Memo to the Planning Commission

HEARING DATE: APRIL 30, 2015 INFORMATIONAL HEARING

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Date: April 23, 2015 Case No.: 2009.0342C

Project Address: **2516 MISSION STREET**

Zoning: Mission Street NCT (Neighborhood Commercial, Transit)

55-X/65-B Height and Bulk District

Block/Lot: 3616/061 Project Sponsor: **Brian Reccow**

> El Techo de Lolinda 2516 Mission Street San Francisco, CA 94110

Staff Contact: Kimberly Durandet (415) 575-6816

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BACKGROUND

On September 8, 2011, the Planning Commission approved a Conditional Use Authorization under Motion No. 18434 to legalize a roof deck outdoor activity area as accessory to an existing restaurant, bar and other entertainment venue (formerly d.b.a. Medjool) within the Mission Street Neighborhood Commercial Transit (NCT) District and a 55-X/65-B Height and Bulk District.

The Conditions of Approval required restrictions on the hours of operation of the outdoor activity area, acoustical insulation and other sound proofing measures to control noise, disallows entertainment within the outdoor activity area, a follow up noise study and an informational Planning Commission hearing was required.

On December 14, 2011 the project sponsor (Gus Murad) submitted a Building Permit Application No. 2011.1214.0681 to legalize the accessory outdoor activity area located on the roof of the subject property. Planning Department staff reviewed and approved the application (R1) on March 23, 2012 and the permit issued on March 29, 2012. On April 8, 2013 Building Permit Application No. 2013.0408.4004 was filed to meet Department of Public Health requirements that the reheat kitchen be enclosed to prevent infestation of vermin in food preparation areas. Planning Department staff reviewed and approved the revised plan on April 8, 2013 and the permit was issued on April 23, 2013. Both issued permits were deemed complete by the Department of Building Inspection on May 10, 2013.

CURRENT ISSUES

On May 13, 2013 the roof deck opened the outdoor activity area as an accessory use to the ground floor restaurant. The business has also changed ownership (formerly d.b.a Medjool currently d.b.a. Lolinda).

Since current operations began, staff has received no complaints from the public. Staff contacted the Mission Police Station for information on complaints received related to operation of the outdoor activity area. The San Francisco Police Department (SFPD) reported on September 22, 2014 that no noise related complaints had been received since the outdoor activity area reopened. Department staff requested an update from SFPD. There have been no calls for service between September 22, 2014 and March 17, 2015. Furthermore, Department staff contacted the San Francisco Buddhist Center which is located behind the subject property and that was opposed to the previous operation. They responded that the current operation is not causing any noise related issues.

COMPLIANCE WITH CONDITIONS

7. **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.

The noise study conducted by Charles M. Salter dated April 17, 2014 indicates that the Project achieves acoustical compliance with the project acoustical criteria set forth to meet San Francisco Noise Control Ordinance standards. Additionally, the Project Sponsor has complied with the noise reduction measures as stated in the noise study conducted by Charles M. Salter dated May 15, 2011.

8. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

The reheat kitchen has been relocated further away from the nearest residential unit and has been enclosed per Department of Public Health requirements. No complaints have been filed related to odor.

12. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Monday through Thursday 3:00 pm to 11:30pm, Friday 3:00pm to 1:30am, Saturday 11am to 1:30am and Sunday 11am to 11:30pm. No patrons may remain in the Outdoor Activity Area after closing time. Staff may remain in the facility as necessary for cleaning and other duties related to the operations of the Outdoor Activity Area one hour past the closing hour stated above. No employees may be in the Outdoor Activity Area after the clean-up time.

The outdoor activity area is currently open Monday through Thursday from 4:00pm to 11:00pm, Friday 4:00pm to 1:00am, Saturday 11:00am to 1:00am and Sunday 11:00am to 11:00pm. The hours of operation are in compliance.

13. **Other Entertainment.** The outdoor activity area is not allowed to have other entertainment as defined in Planning Code Section 790.38.

The Project Sponsor has not applied for any entertainment permits for the outdoor activity area.

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14. **Usable Open Space for Residential Hotel Units.** The area designated to meet usable open space requirements for the Residential Hotel Units shall be physically distinct from the Outdoor Activity Area and for the sole use of the residential tenants.

The usable open space for the residential tenants remains separate from the outdoor activity area.

15. **Occupancy.** Maximum occupancy for the entire roof deck shall be governed by the Building Code. However, the area used as the Outdoor Activity Area by the project sponsor shall not exceed 175 persons.

The Department of Building Inspection has approved the maximum occupancy load of 166 persons.

16. **Notices Posted.** Notices shall be posted requesting patrons enjoy the roof deck in a quiet, peaceful, and orderly fashion and be considerate of noise impacts on the neighborhood. The notices shall be well-lit and prominently displayed at all entrances and exits of the establishment. The conditions set forth in this Motion shall also be posted on site.

The notices and conditions are posted on site.

17. **Beverage Service.** Beverages served in the Outdoor Activity Area shall be obtained through wait staff only. The area dispensing beverages shall not have seating or walk up service.

Beverage service is obtained only through the wait staff.

18. Planning Commission Review for Compliance. The Planning Department will conduct a public information hearing at the Planning Commission on the compliance of these Conditions of Approval within six (6) months from the date of this decision. In preparation for the hearing, the Project Sponsor shall conduct a noise study in the same manner and location sites as defined in the original scope of work prepared by Charles M Salter Associates and dated May 25, 2010. This study will compare the baseline level of noise from the noise study conducted by Charles M. Salter Associates, Inc. with current operations. After this public information hearing and with the advice and input of the Planning Commission, the Zoning Administrator may extend or reduce the permitted hours of the outdoor activity area. This study shall be made available to the public.

As part of the Conditional Use Authorization CEQA review the project sponsor had installed acoustical barriers based on the original scope of work dated May 25, 2010. Sound testing was then conducted on April 8, 2011 through April 11, 2011. The conclusion of this sound test was that the use of the outdoor activity area by the previous business owner resulted in less-than-significant noise levels. This sound study was considered by the Planning Commission in their decision to approve the project.

Current operation under new ownership did not begin until May 13, 2013. Department staff contacted the current community liaison six months after operation began to conduct a second sound study. As this was the beginning of winter, the Department recommended waiting for similar conditions to the original study. The second sound study was conducted from March 21, 2014 through March 24, 2014 at the nearest sensitive

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receiver and found that the roof deck is acoustically shielded by the installed barriers at the perimeter and by the reheat kitchen. The sound study found the site to be in acoustical compliance. Current hours of operation are Monday through Thursday 3:00 pm to 11:30pm, Friday 3:00pm to 1:30am, Saturday 11am to 1:30am and Sunday 11am to 11:30pm.

ANALYSIS

The Planning Department Code Enforcement staff has not received any complaints related to the operation of the outdoor activity area.

Although the San Francisco Noise Ordinance is not intended to regulate noise from people, it was adapted to establish noise limits for Lolinda's outdoor activity area through meetings with the San Francisco Departments of Public Health and Planning. The sound study conducted on May 15, 2011 found no correlation between either occupancy or the audio system and noise levels at locations 3, 4, 5, and 6. Therefore, the noise study conducted by Charles M. Salter dated April 17, 2014 took acoustical measurements only at the nearest noise sensitive receiver. These measurements were compared during occupied and unoccupied times at similar times of the day from March 21, 2014 through March 24, 2014. In order to meet the acoustical criteria, the change in the ambient could not exceed 8dBA² at the nearest sensitive receiver. Also, Section 49 of the Municipal Police Code requires amplified music to be inaudible fifty feet from the source from 10:00 p.m. to 7:00 a.m. The outdoor activity area is surrounded by eight foot high angled acoustic barriers. The enclosed reheat kitchen provides additional acoustic shielding. Based on the results of the measurements taken from March 21, 2014 to March 24, 2014, the outdoor activity area is in compliance with the acoustical criteria.

COMMISSION ACTION

As this is an informational presentation, and the project has already been previously approved by the Planning Commission, there is no required Commission action. Should the Planning Commission decide that the Project Sponsor is not in compliance with the Conditions of Approval, the Planning Commission may request that this Project be scheduled for a Public Hearing in order to modify the Conditions of Approval, or to revoke the Conditional Use Authorization. Alternatively, the Planning Commission may advise the Zoning Administrator to extend or reduce the permitted hours of operation for the outdoor activity area.

Attachments:

Motion 18434 Noise Study dated April 17, 2014 Noise Study dated May 15, 2011 Proposal for Acoustical Study dated May 25, 2010 Correspondence from Neighbors Plans approved March 23, 2012 Revised plans approved April, 8, 2013



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Subject to: (Select only if applicable)	
☐ Affordable Housing (Sec. 415)	☐ First Source Hiring (Admin. Code)
☐ Jobs Housing Linkage Program (Sec. 413)	☐ Child Care Requirement (Sec. 414)
☐ Downtown Park Fee (Sec. 412)	□ Other

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Planning Commission Motion No. 18434

HEARING DATE: SEPTEMBER 8, 2011

Date: September 19, 2011

Case No.: **2009.0342C**

Project Address: 2516 MISSION STREET

Zoning: Mission Street NCT (Neighborhood Commercial, Transit)

55-X/65-B Height and Bulk District

Block/Lot: 3616/061 Project Sponsor: Gus Murad

2516 Mission Street

San Francisco, CA 94110

Staff Contact: Kimberly Durandet (415) 575-6816

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 736.24 OF THE PLANNING CODE TO ALLOW A FULL-SERVICE RESTAURANT, BAR AND OTHER ENTERTAINMENT (D.B.A. MEDJOOL) TO LEGALIZE AN OUTDOOR ACTIVITY AREA LOCATED ON THE ROOF OF A FOUR-STORY BUILDING WITHIN THE MISSION STREET NCT (NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT AND A 55-X/65-B HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 4, 2009, Gus Murad (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 736.24 of the Planning Code to allow an existing Full-Service Restaurant, Bar And Other Entertainment (d.b.a. Medjool) to legalize an Outdoor Activity Area within The Mission Street NCT (Neighborhood Commercial Transit) Zoning District and a 55-X/65-B Height And Bulk District.

On September 8, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.0342C.

On August 10, 2011 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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. 2009.0342 C, 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 Mission Street between 21st and 22nd Streets, Block 3616, Lot 061. The property is located within the Mission NCT (Neighborhood Commercial Transit) Zoning District with 55-X/65-B Height and Bulk District. The property is developed with a four-story mixed use building. The ground floor and mezzanine is developed with a full-service restaurant and bar which also offers other entertainment. The third and fourth floors are authorized for twenty-four tourist hotel rooms and nine residential hotel units per Motion Nos. 14876 and 14983. No usable open space is required for the commercial uses, restaurant and tourist hotel. However, the residential hotel units require approximately 958 square feet of usable open space. The subject property has approximately 52 feet of frontage on Mission Street.
- 3. Surrounding Properties and Neighborhood. The project site is located on Mission Street between 21st and 22nd Street. The adjacent property to the south is a commercial building. The adjacent properties to the north consist of two commercial buildings along Mission Street and three residential buildings along 21st Street. The adjacent property to the west is a residential building. The surrounding area is located in predominately Mission Street NCT, Valencia NCT, RTO-M Zoning Districts and the Liberty Hill Historic District. The majority of the surrounding buildings along Mission Street are one- to three-story commercial buildings, a few having residential uses above the ground floor. 21st Street is a mix of commercial, one mixed-use, and 5 residential buildings. Bartlett Street which is at the rear of the site, has two residential buildings, one residential building which has been converted to the San Francisco Buddhist Center, which is an institutional use with group housing, and 3 large parcel commercial buildings. 22nd Street has consistent ground floor commercial with residential on the upper stories. The subject block is zoned Mission NCT and Valencia NCT with the exception of five lots on

the northwest corner of 21st and Bartlett Streets which are zoned RTO-M. Mission and 22nd Streets consistently have ground floor retail of restaurants, retail, professional, and residential uses including Foreign Cinema, which has an Outdoor Activity Area in the rear at ground level.

4. **Project Description.** The Project Sponsor requests Conditional Use Authorization pursuant to Planning Code Sections 303 and 736.24, to legalize a roof deck Outdoor Activity Area accessory to an existing restaurant, bar and other entertainment venue (d.b.a. Medjool) within the Mission Neighborhood Commercial Transit (NCT) District and a 55-X/65-B Height and Bulk District. Medjool currently operates as a full-service restaurant and bar with other entertainment employing 62 people. The existing restaurant and bar occupy approximately 7,817 square feet, therefore, an accessory use may occupy up to 2,514 square feet of space.

The Project Sponsor proposes to reduce the existing area of the roof deck used as accessory to the restaurant from 3,414 square feet to 2,477 square feet, approximately a 25% reduction. When weather permits, the Outdoor Activity Area will operate as accessory to the existing restaurant and bar. Food will be prepared predominately in the main kitchen and reheated in the Outdoor Activity Area. Beverages will be provided through a service bar accessible only to servers, bartenders and employees. There will be no entertainment other than background music that will not exceed noise levels allowed per the San Francisco Noise Ordinance. The hours of operation will be from Monday through Thursday from 3:00pm to 11:30pm, Friday 3:00pm to 1:30am, Saturday 11:00am to 1:30am, and Sunday 11:00am to 11:30pm (hours of operation are weather dependant). 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 requires a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process.

5. **Past History and Actions.** The subject property was authorized to construct a tourist hotel with 24 rooms and reconstruction of nine residential hotel rooms with ground floor commercial space intended for a restaurant (Motion Nos. 14876 and 14983). The open space required for the nine residential hotel units per Section 135 of the Planning Code as built is approximately 958 square feet and was to be provided in the rear yard area of the ground floor or on a proposed roof deck. An Outdoor Activity Area associated with the restaurant was proposed to be located in a portion of the rear yard area. The Planning Commission denied authorization to allow this accessory use on February 10, 2000. The Planning Department recommended approval on Health and Entertainment permit referrals on August 16, 2004 and January 31, 2005, respectively. The roof deck began operating as an Outdoor Activity Area at some point in or after 2005. In response to a complaint, a Notice of Violation was issued to the property owner which was appealed to the Board of Appeals on December 16, 2009. . The matter was continued at the call of the Chair allowing the property owner an opportunity to seek Conditional Use authorization to legalize an Outdoor Activity Area on the roof deck as an accessory to the restaurant and bar use at the ground floor.

- 6. **Public Comment**. To date, the Department has received communication from the San Francisco Buddhist Center and their lead counsel Ms. Sue Hestor in opposition to the proposal expressing the position that the subject property can not seek Conditional Use Authorization as the story controls do not allow a bar above the ground floor. They also suggested limited hours of operation no later than 10pm daily and a limit on the occupancy to 120 patrons. The Department has received no other public comment but one inquiry regarding the CU process from a neighbor to the west.
- 7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Principal Uses.** Planning Code Sections 736.41, 736.42, 736.48 and 736.24 state that a Bar, Full-Service Restaurant, Other Entertainment, and Outdoor Activity Area located at the front property line, are all principally permitted in the Mission Street NCT Zoning District.

Per Planning Code Section 703.2 all principal uses shall be conducted within an enclosed building in Neighborhood Commercial District except uses when located outside of a building, qualify as an Outdoor Activity Area, as defined in Section 790.70 of the Code. The principal uses for this location are full-service restaurant with a bar and other entertainment which are located on the ground floor within the enclosed building. The proposed accessory Outdoor Activity Area is exempt from being conducted in an enclosed building by definition per Section 790.70.

B. **Conditional Uses.** Planning Code Section 736.24 states that an Outdoor Activity Area is conditionally permitted in the Mission NCT (Neighborhood Commercial Transit) Zoning District.

The Outdoor Activity Area located on the roof of the subject property is the purpose of this Conditional Use authorization request.

C. Accessory Uses. As defined in Planning Code Section 703.2, a related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use, shall be permitted as an accessory use when located on the same lot as defined in Section 102.14 as a parcel of land under one ownership which constitutes, or is to constitute, a complete and separate functional unit of development, and which does not extend beyond the property lines along streets or alleys.

Any use which does not qualify as an accessory use shall be classified as a principal or conditional use. No use will be considered accessory to a permitted principal or conditional use which involves the use of more than 1/3 of the total floor area occupied by such use and the principal or conditional use to which it is accessory

and any bar, restaurant, other entertainment, or any retail establishment which serves liquor for consumption on-site.

The Outdoor Activity Area proposed is accessory to the principal restaurant and bar uses. The proposed Outdoor Activity Area is located on the same lot on the roof of the subject property. The area of the roof dedicated to the accessory use is less than 1/3 the total occupied floor area of the ground floor restaurant and bar including the mezzanine.

Food and beverage service activities are integral to the definition of Outdoor Activity Area and do not constitute a principal use because the principal use at the ground floor is in fact a restaurant and bar. Food is to be prepared predominately in the ground floor kitchen and reheated in the Outdoor Activity Area. Beverage service is supplied by a service bar located in the Outdoor Activity Area accessible only to wait staff, mixologists, and employees only. As such, the Outdoor Activity Area as proposed is appropriate, incidental and subordinate to the principal uses of restaurant and bar.

D. **Occupied Floor Area.** For the purpose of this project, Occupied Floor Area consists of the gross floor area minus exterior walls, mechanical equipment, restrooms, storage, and areas necessary to the operation and maintenance of the building (Section 102.10). Please note: Gross Floor Area does not include the area of a roof deck (Section 102.9).

The Occupied Floor Area of the restaurant has been calculated per Planning Code Sections 102.9 and 102.10 and is approximately 7,817 square feet. The allowable Accessory Outdoor Activity Area is 2,514. The proposed Outdoor Activity Area is approximately 2,477 square feet, which is less than 1/3 the total Occupied Floor Area of the principal use.

E. **Outdoor Activity.** Planning Code Section 736.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area located other than in the front of the property and is defined by Planning Code Section 790.70 as "an area…located outside of a building…which is provided for the use or convenience of patrons of a commercial establishment including, **but not limited to**, sitting, eating, drinking, dancing, and food-service activities" (*emphasis added*).

The Project Sponsor intends to use the Outdoor Activity Area for sitting, eating, drinking and food-service activities both day and night.

F. **Hours of Operation.** Planning Code Section 736.27 states that there is no limit to the hours of operation in this Zoning District.

The project sponsor intends to operate the Outdoor Activity Area, weather permitting, Monday through Thursday 3:00 pm to 11:30pm, Friday 3:00pm to 1:30am, Saturday 11am to 1:30am and Sunday 11am to 11:30pm.

G. **Other Entertainment.** Planning Code Section 736.48 states that Other Entertainment is principally permitted, as defined by Planning Code Section 790.38.

The subject property has a permit for other entertainment for the ground floor use. The project sponsor does not intend to have entertainment in the Outdoor Activity Area other than background music for the pleasure of dining. The sound system will be altered to shut down if the volume is raised beyond an acceptable level per the San Francisco Noise Ordinance.

H. **Story Controls.** Planning Code Section 102.23 defines a story as that portion of a building, except a mezzanine as defined in the Building Code, included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the surface of the floor and the ceiling next above it.

A roof deck by definition is not a "Story" of a building as there is no floor or ceiling above it. It is by definition an open use defined in Planning Code Section 102.20 as any use of a lot that is not conducted within a building. Therefore, the story controls do not apply to accessory outdoor activity uses.

- 8. **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 legalization of an accessory Outdoor Activity Area located on the roof of the subject property is desirable as it enhances the dining experience for patrons of Medjool restaurant and bar. Mission Street was previously zoned C-2, then NC-3, and currently NCT. The commercial area of this District provides a selection of goods serving not only the day-to-day needs of the residents of the Mission District, but a wider trade area. A vital component of this zoning district are eating and drinking establishments which contribute to the street's mixed-use character and activity in the evening hours creating a vibrant and safe urban environment and economic viability of the Neighborhood Commercial corridor.

- 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 and will not alter the existing appearance or character of the project vicinity. The proposed work will not affect the building envelope, yet the inclusion of outside seating will alter the use of the property.

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 principal use as a restaurant and bar was authorized as a Conditional Use and has been in operation since approximately 2005. The use of the roof deck although not legally authorized at the time will have no additional impact to traffic, parking and loading patterns by granting the legalization of the accessory Outdoor Activity Area on the roof.

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

There have been complaints from neighbors in the past regarding noise generated from the Outdoor Activity Area on the roof of the subject property. As part of the Conditional Use Authorization process the project sponsor has installed acoustical barriers and conducted sound testing as part of CEQA review. The conclusions of CEQA review sound tests were that the use of the Outdoor Activity Area results in less-than-significant noise levels as testing showed noise levels to be substantially below the Noise Ordinance threshold of 8dB over the L90 ambient level. Noise is a typical and expected characteristic of an urban environment, especially in areas zoned for a mix of uses as this area always has been and may cause some individuals temporary annoyance or inconvenience.

The project sponsor has proposed further measures to reduce the potential of disturbing neighbors by reducing the area of the deck closest to the residential uses. There will be no entertainment in the Outdoor Activity Area, and the background music sound system will have an automatic shut off device installed if the volume rises above a certain decibel. Landscaping will also be installed to further buffer ambient noise.

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

The proposed Outdoor Activity Area does not require any additional tenant improvements, but the project sponsor will add some landscaping on the roof deck.

