



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

February 24, 2010

Michael F. Williams
Michael F. Williams & Associates
2635 Franklin Street
San Francisco CA 94123

RE: 3111 Fillmore Street
Block: 0515 Lot: 009

Dear Mr. Williams:

This letter is in response to your request for a letter of determination regarding the property at 3111 Fillmore Street, which houses a bar called the Comet Club. This parcel is located in the Union Street Neighborhood Commercial District with a 40-X height and bulk limitation. The request is for a determination that an "Other Entertainment" use (as defined in Planning Code Section 790.38) is permitted at this location based on the building's reported history of use and neighborhood support. Pursuant to Planning Code Section 724.28, "Other Entertainment" requires a Conditional Use Authorization in the Union Street Neighborhood Commercial District (NCD).

The Letter of Determination submittal indicates that the subject use would have the following characteristics:

- include live entertainment (stand-up comedy, acoustic guitar and a DJ);
- operate to, and perhaps beyond, 11:00 p.m;
- that the premises have been soundproofed in accordance with the San Francisco Noise Control Ordinance;
- that a portable stage would be used for live entertainment;
- that employees would monitor patrons to abate noise;
- that employees would monitor the area to control refuse left by patrons.

The Union Street NCD was established in 1987 and Conditional Use Authorization has been required for "Other Entertainment" uses since that time. Based on our records (copies enclosed), the Department has consistently indicated to previous applicants wishing to establish an "Other Entertainment" use that Conditional Use Authorization is required. Requests to permit the use were addressed by the Department in 1981 and 1991. As the Planning Code clearly states that "Other Entertainment" use requires Conditional Use Authorization, and there is a clear history of communication with previous operators, it is my determination that Conditional Use authorization is required to establish an "Other Entertainment" use in the Union Street Neighborhood Commercial District.

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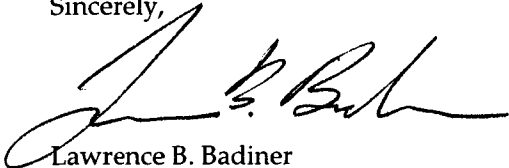
Planning
Information:
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If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this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

Sincerely,



Lawrence B. Badiner
Zoning Administrator

Encl: Historic records
Conditional Use Application

cc: Sara Vellve, Planner

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