



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

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Planning Commission Motion No. XXXXX

HEARING DATE: SEPTEMBER 2ND, 2010

Date: August 26th, 2010
Case No.: **2010.0521 C**
Project Address: **4042 24th STREET**
Zoning: 24th Street- Noe Valley Neighborhood Commercial District
 40-X Height and Bulk District
Block/Lot: 3656/014
Project Sponsor: Ahmad Mohazab, TECTA Associates
 2747 Nineteenth Street
 San Francisco, CA 94110
Staff Contact: Tom Wang – (415) 558-6335
thomas.wang@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 178(c), 728.41 AND 728.42 OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT (D.B.A. "PATXI'S CHICAGO PIZZA") WITH A BAR USE WITHIN THE 24TH STREET -- NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On June 10th, 2010 Ahmad Mohazab, TECTA Associates (hereinafter "Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for conditional use authorization under Sections 303, 178(c), 728.41 and 728.42 of the Planning Code to allow a full-service restaurant (d.b.a. "Patxi's Chicago Pizza") in conjunction with a bar use at 4240 24th Street within the 24th Street - Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District.

On September 2nd, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0521C (hereinafter "Application").

On July 26th, 2010 under Case No. 2010.0609E, the Project was determined by the Department to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical

Exemption under CEQA as described in the determination contained in the Department files for the Project. 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 applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.0521C, 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.

Site Description and Present Use. The subject property is located on the north side of 24th Street between Castro and Noe streets, Lot 014 in Assessor's Block 3656, within the 24th Street -- Noe Valley Neighborhood Commercial District and a 40-X height and bulk District. The subject property measures 25 feet wide and 114 feet deep and is developed with commercial and residential uses within a three-story building. Currently, the second and third floors are each occupied by a dwelling unit and the ground floor contains a vacant commercial storefront (hereafter "the Project site") that most recently was occupied by a full-service restaurant. The Project site is within the center of a vital neighborhood commercial area and is well served by the public transportation, including Muni Bus Route 48 operating on 24th Street, directly in front of the Project site and Muni Bus Route 24 operating on Castro Street, approximately a half of a block from the Project site.

2. **Surrounding Properties and Neighborhood.** Surrounding properties along 24th Street contain mainly two and three story buildings and the majority of them are developed with ground floor commercial uses and residential uses on the upper floors. Surrounding residential districts are either RH-2 (Residential, House, Two-Family) District or RH-3 (Residential, House, Three-Family) District.

The 24th Street — Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond streets in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

3. **Project Description.** The Project is to establish a full-service restaurant (d.b.a. Paxi's Chicago Pizza) with a bar use at a currently vacant ground floor commercial space within the 24th Street — Noe Valley Neighborhood Commercial District.

The subject commercial space, with a floor area of approximately 1,420 square feet, was last occupied by a full-service restaurant (Mi Lindo Yucatan) for approximately eight years. Because Mi Lindo Yucatan decided not to renew its lease after October 2009, the property owner filed a Building Permit Application No. 2007.04.18.9047 on April 18th, 2007 for an expansion of the ground floor commercial space from approximately 1,420 square feet to approximately 2,495 square feet for a then undetermined commercial tenant. The building permit was approved by the Department and issued by the Department of Building Inspection on September 19th, 2008. The construction of the expansion of the ground floor commercial space began after Mi Lindo Yucatan permanently closed the restaurant and voluntarily moved out in October 2009. The Project site has remained vacant since.

The proposed full-service restaurant with a bar use would occupy the expanded ground floor commercial space with an area of approximately 2,495 square feet. The proposed full-service restaurant is not a Formula Retail use but rather an independent, locally owned business. The Project is designed to mainly serve residents from the local neighborhood. The Project will create between ten to fifteen job openings. The proposed hours of operation are between 11:00 a.m. to 10:00 p.m. seven days a week. Approximately 10% of the restaurant operation will be devoted to take-out dining.