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 proposed project is consistent with the stated purposed of the Mission NCT District in that the intended use will provide a selection of goods serving not only the day-to-day needs of the residents of the Mission District, but a wider trade area. A vital component of this zoning district are eating and drinking establishments which contribute to the street's mixed-use character and activity in the evening hours creating a vibrant and safe urban environment and economic viability of the Neighborhood Commercial corridor.

- 9. **Additional Criteria for Outdoor Activity Area 145.2(a)(2).** An Outdoor Activity Area is subject to additional criteria that the Planning Commission shall find that:
 - A. The nature of the activity operated in the Outdoor Activity Area is compatible with surrounding uses;

The majority of the block consists of mixed and commercial ground floor uses with the exception of a few residences to the west and northwest of the subject property. As a restaurant, bar, hostel, and residential hotel located in the Mission NCT Zoning District, the proposed addition of an Outdoor Activity Area is compatible with surrounding uses.

B. The operation and design of the Outdoor Activity Area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

The conclusions of CEQA review sound tests were that the use of the Outdoor Activity Area results in less-than-significant noise levels. Noise is a typical and expected characteristic of an urban environment, especially in areas zoned for a mix of uses as this area is and has been historically. Because some individuals may experience temporary annoyance or inconvenience, the project sponsor has proposed to reduce the potential of disturbing neighbors by reducing the area of the deck closest to the residential uses Outdoor Activity Area so that the use is located primarily close to Mission Street property line. There will be no entertainment in the Outdoor Activity Area, and the background music sound system will have an automatic shut off device installed to activate if the volume rises above a certain decibel. Landscaping will also be installed to further buffer ambient noise. The privacy of the adjacent residences is not impacted by the roof deck as the area used is closer to Mission Street and access to the closest residential building is limited by the barbeque area and a fire escape where patrons are not allowed to stand, offering a privacy buffer to the closest residential building.

C. The hours of operation of the activity operated in the Outdoor Activity Area are limited so that the activity does not disrupt the viability of surrounding uses.

Although there is no limit to the hours of operation in this zoning district, the project sponsor intends to operate the Outdoor Activity Area, weather permitting, Monday through

Thursday 3:00 pm to 11:30pm, Friday 3:00pm to 1:30am, Saturday 11am to 1:30am and Sunday 11am to 11:30pm.

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

COMMERCE AND INDUSTRY ELEMENT

The goals of the Commerce and Industry Element are to ensure economic vitality, social equity and environmental quality.

GENERAL/CITYWIDE

Objectives and Policies

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 and enhance an existing commercial activity which adds to a diverse economic base for the City.

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.

Sectors of the local economy which typically hire numbers of unskilled or non-technically trained persons are the tourist and service related industries such as hotels and restaurants and the small business sector. Medjool is a small business hotel and restaurant that offers employment to 62 employees including affordable health insurance.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 6

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

Policy 6.1:

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

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.

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 economic vitality of neighborhood commercial districts is an essential component of the fiscal health of the city and through the enterprise of small businesses, neighborhood commercial districts provide significant employment opportunities for city resident, and make a substantial contribution to the city's tax base. Medjool restaurant and bar add to the economic vitality of the Mission by employing local residents and according to the project sponsor generates over \$350,000 in taxes which contribute to the city's tax base. Allowing an accessory outdoor activity will retain and enhance this small business enterprise without changing the basic character of the neighborhood.

Policy 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

The story controls in the Planning Code were created in the late 1980s as residential units above commercial uses were generally a more affordable form of housing at the time and there was a concern that in many neighborhood commercial districts, the physical location and structural aspects of the upper-story housing units made it attractive for conversion to commercial use. Also, the retention of mixed use is desirable as residents in commercial areas help to create an active street life. As such, the story controls do not apply to the roof deck Outdoor Activity Area because the roof deck is outside the definition of a story and the intent of the story controls were to prevent housing conversion of upper story units to commercial uses. No such conversion is proposed.

VISITOR TRADE

OBJECTIVE 8

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.2

Support locally initiated efforts to improve the visitor trade appeal of neighborhood commercial districts.

The legalization of the Outdoor Activity Area will add to the experience of visitors to the tourist hotel aspect of this property. The roof deck at Medjool offers city views in the heart of a vibrant multi-cultural neighborhood-commercial district, providing a unique and more authentic tourist experience.

MISSION AREA PLAN

LAND USE

OBJECTIVE 1.1

STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK.

POLICY 1.1.6

Permit and encourage small and moderate size retail establishments in neighborhood commercial areas of the Mission, while allowing larger retail in the formerly industrial areas when part of a mixed-use development.

Medjool restaurant and bar is a small to moderate size business which has added to the economic vitality of the Mission. The business employs local residents and contributes to the city's tax base. Allowing an accessory outdoor activity will retain and enhance this small business enterprise without changing the basic character of the neighborhood. This business is owned by a local resident and is not a formula retail use.

OBJECTIVE 1.5

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS AND ENSURE GENERAL PLAN NOISE REQUIREMENTS ARE MET.

POLICY 1.5.1

Reduce potential land use conflicts by providing accurate background noise-level data for planning.

POLICY 1.5.2

Reduce potential land use conflicts by carefully considering the location and design of both noise generating uses and sensitive uses in the Mission.

The conclusions of CEQA review sound tests were that the use of the Outdoor Activity Area results in less-than-significant noise levels. Noise is a typical and expected characteristic of an urban environment, especially in areas zoned for a mix of uses as this area is and has been historically. Because some individuals may experience temporary annoyance or inconvenience, the project sponsor has proposed to reduce the potential of disturbing neighbors by reducing the area of the deck closest to the residential uses so that the use is located primarily close to Mission Street property line. There will be no entertainment in the Outdoor Activity Area, and the background music sound system will have an automatic shut off device installed if the volume rises above a certain decibel. Landscaping will also be installed to further buffer ambient noise.

- 11. **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 providing an Outdoor Activity Area accessory to a full-service restaurant and bar. The business is locally owned and it creates over 60 employment opportunities for the community.

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 removed for this Project and no changes other than the sound attenuation barrier are proposed to the built environment.

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

No housing is removed for this Project.

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

The site is well served by public transit. Legalization of the Outdoor Activity Area will not adversely affect transit or parking. Parking is not required in the Mission NCT Zoning District.

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 adversely affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project. This is a service sector business which employs over 60 people.

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

The Project proposes no alterations and continues to 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. The Project does not have an impact on open spaces. The Outdoor Activity on the roof of the subject property creates a commercial open space that is beneficial to patrons of the establishment and the community.

- 12. 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.
- 13. 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. 2009.0342**C subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 4, 2011, and stamped "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. 18434. 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 8, 2011.

Linda D. Avery Commission Secretary

AYES: Commissioners Antonini, Fung, Miguel, Olague, Sugaya

NAYS: Commissioner Moore

ABSENT: Commissioner Borden

ADOPTED: September 8, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a full-service restaurant, bar and other entertainment (d.b.a. Medjool) to legalize an Outdoor Activity Area located on the roof of a four-story building at 2516 Mission Street, Block 3616, Lot 061 pursuant to Planning Code Section(s) 303 and 736.24 within the Mission Street NCT (Neighborhood Commercial Transit) Zoning District and a 55-X/65-B Height And Bulk District; in general conformance with plans, dated August 4, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2009.0342C and subject to conditions of approval reviewed and approved by the Commission on September 8, 2011 under Motion No. 18434. 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 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 September 8, 2011 under Motion No. 18434.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18434 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. "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 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, <u>www.sf-planning.org</u>

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

DESIGN - COMPLIANCE AT PLAN STAGE

3. **Noise**. Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>

MONITORING - AFTER ENTITLEMENT

4. **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

5. **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

6. **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

OPERATION

7. **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

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, <u>www.sfdbi.org</u>

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, <u>www.sf-police.org</u>

8. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.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. Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The community liaison officer shall be available by telephone at all hours should noise be problematic. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

11. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

12. **Hours of Operation.** The subject establishment is limited to the following hours of operation: Monday through Thursday 3:00 pm to 11:30pm, Friday 3:00pm to 1:30am, Saturday 11am to 1:30am and Sunday 11am to 11:30pm.

No patrons may remain in the Outdoor Activity Area after closing time. Staff may remain in the facility as necessary for cleaning and other duties related to the operations of the Outdoor Activity Area one hour past the closing hour stated above. No employees may be in the Outdoor Activity Area after the clean up time.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

13. **Other Entertainment.** The outdoor activity area is not allowed to have other entertainment as defined in Planning Code Section 790.38.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

SAN FRANCISCO
PLANNING DEPARTMENT

14. **Usable Open Space for Residential Hotel Units.** The area designated to meet usable open space requirements for the Residential Hotel Units shall be physically distinct from the Outdoor Activity Area and for the sole use of the residential tenants.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

15. **Occupancy.** Maximum occupancy for the entire roof deck shall be governed by the Building Code. However, the area used as the Outdoor Activity Area by the project sponsor shall not exceed 175 persons.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. Notices Posted. Notices shall be posted requesting patrons enjoy the roof deck in a quiet, peaceful, and orderly fashion and be considerate of noise impacts on the neighborhood. The notices shall be well-lit and prominently displayed at all entrances and exits of the establishment. The conditions set forth in this Motion shall also be posted on site.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

17. **Beverage Service.** Beverages served in the Outdoor Activity Area shall be obtained through wait staff only. The area dispensing beverages shall not have seating or walk up service.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

18. Planning Commission Review for Compliance. The Planning Department will conduct a public information hearing at the Planning Commission on the compliance of these Conditions of Approval within six (6) months from the date of this decision. In preparation for the hearing, the Project Sponsor shall conduct a noise study in the same manner and location sites as defined in the original scope of work prepared by Charles M Salter Associates and dated May 25, 2010. This study will compare the baseline level of noise from the noise study conducted by Charles M. Salter Associates, Inc. with current operations. After this public information hearing and with the advice and input of the Planning Commission, the Zoning Administrator may extend or reduce the permitted hours of the outdoor activity area. This study shall be made available to the public.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

Charles M. Salter

ASSOCIATES INC.

130 Sutter Street

Acoustics Audiovisual

Telecommunications

Security

17 April 2014

Lindsey MacDougall Bernarda LLC dba Lolinda Restaurant

2518 Mission Street San Francsico, CA 94110

Email: Ifmacdougall@gmail.com

Subject: **Lolinda Roof Terrace Acoustical Study**

> Acoustical Findings CSA Project: 14-0109

Dear Lindsey:

From 21 March 2014 to 24 March 2014, we conducted acoustical measurements at the nearest noise sensitive receiver near the Lolinda Roof Terrace. The purpose of the measurements was to evaluate whether noise levels from the Lolinda Roof Terrace are in compliance with the project acoustical criteria. This letter outlines the project acoustical criteria and summarizes our findings.

EXECUTIVE SUMMARY

Based on the results of our acoustical measurements, we find that Lolinda Roof Terrace noise achieves compliance with the project acoustical criteria with the installed acoustical barriers at the roof.

ACOUSTICAL CRITERIA

Although the San Francisco Noise Ordinance is not intended to regulate noise from people, it was adapted to establish noise limits for the Lolinda Roof Terrace through meetings with the San Francisco Department of Public Health and the San Francisco Planning Department. It was proposed that the ambient¹ be compared with the Roof Terrace closed and open at the nearest sensitive receiver (see Figure 1 for the measurement location). In order to meet the project acoustical criteria, the change in the ambient could not exceed 8 dBA² at the nearest sensitive receiver.

Additionally, amplified music at the Roof Terrace is required to be virtually inaudible at fifty feet from the loudspeakers from 10:00 p.m. to 7:00 a.m. as set forth in Section 49 of the Municipal Police Code.

Charles M. Salter, PE David R. Schwind, FAES

Eric L. Broadhurst, PE Philip N. Sanders, LEED AP

Thomas A. Schindler, PE

Anthony P. Nash, PE Cristina L. Miyar

Jason R. Duty, PE

Durand R. Begault, PhD, FAES

Joseph G. D'Angelo Thomas J. Corbett, CTS

Eric A. Yee

Joshua M. Roper, PE, LEED AP Peter K. Holst, PE, LEED AP

Ethan C. Salter, PE, LEED AP

Thomas D. Keller, CDT Craig L Gilian, RCDD

Lloyd B. Ranola

Alexander K. Salter, PE Jeremy L. Decker, PE

Rob Hammond, PSP, NICET III Michael S. Chae

Andrew J. McKee

Paul R. Billings Valerie C. Smith

Erika A. Frederick

Benjamin D. Piper

Elisabeth S. Kelson Joshua J. Harrison

Brian C. Wourms Shanna M. Sullivan

Amanda G. Higbie

Ryan G. Raskop, LEED AP

Diego Hernandez Ryan A. Schofield

> Jamal Kinan Brian J. Good

Heather A. Salter

Dee E. Garcia

Catherine F. Spurlock

Marva De Vear - Noordzee Elizobeth F. Trocker

Jannifer G. Polmer

Jodessa G. Cortez

Susan E Lonergan

Courtney H. Vineys Erin D. Gorton

Megan C. Santos

The San Francisco Department of Public Health interprets the "Ambient Noise Level" to correlate to the L90 metric, which is the quietest ten percent of measured noise levels.

dBA--A-Weighted sound pressure level (or noise level) represents the noisiness or loudness of a sound by weighting the amplitudes of various acoustical frequencies to correspond more closely with human hearing. A 10-dB (decibel) increase in noise level is perceived to be a doubling of loudness. A-Weighting is specified by the U.S. EPA, OSHA, Caltrans, and others for use in noise measurements.

Floor 5 San Francisco, CA 94104 T 415,397,0442 F 415.397.0454 www.cmsalter.com

ROOF TERRACE CONFIGURATION

The roof terrace is acoustically shielded by glass barriers at the perimeter of the deck. Additionally, the cooking station at the north end of the deck provides substantial acoustical shielding.

ROOF TERRACE NOISE ANALYSIS

During the measurement period, the Lolinda Roof Terrace was open from 4 pm to 12 am on 21 March, from 11 am to 12 am on 22 March, and from 11 am to 10 pm on 23 March. We compared acoustical measurements at the nearest sensitive receiver during occupied and unoccupied times at the roof terrace at similar times of the day 3 . During the measurement period, the staff at Lolinda counted approximately 120-150 people from 5pm to 11pm on 22 March 2014. Table 1 below shows the comparison noise levels.

Table 1: Comparison Measurement Results

Timeframe	Terrace Open/Closed	L90 Range (dBA)
Friday, 21 March 2 PM – 4 PM	Closed	55 – 56
Friday, 21 March 4 PM – 6 PM	Open	55 – 56
Saturday, 22 March 1 AM – 3 AM	Closed	52 – 55
Friday, 21 March 10 PM – 12 AM	Open	55 – 57
Saturday, 22 March 9 AM – 11 AM	Closed	54 – 55
Saturday, 22 March 11 AM – 1 PM	Open	55 – 57
Sunday, 23 March 1 AM – 3 AM	Closed	51 - 54
Saturday, 22 March 10 PM – 12 AM	Open	55 – 57
Sunday, 23 March 9 AM – 11 AM	Closed	49 – 54
Sunday, 23 March 11 AM – 1 PM	Open	54 – 56
Sunday/Monday, 23/34 March 11 PM – 1AM	Closed	51 – 52
Sunday, 23 March 8 PM – 10 PM	Open	54 – 56

Acoustics Audiovisual Telecommunications Security CONCLUSION

Based on the results of our acoustical measurements from 21 March 2014 to 24 March 2014, the Roof Terrace achieves acoustical compliance with the project acoustical criteria. This study was designed to document worst case conditions: a weekend with fair weather.

Note that there is one hour after the terrace closes where cleanup occurs. We have excluded this hour from the comparison.



¹³⁰ Sutter Street Floor 5 San Francisco, CA 94104 **T** 415.397.0442 **F** 415.397.0454 www.cmsalter.com

* *

This concludes our current comments on the Lolinda Roof Terrace Acoustical Study. If you have any questions or comments, please give us a call.

Sincerely,

CHARLES M. SALTER ASSOCIATES

Diego Hernandez Consultant Cristina L. Miyar Vice President

Acoustics Audiovisual Telecommunications Security

> 130 Sutter Street Floor 5 Son Francisco, CA 94104 **T** 415.397.0442 **F** 415.397.0454 www.cmsalter.com



Consultants in Acoustics, Audiovisual, Telecommunications & Security System Design

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Charles M Salter, PE David R Schwind, FAES Robert P Alvarado Eric L Broadhurst, PE Anthony Nash, PE Thomas A Schindler, PE Ken Graven, PE, RCDD, LEED AP Philip N Sanders, LEED AP Jason R Duty, PE Cristina L Miyar Durand R Begault, PhD, FAES Thomas J Corbett, CTS Ross A Jerozal, CTS Joey G D'Angelo Joshua M Roper, LEED AP Timothy G Brown Randy D Waldeck, PE, LEED AP Peter K Holst PF | FFD AP Andrew L Stanley Christopher A Peltier, PE Ethan C Salter, LEED AP Thomas D Keller, CDT Trov R Gimbel, CTS Alex K Salter PF Jeremy L Decker, PE David E Nussbaum, RCDD, PMP Dylan B Mills Davis H Keith, CTS-D Melody K Parker, LEED AP Brian J Good

Heather A Salter

Elizabeth F Thomas Catherine F Spurlock Marva D Noordzee Debbie E Garcia

Jasmine S Recidoro

Dani S Cirignano

15 May 2011

Sarah Bernstein Jones, AICP Senior Environmental Planner San Francisco Planning Dept. 1650 Mission Street, #400 San Francisco, CA 94103

Email copy: sarah.b.jones@sfgov.org

Subject: Medjool Sky Terrace Noise Mitigation - Results of Acoustical Study

CSA Project No. 10-0052

Dear Sarah,

From April 8, 2011 to April 11, 2011, we conducted acoustical measurements at various locations near the Medjool Sky Terrace. The purpose of the measurements was to evaluate whether the addition of acoustical barriers at the terrace and the calibration of the Sky Terrace Audio System resulted in compliance with the project acoustical criteria. This letter outlines the project acoustical criteria; describes the installed noise mitigation measures, acoustical study, and analysis; and summarizes the results of our studies.

Executive Summary

Based on the results of our acoustical measurements April 8 -11, 2011 and April 30th, 2011 correlated with our noise vs. occupancy analysis completed in May 2010, the installed acoustical barriers at the Medjool Sky Terrace achieve acoustical compliance with the project acoustical criteria. The audio system achieves compliance with project acoustical criteria when loudspeaker noise levels are limited to a sound pressure level of 77dBA at three feet from the Sky Terrace loudspeakers.

Acoustical Criteria

Although the San Francisco Noise Ordinance is not intended to regulate noise from people, it was adapted to establish noise limits for the Medjool Sky Terrace through meetings with the San Francisco Department of Public Health and the San Francisco Planning Department. It was proposed that the ambient¹ be compared with the Sky Terrace closed and open at the nearest sensitive receiver (at the nearest receiving property line) and at several other locations near the Sky Terrace (see accompanying map showing measurement locations).² In order to meet the project acoustical criteria, the change in the ambient could not exceed 8dBA at the measurements locations outside the Sky Terrace property lines.

¹ We interpret the "Ambient Noise Level" definition in the San Francisco Noise Ordinance to correlate to the L90 metric, which is the quietest ten percent of measured noise levels. This interpretation has been accepted by the San Francisco Department of Public Health.

² Note that one measurement location, at the rear deck of Daniel Hall's residence on Bartlett Street, could not be assessed during the study as planned. Mr. Hall was not available during the study period. Also note that the rooftop of 3215 21st is much closer to the Sky Terrace and less acoustically shielded from the Sky Terrace than the Hall terrace measurement location.

Sarah Bernstein Jones 15 May 2011 Page 2

Additionally, amplified music at the Sky Terrace is required to be virtually inaudible at fifty feet from the loudspeakers from 10:00 p.m. to 7:00 a.m. as set forth in Section 49 of the Municipal Police Code.

Internal Noise Study May 2010

In order to develop noise mitigation measures for the Sky Terrace, we conducted acoustical testing at the Sky Terrace from Friday, May 28, 2010 to Sunday, May 30, 2010. We used ambient noise measurements conducted by ESA in November 2007 as references for ambient noise without the Sky Terrace in operation. Based on our study, we determined that eight-foothigh barriers with the upper one-foot-high portion angled towards the Sky Terrace were required at the North, South, and West edges of the Sky Terrace and five-foot-high barriers were required at the East edge of the Sky Terrace. The installation of acoustical barriers was completed in December 2010.

We counted occupancies at the Sky Terrace throughout the evening of May $28^{th}/29^{th}$ in order to understand the correlation between terrace occupancies and source noise levels at the terrace. The maximum occupancy documented during our internal study period was 135 people.

Amplified Music Source Calibration

Medjool typically plays music through their audio system from an external source (iPod). We played music similar to the music played at the Sky Terrace during operation through the Sky Terrace Audio System through an iPod and determined that a gain setting of -10dB (see photo below) limited amplified music noise to 77dBA at a distance of three feet from the loudspeaker. The audio system calibration was completed in the morning of April 9th. We confirmed that audio noise was inaudible at the nearest sensitive receiver (3215 21st Street). At the request of the San Francisco Buddhist Center, we coordinated the audio system calibration with Nancy Anding. Nancy confirmed that the Sky Terrace loudspeakers were inaudible at the San Francisco Buddhist Center property at the time of our testing.



Sky Terrace Audio System with calibrated gain setting for external source (iPod).

