



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: JUNE 25, 2015
Continued from the June 11, 2015 Hearing

Date: June 18, 2015
Case No.: **2014.1426CV**
Project Address: **4022- 4026 24th Street**
Zoning: 24th Street - Noe Valley Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 3656/010
Project Sponsor: Jeremy Paul
Quickdraw Permit Consulting
1325 California Street
San Francisco, CA 94109
Staff Contact: Michael Smith – (415) 558-6322
michael.e.smith@sfgov.org
Recommendation: **Approve with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

On March 26, 2015, the Commission voted +6,-0 to continue the hearing to April 23, 2015 to allow the project sponsor and Department staff to meet with the concerned neighbors to attempt to reach a compromise. On April 23, 2015, after hearing and closing public comment, the Commission voted +6,-0 to continue the hearing to June 11, 2015 with direction to redesign rear area with open space and green space; and for the Sponsor to scale back the project to fit the character of the neighborhood. On June 11, 2015, without hearing, the Commission voted +4,-0 to continue the hearing to June 25, 2015 at the request of the project sponsor.

CURRENT PROPOSAL

In response to the Commission's direction to redesign the rear area and scale back the project, the sponsor has revised the project to set back the ground floor of the building three feet from the rear property line to allow trees (Wax Myrtle) to be planted at the rear property line. The usable open space on the roof of the ground floor extension has been replaced with a green roof and all of the usable open space for the dwellings has been relocated to the roof. Because of the relocation of the usable open space the project now requires a rear yard modification from the Zoning Administrator and not a rear yard variance as originally requested. See revised plans attached.

The sponsor's proposed hours of entertainment have been revised to: Wed 4pm – 10pm / Thu 4pm – 12am / Fri 4pm – 2am / Sat 9am – 2am / Sun 9am – 10pm.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the establishment of a restaurant with Type 47 ABC license that exceeds the use size limitation within the 24th Street – Noe Valley NCD, pursuant to Planning Code Sections 728.21 and 728.44 and amend Motion No. 8778 to change the conditions of approval related to the place of entertainment use. In addition, the Zoning Administrator would need to grant rear yard and parking modifications for the project.

BASIS FOR RECOMMENDATION

- The project promotes small-business ownership.
- The project is a neighborhood serving use.
- The project would provide jobs for up to 32 employees.
- The District is well served by transit, therefore customers should not impact traffic.
- The project contributes to the viability of the overall 24th Street – Noe Valley NCD.
- The project would not displace an existing retail tenant.
- The project would create two additional housing units.

RECOMMENDATION:	Approve with Conditions
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The original case materials and plans can be found [here](#). Please contact staff for a PDF copy of the original plans.

Attachments:

Sponsor's Submittal

Narrative

Partial Plans

Letter from Urban Forest Ecologist

Permit for 4042-4046 24th Street

Aerial Photo of 4000 Block of 24th Street

Tom Rai Restaurant and Bar
4022 - 4026 24th Street

New Alterations to Proposal:

- Rear building wall set 3'0" from the rear property line. This will allow for Wax Myrtle tree planting, this species can grow to 30' in height and may also be trimmed as a hedge. This will provide greenery in the mid block open space and privacy to immediately adjacent neighbors.
- Roof of the proposed expansion into the rear yard is to be treated as a sod roof. Greenery will extend from the mid block open space while allowing a subterranean expansion into the rear yard which will create more viable retail space on the 24th St. commercial corridor.
- Proposed entertainment hours: Wed 4pm - 10pm / Th 4pm - 12am
Fri 4pm - 2am / Sat 9am - 2am / Sun 9am - 10pm

Key Project Elements:

