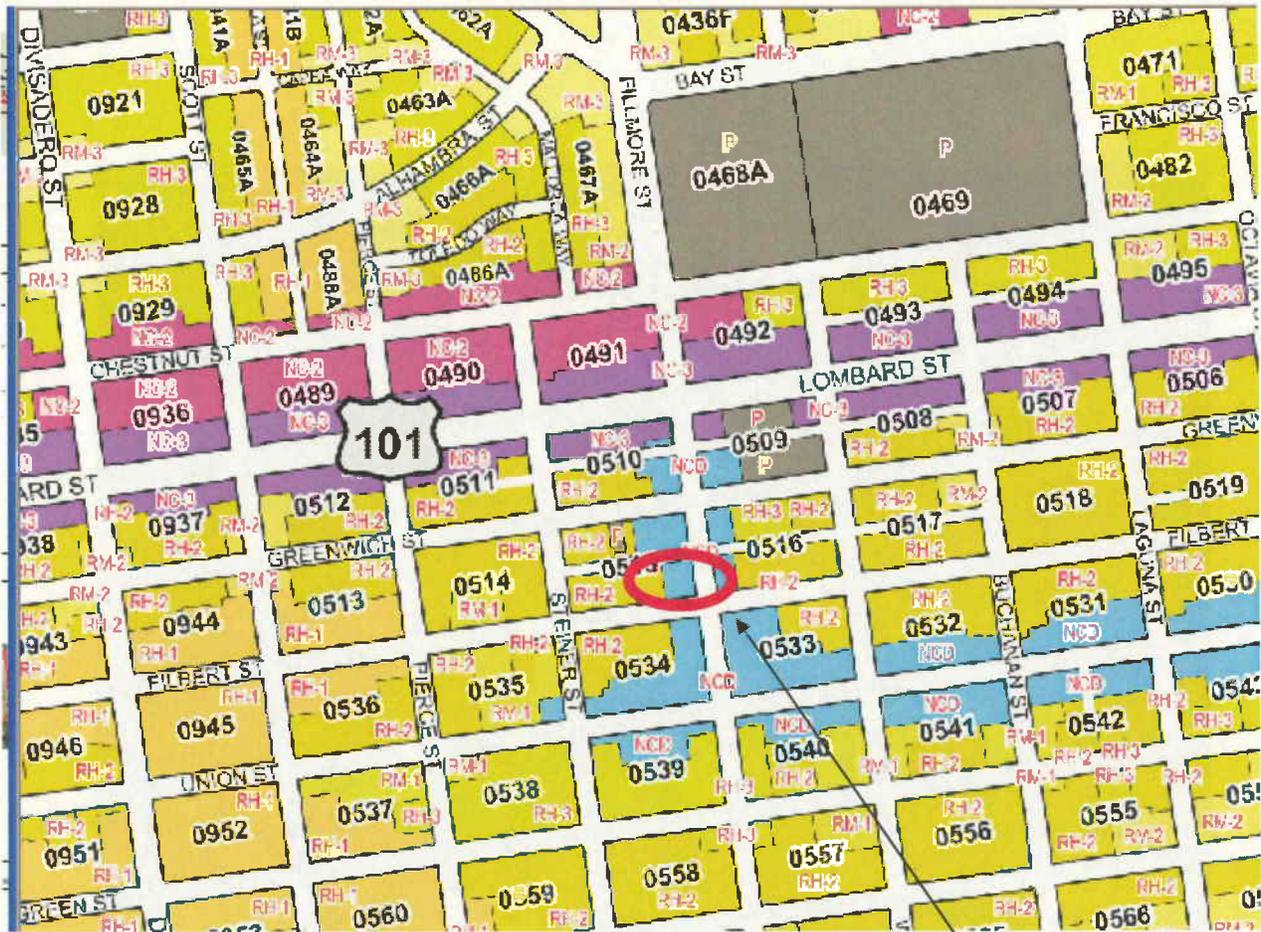


**SUBJECT PROPERTY**



Conditional Use Hearing  
Case Number 2010.1035C  
3157 - 61 Fillmore Street

# Zoning Map



PROJECT SITE

## 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



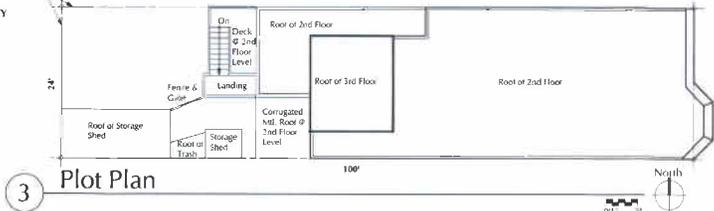
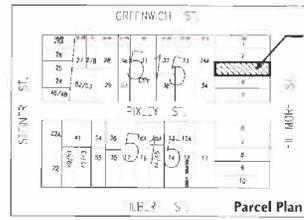
Conditional Use Hearing  
Case Number 2010.1035C  
3157 - 61 Fillmore Street