Additionally, the Sky Terrace audio system was turned off completely from 10pm to 11pm on April 9th at the request of the San Francisco Buddhist Center.

 $^{^{3}}$ Previous measurements indicated that the ambient at the nearest sensitive receiver was similar at 10am to that at 10pm.

Comparison Ambient Testing April 8 – 11, 2011

In order to measure the ambient noise without the Sky Terrace in operation at the study measurement receiver positions, the Sky Terrace closed at 9pm on April 8th and was also closed from morning until 9pm on April 11th. The night of April 10th/April 11th was designated as the night to measure the ambient at the study measurement receiver positions with the Sky Terrace in operation. The night of April 10th/April 11th proved to be cold and windy. The maximum occupancy recorded on the terrace was 58. The tables below show the late evening ambient noise at each measurement location with the Sky Terrace closed (Friday-Saturday, April 8 -9, 2011) as compared to the ambient noise with the Sky Terrace open (Saturday-Sunday, April 9-10, 2011). We also show recorded occupancy levels at the Sky Terrace for Saturday night/Sunday morning.⁴

	Table	1: Location	2 (3215 2	21 st Rooftop)	Compariso	on Measurer	nents	
		Ambient Terrace Closed	Delta	Ambient Terrace Open			Occupancy	Speakers
2011/04/08	21:00:00	56.0	0.9	56.9	21:00:00	2011/04/09	14	
2011/04/08	21:10:00	56.7	0.5	57.2	21:10:00	2011/04/09		
2011/04/08	21:20:00	56.3	0.2	56.5	21:20:00	2011/04/09		
2011/04/08	21:30:00	55.9	0.7	56.6	21:30:00	2011/04/09	6	
2011/04/08	21:40:00	55.7	1.0	56.7	21:40:00	2011/04/09		
2011/04/08	21:50:00	56.4	0.5	56.9	21:50:00	2011/04/09		
2011/04/08	22:00:00	56.6	0.4	57.0	22:00:00	2011/04/09	17	OFF
2011/04/08	22:10:00	56.3	0.4	56.7	22:10:00	2011/04/09		OFF
2011/04/08	22:20:00	56.3	1.1	57.4	22:20:00	2011/04/09		OFF
2011/04/08	22:30:00	57.2	0.7	57.9	22:30:00	2011/04/09		OFF
2011/04/08	22:40:00	58.4	0.6	59.0	22:40:00	2011/04/09		OFF
2011/04/08	22:50:00	58.1	0.3	58.4	22:50:00	2011/04/09		OFF
2011/04/08	23:00:00	58.0	0.0	58.0	23:00:00	2011/04/09	32	
2011/04/08	23:10:00	58.3	1.0	59.3	23:10:00	2011/04/09	58	
2011/04/08	23:20:00	58.7	-0.8	57.9	23:20:00	2011/04/09		
2011/04/08	23:30:00	59.3	-1.1	58.2	23:30:00	2011/04/09	45	
2011/04/08	23:40:00	59.0	-0.3	58.7	23:40:00	2011/04/09	35	
2011/04/08	23:50:00	58.1	-0.4	57.7	23:50:00	2011/04/09		
2011/04/09	00:00:00	57.7	0.1	57.8	00:00:00	2011/04/10	37	
2011/04/09	00:10:00	57.7	0.1	57.8	00:10:00	2011/04/10		
2011/04/09	00:20:00	58.0	1.2	59.2	00:20:00	2011/04/10	57	
2011/04/09	00:30:00	57.9	0.3	58.2	00:30:00	2011/04/10	57	
2011/04/09	00:40:00	57.8	1.0	58.8	00:40:00	2011/04/10	57	
2011/04/09	00:50:00	58.7	-0.4	58.3	00:50:00	2011/04/10		
2011/04/09	01:00:00	58.7	-1.0	57.7	01:00:00	2011/04/10	44	
2011/04/09	01:10:00	58.0	-0.9	57.1	01:10:00	2011/04/10		
2011/04/09	01:20:00	57.7	-0.1	57.6	01:20:00	2011/04/10		
2011/04/09	01:30:00	58.0	-0.8	57.2	01:30:00	2011/04/10		
2011/04/09	01:40:00	57.5	1.1	58.6	01:40:00	2011/04/10		

⁴ Data from Location 1 (Sky Terrace) indicate that the Sky Terrace was closed by 1:40am on 4/10/11.

		Ambient Terrace Closed	Delta	Ambient Terrace Open			Occupancy	Speakers
2011/04/08	21:00:00	63.2	0.1	63.3	21:00:00	2011/04/09	•	•
2011/04/08	21:10:00	64.1	0.8	64.9	21:10:00	2011/04/09	14	
2011/04/08	21:20:00	63.7	-0.2	63.5	21:20:00	2011/04/09		
2011/04/08	21:30:00	63.6	0.4	64.0	21:30:00	2011/04/09		
2011/04/08	21:40:00	65.0	-0.9	64.1	21:40:00	2011/04/09	6	
2011/04/08	21:50:00	63.6	0.6	64.2	21:50:00	2011/04/09		
2011/04/08	22:00:00	64.6	-1.2	63.4	22:00:00	2011/04/09		
2011/04/08	22:10:00	64.8	-1.4	63.4	22:10:00	2011/04/09	17	OFF
2011/04/08	22:20:00	65.3	-1.6	63.7	22:20:00	2011/04/09		OFF
2011/04/08	22:30:00	64.6	-1.1	63.5	22:30:00	2011/04/09		OFF
2011/04/08	22:40:00	64.4	-1.4	63.0	22:40:00	2011/04/09		OFF
2011/04/08	22:50:00	62.3	-1.5	60.8	22:50:00	2011/04/09		OFF
2011/04/08	23:00:00	64.1	-3.6	60.5	23:00:00	2011/04/09		OFF
2011/04/08	23:10:00	64.1	-3.4	60.7	23:10:00	2011/04/09	32	
2011/04/08	23:20:00	63.7	-4.7	59.0	23:20:00	2011/04/09	58	
2011/04/08	23:30:00	64.6	-6.7	57.9	23:30:00	2011/04/09		
2011/04/08	23:40:00	64.4	-8.2	56.2	23:40:00	2011/04/09	45	
2011/04/08	23:50:00	63.5	-9.2	54.3	23:50:00	2011/04/09	35	
2011/04/09	00:00:00	61.9	-7.9	54.0	00:00:00	2011/04/10		
2011/04/09	00:10:00	63.7	-9.5	54.2	00:10:00	2011/04/10	37	
2011/04/09	00:20:00	58.5	-2.7	55.8	00:20:00	2011/04/10		
2011/04/09	00:30:00	56.7	-3.4	53.3	00:30:00	2011/04/10	57	
2011/04/09	00:40:00	54.8	-1.4	53.4	00:40:00	2011/04/10	57	
2011/04/09	00:50:00	54.4	-1.1	53.3	00:50:00	2011/04/10	57	
2011/04/09	01:00:00	54.0	-1.0	53.0	01:00:00	2011/04/10		
2011/04/09	01:10:00	55.0	-1.9	53.1	01:10:00	2011/04/10	44	
2011/04/09	01:20:00	55.1	-2.3	52.8	01:20:00	2011/04/10		
2011/04/09	01:30:00	54.5	-1.9	52.6	01:30:00	2011/04/10		
2011/04/09	01:40:00	54.3	-1.2	53.1	01:40:00	2011/04/10		

	Table 3: Location 4 (Bartlett Street) Comparison Measurements										
		Ambient	Delta	Ambient							
		Terrace Closed		Terrace Open			Occupancy	Speakers			
2011/04/08	21:00:00	49.0	1.3	50.3	21:00:00	2011/04/09					
2011/04/08	21:10:00	50.8	-1.7	49.1	21:10:00	2011/04/09	14				
2011/04/08	21:20:00	51.3	1.3	52.6	21:20:00	2011/04/09					
2011/04/08	21:30:00	49.1	0.5	49.6	21:30:00	2011/04/09					
2011/04/08	21:40:00	50.6	-1.0	49.6	21:40:00	2011/04/09	6				
2011/04/08	21:50:00	49.9	-1.0	48.9	21:50:00	2011/04/09					
2011/04/08	22:00:00	49.6	0.8	50.4	22:00:00	2011/04/09					
2011/04/08	22:10:00	48.0	2.0	50.0	22:10:00	2011/04/09	17	OFF			
2011/04/08	22:20:00	48.3	0.7	49.0	22:20:00	2011/04/09		OFF			
2011/04/08	22:30:00	49.7	-0.6	49.1	22:30:00	2011/04/09		OFF			
2011/04/08	22:40:00	47.7	2.0	49.7	22:40:00	2011/04/09		OFF			
2011/04/08	22:50:00	48.0	1.7	49.7	22:50:00	2011/04/09		OFF			
2011/04/08	23:00:00	48.7	0.0	48.7	23:00:00	2011/04/09		OFF			
2011/04/08	23:10:00	48.9	1.4	50.3	23:10:00	2011/04/09	32				
2011/04/08	23:20:00	49.6	-0.7	48.9	23:20:00	2011/04/09	58				
2011/04/08	23:30:00	49.7	-1.0	48.7	23:30:00	2011/04/09					
2011/04/08	23:40:00	48.7	-1.0	47.7	23:40:00	2011/04/09	45				
2011/04/08	23:50:00	46.9	0.8	47.7	23:50:00	2011/04/09	35				
2011/04/09	00:00:00	48.0	0.4	48.4	00:00:00	2011/04/10					
2011/04/09	00:10:00	46.0	0.7	46.7	00:10:00	2011/04/10	37				
2011/04/09	00:20:00	45.2	7.4	52.6	00:20:00	2011/04/10					
2011/04/09	00:30:00	45.1	1.6	46.7	00:30:00	2011/04/10	57				
2011/04/09	00:40:00	46.1	0.6	46.7	00:40:00	2011/04/10	57				
2011/04/09	00:50:00	46.6	4.5	51.1	00:50:00	2011/04/10	57				
2011/04/09	01:00:00	48.4	-1.8	46.6	01:00:00	2011/04/10					
2011/04/09	01:10:00	45.8	-2.2	43.6	01:10:00	2011/04/10	44				
2011/04/09	01:20:00	44.7	-0.8	43.9	01:20:00	2011/04/10					
2011/04/09	01:30:00	43.1	1.0	44.1	01:30:00	2011/04/10					
2011/04/09	01:40:00	44.5	0.1	44.6	01:40:00	2011/04/10					

	Table 4: Location 5 (21st Street) Comparison Measurements										
		Ambient Terrace	Delta	Ambient Terrace							
		Closed		Open			Occupancy	Speakers			
2011/04/08	21:00:00	56.0	1.0	57.0	21:00:00	2011/04/09	6 to 14				
2011/04/08	22:00:00	55.0	2.5	57.5	22:00:00	2011/04/09	17	OFF			
2011/04/08	23:00:00	56.0	1.0	57.0	23:00:00	2011/04/09	32 to 58				
2011/04/09	00:00:00	56.0	0.0	56.0	00:00:00	2011/04/10	37 to 57				
2011/04/09	01:00:00	55.0	1.0	56.0	01:00:00	2011/04/10	44				

* * *

		Ambient	Delta	Ambient				
		Terrace Closed		Terrace Open			Occupancy	Speakers
2011/04/08	21:00:00	50.6	1.4	52	21:00:00	2011/04/09	14	
2011/04/08	21:10:00	50.4	3.3	53.7	21:10:00	2011/04/09		
2011/04/08	21:20:00	49.1	2.5	51.6	21:20:00	2011/04/09		
2011/04/08	21:30:00	50.1	1.6	51.7	21:30:00	2011/04/09	6	
2011/04/08	21:40:00	48.7	4.1	52.8	21:40:00	2011/04/09		
2011/04/08	21:50:00	48.2	3.2	51.4	21:50:00	2011/04/09		
2011/04/08	22:00:00	48.6	1.4	50	22:00:00	2011/04/09	17	OFF
2011/04/08	22:10:00	50.8	-0.3	50.5	22:10:00	2011/04/09		OFF
2011/04/08	22:20:00	47.3	1.9	49.2	22:20:00	2011/04/09		OFF
2011/04/08	22:30:00	49.4	2.9	52.3	22:30:00	2011/04/09		OFF
2011/04/08	22:40:00	48.3	2.5	50.8	22:40:00	2011/04/09		OFF
2011/04/08	22:50:00	49.7	1.2	50.9	22:50:00	2011/04/09		OFF
2011/04/08	23:00:00	51.2	-0.8	50.4	23:00:00	2011/04/09	32	
2011/04/08	23:10:00	49.4	2.3	51.7	23:10:00	2011/04/09	58	
2011/04/08	23:20:00	50.5	0.3	50.8	23:20:00	2011/04/09		
2011/04/08	23:30:00	49	1.1	50.1	23:30:00	2011/04/09	45	
2011/04/08	23:40:00	48.1	3	51.1	23:40:00	2011/04/09	35	
2011/04/08	23:50:00	48.4	1	49.4	23:50:00	2011/04/09		
2011/04/09	00:00:00	49.2	0.7	49.9	00:00:00	2011/04/10	37	
2011/04/09	00:10:00	48.2	1.4	49.6	00:10:00	2011/04/10		
2011/04/09	00:20:00	47	5	52	00:20:00	2011/04/10	57	
2011/04/09	00:30:00	47.7	3.2	50.9	00:30:00	2011/04/10	57	
2011/04/09	00:40:00	47.5	3.2	50.7	00:40:00	2011/04/10	57	
2011/04/09	00:50:00	47.4	3.2	50.6	00:50:00	2011/04/10		
2011/04/09	01:00:00	48.3	1.9	50.2	01:00:00	2011/04/10	44	
2011/04/09	01:10:00	47.7	1.2	48.9	01:10:00	2011/04/10		
2011/04/09	01:20:00	46.8	2.2	49	01:20:00	2011/04/10		
2011/04/09	01:30:00	46.6	2.8	49.4	01:30:00	2011/04/10		
2011/04/09	01:40:00	46.4	4.1	50.5	01:40:00	2011/04/10		

Correlation between Noise Levels at Sky Terrace and Receiver Locations

A review of the Tables 1-5 above reveals no correlation between Sky Terrace occupancy and noise levels at locations 3, 4, 5, and 6. Additionally, there is no correlation between noise levels at these receivers with the Sky Terrace audio system on or off.

Comparison Ambient Testing April 8/9 2011 and April 30/May 1, 2011

To further evaluate the Sky Terrace acoustical barriers, we conducted acoustical measurements at Location 1 (Sky Terrace) and Location 2 (3215 21st Street) on Saturday evening (April 30/May 1, 2011. The evening of this second round of measurements was calm and the weather fair. We counted a maximum of 113 people on the Sky Terrace that night. Table 6 below shows the late evening ambient noise at Location 2 (3215 21st Street) with the Sky Terrace open as compared to the ambient noise levels at Location 2 with the Sky Terrace closed (Friday-Saturday, April 8 -9, 2011). We also show recorded occupancy levels at the Sky Terrace for

Saturday night/Sunday morning.⁵

Table (6: Locatio	n 2 (3215 21st St	reet) C	omparison Mea	asurement	s April 30/M	ay 1 2011
		Ambient	Delta	Ambient			
		Terrace Closed		Terrace Open			Occupancy
2011/04/08	21:00:00	56.0	3.6	59.6	21:00:00	2011/04/30	
2011/04/08	21:10:00	56.7	2.6	59.3	21:10:00	2011/04/30	
2011/04/08	21:20:00	56.3	2.6	58.9	21:20:00	2011/04/30	
2011/04/08	21:30:00	55.9	3.3	59.2	21:30:00	2011/04/30	
2011/04/08	21:40:00	55.7	3.9	59.6	21:40:00	2011/04/30	
2011/04/08	21:50:00	56.4	2.1	58.5	21:50:00	2011/04/30	
2011/04/08	22:00:00	56.6	2.8	59.4	22:00:00	2011/04/30	
2011/04/08	22:10:00	56.3	2.9	59.2	22:10:00	2011/04/30	
2011/04/08	22:20:00	56.3	3.5	59.8	22:20:00	2011/04/30	
2011/04/08	22:30:00	57.2	2.9	60.1	22:30:00	2011/04/30	84
2011/04/08	22:40:00	58.4	1.6	60.0	22:40:00	2011/04/30	82
2011/04/08	22:50:00	58.1	2.2	60.3	22:50:00	2011/04/30	80
2011/04/08	23:00:00	58.0	2.3	60.3	23:00:00	2011/04/30	84
2011/04/08	23:10:00	58.3	2.2	60.5	23:10:00	2011/04/30	91
2011/04/08	23:20:00	58.7	1.7	60.4	23:20:00	2011/04/30	120
2011/04/08	23:30:00	59.3	1.4	60.7	23:30:00	2011/04/30	108
2011/04/08	23:40:00	59.0	0.5	59.5	23:40:00	2011/04/30	113
2011/04/08	23:50:00	58.1	1.1	59.2	23:50:00	2011/04/30	109
2011/04/09	00:00:00	57.7	1.1	58.8	00:00:00	2011/05/01	87
2011/04/09	00:10:00	57.7	1.6	59.3	00:10:00	2011/05/01	82
2011/04/09	00:20:00	58.0	1.4	59.4	00:20:00	2011/05/01	92
2011/04/09	00:30:00	57.9	0.7	58.6	00:30:00	2011/05/01	81
2011/04/09	00:40:00	57.8	0.9	58.7	00:40:00	2011/05/01	75
2011/04/09	00:50:00	58.7	0.5	59.2	00:50:00	2011/05/01	74
2011/04/09	01:00:00	58.7	-0.5	58.2	01:00:00	2011/05/01	69
2011/04/09	01:10:00	58.0	-0.5	57.5	01:10:00	2011/05/01	37
2011/04/09	01:20:00	57.7	-0.6	57.1	01:20:00	2011/05/01	12
2011/04/09	01:30:00	58.0	-2.1	55.9	01:30:00	2011/05/01	

A review of the data above show that ambient noise levels at the nearest sensitive receiver with the Sky Terrace in operation and with the audio system on the Terrace in operation of a night with fair weather and up to 113 patrons at the Sky Terrace are well within the project criteria.

Internal Study May 2010

In order to develop noise reduction measures for the Sky Terrace to meet the project criteria, we conducted acoustical measurements at the Sky Terrace in May 2010. The night of the study was relatively warm, and we counted a maximum of 135 patrons on the Sky Terrace that night. While we conducted these measurements as an internal study to inform our design, we referred to our collected data in order to study the difference in Sky Terrace noise levels between occupancies of 110 and 135. We observed an increase of two decibels in average noise levels at the Sky Terrace when comparing occupancies of 115 to 135. While we cannot calculate noise levels at the Sky Terrace for occupancies of greater than 135, the data collected indicate that the

⁵ The Sky Terrace closed at 1:30am on 5/1/11.

Sarah Bernstein Jones 15 May 2011 Page 8

acoustical barrier design at the Sky Terrace would achieve compliance with the project criteria with occupancy levels substantially higher than the observed maximum of 113 patrons.

* * *

This concludes our acoustical report for the Medjool Sky Terrace Noise Reduction project. Do not hesitate to contact us if you have questions or need further information.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Cristina L. Miyar Vice President

cc: Tom Rivard, SF Dep. Public Health (tom.rivard@sfdph.org)
Gus Murad, Medjool (gusmurad1@yahoo.com)

Enclosures - as noted

11May15 Medjool Sky Terrace Acoustical Study Results



Location 1: Medjool Sky Terrace Location 2: 3215 21st St. Rooftop

Location 3: Santera Sales Building Rooftop (SE corner)

Location 4: Bartlett Street Location 5: 21st Street Location 6: Capp Street

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MEDJOOL SKY TERRACE ACOUSTICAL STUDY: NOISE MONITOR LOCATIONS

FIGURE 1

CSA # 10-0052 CLM 04.18.11

Charles M Salter Associates Inc

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25 May 2010

Sarah Bernstein Jones, AICP Senior Environmental Planner San Francisco Planning Dept. 1650 Mission Street, #400 San Francisco, CA 94103

Email copy: sarah.b.jones@sfgov.org

Subject: Medjool Sky Terrace Conditional Use Permit

Proposal for Acoustical Study

Dear Sarah,

This letter outlines our proposal for an acoustical study at the Medjool Sky Terrace. The purpose of the study is to:

- 1) Compare daytime and nighttime ambient noise levels at the nearest residential neighbors with the Sky Terrace closed and open to determine the extent to which the Sky Terrace contributes to the surrounding noise environment;
- 2) Establish acceptable source noise levels at the Sky Terrace to resolve noise issues that allow the venue owner to continue operations and give surrounding residential neighbors confidence that the Sky Terrace will operate within the limits of the San Francisco Noise Ordinance.

We propose to mock up proposed acoustical design elements that will be added to the Sky Terrace as part of the conditional use permit. These are: new barriers along the North edge of the terrace and new solid elements between the existing barriers at the South edge of the terrace and in the stairwells at the North and South ends of the terrace (to address gaps in the existing barrier system).