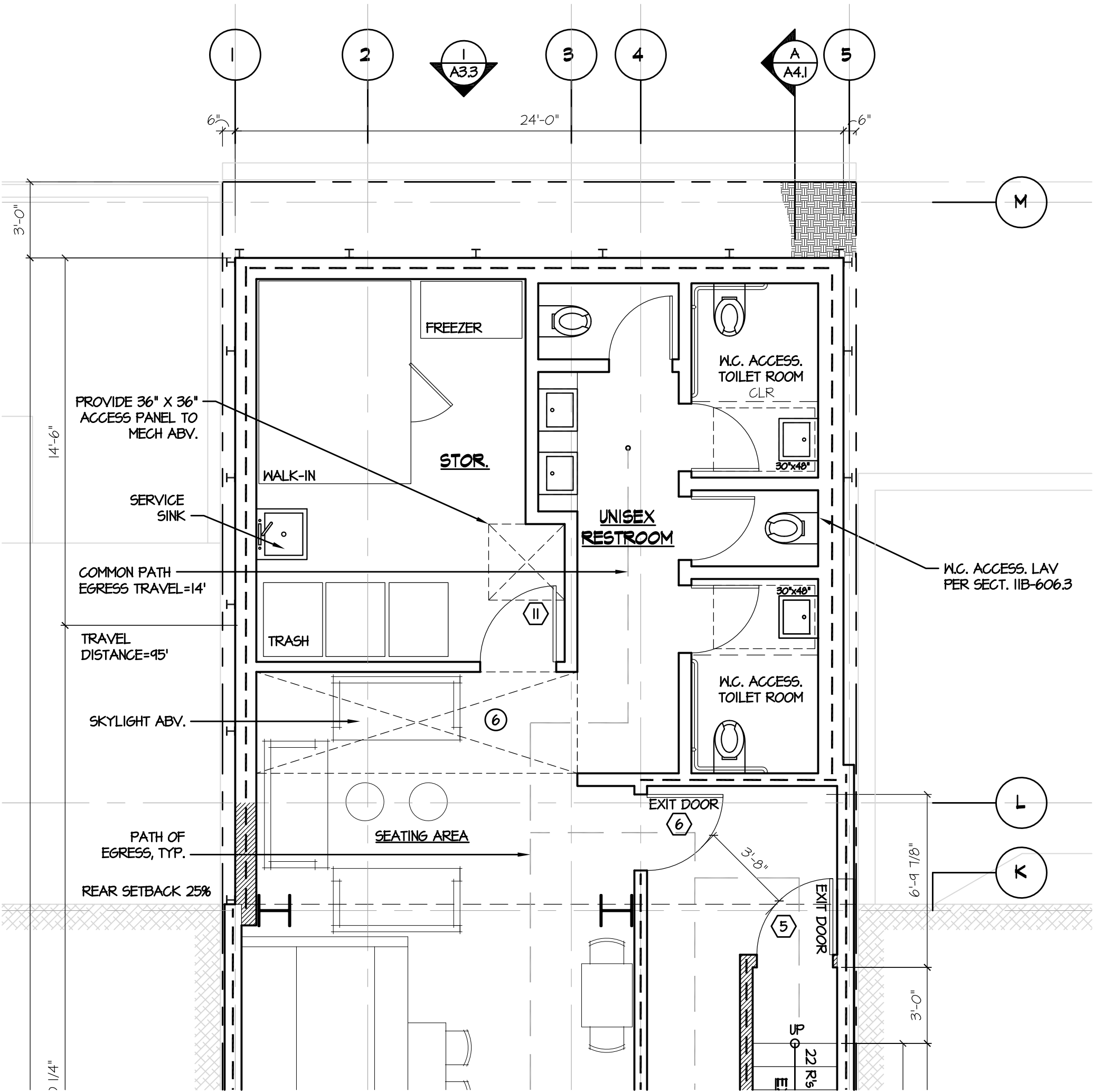
- HOUSING - Add two new dwelling units creating four two bedroom units;
- EMPLOYMENT - Convert bar with 5 employees to full restaurant/bar with 32 employees;
- ARTS - Expanded performance space and hours for local musicians;
- NOISE - No patron access to rear; State of the art sound insulating design & construction
- NEIGHBORHOOD ENRICHMENT - Dark noisy bar becomes bright family restaurant

Attached Documents:

- A. Revised Floor Plan and Section with setback for planting
- B. Living Green Roof Plan
- C. Urban Ecologist recommendations for hedge species
- D. Permit for full lot coverage for “Paxti’s Pizza” 3 doors away approved 2008 - Completed 2011
- E. Aerial Photo showing full lot commercial on 4000 block of 24th Street