**Project Square Footage By Floor**

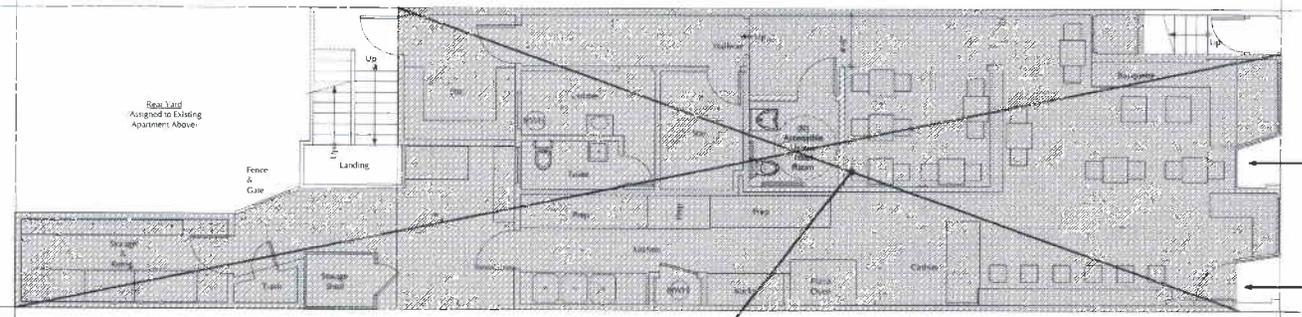
Existing Building		
	Commercial	Residential
Ground Floor	1835 Sq. Ft.	565 Sq. Ft.
2nd Floor	0 Sq. Ft.	1225 Sq. Ft.
3rd Floor	0 Sq. Ft.	195 Sq. Ft.
<b>TOTAL</b>	<b>1835 Sq. Ft.</b>	<b>1985 Sq. Ft.</b>
<b>TOTAL</b>	<b>3820 Sq. Ft.</b>	

Proposed Building		
	Commercial	Residential
Ground Floor	1835 Sq. Ft.	565 Sq. Ft.
2nd Floor	0 Sq. Ft.	1225 Sq. Ft.
3rd Floor	0 Sq. Ft.	195 Sq. Ft.
<b>TOTAL</b>	<b>1835 Sq. Ft.</b>	<b>1985 Sq. Ft.</b>
<b>TOTAL</b>	<b>3820 Sq. Ft.</b>	

**Conditional Use Authorization: 3157 - 3161 Fillmore St.  
Pizza Orgasmica Restaurant**

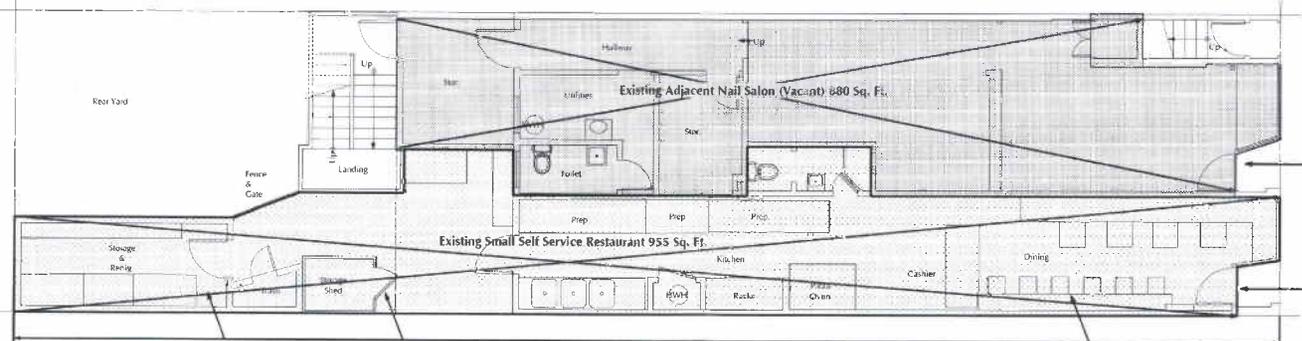


**3 Plot Plan**



**2 Proposed First Floor Plan**

Proposed Area of Full-Service Restaurant	
Existing Area of Nail Salon	
Existing Area of Small Self Service Restaurant	



**1 Existing First Floor Plan**

FILLMORE ST.

FILLMORE ST.

FILLMORE ST.