The Project Sponsor also presented the following introduction to the Project:

Paxi's Chicago Pizza, a full-service restaurant, contains a dining room and a wait staff and is not a "pizza joint." The design of the dining room is stylish, contemporary and comfortable, and creates a warm and inviting space where customers can have a pleasurable dining experience.

Patxi's combines the freshest ingredients with traditional Chicago style pizza-making techniques to create delectable pizza. Sauce and dough are made daily. Patxi's strives to use fresh, local and seasonal ingredients. A range of salads and appetizers complements the pizza. Patxi's also offers alternative ingredients such as whole-wheat crust, vegan cheese, and vegetarian/vegan pizzas for diet restricted customers. The entire menu is available for take-out and delivery. Also, Patxi's specializes in "half-baked" pizzas that customers can keep and finish in their own ovens at their convenience. Customers can also "pre-order" their pizzas to come out of the oven when their table is ready for seating. Patxi's also offers a variety of salads, appetizers, and beverages including a handpicked wine and beer selection to compliment the meal.

4. **Public Comment.** The Department is not aware of any opposition to the Project. The Department has received one e-mail from a neighborhood resident, who expressed supported for the Project.
5. **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 728.42 provides that a Full-Service Restaurant is permitted on the ground floor within the 24th Street — Noe Valley

Neighborhood Commercial District by conditional use authorization. (Ordinance No. 101-10, passed on May 4th, 2010 by the Board of Supervisors and approved by Mayor Gavin Newsom on May 13th, 2010, amended the Planning Code Sections 728.1 and 728.42 to allow new full-service restaurants with conditional use authorization and removed previous Specific Provisions, including “no more than a total of three new full-service restaurants may be approved by the Commission in the 24th Street - Noe Valley Neighborhood Commercial District.”)

The Project Sponsor proposes to establish a full-service restaurant on the ground floor within the 24th Street — Noe Valley Neighborhood Commercial District and is seeking conditional use authorization.

- B. Conditional Uses.** Planning Code Section 178(c) provides that a permitted conditional use may not be “significantly” altered, enlarged, or intensified, except upon approval of a new conditional use application. The term “significantly” is not defined in the Planning Code and is therefore subject to the Zoning Administrator’s interpretation. One example of those proposals that are significant and therefore require conditional use authorization is “expansion of more than 25 percent of the floor area or more than 500 square feet, whichever is less.”

The previous full-service restaurant, a permitted conditional use, occupied the ground floor with an area of approximately 1,420 square feet. The proposed full-service restaurant would occupy an expanded ground floor with an area of approximately 2,495 square feet, which is 25 percent more than the previous full-service restaurant’s floor area. The floor area of the previous full-service restaurant has been “significantly” enlarged to accommodate the proposed full-service restaurant, thereby requiring the approval of a new a conditional use application within the 24th Street — Noe Valley Neighborhood Commercial District.

- C. Bar Use.** Planning Code Section 790.22 provides that a Bar is a retail use which includes establishments serving liquor (with ABC License Types 47 or 48) in conjunction with other uses which admits minors, such as restaurants.

Planning Code Section 790.92 provides that a Full-Service Restaurant which serves liquor for drinking on the premises (with ABC License Types 47 or 48) shall also be considered as a bar, as defined in Planning Code Section 790.22.

Planning Code 728.41 provides that a Bar is allowed on the ground floor within the 24th Street — Noe Valley Neighborhood Commercial District by conditional use authorization.

The Project Sponsor proposes to establish a bar providing alcoholic beverage sales for drinking with an ABC License Type 47 as an integral element of the proposed full-service restaurant on the ground floor within the 24th Street — Noe Valley Neighborhood Commercial District and is seeking conditional use authorization.

- D. Neighborhood Commercial Permit Review.** Planning Code Section 312 requires neighborhood notification of a change in use from a Full-Service Restaurant to a Full-Service

Restaurant with a Bar, as defined in Planning Code Section 790.92 for lots within the 24th Street — Noe Valley Neighborhood Commercial District.