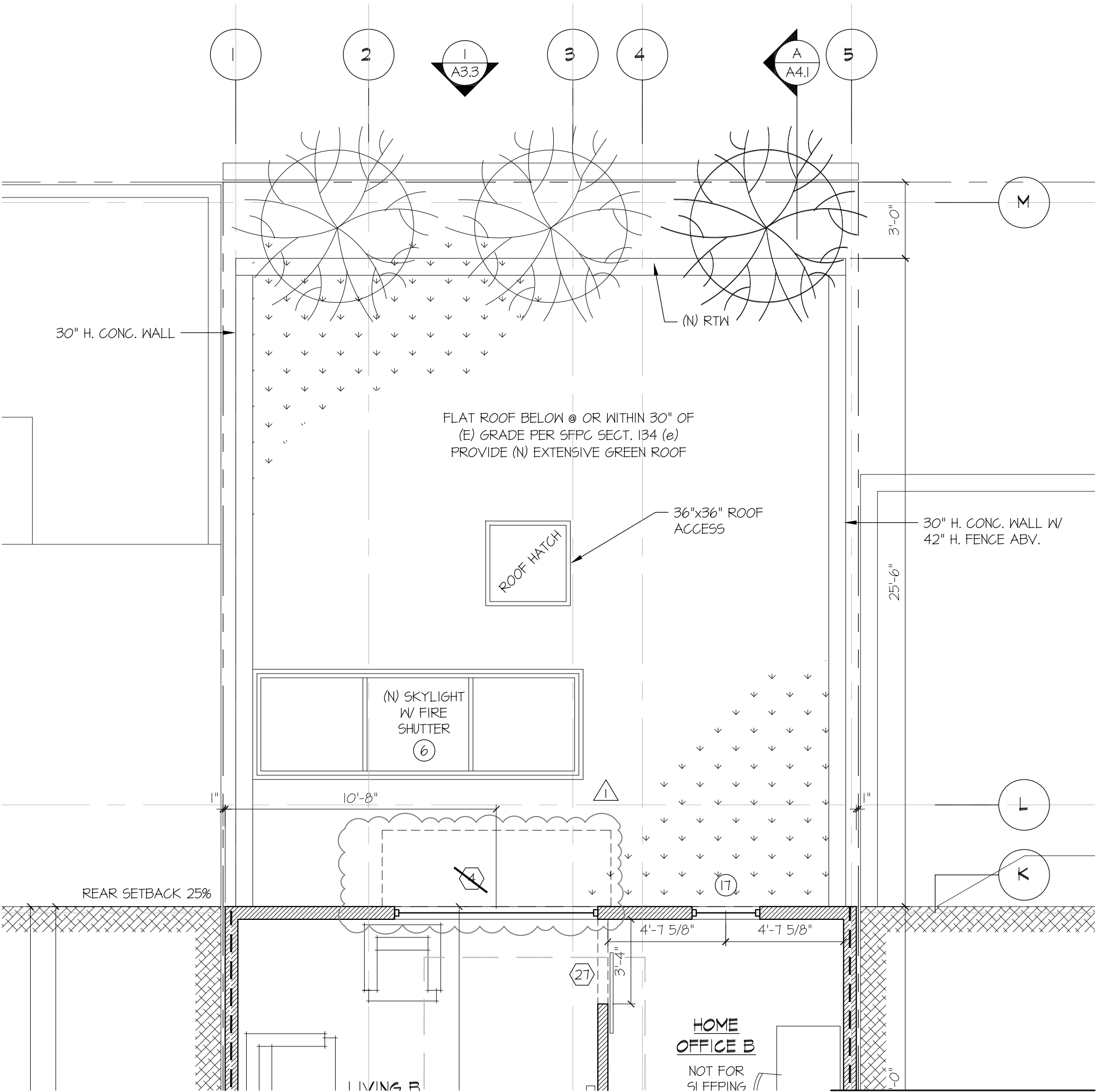


Plan - Rear of First Floor





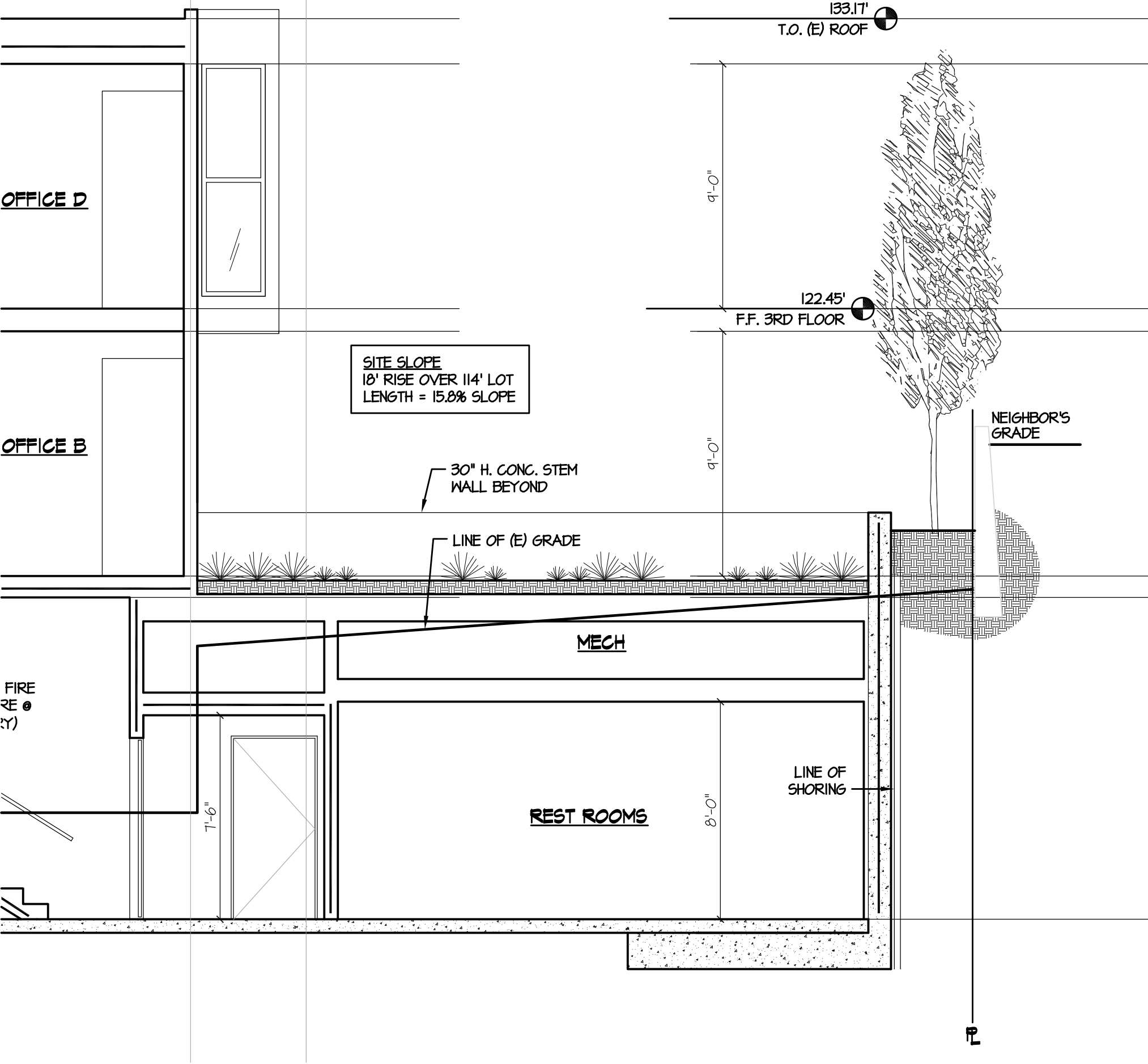
Plan - Rear of Second Floor





Section - At Rear of Property

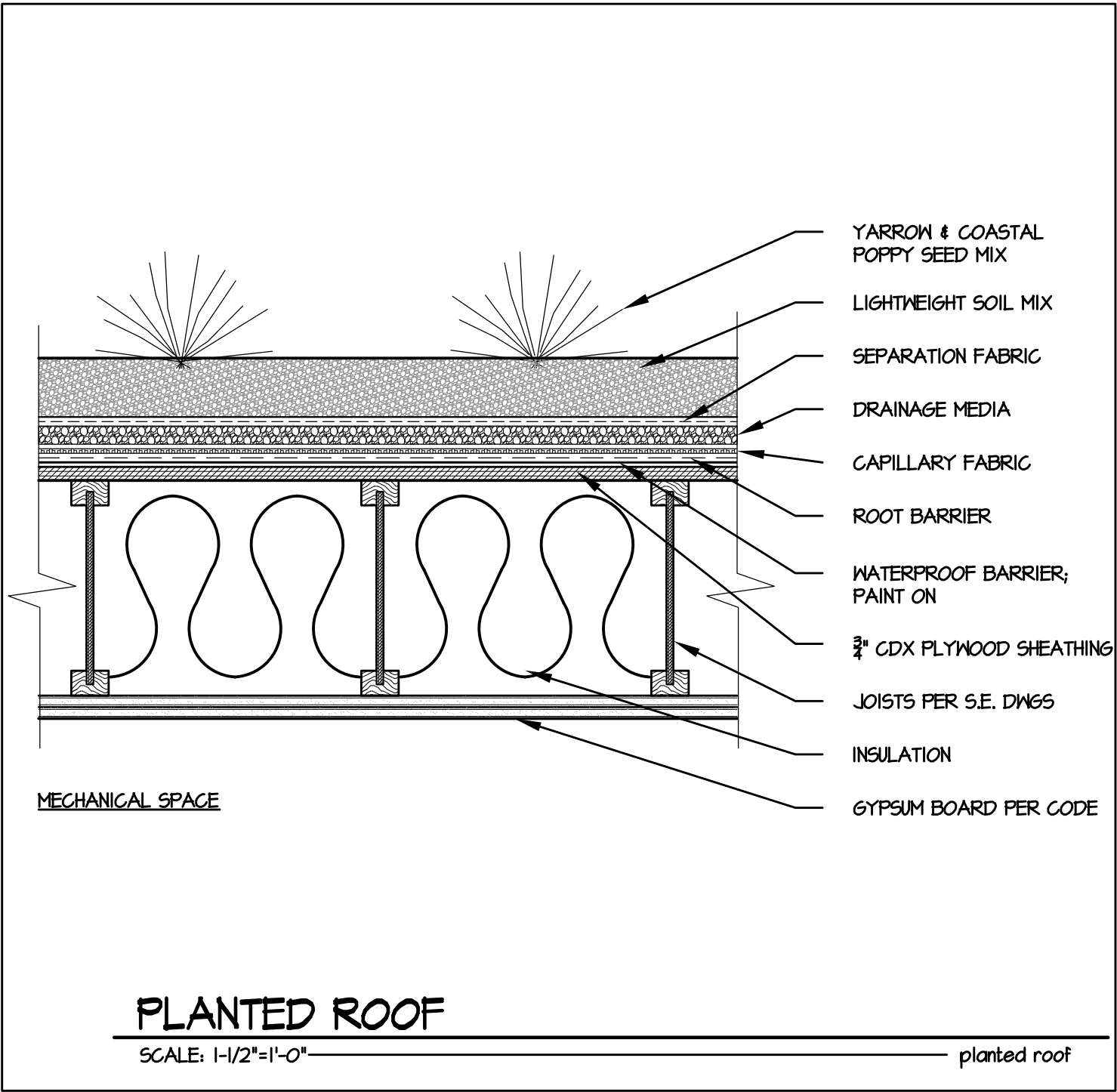
INDCIATES 1-HOUR FIRE
RATED ASSEMBLY, TYP.



A REAR SECTION A-A
SCALE: 1/4"=1'-0"



Planted Roof Detail



C.

SUDDEN OAK LIFE
Lee Klinger, MA PhD
INDEPENDENT ECOLOGIST & URBAN FORESTRY CONSULTANT
PO Box 664, Big Sur, CA 93920
www.SuddenOakLife.org

June 9, 2015

Rai Hutachinda
c/o Ross Levy, Project Architect
1286 Sanchez Street
San Francisco, CA 94114

RE: Rear Property Line Planting - ***Tom Rai Restaurant & Bar***
4022 24th Street, San Francisco

Dear Ms. Hutachinda:

I have visited your 24th Street property and inspected the current condition of the rear yard, and have reviewed Mr. Levy's architectural plans for the rear yard structure. Based upon my observations it is my opinion that a 36' planting strip between the existing property line retaining wall and the proposed rear wall of the new structure will support healthy sustainable tree growth. I recommend Wax Myrtle (*Myrica Cerifera*) for this installation.