Existing Entry to 3161 Fillmore St. Existing door to remain. No Changes to Storefront

Existing Entry to 3157 Fillmore St. to Remain. No Changes to Storefront

Stan Teng, AIA.  
**Architectural Studio**  
490 Hayes St.  
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E-Mail: stan.teng@earthlink.net



**Pizza Orgasmica Expansion**  
**3157 - 3161 Fillmore St.**  
San Francisco, CA

Existing & Proposed Floor Plans

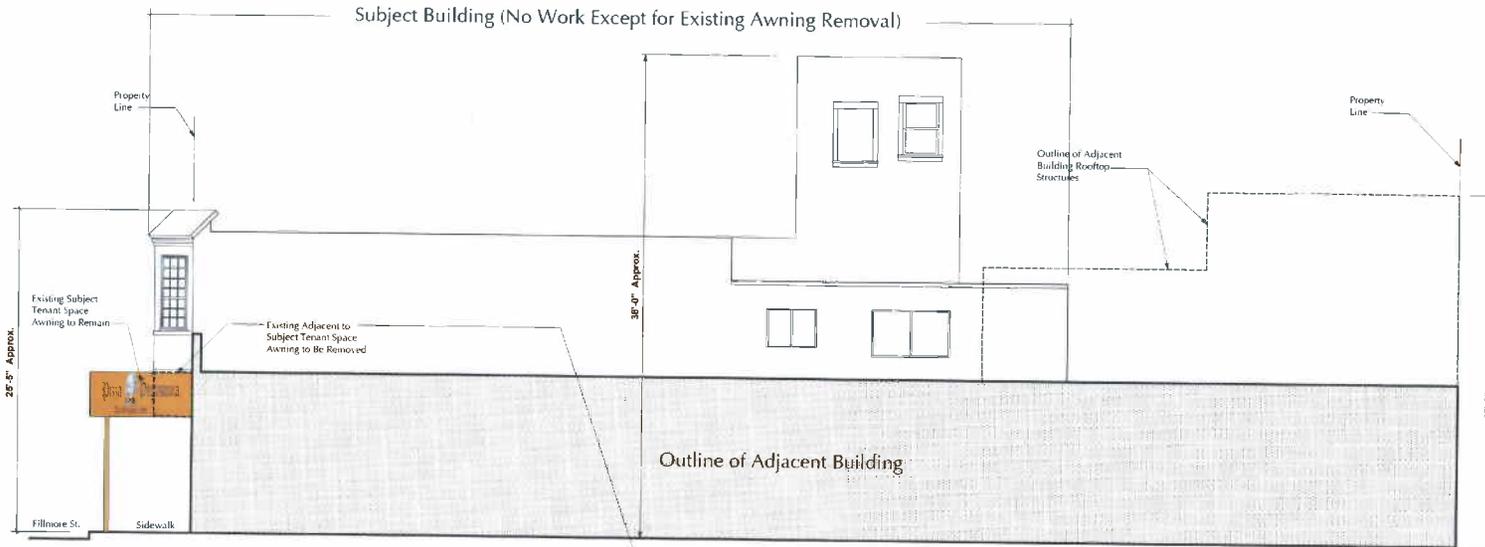
Drawing Log:

Date	Description	Mark

Date: 11/30/18

**EXHIBIT "B"**

**A-1**  
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3 Existing & Proposed (North) Greenwich St. Elevation  
(No Work Except for Existing Awning Removal)

0' 1" 5'



2 Existing (East) Fillmore St. Elevation

0' 1" 5'



1 Proposed (East) Fillmore St. Elevation  
(No Work Except for Existing Awning Removal & Repainting of Existing Storefront Tile)

0' 1" 5'

**EXHIBIT "B"**

San Teng, AIA

**Architectural Studio**

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**Pizza Orgasmica Expansion**

**3157 - 3161  
Fillmore St.**

San Francisco, CA

**Existing & Proposed Exterior Elevations**

**Drawing Log:**

Date	Description	Mark

Date: 11/10/10

**A-2**

Copyright 2010 San Teng, Architect



**Fillmore St. Looking North  
Along Sidewalk at Awning of  
Subject Project**

**Pizza Orgasmica  
Expansion**

**3157 - 3161  
Fillmore St.**

San Francisco, CA  
31 Oct. 2010



**Fillmore St. Looking South Along  
Sidewalk at Awning of Subject  
Project**



**Detail of Subject Project Existing Storefront**

**Photographs  
Sheet 2 of 2**



**Fillmore St. Looking East (Opposite from Subject Project) Between Greenwich and Filbert**



**Fillmore St. Looking West (Towards Subject Project)  
Between Greenwich and Pixley St.**

**Pizza Orgasmica  
Expansion**

**3157 - 3161  
Fillmore St.**

San Francisco, CA  
31 Oct. 2010

**Photographs  
Sheet 1 of 2**