Fixed Noise Source Testing

The terrace loudspeakers will be tested for compliance with the San Francisco Noise Ordinance requirement for fixed noise sources. The S.F. Noise Ordinance requires that fixed noise sources be limited to 55dBA inside the nearest residential receiver with the windows open from 7:00 a.m. to 10:00 p.m. Nighttime noise limits (from 10:00 p.m. to 7:00 a.m.), are 45dBA inside the nearest residential receiver. We can either measure inside the top flat of 3222 21st Street if the residents/owners are amenable, or we can use the standard 15dBA noise reduction through an open window established by the EPA in the 1970s (on which Title 24 requirements for exterior noise insulation are based). If noise measurements for speaker noise are conducted at the façade of the unit rather than inside the unit, then we propose to limit loudspeakers to 70 dBA at the rear façade of the upper unit on 22nd Street during the day and 65 dBA after 10:00 p.m. Pink noise will be used for the testing to calibrate the speakers and the measurements will be

Sarah Bernstein Jones 25 May 2010 Page 2

conducted when the ambient noise is low.

General Testing for Residential Property Limits (Long-Term Noise Measurements)

Once the terrace loudspeaker placement has been optimized and the system is calibrated for conformance with the fixed noise source requirements, we propose to evaluate Sky Terrace noise as a whole against the general Noise Ordinance provisions. These provisions limit noise to 5dBA above the ambient at any point outside the property plane (assuming that the more restrictive provisions for residential properties are applicable due to the residential adjacency at 3222 21st Street). Noise produced by the Sky Terrace would also be limited to 8dBC above the ambient at any point outside the property plane.¹

In order to establish the ambient, we propose to combine two sets of measurements so that the Sky Terrace operations are minimally disrupted. Ambient measurements with the Sky Terrace closed will be performed on a Monday. We will use this data as the baseline ambient for daytime noise (until 9pm). In order to assess the nighttime ambient, the Sky Terrace will close early on a Friday night with fair weather. The Sky Terrace will close at 9pm, allowing the measurement of ambient noise at the monitoring locations for one hour before the Foreign Cinema outdoor patio closes. Splitting the ambient measurements into two days will result in the Sky Terrace having to meet a stricter standard, because the ambient will very likely be lower on a Monday than on a Friday. Although the combined measurement days do result in more data collected, this does not, in our opinion, pose any technical problem or compromise the study in any way.

In order to measure the noise produced by the Sky Terrace relative to the baseline ambient, we will measure day and nighttime noise levels with the Sky Terrace in operation after the erection of temporary barriers to simulate proposed acoustical improvements. In addition to measuring average noise levels, we will also measure loud events by setting the monitors to record all noise exceedances over 80dBA.

Long-Term Noise Monitoring Locations

Figure 1 shows the proposed noise monitoring locations.

The noise monitor at Location 1 will be at the Sky Terrace. This will provide us with source noise data so that we can back calculate what acceptable levels need to be to meet the Noise Ordinance. Additionally, we will monitor occupancy periodically during the measurements so that we can correlate occupancy with noise.

We have clarified the Noise Ordinance enforcement protocol with Tom Rivard of the San Francisco Department of Public Health. If noise barriers are used to mitigate source noise, and the line-of-sight is broken by the barriers, then the measurement location for purposes of the San Francisco Noise Ordinance compliance will be behind the barriers.

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The noise monitor at Location 2 will be behind the noise barriers (at a distance of three feet from the barriers) to simulate the worse-case measurement location that would typically be enforced by the San Francisco Department of Public Health.

The Location 3 noise monitor will be supported from the Northeast wall of the New Mission Theater. This monitor will collect data at the interior of the block near the San Francisco Buddhist Center and Foreign Cinema's outdoor dining patio.

The noise monitor at Location 4 will be located on Bartlett Street between 21st and 22nd Streets.

The noise monitor at Location 5 will be located on 22nd Street between Mission and Bartlett Streets.

The noise monitor at Location 6 will be located at the rear façade or terrace of 21 Bartlett or 25 Bartlett.

* * *

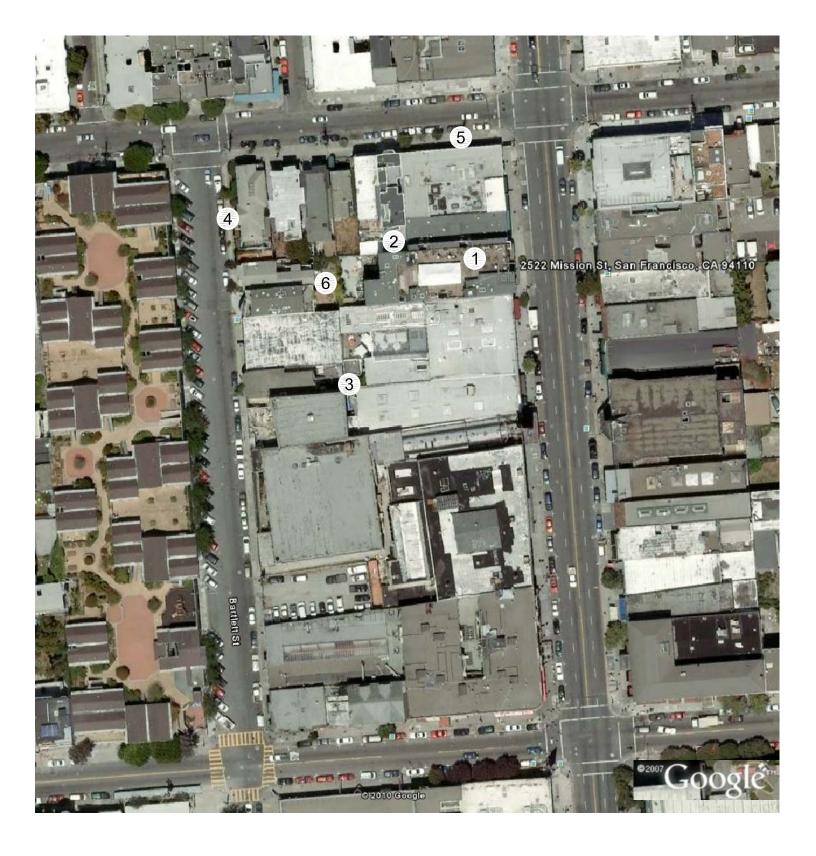
We look forward to meeting with you to discuss the specifics of this acoustical study further. Do not hesitate to contact me prior to the meeting if you have questions about this study.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Cristina L. Miyar Vice President

Enclosures - as noted
10May20 Medjool Sky Terrace Acoustical Study

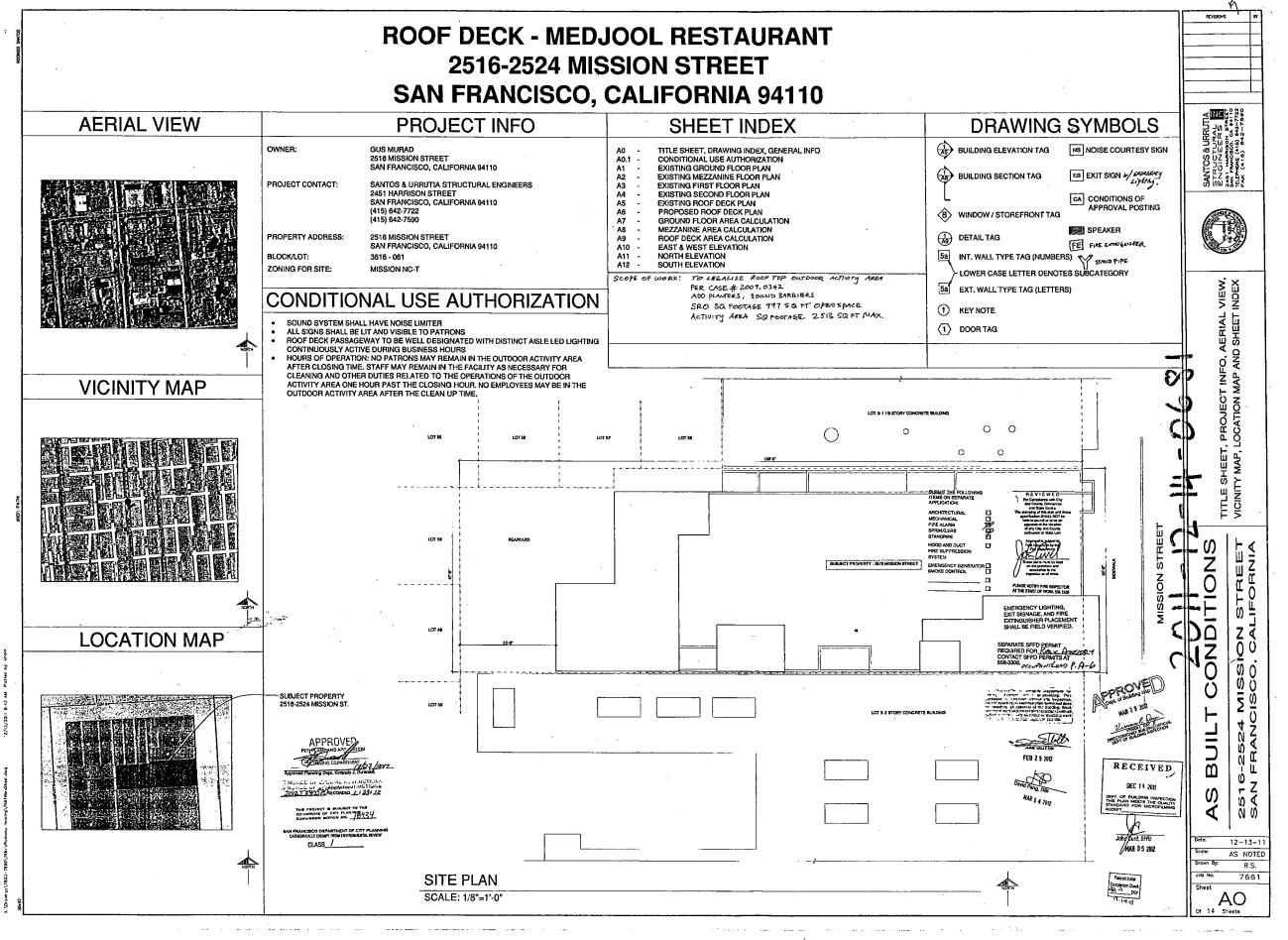


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MEDJOOL SKY TERRACE ACOUSTICAL STUDY: PROPOSED NOISE MONITOR LOCATIONS

FIGURE 1

CSA # 10-0052 CLM 05.24.10



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EXHIBIT A

AUTHORIZATION

This authorization is for it conditional use to allow a full-service restaurant, har and other efficient allowed to allow a full-service restaurant, har and other efficient allowed to the roof of a four-tory building at 2516 Mission Street, Block 376, Lot pol guisaunt to Planning Code Sertising 300 and 78624 within the Mission Street NCT (Neighborhood Commercial Transity Zoning District and a SS-X/65 B Height And Bulk District in Senious Commercial Transity Zoning District and a SS-X/65 B Height And Bulk District in Senious District on the August 4, 2011, and stupped "EXTIBITIES" included in the doctor for Case No. 2019.03/20 and subject to constitutors of approval reviewed and approved by the Columbiation on September 8, 2011 under Motion No. 1843. This substrates in an elegiblicate contained herein can with the property and not with a particular Profest Sportsor, business, or operation.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit 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 September 8, 2011 under Motton No. 1843.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the Exhibit A' of this Planning Commission Motion No. 18434 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 condition plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

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 and not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to needed a building pirmut. "Project Sponsore shall include any subsequent responsible party.

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.

DUI FRANCISCO PLANISMOS DI

Motion No. 18434 September 8, 2011

CASE NO. 2008.0342 C 2516 Mission Street

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://isidewoorg

19. Community Liaison. Prior to issuince of a building permit to construct the poolect and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the Issuies of concern to divigers and occupants of nearby properties. The community liaison officer shall be available by itelephone at all fronts should noise be problematic. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issue, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863. เบนาเค.รโ-บโดทกโล e.ore

11. Lighting. All Project lighting shall be directed onto the Project site and Immediately surrounding sidewalk area only, and designed and managed so as not to be a nutsance to adjacent residents. Nightime lighting shall be the infulnium necessary to ensure salety. but shall in no case be directed so as to constitute a nuisance to any surroundir

For information about compliance, contact Code Enforcement, Planning Department at 415-575 6863, gravie st planning ore

12 Hours of Operation. The subject establishment is limited to the following hours of operation: Monday through Thursday 3:00 pm to 1130pm, Enday 3:00pm to 1:30am, Saturday 11am to 1:30am and Sunday 11am to 1:30pm.

No patroris may remain in the Outdoor Acty, ity Area after closing time. Staff may remain in the facility as necessary for cleaning and other duties related to the operations of the Outdoor Activity Area one hour past the closing hour stated above. No employees may be in the Outdoor Activity Area one hour past does not fine.

For information about compilance, contact Code Enforcement, Planning Department at 415-575-6863, went of observations are

Other Entertainment. The outdoor activity area is not allowed to have other entertainment as defined in Planning Code Section 290.38.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, man of planning org

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Motion No. 18434 September 8, 2011

CASE NO. 2009.0342 C

Conditions of approval, Compliance, Monitoring, and Reporting PERFORMANCE

Validity and Explication. The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motfort. A building permit from the valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project analogy continence 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 prostruct the project oc to commerce the approved use. The Planning Commission may, in a public hearing consister the project one to the Approvals granted it a site of building permit has not been obtained within three [6] years of the date of the Motion approving the Project. Once a site or building permit has not been obtained within three [6] years of the date of the Motion approving the Project. Once a site or building permit has been taused constitution must commerce within the timeframe, required by the Dypertment of Building Inspection and By continued diffigurity to completion. The Commission may also consider revoking the approvals if a permit for the Project has been taused but it allowed to expire and more than three Commission was approved.

For information about compliance, contact Code Enforcement, Plainting Department at 415-575-

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 in caused by a delay by a local. State or Federal agreey or by any appeal of the instruction of with permittig).

For information about compliance, contact Code Enforcement, Plaining Department at 415-575-6863, were of plaining org

DESIGN - COMPLIANCE AT PLAN STAGE

Noise. Plans submitted with the building permit application for the approved project shall incorporate accusitical familiation and other sound proofing measures to control

For information about compilance, contact the Case Planner, Planning Department at 415-558-6378, water of planning org

MONITORING - AFTER ENTITLEMENT

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 day departments and agencies for appropriate enforcement action under their jurisdiction.

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CASE NO. 2009.0342 C

14. Usable Open Space for Residential Hotel Units. The area designated to meet usable Open space requirements for the Residential Hotel Units shall be physically distinct from the Outdoor Activity Area and for the sole use of the residential femants.

or information about compliance, contact Code Enforcement, Planning Department at 415-575-

15. Occupancy. Maximum occupancy for the entire roof deck shall be governed by the Building Code. However, the area used as the Outdoor Activity Area by the project sporsor shall not exceed 175 persons.

For information about compilance, contact Code Enforcement, Planning Department at 415-575-6863, interest planning of a

16. Notices Posted. Notices shall be posted requesting patrons enjoy the roof deck in a quiet, peaceful, and orderly fashion and be considerate of noise Impacts on the neighborhood. The notices shall be well-lit and prominently displayed at all entrances and exits of the establishment. The conditions set forth in this Motion shall also be posted on size.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-

17. Beverage Service. Beverages served in the Outdoor Activity Area shall be obtained through walt staff only. The area dispensing beverages shall not have spating or walk up service.

Foi information obout compilance, contact Code Enforcement, Planning Department at 415-575-6863, paner of planning or 2

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in Planning Commission Review for Compiliance. The Planning Department will conduct
a public information hearing at the Planning Commission on the compiliance of these
Conditions of Approval within atx (6) months from the date of this decision. In
preparation for the hearing, the Project Sporisor shall conduct a noise study in the same
miners and location sites as defined in the original scope of work prepared by Charles M
Salter Associates and dated May 25, 2010. This study will compare the basicline level of
roise from the noise study conducted by Charles M. Salter Associates, inc. with current
operations. After this public information hearing and with the advice and input of the
Planning Commission, the Zoning Administrator may extend or reduce the permitted
hours of the outdoor activity area. This study shall be made available to the public.

For Information about compliance, contact Code Enforcement, Planning Department at 415-575-SR65, www.o.sf-planning.org

Motion No. 18434 September 8, 2011

CASE NO. 2009 0342 G

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6868, names explaines or

Monitoring. The Project requires monitoring of the conditions of approval in this Modifa. The Project Sporisor of the subsequent proposable parties for the Project shall pay fees as established, under Planning Code Section 393(e) (1) and work with the Planning Department for Information about compilance.

For information about compliance, contact Code Enforcement, Plainling Department at 415-575-

Revocation due to Violation of Conditions. Should implementation of this Project result in complaints from innerested property owners, readents or commercial lessees which are not resolved by the Project Sponsor and found, to be in violation of the Planning Code and/or the specialic condition of approvid for the Project as set forth in Eshibit A of this Motor, the Zonfog Administrator shall refer such complaints to the Commission aim which is the body of the project of the Commission aim which is not become and the surface time.

For information about compilance, contact Code Enforcement, Planning Department at 415-575-6863, yours if planning are

OPERATION

 Noise Control. The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be auditile 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 contributing restainant ventilation systems, and maters and compression with acceptable mose levels, contact the Environmental Health Section, Department of Public Health ai (415) 252-

For Information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, where silbiory

For information about compliance with the amplified sound including music and inlevision contact the Police Department at 415-553-1012 or 415-4530123, garging-police size

Odor Control. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compilance with odor or other chemical air pollutants standards, contact the Ray Area Air Quality Management District, (BAAQMD), 1-800-334-QDOR (6567), then the standard spin and Code Enforcement, Planning Department at \$15-575-6563, testing-st-

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John Curd, SFFD MAR 0 5 2012