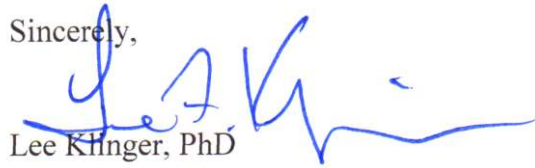
Five 24" box mature Wax Myrtles will quickly form a visual barrier which will provide drought resistant cover for urban wildlife and privacy screening for surrounding residents.

Our office, in consultation with Mr. Levy, will provide detailed instructions for site preparation and a subsurface drainage system to ensure the long term health and success of this planting.

We are also looking forward to working closely with your office on plant species selection for a productive living green roof. Per your clients request we have begun our research on butterfly friendly species for the living roof; this installation will be a source of lasting beauty.

Please do not hesitate to contact me should you have any questions about my recommendations. Thank you for this opportunity to be of assistance.

Sincerely,



Lee Klinger, PhD
Urban Forest Ecologist
Lee@SuddenOakLife.Org

Capacity Check JCS

Water 40

Wastewater 3300

6/10/08

SITE PERMIT

APR 17 2007

THIS APPLICATION APPROVED FOR
SITING PERMIT ONLY NO WORK MAY
BE STARTED UNTIL CONSTRUCTION
PLANS HAVE BEEN APPROVED

PARALLEL
BUILDING ENLARGEMENT
DESCRIPTION
HORIZONTAL

APPROVED FOR ISSUANCE

6/24/08

BLDG FORM

3/8

2007-04-18-9047(1)

APPLICATION NUMBER

APPROVAL NUMBER

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRSFORM 3 ☐ OTHER AGENCIES REVIEW REQUIREDFORM 8 ☐ OVER THE COUNTER ISSUANCE

(2) NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH

DATE FILED 4-18-07	FILED 356707	(1) STREET ADDRESS OF JOB 4042 24th STREET	BLOCK & LOT 3656/04
PERMIT NO 1166603	ISSUED 9/19/08	(2A) ESTIMATED COST \$150,000	(2B) REVISED COST 350,000
		DATE 2/29/08	

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR V-N	(5A) NO OF STORIES OF OCCUPANCY 3	(6A) NO OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE COMMERCIAL/RESIDENTIAL	(8A) OCCUP CLASS B-R-3	(9A) NO OF DWELLING UNITS 2
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR V-N	(5) NO OF STORIES OF OCCUPANCY 3	(6) NO OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) COMMERCIAL/RESIDENTIAL	(8) OCCUP CLASS B-R-3	(9) NO OF DWELLING UNITS 2
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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(14) GENERAL CONTRACTOR N/A	ADDRESS N/A	ZIP N/A	PHONE N/A	CALIF LIC NO N/A	EXPIRATION DATE N/A
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(15) OWNER LESSEE (CROSS OUT ONE) OWNER	NAME DICK HOWARD C/O TETA ASSOCIATES	ADDRESS 2747 10TH ST	ZIP SAN FRANCISCO CA	PHONE (FOR CONTACT BY DEPT) 415-362-5857
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WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

- SITE PERMIT -
(E) GROUND FLOOR COMMERCIAL SHALL TO BE EXPANDED TO REAR PROPERTY LINE. (E) 2ND FLOOR RESIDENTIAL TO BE EXPANDED TO 25% REAR YARD SETBACK. (E) 3RD FLOOR RESIDENTIAL TO BE EXPANDED AND STEPPED BACK FROM 2ND FLOOR - ROUTE TO SOPHIE MIDDLEBROOK -

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES STATE NEW HEIGHT AT CENTER LINE OF FRONT FT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES STATE NEW GROUND FLOOR AREA 246753 SQ FT
--------------------------------------------------------------------------	---------------------------------------------------------------------	--------------------------------------------------------------------	-----------------------------------------------------------------------	---------------------------------------------------------------------	-----------------------------------------------------------------

(21) WILL SIDEWALK OVER SUB SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG ON LOT? (IF YES SHOW ON PLOT PLAN)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--------------------------------------------------------------------	---------------------------------------------------------------------	-------------------------------------------------	---------------------------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------------------------------	-------------------------------------------------------------	---------------------------------------------------------------------

(25) ARCHITECT OR ENGINEER (DESIGNER) AHMAD MOHAZAB	ADDRESS 2747 10TH ST SE, CA 94110	CALIF CERTIFICATE NO C-17636
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(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY IF THERE IS NO KNOWN CONSTRUCTION LENDER ENTER UNKNOWN) NA	ADDRESS NA
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IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction to be closer than 60 to any wire carrying more than 750 volts. See Section 385 California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approval of plans and application being kept at building site.