The Project Sponsor is proposing to establish a full-service restaurant with a bar at a currently vacant ground floor commercial space within the 24th Street – Noe Valley Neighborhood Commercial District. Section 312 notification was conducted in conjunction with the conditional use authorization notification.

- E. Use Size [Non-Residential].** Planning Code Section 728.21 provides that Use Size [Non-Residential] is permitted up to 2,499 square feet; Conditional Use authorization is required for 2,500 square feet and above within the 24th Street — Noe Valley Neighborhood Commercial District.

The Proposed full-service restaurant with a bar use would contain a gross floor area of approximately 2,495 square feet, which is permitted by Planning Code Section 728.21 within the 24th Street — Noe Valley Neighborhood Commercial District

- F. Hours of Operation.** Planning Code Section 728.27 permits hours of operation, as defined by Planning Code Section 790.48, from 6 a.m. to 2 a.m. and from 2 a.m. to 6 a.m. by conditional use authorization.

The proposed hours of operation, between 11:00 a.m. to 10:00 p.m., are within those hours principally permitted by Planning Code Section 728.27.

- G. Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code provides that no more than 1/3 of the width of new or altered structures, parallel to and facing a street, shall be devoted to ingress/egress to parking.

The subject ground floor commercial storefront does not devote any area to the ingress/egress to off-street parking.

- H. Parking.** Planning Code Section 151 provides that for restaurant or bar use, one off street parking space is required for each 200 square feet of occupied floor area, where the occupied floor area exceed 5,000 square feet.

The proposed full-Service restaurant in conjunction with a bar use would occupy a floor area of approximately 2,495 square feet; therefore no off-street parking is required.

6. **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, 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 a development that is necessary and desirable, and compatible with the neighborhood for the following reasons:

The Project will be a use similar to the previous full-service restaurant that has existed for approximately eight years with no apparent impact on the neighborhood, it is in keeping with the size of the majority of other storefronts on the subject and the opposite block-faces, it compliments the mix of goods and services currently available in the District, and it will contribute to the economic vitality of the neighborhood by removing a vacant storefront and eliminating neighborhood blight. Although there is a number of other restaurants in the District, the proposed full-service restaurant will generate no significant impact on traffic or on-street parking in the District because it is not a destination restaurant and the Project site and the surrounding area is well served by public transit. Although the Project would occupy a floor area greater than that of the previous full-service restaurant, it is mainly due to its needs for a much larger kitchen and upgraded rest room facilities. The Project's dinning area, including the bar, contains approximately 40 square feet more than that of the previous full-service restaurant. The maximum capacity of persons, allowed by the City's Building Code, at the dinning area of the previous full-service restaurant and the proposed full-service restaurant would be 48 and 53, respectively. Therefore, the intensity of use between these two full-service restaurants does not vary significantly.

A proposed bar use is generally a desirable adjunct use to a full-service restaurant because it will greatly enhance the experience of patrons when visiting "Paxi's Chicago Pizza." A number of other full-service restaurants within this District already include bars to better serve their patrons. The Proposed bar providing alcoholic beverage sales for drinking will only be allowed as an integral element of the proposed full-service restaurant, meant to compliment the meal. The proposed bar is not intended to function as a separate and independent bar.

- 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 will not alter the existing appearance or character of the vicinity. The Project will involve interior work and 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 the proposed 2,495 square feet full-service restaurant with a bar. The Project is designed to mainly meet the needs of the residents in the immediate neighborhood and the Project site is well served by public transit (Muni Bus Route 48 operating on 24th Street, directly in front of the Project site and Muni Bus

Route 24 operating on Castro Street, a half of a block from the Project site), minimizing the amount of vehicular traffic from the immediate neighborhood or citywide.

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

The Project is subject to the standard conditions of approval for eating and drinking establishments as outlined in Exhibit A that obligate the Project Sponsor to mitigate noxious or offensive noise and odor generated by the eating and drinking use.