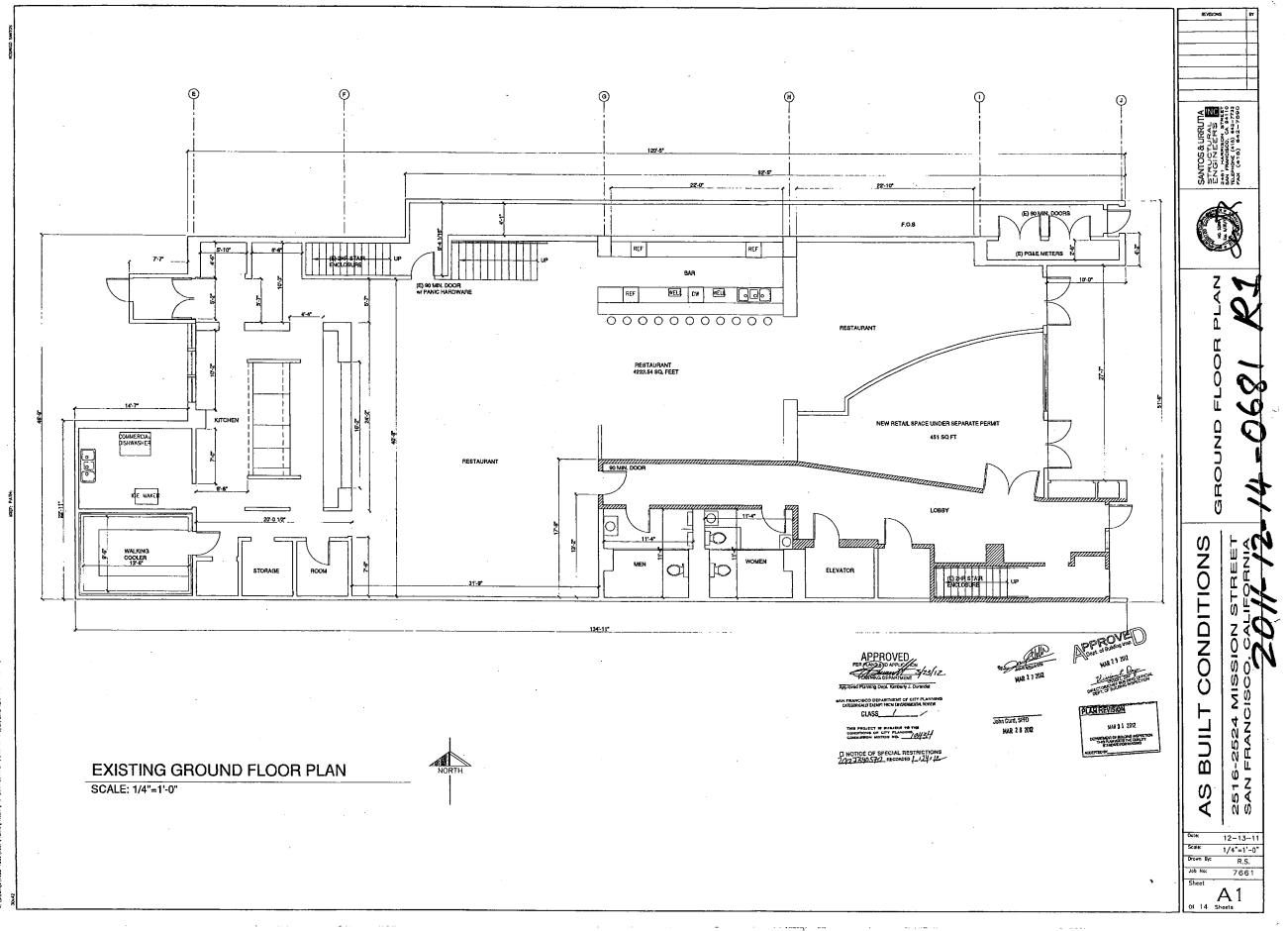
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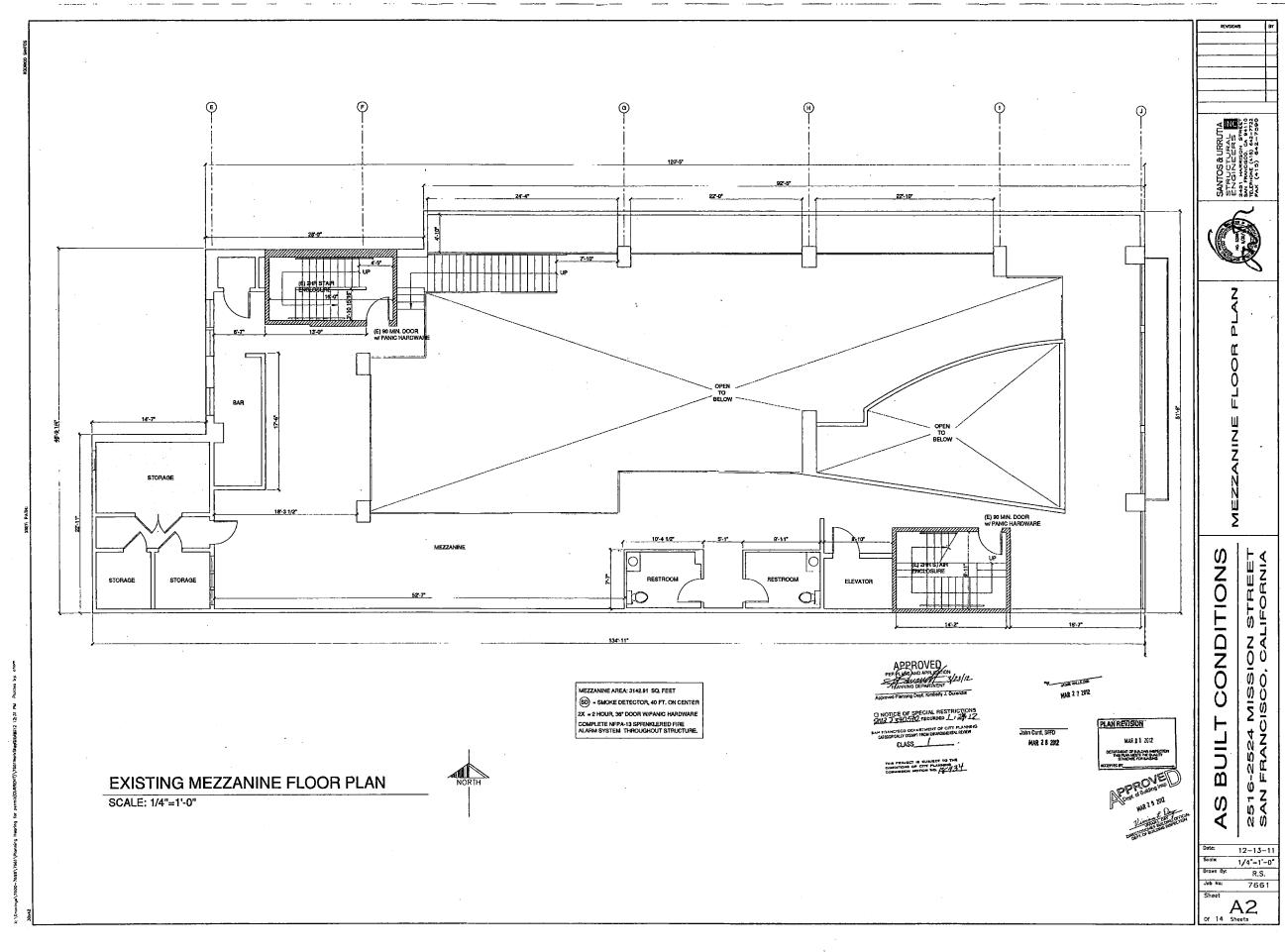
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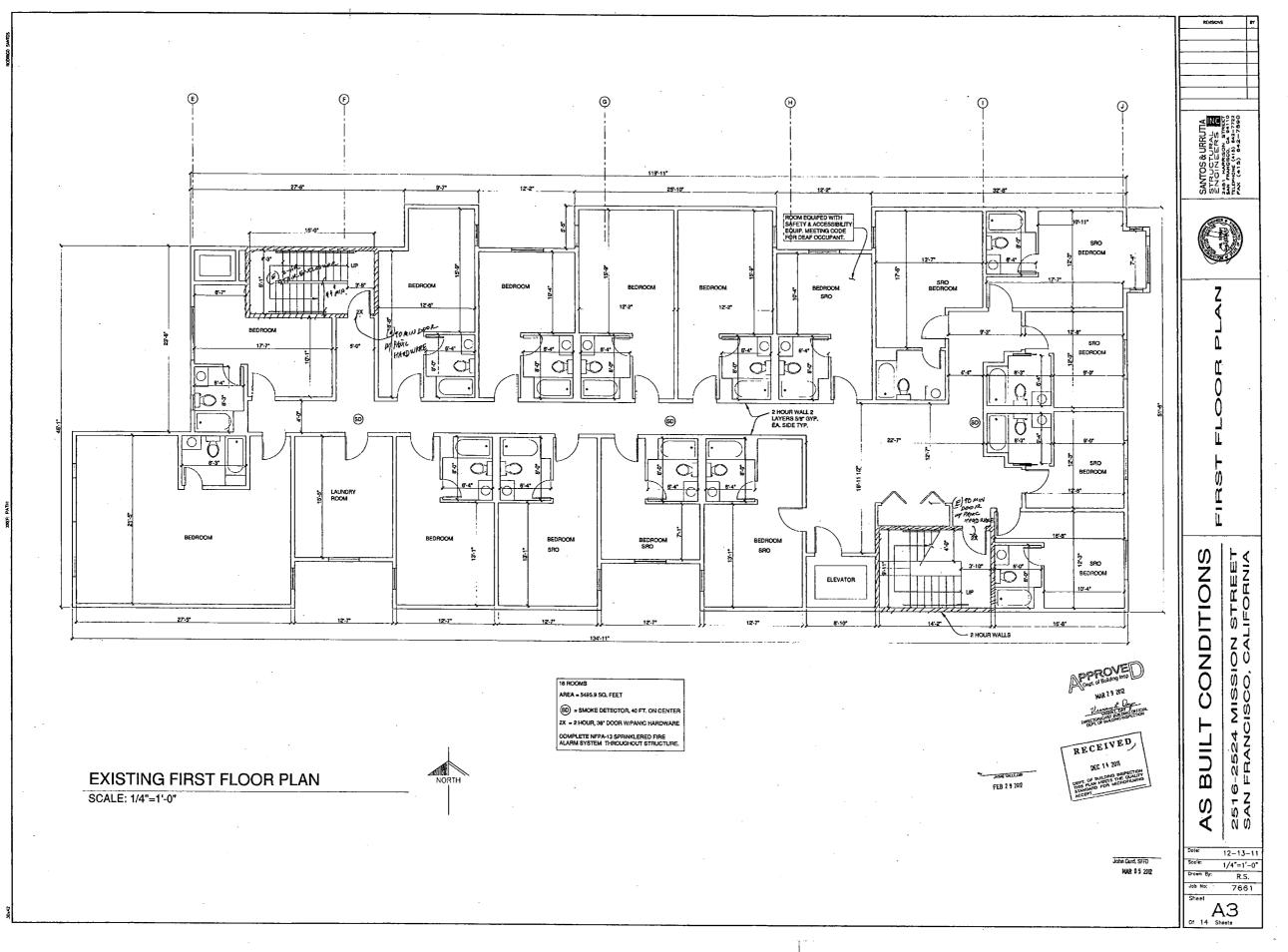
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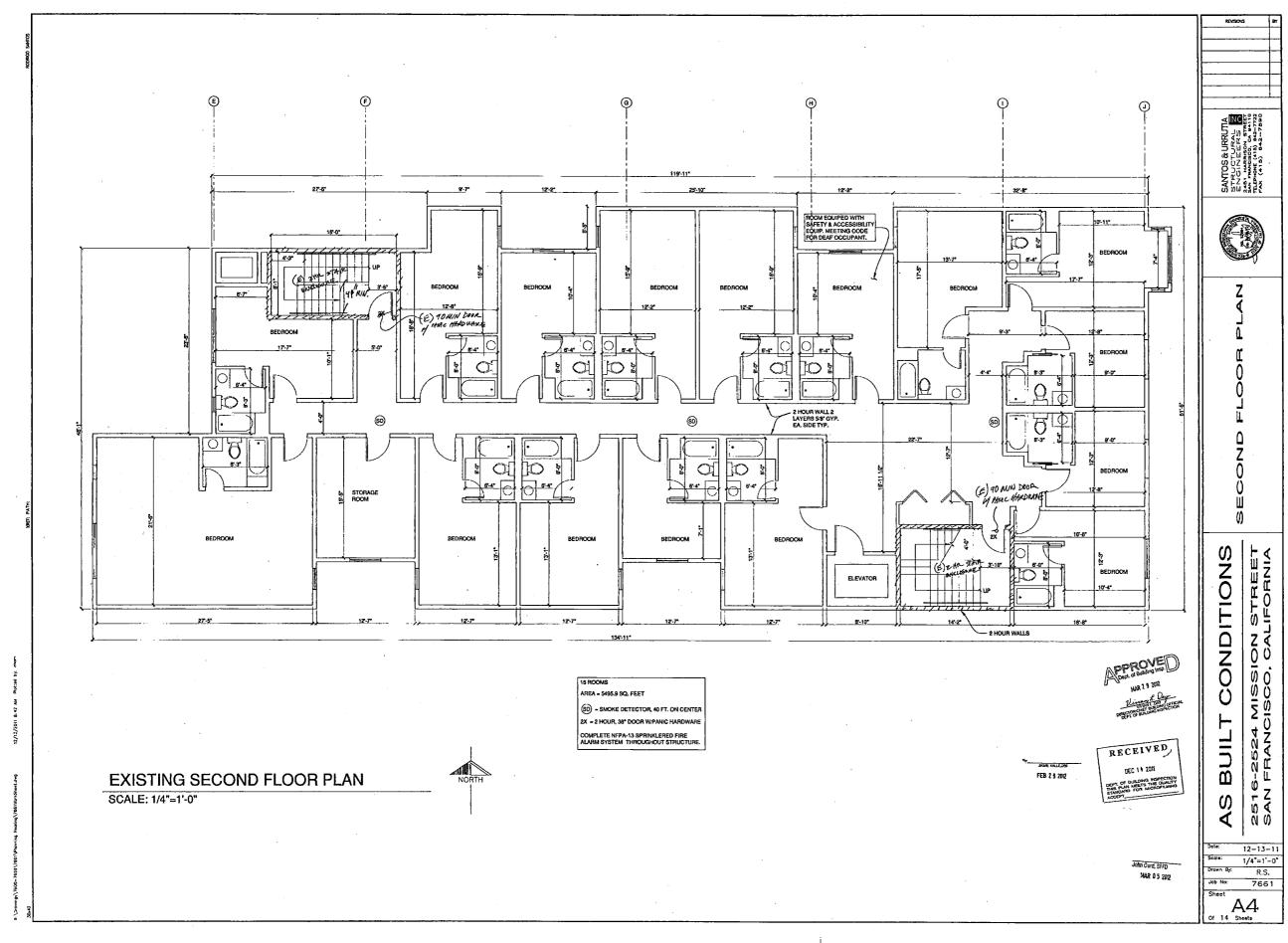
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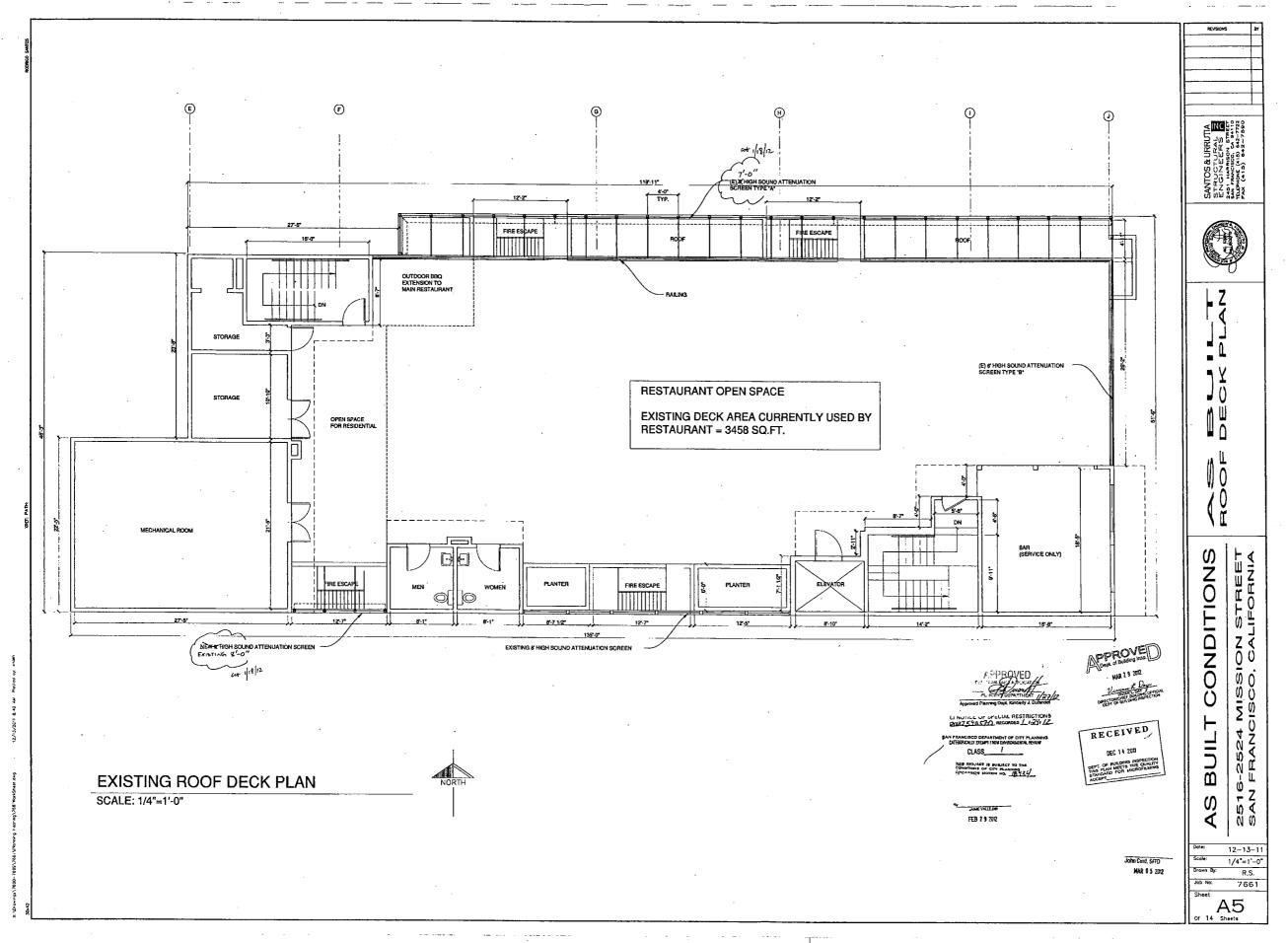
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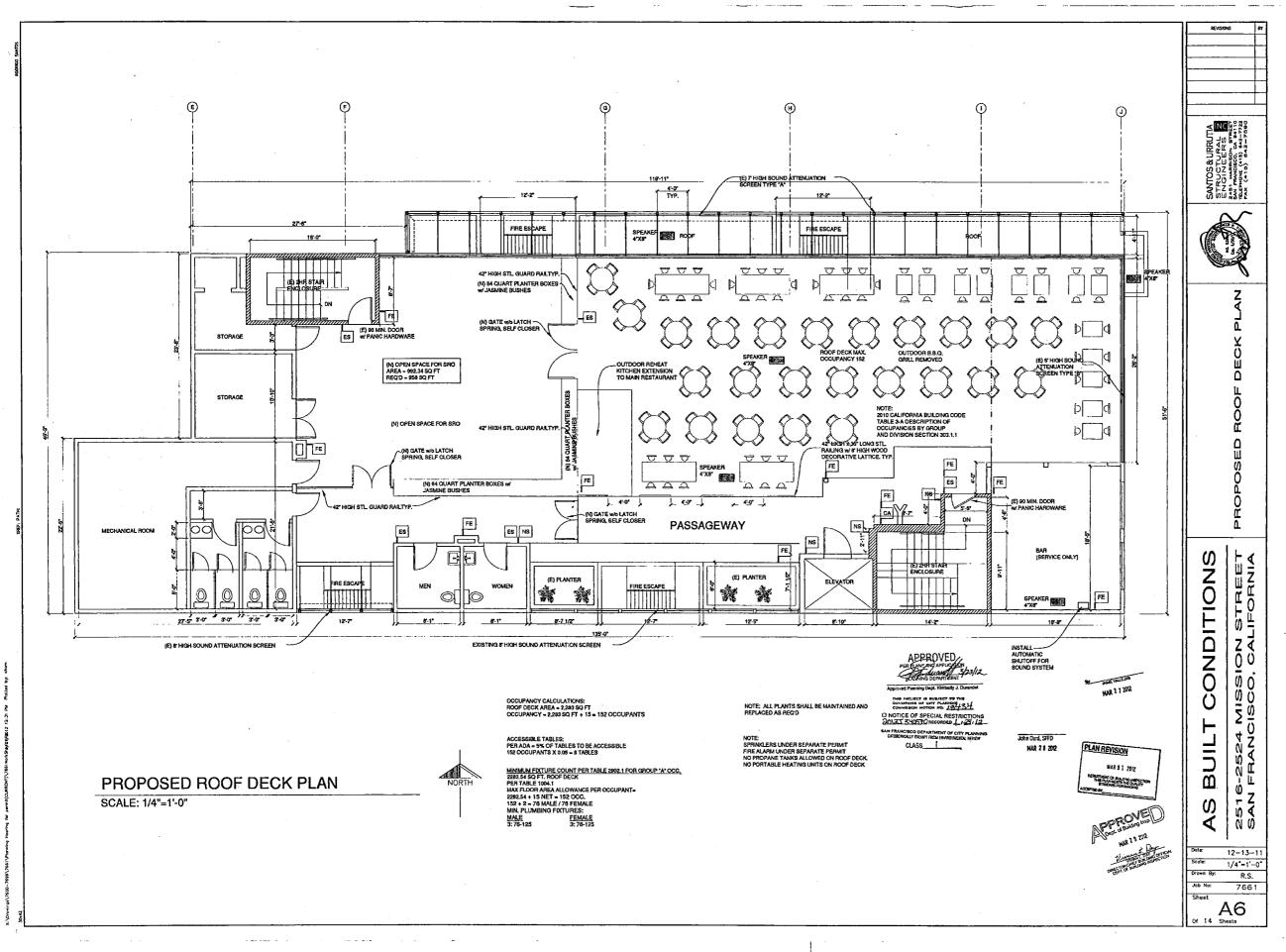
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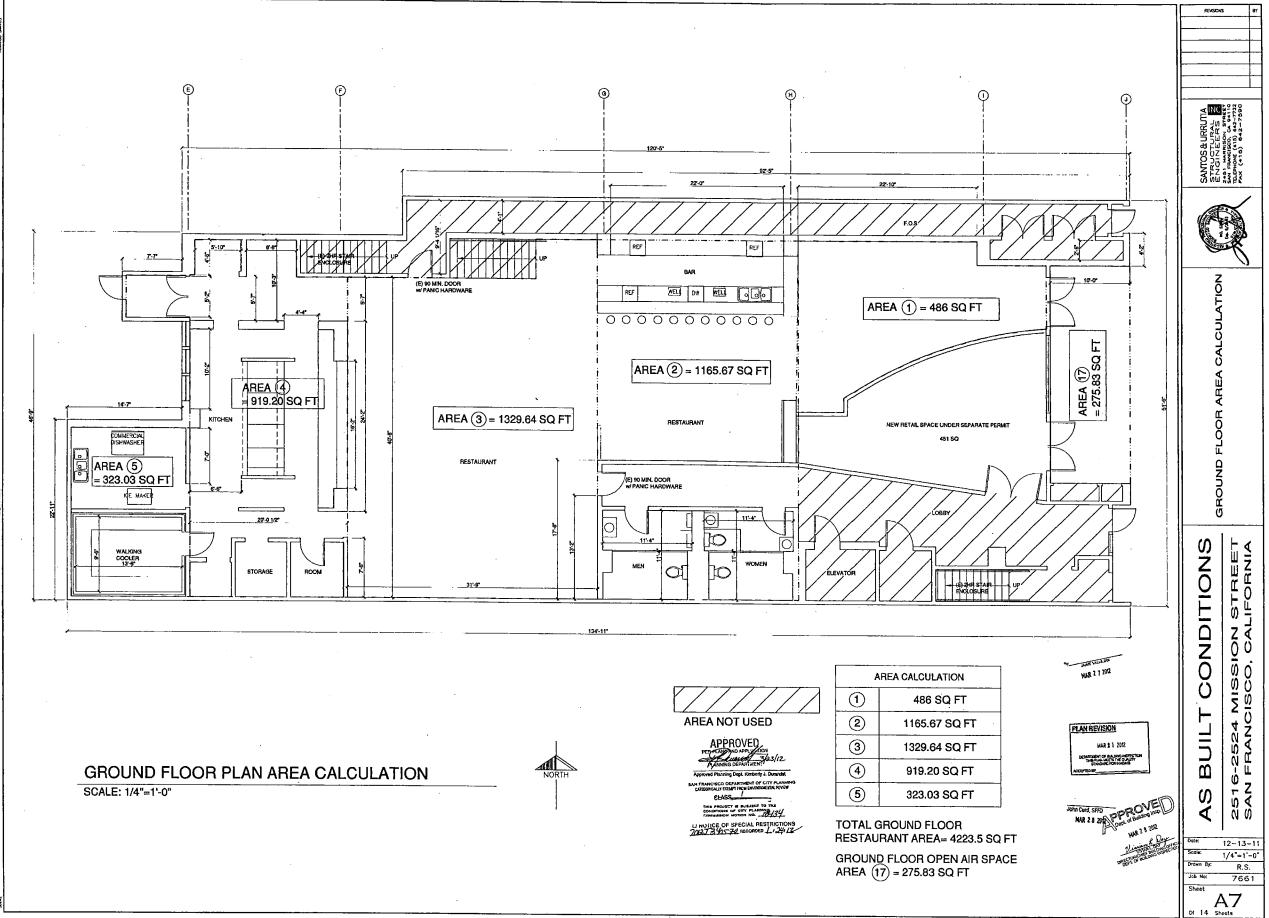
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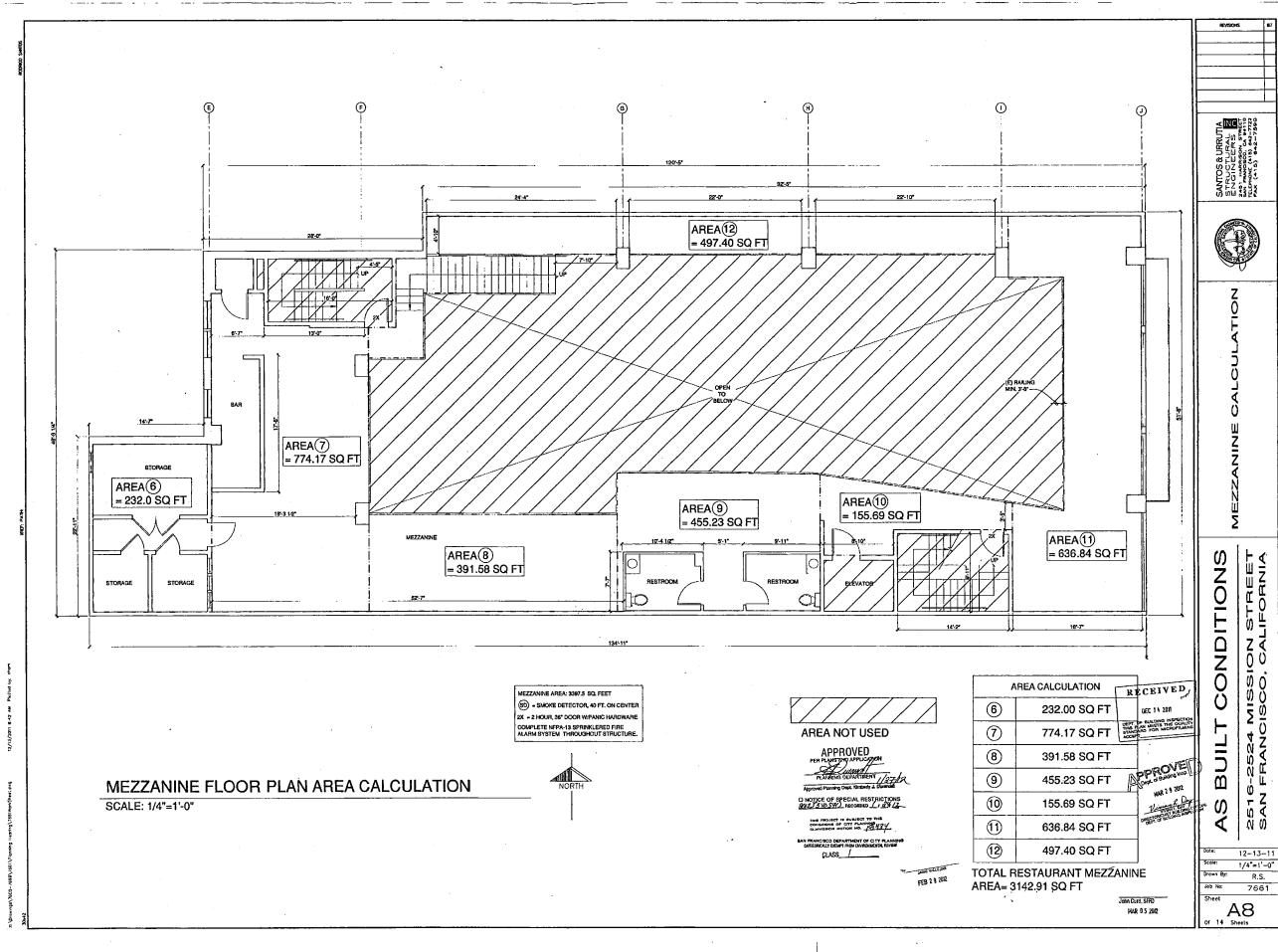
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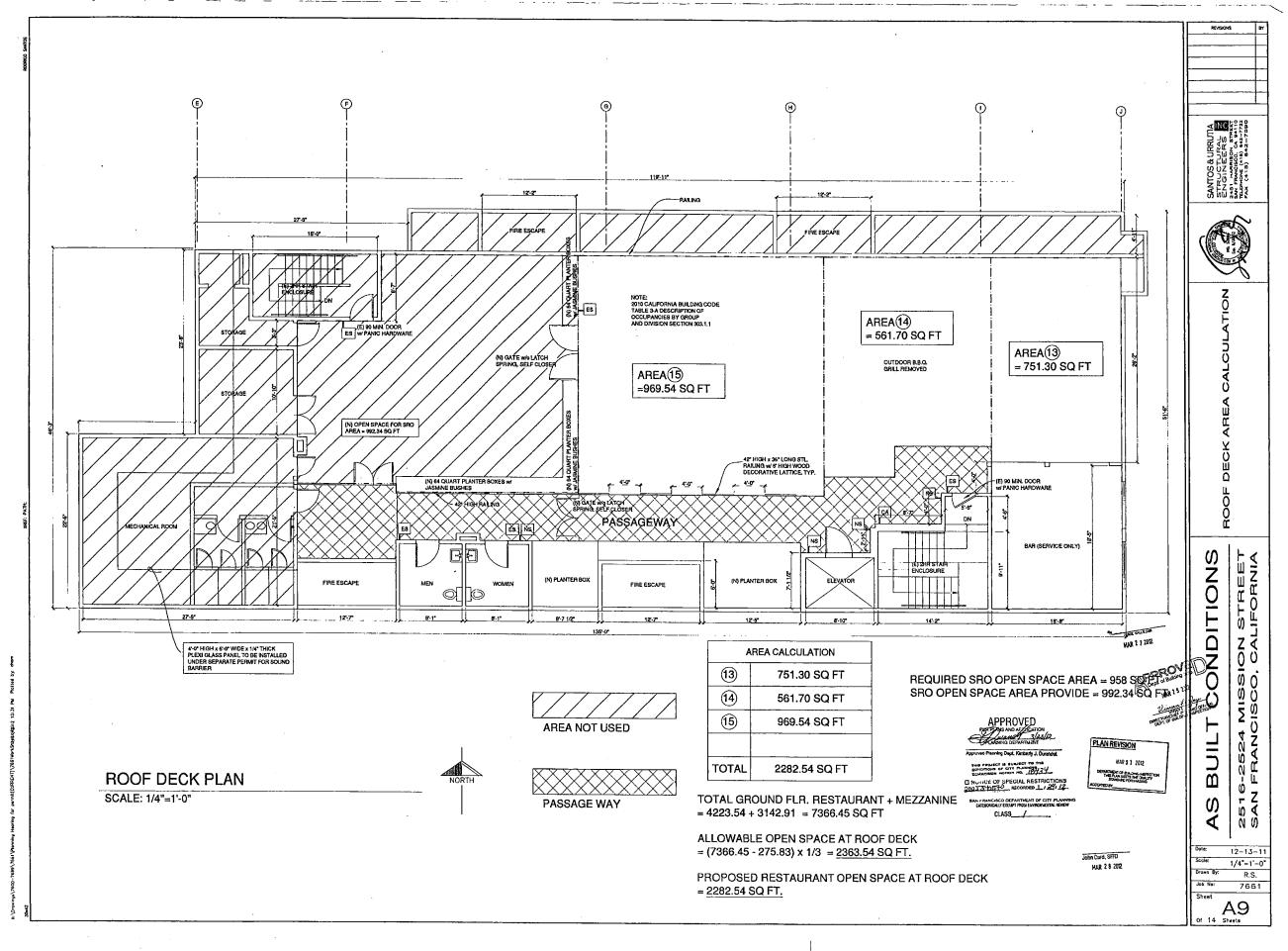
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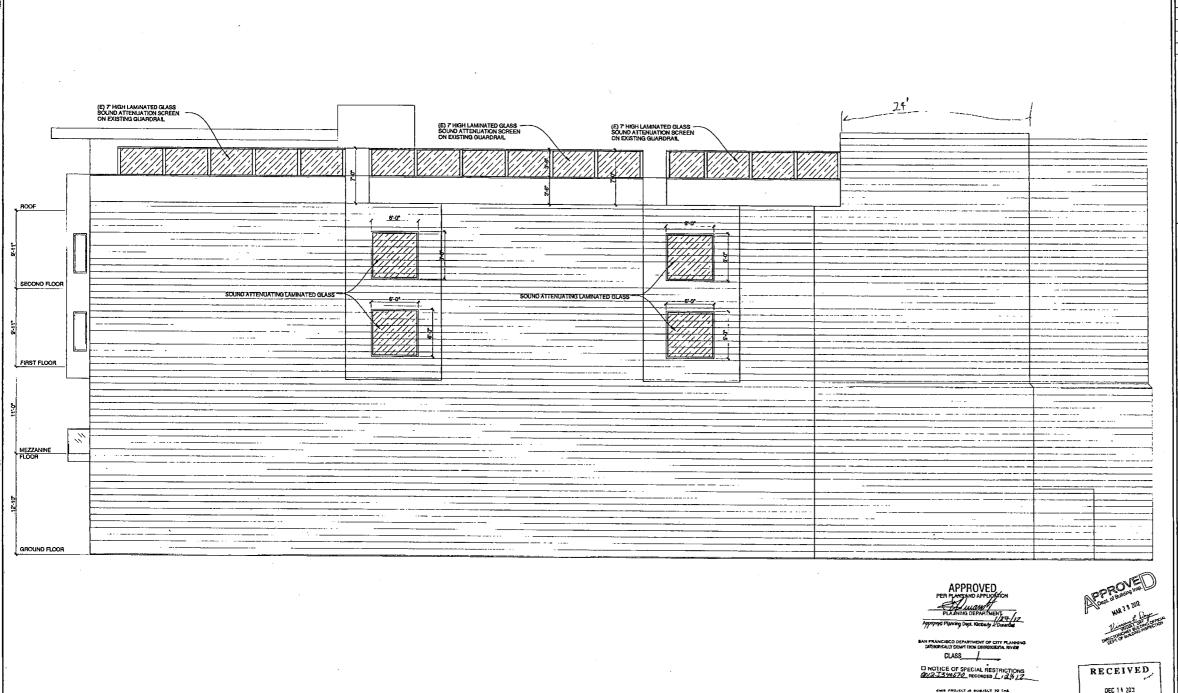
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CONDITIONS BOIL AS