Grades as shown on drawings accompany this application are assumed to be correct. If actual grade lines are not the same as shown, the drawings show correct grade lines. Cuts and fills together with complete data of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED WHEN REQUIRED

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS YES TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24)

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
☐ OWNER ☐ ARCHITECT
☐ LESSEE ☐ AGENT
☐ CONTRACTOR ☐ ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

9003 03 (REV 1/02)

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE: The permittee(s) by acceptance of the permit agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under the permit, regardless of negligence of the City and County of San Francisco and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

I conform with the provisions of Section 3800 of the Labor Code of the State of California. The applicant shall have coverage under (I) or (II) designated below or shall call item (III) or (IV) or (V) whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following decisions at once:

- I have read and will maintain a certificate of consent to self for worker's compensation as provided by Section 3700 of the Labor Code for the performance of the work for which this permit is issued.
- I have read and will maintain workers compensation insurance as required by Section 3700 of the Labor Code for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- The cost of the work to be done is \$100 or less.
- I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the workers compensation laws of California. I further acknowledge that I understand that the consent that I should become subject to the workers compensation provisions of the Labor Code of California and fail to comply therewith shall be deemed to be a violation of the provisions of Section 3800 of the Labor Code that the permit herein applied for shall be deemed voided.
- I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued I will employ a contractor who complies with the workers compensation laws of California and who is not to the commencement of any work will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent

Date

ORIGINAL

CONDITIONS AND STIPULATIONS

D.



REFER TO	APPROVED	DATE	REASON	NOTIFIED MR
<input type="checkbox"/>	<p>contact the district building inspector at the start of work call 8 6098 For plumbing inspection scheduling call 558 6054 for electrical inspection scheduling call 558 6030</p> <p>Application is approved without site inspection detailed plumbing or electrical plan review and does not constitute an approval of the building Work authorized must be done in strict accordance with all applicable codes Any electrical work shall require appropriate separate permits</p> <p><i>24th and Nrc Approval for new rental expansion of commercial and residential units at 24th and Nrc</i></p> <p>THOMAS SIMMS DBI</p> <p>FEB 29 2008</p> <p>BUREAU OF BUILDING INSPECTION DEPT OF BLDG INSP</p>			
<input type="checkbox"/>	<p>APPROVED</p> <p><i>6. MIDDLEBURY</i></p> <p>DEPARTMENT OF CITY PLANNING</p> <p>N/A</p>			
<input type="checkbox"/>	<p>APPROVED</p> <p>BUREAU OF FIRE PREVENTION & PUBLIC SAFETY</p> <p>N/A</p>			
<input type="checkbox"/>	<p>APPROVED</p> <p>By <i>[Signature]</i></p> <p>JAMES ZHAN DBI</p> <p>SEP 28 2007</p> <p>MECHANICAL ENGINEER DEPT OF BLDG INSPECTION</p>			
<input type="checkbox"/>	<p>APPROVED</p> <p>N/A</p> <p>CIVIL ENGINEER DEPT OF BLDG INSPECTION</p>			
<input checked="" type="checkbox"/>	<p>APPROVED</p> <p>PRE-CONSTRUCTION SITE MEETING REQUIRED BY DPW/BSM STREET INSPECTION</p> <p>Call (415) 554-7149 To Schedule</p> <p>BUREAU OF ENGINEERING</p> <p>DPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL 554 7149 TO SCHEDULE</p> <p><i>6/5/08</i></p>			
<input type="checkbox"/>	<p>APPROVED</p> <p>N/A</p> <p>DEPARTMENT OF PUBLIC HEALTH</p>			
<input type="checkbox"/>	<p>APPROVED</p> <p>REDEVELOPMENT AGENCY</p>			
<input type="checkbox"/>	<p>APPROVED</p> <p>SFPUC</p> <p><i>[Signature]</i></p> <p>BT 6/10/08</p> <p>SFPUC Capacity Charges</p> <p>See attached SFPUC Capacity Charge Invoice for total amount due DBI will collect 50% or more of the total amount before the Site Permit is issued Any balance will be billed and collected by SFPUC directly</p> <p>HOUSING INSPECTION DIVISION</p>			