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

Parking and loading areas are not required for the proposed Project. The Department shall review all proposed signs for the Project.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The Project is consistent with the stated purpose of the 24th Street – Noe Valley Neighborhood Commercial District in that the intended eating and drinking use is located at the ground floor, will maintain the retail frontage by not including automobile drive up uses, will contribute to the a mixture of convenience and comparison shopping goods and services to a predominantly local market.

- 7. **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 which 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 continue to utilize the ground floor commercial space similar to the previous full-service restaurant while providing the neighborhood with enhanced goods and service and employment opportunities. The Project is consistent with the activities within the 24th Street – Noe Valley Neighborhood Commercial District and the commercial land use plan.

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 improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

The subject commercial space is currently vacant; therefore no commercial tenant would be displaced by the Project. The proposed full-service restaurant with a bar use represents a revitalization of an existing ground floor commercial space to better serve the residents of the neighborhood and would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

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 City 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.

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.

There is a slight over-concentration of food-service establishments in this district. 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 an eating and drinking establishment survey within the entire 24th Street – Noe Valley Neighborhood Commercial District, which contains six blocks along 24th Street between Chattanooga and Diamond streets and the Project site. Approximately 22% of the total Neighborhood Commercial District frontage is currently devoted to eating and drinking establishments. The Project will replace a previous full-service restaurant at the same site, therefore; it will not result in an additional eating and drinking establishment in the district and will not contribute to the current over-concentration of the total Neighborhood Commercial District frontage devoted to eating and drinking establishments. Furthermore, a recently approved Ordinance No. 101-10, as described above, accommodates new full-service restaurants with conditional use authorization in this district. The 24th Street – Noe Valley Neighborhood Commercial District currently features a variety of eating and drinking establishments and is gaining a reputation for providing popular eateries, a defining characteristic of this district, which contributes to the vitality of 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.

An independent entrepreneur is sponsoring the Project. The Project is a neighborhood serving use and is not a Formula Retail use.

8. **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 Project will replace a previous full-service restaurant at the same site, therefore; it will not result in an additional eating and drinking establishment in the District and will not contribute to the

current over-concentration of the total Neighborhood Commercial District frontage devoted to eating and drinking establishments. The Project will create between ten to fifteen job openings.

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

The scale and use proposed by the Project is within the existing character of the 24th Street – Noe Valley Neighborhood Commercial District. The existing residential units within the subject building will not be affected by the Project.

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

No housing is removed as a result of the 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, Muni Bus Route 48 operating on 24th Street, directly in front of the Project site and Muni Bus Route 24 operating on Castro Street, approximately a half of a block from the Project site.

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

The Project will not displace any service or industry establishment. 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 is designed and will be constructed to conform to the structural and seismic safety requirements of the City's Building Code.

- G. That landmarks and historic buildings be preserved.

The subject building is an architecturally significant building and there is no proposed alteration to the front façade. The Project was determined by the Department to be categorically exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Department files for the Project.

- 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 their access to sunlight and vistas.

9. 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.
10. 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. 2010.0521C** 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. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 2nd, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: September 2nd, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 178(c), 728.41 and 728.42 to allow a ground floor full-service restaurant (d.b.a. "Paxi's Chicago Pizza") in conjunction with a bar use (with an ABC License Type 47) providing alcoholic beverage sales for drinking, at 4042 24th Street, within the 24th Street - Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on June 10th, 2010 and stamped "EXHIBIT B" included in the docket for **Case No. 2010.0521C**, reviewed and approved by the Commission on September 2nd, 2010.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 3656, Lot 014), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, 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 up to \$500 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. The property owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
6. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
7. The Project Sponsor shall maintain an attractive storefront providing visibility of the business interior through the storefront windows.
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 Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.

9. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
10. The Project Sponsor shall operate the proposed restaurant such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
11. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the restaurant and bar. The operator of the full-service restaurant and bar shall be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter generated by the restaurant and bar.
12. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
13. The hours of operation of the Project shall be limited to between 11 a.m. to 10 p.m. seven days a week.
14. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within three (3) years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.