2516-2524 MISSION STREET SAN FRANCISCO, CALIFORNIA

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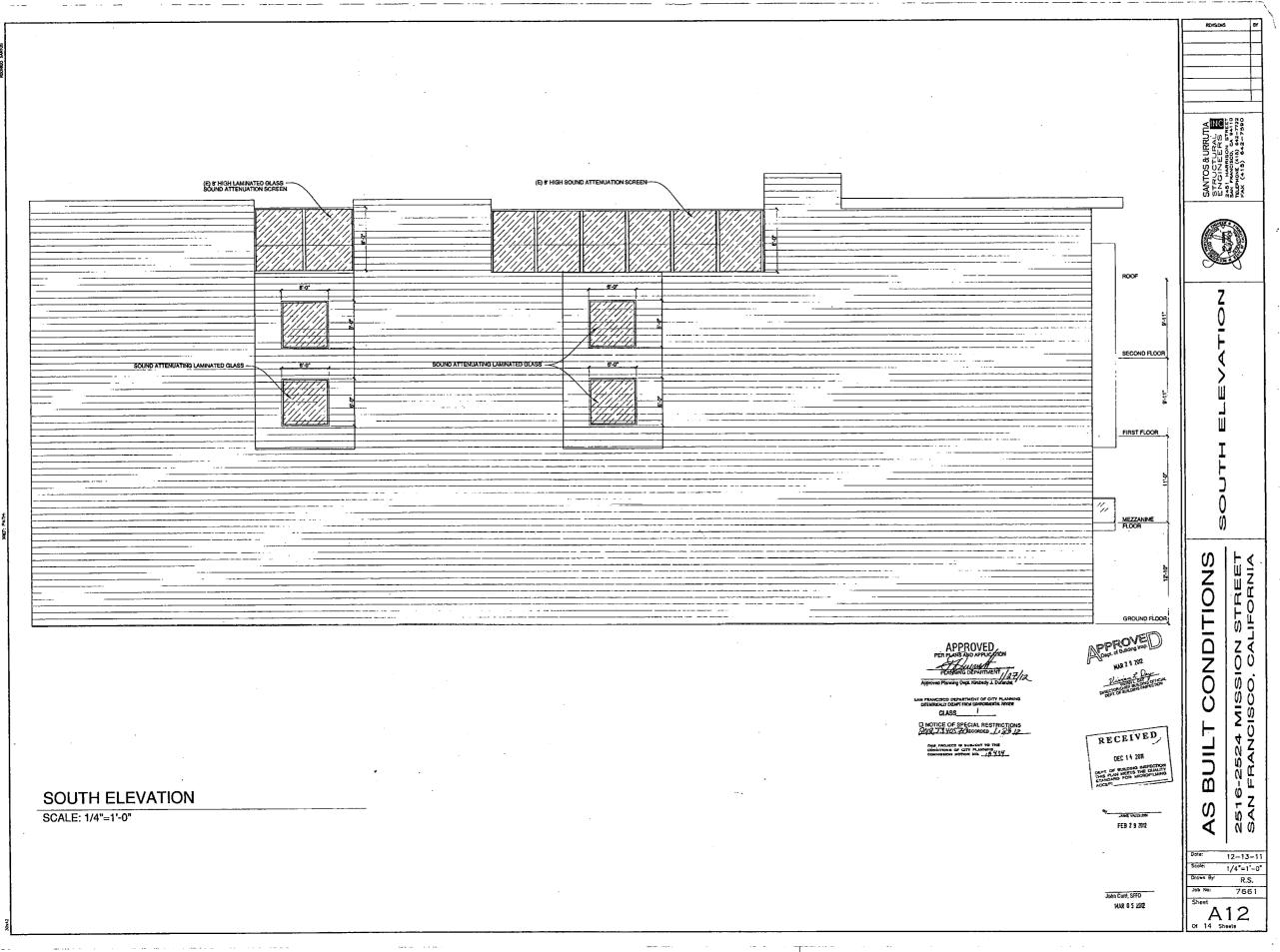
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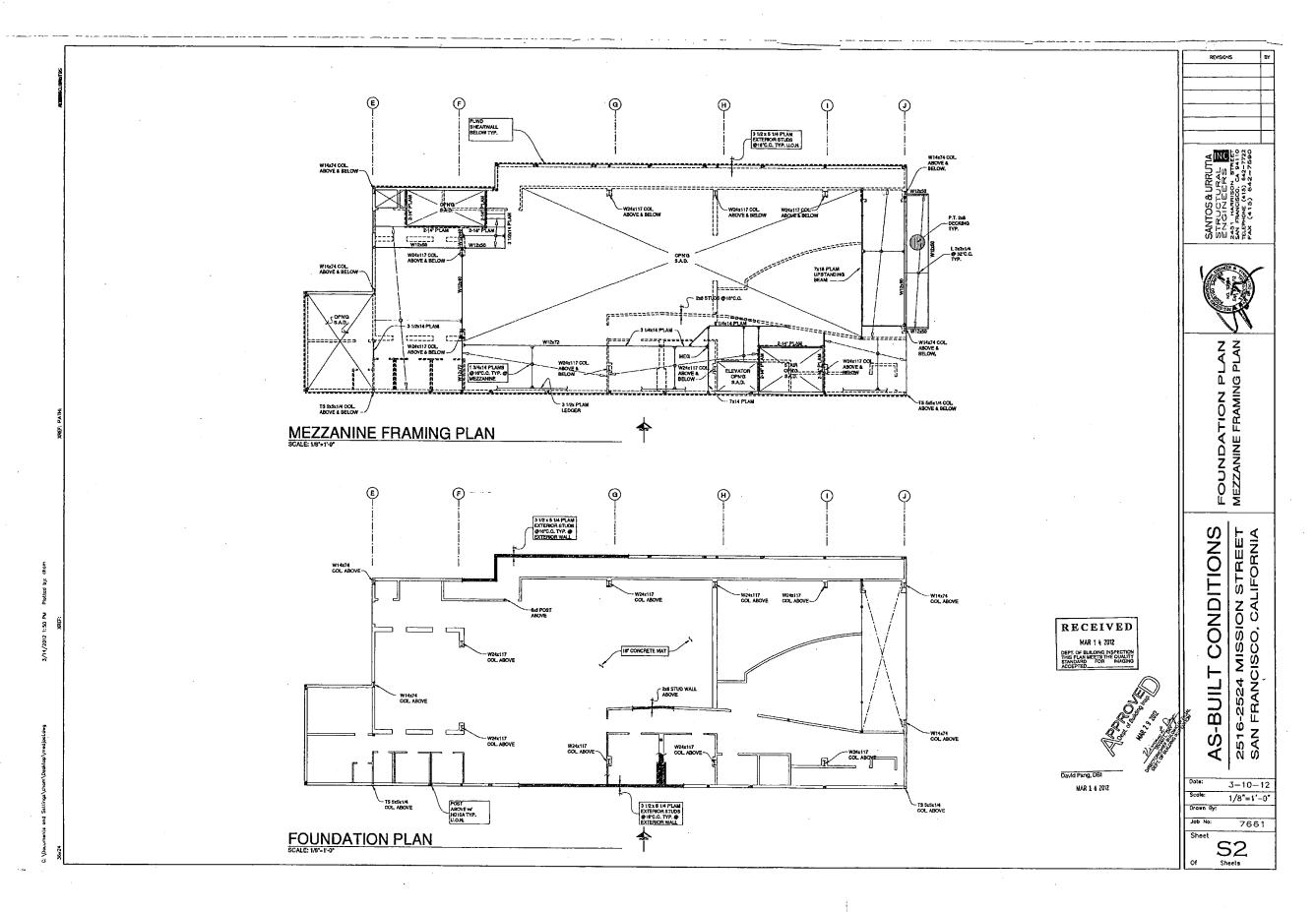
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NORTH ELEVATION

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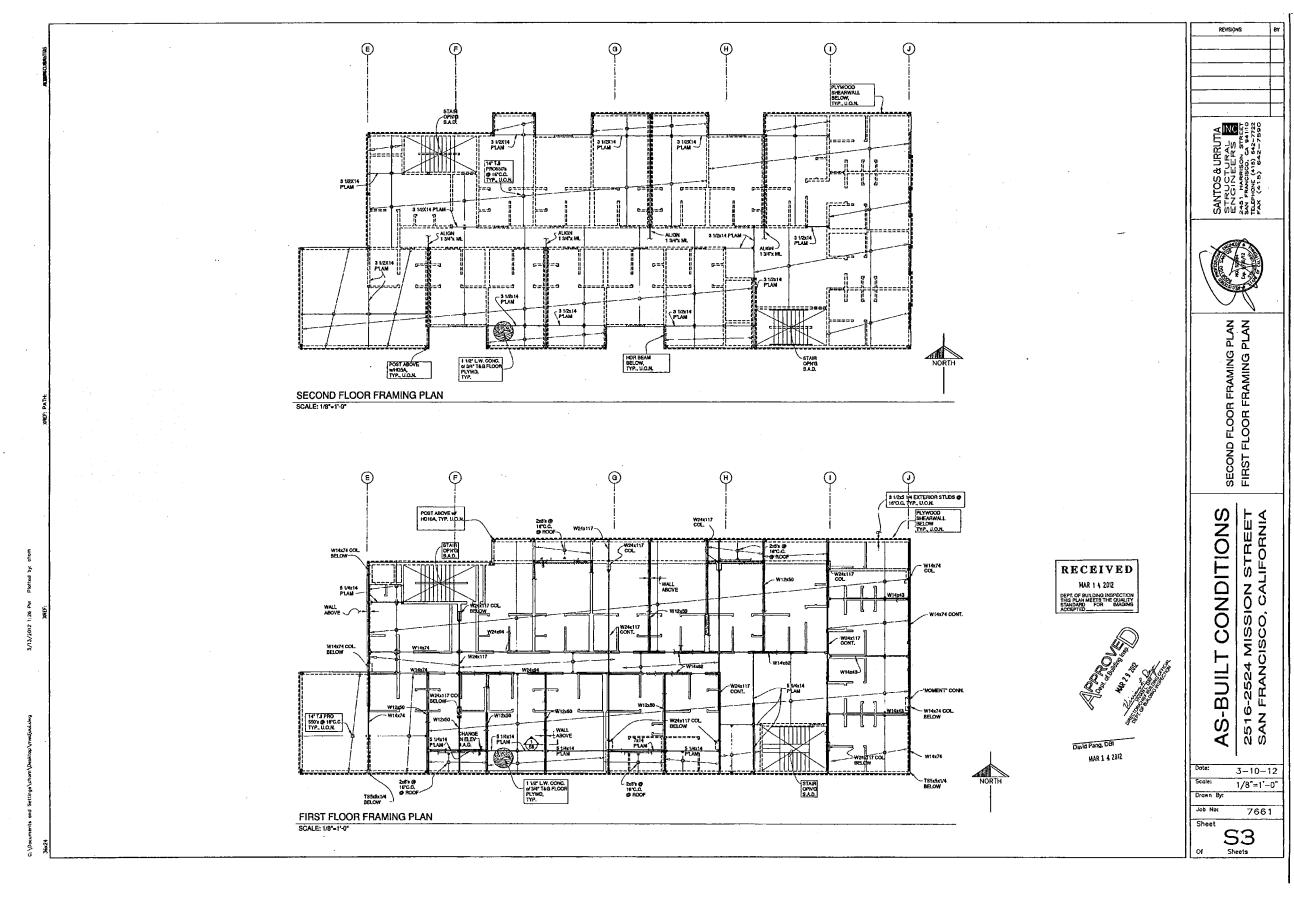