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or department noted on this application and attached statements of conditions or stipulations which are hereby made a part of this application

Number of attachments ☐

OWNER'S AUTHORIZED AGENT



CITY OF SAN FRANCISCO DEPARTMENT OF PLANNING
BUILDING PERMIT
LEADER CARD

SW

2007-189047-3

ACTIVITY TEAM

DATE RECEIVED 4/19/07

DATE STARTED

DATE COMPLETED

PLAN CHECKER

LEGISLATIVE ACTION

Project Review WISDOM
Middlebrook/Delvin Washington

IF NO INTERIM OTHER SPACE

D.

COMPLAINT YES ☐ NO ☐

NUMBER OF UNITS 3R

HID

SMOKE CHIMNEY

OTHER

STANDARD	PROPOSED	FINDING	PERMITTED
1. SETBACK			
2. FRONT SETBACK			
3. REAR YARD			
4. OPEN SPACE			
5. HEIGHT			
6. PARKING			

STAFF COMMENT

4/19/07

PRELIMINARY ENVIRONMENTAL REVIEW CATEGORICALLY EXEMPT

NOTIFICATION OF HOLD OF BUILDING PERMIT APPLICATION
REQUEST FOR FURTHER INFORMATION

- ☐ ALL PLANS MUST BE TO AN APPROPRIATE SCALE
- ☐ SUBMIT REVISIONS TO PAD
- ☐ BACK CHECK FEE
- ☐ ALERT
1. ☐ SITE SURVEY SIGNED BY LICENSED SURVEYOR OR ENGINEER
2. ☐ FRONT, REAR, SIDE, AND CORNER ELEVATIONS
3. ☐ FLOOR PLANS COMPLETE FLOOR PLANS OF
4. ☐ ELEVATIONS SHOW
5. ☐ SECTIONS SHOW
6. ☐ PARKING PLAN SHOW
7. ☐ ROOF PLAN
8. ☐ FRONT SETBACK
- ☐ SHOW REQUIRED LANDSCAPING
- ☐ SHOW REQUIRED TREE PLANTING
- ☐ SHOW UTILITY LINES
9. ☐ COMPLETE NOTICE OF SPECIAL RESTRICTIONS
10. ☐ OTHER DEPARTMENTAL ACTION IS REQUIRED
- ☐ CERTIFICATE OF APPROPRIATENESS
- ☐ DISCRETIONARY REVISIONS
- ☐ SETBACKS
- ☐ ENVIRONMENTAL EVALUATION
- ☐ CONDITIONAL USES
- ☐ INST MASTER PLAN
11. ☐ DESIGN REVIEW SUBMIT THE FOLLOWING PHOTOGRAPHS AND/OR SCHEDULES
- ☐ PANORAMIC VIEWS OF THE STREET
- ☐ FACADE OF SUBJECT BUILDING
- ☐ BUILDINGS ON BOTH STREET FRONTS
- ☐ REAR VIEWS OF ADJACENT BLDGS
- ☐ FACADES OF ADJACENT BUILDINGS
- ☐ MID BLOCK OPEN SPACE
- ☐ WINDUW
- ☐ ROOM
12. ☐ OTHER



ADURLS WFL-24th J BLOCK 3656 LOT(S) 04
 /ONINC 24th Nov FLIGHT 40X SEIBACK JUD SSD IID/CD
 I M N U I I P E C A I ☒ AS ☐ NATL REG ☐ NCULCU ☐ NSR ☐ BBN ☐ MISC PMT ☐ PLNC VIOL ☐ DBI COMPLAINT ☐ IIR DETCT ☐ OTHR

GROUP ASSES OR ACTION	FILED 116				
VIOLATION OF NSR NO					
OTHER EVENT					

ATTACH THIS FORM TO THE BUILDING PERMIT APPLICATION

E.

4000 Block of 24th Street



Tom Rai Location

Paxti's Pizza (now full lot coverage)