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	For ALL tenant improveme	ent project	s in comm	ercial us	e spaces, ti	his chec	klist is req	uired to b	e reprodi	uced on the plan set <u>and signed</u> .
:	1. The proposed use of i	ne projec	t is <u>R</u> E	STAU	RANT				_(e.g. R	letail, Office, Restaurant, etc.)
•	2. Describe the area of	remodel,	including	which fl	oor:	LOOF	., • -	<u> </u>		<u> </u>
	3. The construction cost (check one) ☐ more "2011 ENR-Construct	than /	X less	then th	e Access	ibility T	hreshold	amount o	of \$440	which is
,	4. Is this a City project a instructions page for	nd/or doe	s it recel	ve public	funding?	Chéc	k опө: <u>ٔ 🛚</u>	<u>ل</u> ر / <u>Yes</u>	(No N	lote: If Yes, then see Step 3 on the
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	Conditions below mus 5: Read A through G be	low caref	ully and	check th	e most ap	plicabl	e box (on	e pox or	ıly):	
	A; All existing conditi	ons servin	g the area	of remor	lel fully co	mply w	ith access:	requireme	ents. No	further upgrades are required.
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	upgrades, including upgrades are to be complying items, i	g Equivale considere	nt Facilite d in the or	rtion will der listed	bė provida lonp. 2 of	ed up to f the D.A	20% of the	e project y st. Fill ou	value as i it Hardshi	nder CBC 1134B 2.1 Ex. 2; Partial temized on Form C. Priority of ip request form(s) for non-fully still non-complying items serving the
	area of remodel. D: Access features wi	ll either fu	lly compl	y or be pr	ovided wi	th Code	defined E	quivalent	Facilitati	on. Submit an Unreasonable Hardship
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	continue while reso	olution of A	AAC deci	sion is so	ught.					
• .	☐ G: Minor revision to r	reviously	approved	permit di	EWINGS OF	ly. (N	ote: This s) Compliant hall NOT	be used f	xempted Work; Fill out Form P. for new or additional work) Provide
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	Note: upgrades below are listed at priority based on CBC	Fully	Upgrade to Full Compliance	Upgrade /	Equivalent Facilitation/ Hardship	Hardship	None existing & not regid by Code	Access Appeals Commis- sion	Barrier Removali NOV	Location of detail(s)-include detail no. & drawing sheet (do not leave this part blank!). Also
· 1 <u>7</u>	O) a accessible entrance	·	- Inplication	7112 331115	11:11:40:11:15				107	clarification comments can be written here.
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	restroom for each sex serving the area of remodel.	X								
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If details are provided from a set of City approved reference drawings, provide its permit application number here: 2003-07-09-9095.

PrompDA formized DA checklist doe

Page 7 of 11

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March 14, 2012

David Pang, P.E. Building Plan Checker City and County of San Francisco Department of Building Inspection 1660 Mission Street, 5th Floor San Francisco, CA 94103

Re: 2516-2524 Mission St, San Francisco, CA DBI BPA#: 2011-12-14-0681 S&U Job #: 7661

Dear Mr. Pang,

We are writing this letter in regards to the above mentioned project. The structural drawings attached to this permit to legalize the roof top deck for A-2 Occupancy are exact duplicate of the approved PA# 2003-07-09-9095 approved structural plans. No modifications have been made to these plans. Additional calculations are being submitted to show that the existing roof framing and the existing steel beams at the first floor ceiling are adequate for 100PSF live load. (AT ROOF DECK) P. SANTU!

If you have any questions please contact us.

Rodrigo Santos, S.E. Santos & Urrutia Structural Engineers, Inc.

No. S 2984

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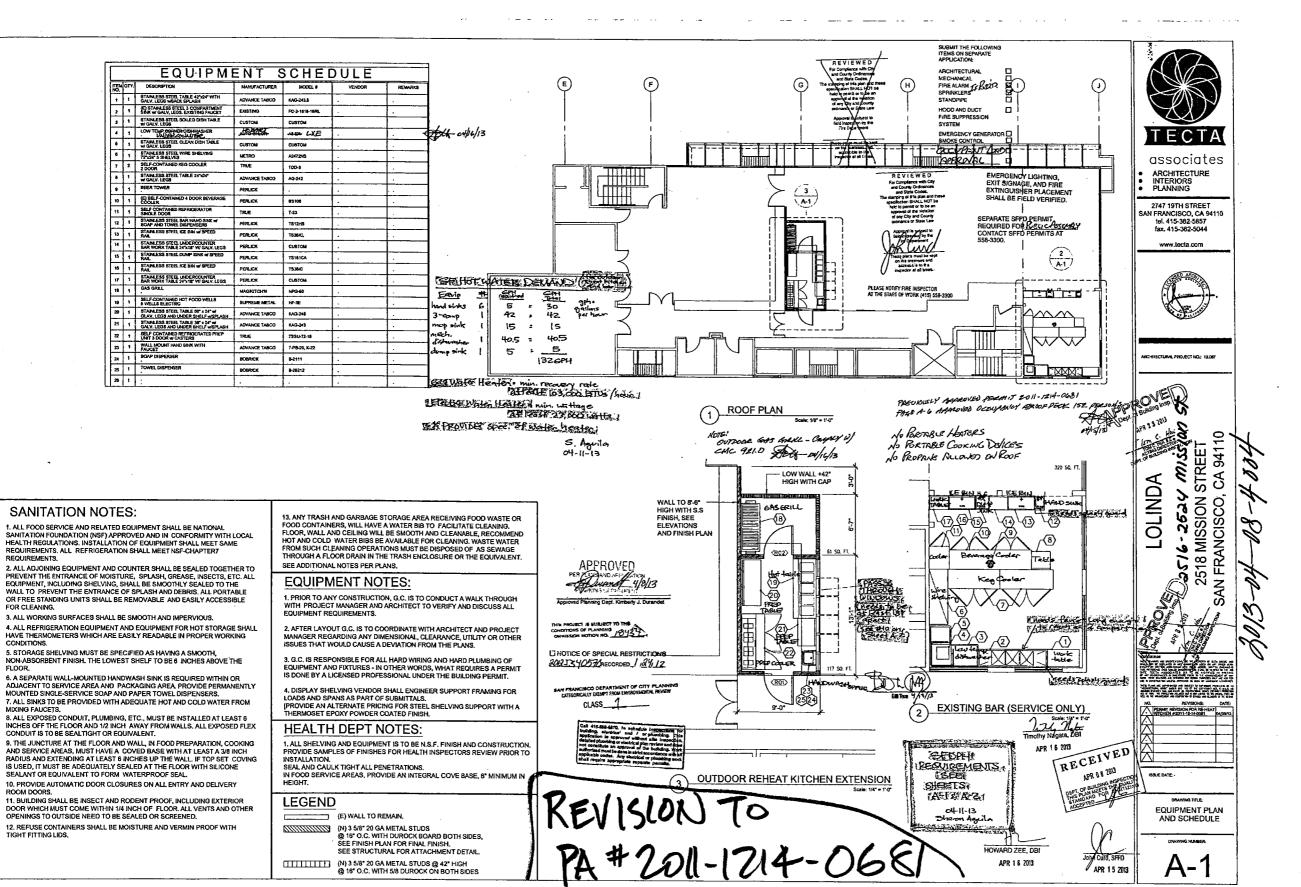
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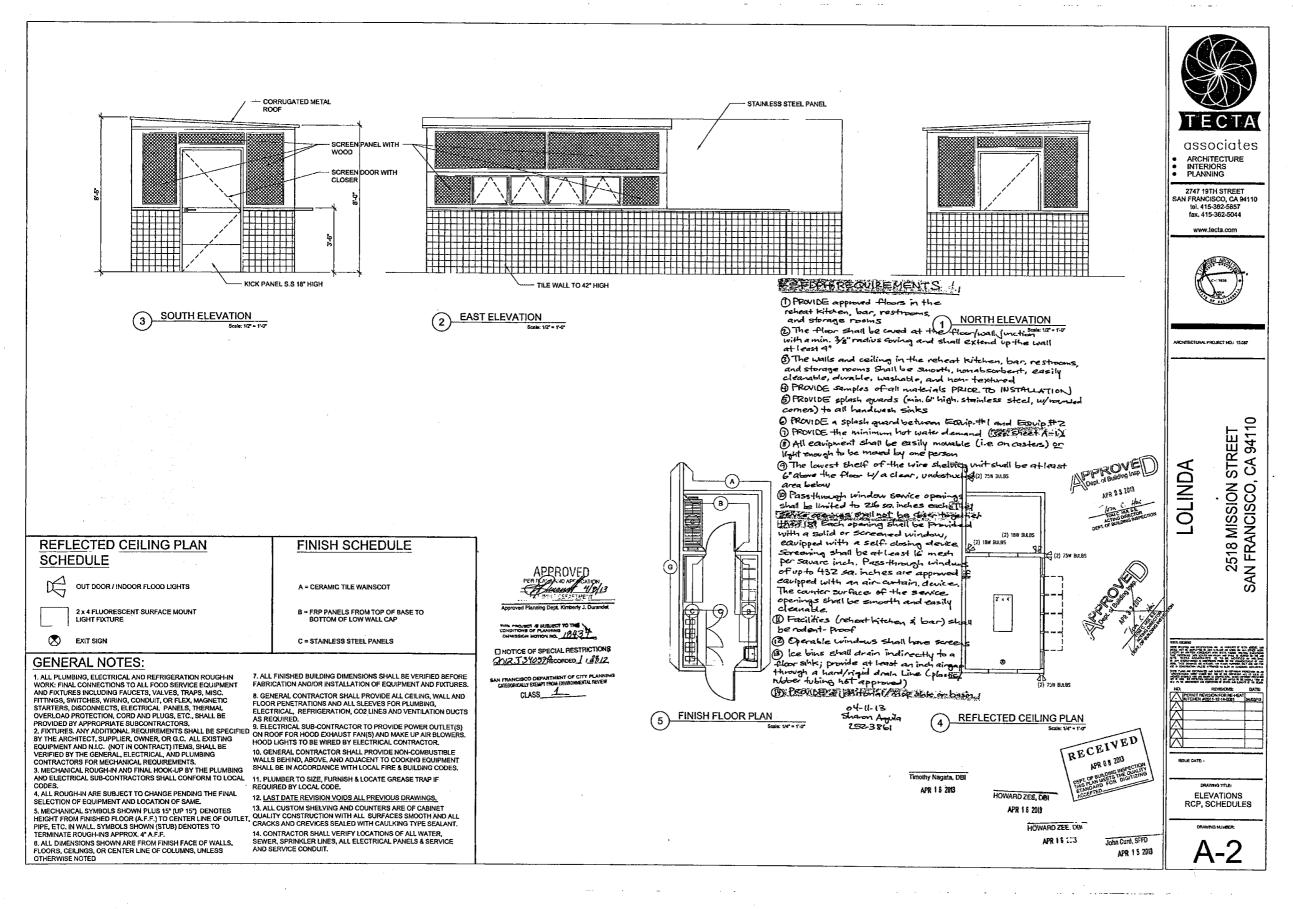
2451 Harrison Street San Francisco CA 94110 Phone 415-642-7722 Fax 415-642-7590 www.santosurrutia.com

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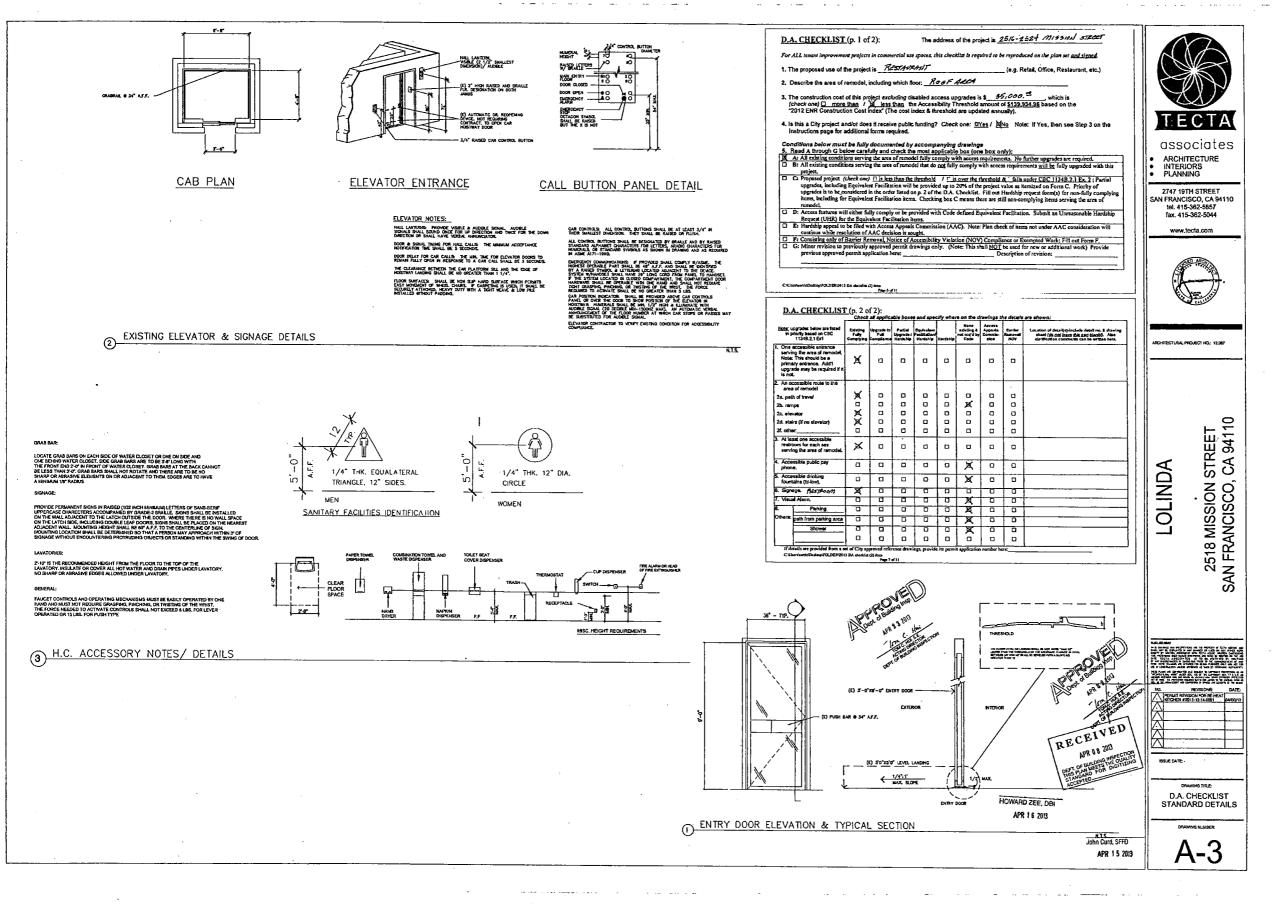
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Principal Lightling Designer's Declaration

Destify that this Carlificate of Complante documentation is occurate and complete, and accounts for all outdoor lightling designed for the site, and that Additional Lightling Peter Allowance for Specific Agriculture or Additional Lightling Peter Allowance for Specific Agriculture or Additional Lightling Peter Allowance for Specific Agriculture or Additional Lightling Peter Allowance for Definitions

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for delailed indirections on the use of this and of theory Efficiency Standards compliance forms, please refer to the
knowssterial Montain justicitied by the Carlance Forgy Commission. Nooresidefield Manual Published of the California Feergy Commission.

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BI OLIG-2C Compliance, All 4 pages required on plans for all submitteds.

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Project Name: LOLINDA



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DEPARTMENT
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2008 Nonresidential Compliance Forms

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. Separate wildner when skylit ur primary sidelit zons > 250 ft⁴.

Automotic multi-level daysighting controls when saylit or premary sidelit zone > 2,500 ft⁴.

 Controls calibrated so that space always meets or exceeds design footcondies and electric lighting is fully dimerced when daylight is 150 of design illuminance.

- Automatic shut-off controls a time pacep with an override switch or occupancy sensor to assure lights are off after business hours. 1\$131(d)]
- 5. Disploy lighting is separately switched. [§131(e)]
- When tailored lighting method is used to show compliance, general lighting must be on a separate shut-all central trem display lighting, [8:131(f)]
- Stores larger than 50,000 st must have externatic controls to shed 15% of lighting load when an automated demand response signal is

THE ABOVE MANDATORY MEASURES APPLY TO ALL
NON-RESIDENTIAL, HIGH RISE RESIDENTIAL AND HOTEL/MOTEL
BULDINGS FOR BOTH CONDITIONED AND UNCCONDITIONED INTERIOR
SPACES. THE ABOVE MANDATORY LIGHTING CONTROL
REQUIREMENTS IN \$131 CAN BE SUMMARIZED AS STATED ABOVE.

2008 Nonresidential Compliance Manual	July 2010

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file in controls for all spaces of oreo > 250 ft2, automatic developing control to back of global production of gl	controls for retail	stores > 50,	000 ft2, in accordance with	Section 131.	
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TITLE 24 FORMS

T-24B



PROJECT NAME:	REHEAT KI	TCHEN	DRAWING
ADDRESS:	2518 MIS	SION STREET	S1.0 S1.4
BLOCK:		OL: 61	\$1.5 \$2
CIT	SAN FRAN	CISCO, CALIFORNIA	\$3
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City and County of S Department of Build	ian Francisco Ing Inspection		Gavin Newsom, Meyor Vivian L. Day, C.S.O., Director
		NOTICE	
	SPECIAL IN	SPECTION REQ	UIREMENTS
Special inspections employment of spe	form Issued wit cial inspectors is	tions shown on the apply the permit are required the direct responsibilities the owner's represe	proved plans and checked on the ed for this project. The ty of the owner or the ntative.
Department of Buil	ding Inspection.	The name of the speci	ailed inspections performed by the ial inspector shall be furnished to h special inspection is required.
Plan Checker assig	ned to this proje	ct or 415-558-6132. If	spection or tests, please call the there are any <u>field</u> problems ling Inspector or 415-558-6570.
must be submitted in this process, the or engineer of reco	to and approved project owner al rd and/or special spection. The p	hould request final com I inspection agency so ermit will not be final	on of special inspection compliance tion Services staff. To avoid delay pliance reports from the architect on after the conclusion of work ized without compliance with the
STR	UCTURAL C	BSERVATION F	REQUIREMENTS
Structural observat	ion shall be prov d without comp	ided as required par S pliance with the struc	ection 1710. The building permit tural observation requirements.
	(415) 558-613 (415) 558-647 dbl.specialin	12 14 spections@sfgov.org	tact information
4 1		SEO Mission Chart	
4. In person: Note: We are move submittals, include shifting to a pape	ing towards a 'j ing final letters	, may be emailed (pre	peration, All special inspection rierred) or faxed. We will also be
Note: We are mov submittale, includ	ing towards a 'j ing final letters	paperless' mode of o , may be emailed (pre	peration, Ali special inspection rferred) or faxed. We will also be

SPECIAL INSPECTION AND STRUCTURAL OBSERVATION Employment of Special Inspection is the direct responsibility of the OWNER, or the engineer/architect of record acting as the owner's representative. Special inspector shall be one of those as prescribed in Sec. 1704. Name of special inspector shall be turnlended to 1908 Cistrical inspector prior to start of the work for which the Special inspection is required. Structural observation shall be performed as provided by Section 1716. A preconstruction conference is recommended for owner/budder or designer/budder projects, confere and highlyse projects, and for projects utilizing. In eccordance with Sec. 1701;1703;1704 (2010 SFBC). Special Inspection and/or testing is regulred for the following work: Inspections are required in addition to the called inspections performed by the Building inspection. The name of the special inspector shall be furnished to ding inspector prior to start of work for which special inspection is required. 18. Bein histative! In saleting concrete or mesonry:

| Cocrete | | | Massary |

| In Advance leads per SPEC des (1970 C. 4 to 1900 C. 1) |

| There was not focus pysime used as an accompanion of the companion uilding inspection is scheduled, documentation of special inspection compliance itted to and approved by the Special Inspection Services staff. To avoid delays s, the project owner should request first compliance reports from the architect record and/or special inspection agency soon after the conclusion of work sall inspection. The permit will not be finalized without compliance with the schan requirements. ervetion per See. 1718 (3616 SFBC) for the following: [] Foundations [] Steet feature contraction :[] Mexicity construction :[] Wood framing moving towards a 'paperiess' mode of operation. All special inspection including final letters, may be emailed (preferred) or faxed. We will also be paperiess fax receipt mode. DBI Engineer or Plan Checker / Special Inspection Services Staff QUESTIONS ABOUT SPECIAL INSPECTION AND STRUCTURAL OBSERVATION SHOULD BE DIRECTED TO: Special inspection Services (415) 558-6132; or. <u>doi:specialinspecicons@efcov.org</u>; or FAX (415) 558-6474

DRAWING INDEX:

---- TITLE SHEET

Special Inspection Services

GENERAL

GENERAL STRUCTURAL NOTES

ALL CONSTRUCTION SHALL CONFORM TO THE CALIFORNIA BUILDING CODE 2010 EDITION W/ AMENDMENTS BY LOCAL JURISDICTIONS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT JOB SITE BEFORE COMMENCING WORK AND SHALL REPORT ANY DISCREPANCIES TO THE

COMMITTEE OF THE PROPERTY OF THE PROPERTY OF THE DRAWINGS, NOTES, AND DETAILS THAT BE BROUGHT TO THE ATTENTION OF ARCHITECT AND RESOLVED BEFORE PROCEEDING WITH THE WORK.

AND RESOLVED BEFORE PROCEEDING WITH THE WORK.

DO NOT USE SCALED DIMENSIONS; USE WRITTEN DIMENSIONS OR WHERE NO DIMENSION IS PROVIDED, CONSULT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.

DETAILS SHOWN SHALL BE INCORPORATED INTO THE PROJECT AT ALL APPROPRIATE LOCATIONS WHETHER SPECIFICALLY CALLED OUT OR NOT.

FOR WATERPROOFING, FIREPROOFING, ETC. REFER TO DRAWINGS OTHER THAN STRUCTURAL.

SEE DRAWINGS OTHER THAN STRUCTURAL FOR: KINDS OF FLOOR FINISH AND THEIR LOCATION, FOR DEPRESSIONS IN FLOOR SLABS, FOR OPENINGS IN WALLS AND FLOORS REQUITED BY ARCHITECTURAL AND MECHANICAL FEATURES, FOR ROADWAY PAYING, WALKS, RAMPS, STAIRS, CURBS, ETC.

HOLES AND OPENINGS THROUGH WALLS AND FLOORS FOR DUCTS, PIPING AND VENTILATION SHALL BE CHECKED BY THE CONTRACTOR, WHO SHALL VERRY SIZES AND LOCATION OF SUCH HOLES OR OPENINGS WITH THE

VERIFY SIZES AND LOCATION OF SUCH HOLES OR OPENINGS WITH THE PLUMBING HEATING, VENTILATING AND ELECTRICAL DRAWINGS AND THESE

PLUMBING HEATING, VENTILATING AND ELECTRICAL DRAWINGS AND THESE SUB-CONTRACTORS.

NO PIPES AND DUCTS SHALL BE PLACED IN SLABS OR WALLS UNLESS SPECIFICALLY DETAILED OR APPROVED BY THE ARCHITECT.

DRAWINGS AND SPECIFICATIONS REPRESENT FINISHED STRUCTURE.

SUBCONTRACTOR SHALL BE RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION INCLUDING BUT NOT LIMITED TO SHORING AND TEMPORARY BRACING. THE SUBCONTRACTOR SHALL UNDERTRACE ALL NECESSARY MEASURES TO INSURE SAFETY OF ALL PERSONS AND STRUCTURES AT THE SITE AND ADJACENT TO THE SITE. OBSERVATION VISITS TO THE SITE BY THE APPLIFECT ENGINEER SMALL NOT DELIVER THE SITE AND THE SITE OF THE ARCHITECT, ENGINEER SHALL NOT RELIEVE THE SUBCONTRACTOR OF

SUCH RESPONSIBILITY.

NOTE THAT SHEET ST IS A STANDARD COVER SHEET AND AS SUCH, NOT ALL TYP. DETAILS AND OR NOTES APPLY TO EVERY PROJECT.

APPLICABLE CODE: CALIFORNIA BUILDING CODE 2010 & SFBC 2010. VERTICAL LIVE LOADS: (REDUCIBLE). ROOF: 20 PSF. FLOOR: 40 PSF. HALLWAYS & CORRIDORS: 100 PSF.

PALLWAYS & CONKIDONS: 100 PSF.

LATERAL LOADS:

1. W:ND: 85 MPH, BASIC WIND SPEED

2. SEISMIC: SITE CLASS 'D'

MAPPED SPECTRAL ACCELERATIONS: S=

BASE SHEAR 'V' = .xx W

b. FORMED SURFACES BELOW GRADE 2" c. SURFACES EXPOSED TO WEATHER 2 d. BEAM BARS (INCLUDING STIRRUPS) 1-1/2"

e. ALL OTHER 4. ANCHOR BOLT EPOXY*: HILTI HIT-RE 500-SD. (ICC ESR-2322)
OR SIMPSON SET-XP (ICC ESR-2508)

5. SCREW ANCHORS*: SIMPSON TITEN HD (ICC ESR-2713)

USE COMPRESSED AIR TO BLCW THE DUST OUT OF ANCHOR BOLT HOLES.

B. CMU: UNITS 1500 PSI, MORTAR (TYPE 'S'), GROUT 2000 PSI

C. STEEL

1. SHAPES AND PLATES: ASTM A 36; TUBES: ASTM A500, GRADE B. 2. MOMENT FRAMES (BEAMS, COLUMNS): ASTM A992 OR A913 (50 ksi)

A913 (SU ksr)

MOMENT FRAMES (PLATES): A572, GRADE 50.

J. METAL STUDS, SEE S1.4, NOTES

METAL JOISTS, 50 ksi

S. BOLTS: ASTM A307, U.O.N.

WELDING ELECTRODES: E-70

FOR FULL PEN WELDS USE CHARPY V-NOTCH WIRE, MIN. 20 ft # @ O'F . METAL DECKING, SEE S1.5

1. FRAMING LUMBER - DOUGLAS FIR LARCH

RAMING LUMBER - DOUGLAS FIR LARCH

a. HEADERS, PLATES, JOISTS: NO.1

b. STUDS, BLOCKING: NO.2

c. ALL LUMBER IN CONTACT WITH CONCRETE:
PRESERVATIVE TREATED DOUGLAS FIR. (NOT CCA-C)

d. POSTS AND BEAMS: NO.1

d. PUSIS AND BEAMS: NO.1

PLYWOOD SHEATHING

O. SHEARWALL PLYWOOD: 1/2 INCH STRUCTURAL 1, C-D EXTERIOR, APA
RATED 32/16, SEE 6/51-14, SHEARWALL-SCHEDULE FOR THICKNESS.
B. ROOF SHEATHING: 5/B INCH STRUCTURAL 11,
C-D EXTERIOR APA RATED 32/16

C-D EXTERIOR APA RATED 32/16

c. FLOOR SHEATHING: 3/4 NCH STRUCTURAL II,
C-D EXTERIOR APA RATED 48/24

3. FRAMING HARDWARE AND JOIST HANGERS:
FASMING HARDWARE AND JOIST HANGERS:
AS MANUFACTURED BY SIMPSON STRONGTIE CO. OR
APPROVED EQUAL SIMPSON DESIGNATIONS USED. USE
NAILS, PER I.C.C. APPROVAL FOR EACH DEVICE.
4. COMMON MAILS, UNLESS OTHERWISE NOTED. SHORT NAILS MAY
BE USED PROVIDED THEY HAVE COMMON CODE SPECIFIED MINIMUM
EMBEDMENT. ALL NAILING TO BE PER 13C YABLE NO. 23C4.9.1
UNLESS NOTED OTHERWISE.

UNLESS NOTED OTHERWISE.

5. GLU-LAM BEAMS: 24F-V4 (Fb=2400 PSI)

5. GLU-LAM BEAMS: 24F-V4 (Fb=2400 PSI)
6. PARALLAM & MICROLLAM, BEAMS AND TUI'S TO BE FABRICATED
BY TRUS JOIST.
7. FOR MICROLLAMS SEE CODE EVALUATION: ICC-ES ESR-1387
8. FOR TUI JOISTS SEE CODE EVALUATION: ICC-ES ESR-1353

IEEL:

1. ALL EXPOSED MEMBERS SHALL BE COATED WITH A ZINC RICHIAN CPRIMER.

2. ROLTS. NUTS AND MISCELLANEOUS HARDWARE SHALL BE

1. ALL EXTERIOR TIMBER AND GLU-LAM BEAMS SHALL BE PRESSURE

A. CONCRETE:

1. REINFORCING STEEL: ASTM A615, GRADE 60,

14 AND SMALLER, GRADE 40.

2. CONCRETE: NORMAL WEIGHT U.O.N. WITH COMPRESSIVE
STRENGTH OF THE FOLLOWING AT 28 DAYS:
FOCTINGS, MAT SLAB & DRILLED PIERS

WALLS, COLUMNS

WALLS, COLUMNS

STRUCTURAL SLAB (L.W. P.T. SEE S3.2)

5000 psi
STRUCTURAL SLAB (L.W. P.T. SEE S3.2)

SOOD PSI
STRUCTURAL SLAB (L 4. METAL CONNECTORS IN CONTACT W/ PRESSURE TREATED WOOD

10 SHALL BE HOT-DIPPED GALVANIZED W/ MIN. ZINC COATING OF G185.

11 CONTACT W/ PRESSURE TREATED

12 CONTACT W/ PRESSURE TREATED

13 CONTACT W/ PRESSURE TREATED

14 CONTACT W/ PRESSURE TREATED

V ABBREVIATIONS - DIAMETER

--- BOUNDARY NAILING

(HUS TYPE, U.O.N.)

☑ WOOD POST BELOW

RECEIVED

APR 8 8 2013

S.O.G. — SLAB-ON-GRADE
S.S. — STANKESS STEEL
T.O. — TOP OF
TYP. — TYPICAL
U.O.N. — UNIESS OTHERWISE; - EDGE NAILING — LAMINATED VENEER LUMBER — LIGHT WEIGHT - MICROLLAM NOTED PLWD — PLYWOOD SHEATHING
PSL — PARALLEL STRAND LUMBER
P.T. — PRESSURE TREATED OR
POST—TENSIONED W.W.F. - WELDED WIRE FABRIC SYMBOLS H D STEEL COLUMN ABOVE E==∃ (E) WALL BELOW HH CI STEEL COLUMN BELOW (E) WALL ABOVE MOMENT CONNECTION (N) CONC. WALL ABOVE CONCRETE TOPPING OVER PLYWOOD BRICK CR CMU WALL ABOVE CONCRETE TOPPING OVER CORRUGATED METAL DECK WOOD SHEARWALL (BELOW) WOOD JOIST HANGER

CONCRETE COLUMN ABOVE CONCRETE COLUMN BELOW w/ DROPCAP WOOD POST ABOVE (OR DRILLED CONCRETÉ PIER HOLDOWN @ WOOD POST PRECAST, PRESTRESSED 22

CONCRETE PILE DIAGONAL ABOVE O----- DIAGONAL BELOW

S.A.D. - SEE ARCHITECTURAL

HOWARD ZEE, DBI APR 1 6 2013

John Curd, SFFD APR 1 5 2013 SAN FRANCISCO
DE ANNING
DE PARTMENT

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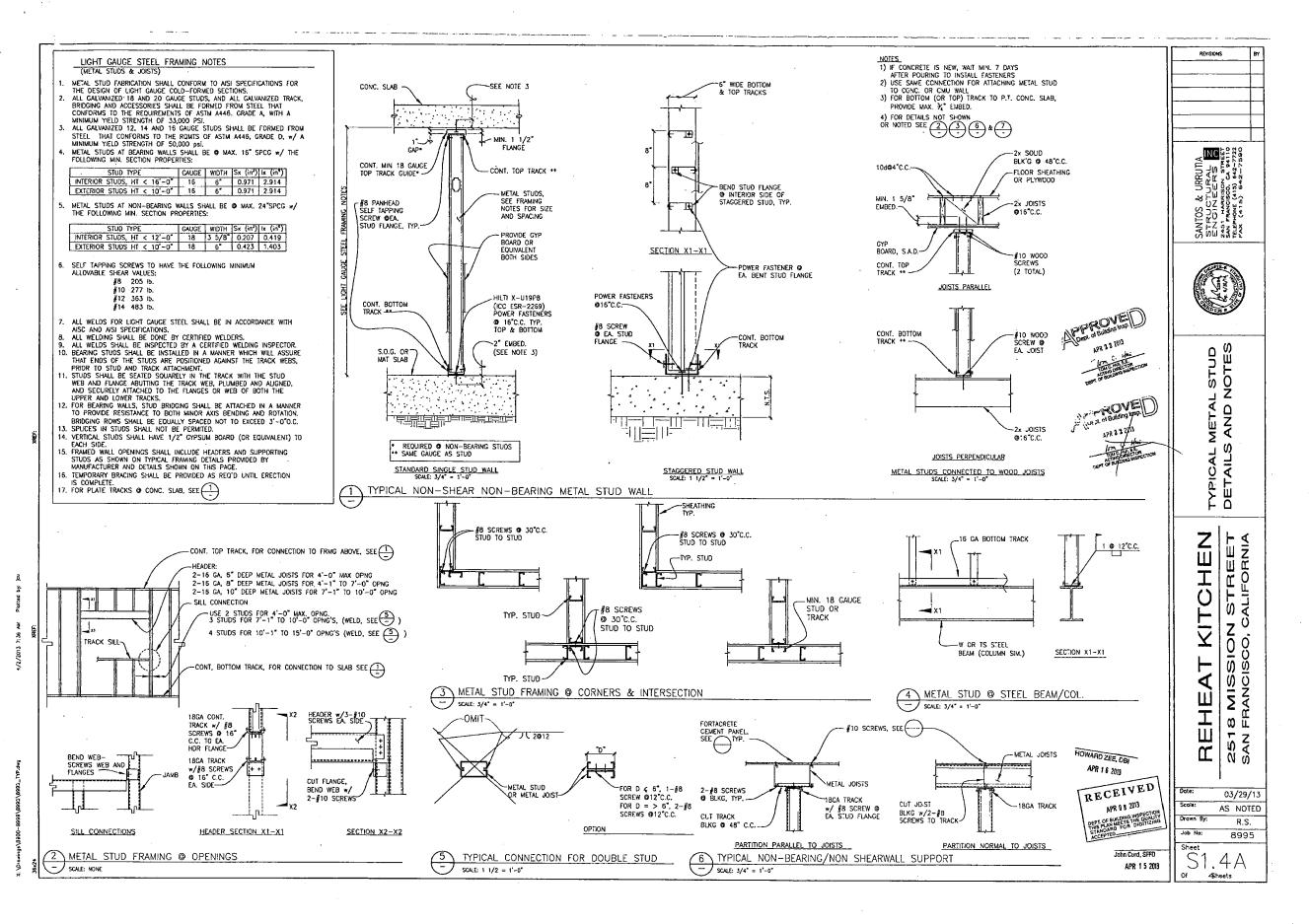
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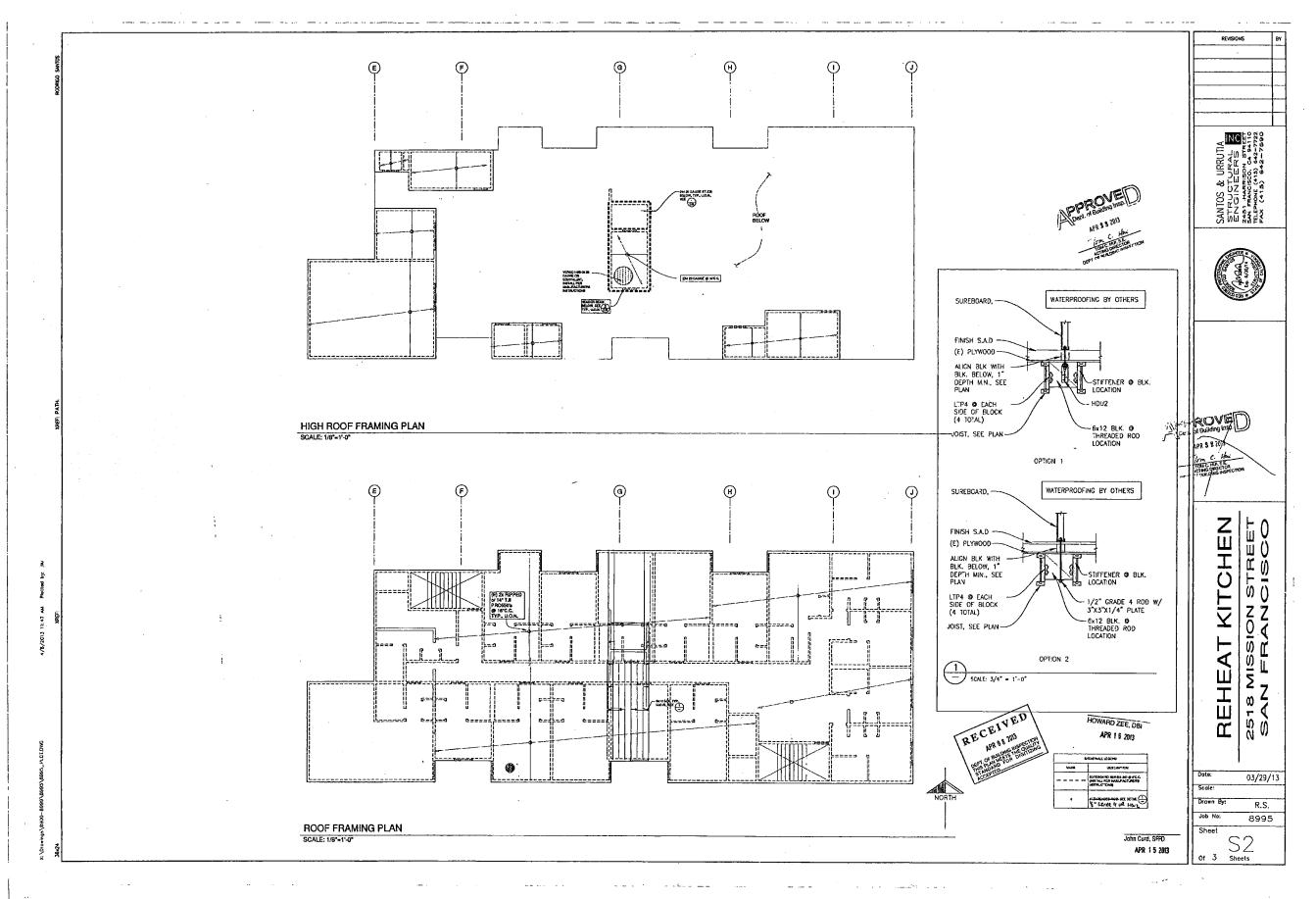
INC #5 88

SANTOS & URRUTIA STRUCTURAL SANTANISCO. SA

APR 9 2 7

03/29/13 Scale: AS NOTED Drawn By RS: 8995





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From: Brian Reccow

To: <u>Durandet, Kimberly (CPC)</u>
Cc: <u>Lindsey MacDougall</u>
Cubicat

Subject: Fwd: El Techo /neighborhood

Date: Saturday, May 17, 2014 7:23:30 PM

Kimberly-

Here is the letter of support from our neighbor directly behind us who is the main point of contact for any communication we have had.

Sincerely,

Brian R. Reccow Director of Operations

Lolinda El Techo de Lolinda 415-370-0349

----- Forwarded message -----

From: Alan Fairhurst < alan@scomas.com >

Date: Sat, May 17, 2014 at 12:20 AM Subject: El Techo /neighborhood

To: Brian Reccow < breccow@gmail.com>

To whom it may concern:

My name is Alan Fairhurst and I live at 3239 21st Street. I've lived here since 1992. I often find myself involved in issues concerning my neighborhood and its improvement; (graffiti and litter abatement, public lighting, Friends of the Urban Forest, etc...)

Since El Techo has been in operation, I've found their management team to be consistently accessible and willing to partner with the community in addressing any concerns relevant to

El Techo's impact on this neighborhood. I was mainly concerned with noise and had discussed the issue with several other neighbors that were as well.

I contacted the restaurant and was immediately put in contact with its Director of Operations, Mr. Brian Reccow. He and I keep an open line of communication in regards to noise levels, and he has always been receptive to the neighbors' concerns. I routinely ask my neighbors how sound levels have been and pass the information on to Brian who then addresses them. He has done a lot to diminish the bottle noise that is an unavoidable facet of the restaurant business.

There is also a marked improvement in the noise that their HVAC generates, (mainly their kitchen hoods), as well as less music and crowd noise when compared to prior operations in the same location.

As a parent, neighbor, and property owner, I appreciate El Techo's efforts in being good neighbors. I look forward to their continued success.

Sincerely, Alan Fairhurst Sent from my Verizon Wireless 4G LTE DROId