



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: SEPTEMBER 8, 2011

*Date:* September 1, 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  
[kimberly.durandet@sfgov.org](mailto:kimberly.durandet@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### 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 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 No. 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, which was denied by the Planning Commission 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.

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.

## **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 Conditional Use Authorization Motion Numbers 14876 and 14983. There is no usable open space 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.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located on Mission Street between 21<sup>st</sup> and 22<sup>nd</sup> 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 21<sup>st</sup> Street. The adjacent property to the west is a residential building. The surrounding area is 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. 21<sup>st</sup> 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. 22<sup>nd</sup> 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 21<sup>st</sup> and Bartlett Streets which are zoned RTO-M. Mission and 22<sup>nd</sup> 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.

## ENVIRONMENTAL REVIEW

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.

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 19, 2011	August 17, 2011	22 days
Posted Notice	20 days	August 19, 2011	August 17, 2011	22 days
Mailed Notice	20 days	August 19, 2011	August 17, 2011	22 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## 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.

## ISSUES AND OTHER CONSIDERATIONS

- On December 16, 2009 the Board of Appeals heard Appeal No. V09-045 to appeal the issuance of a Notice of Violation and Denial of Referral to Director issued by the Acting Zoning Administrator on April 24, 2009 that an illegal commercial activity was occurring on the subject property. During the hearing it was determined that the project sponsor could seek Conditional Use authorization to legalize an Outdoor Activity Area on the roof.
- As part of the CEQA review of the Conditional Use Authorization process, the project sponsor has installed acoustical barriers and conducted sound testing. 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 used for the accessory Outdoor Activity Area 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 to activate if the volume rises above a certain decibel. Landscaping will also be installed to further buffer ambient noise.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant conditional use authorization 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 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.

## **BASIS FOR RECOMMENDATION**

- The project sponsor has installed acoustic barriers and is reducing the size of the deck so that the activity will occur away from the residential properties along the western portion of the lot.
- The project promotes the continued operation of an established, locally-owned business and contributes to the viability of the overall Mission Street NCT Zoning District.
- The project meets all applicable requirements of the Planning Code.
- The project is desirable for, and compatible with the broader surrounding neighborhood providing a commercially operated open space in an area that is dearth of open space.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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### **Attachments:**

Environmental Determination

Zoning Map

Height and Bulk Map

Parcel Map

Sanborn Map

Aerial Photographs

Project Sponsor Submittal, including:

- Site Photographs

- Reduced Plans

Attachment Checklist

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

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

KID  
Planner's Initials

*I:\Neighborhood Planning\SE Team\KDurand\CU\2516 Mission (Medjool)\Draft Documents\ExecutiveSummary.doc*



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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## Planning Commission Draft Motion

HEARING DATE: SEPTEMBER 8, 2011

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*Case No.:* **2009.0342C**  
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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. MEDJOO) 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 21<sup>st</sup> and 22<sup>nd</sup> 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 21<sup>st</sup> 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. 21<sup>st</sup> 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. 22<sup>nd</sup> 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 21<sup>st</sup> and Bartlett Streets which are zoned RTO-M. Mission and 22<sup>nd</sup> 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.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The 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 purposes 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. 2009.0342C** 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. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 8, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

## 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 XXXXXX under Motion No XXXXXX. 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 XXXXXX under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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, [www.sf-planning.org](http://www.sf-planning.org)*

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

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

## DESIGN – 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, [www.sf-planning.org](http://www.sf-planning.org)*

## 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](http://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](http://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](http://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](http://www.sfdph.org)*

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

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

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](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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 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](http://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](http://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, [www.sf-planning.org](http://www.sf-planning.org)*

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, [www.sf-planning.org](http://www.sf-planning.org)*



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2009.0342E  
 Project Title: 2516 Mission Street – Medjool Sky Terrace  
 Zoning: Mission Street NCT, 65-B/55-X  
 Block/Lot: 3616/061  
 Lot Size: 6,760 square feet (sq ft)  
 Project Sponsor: Brett Gladstone on behalf of Gus Murad, 434-9500  
 Staff Contact: Sarah Jones – (415) 575-9034, sarah.b.jones@sfgov.org

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
 Information:  
**415.558.6377**

### PROJECT DESCRIPTION:

The project site contains a 44-foot high, 3-story-plus-mezzanine, 19,927 sq ft building. The proposed project is an application for a Conditional Use permit to authorize the following features on the roof level of the existing building: 1) a 3,414 sq ft outdoor dining and bar area (“Sky Terrace”); and 2) a 320 sq ft deck area for residential tenant use. The proposed project includes solid acoustical barriers along the edges of the rooftop, specifically consisting of eight-foot-high barriers with the upper foot angled inward, at the northern, western, and southern sides of the roof, and five-foot barriers at the east (Mission Street) edge of the roof. Existing openings on the north and south building facades would be filled with sound-attenuating laminated glass. No demolition of existing features is proposed.

(Continued on next page)

### EXEMPT STATUS:


Categorical Exemption, Class 1 [State CEQA Guidelines Section 15301(e)(1)]

### REMARKS:

See reverse side.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
 \_\_\_\_\_  
 BILL WYCKO  
 Environmental Review Officer

  
 \_\_\_\_\_  
 Date

cc: Brett Gladstone, Project Contact  
 Kimberley Durandet, SE Quadrant  
 Exemption / Exclusion File  
 Tom Rivard, Department of Public Health

Bulletin Board



**PROJECT DESCRIPTION (continued):**

The project site is located on the block bounded by Mission Street to the east, 21<sup>st</sup> Street to the north, Bartlett Street to the west, and 22<sup>nd</sup> Street to the south. The ground and mezzanine floors of the existing building are occupied by a 6,450 sq ft restaurant and bar/nightclub ("Medjool"). The second and third floors are occupied by a 33-room hotel with 24 tourist rooms and 9 SRO units ("Elements Hotel"). The building has a 23-foot-deep rear yard and no front or side setbacks.

**REMARKS (continued):**

The existing building on the project site is a 3-story-plus-mezzanine structure that was rebuilt and expanded following a fire in the original structure. The existing tourist/residential hotel use obtained a Conditional Use permit in February 2000 (Planning Commission Motion No. 14983). The project sponsor sought approval for a rear yard outdoor activity area at that time that was disapproved, and the Planning Commission motion specified that outdoor space to serve the approved nine residential hotel rooms would be provided in either the rear yard area or on a roof deck. In 2004, the project sponsor received approvals necessary for a full service restaurant and bar on the ground floor and mezzanine of the building.

The Sky Terrace rooftop bar and dining area began its operations in 2005. The Planning Department determined that existing approvals on the project site did not permit the Sky Terrace use, and directed the project sponsor to apply for a Conditional Use permit for the Sky Terrace. An application for a Conditional Use permit was filed in May 2009 and an application for environmental review was filed on April 22, 2010. Although the Conditional Use application does not specify a proposed maximum occupancy, according to the Medjool website, the Sky Terrace may be reserved to accommodate up to 120 seated or 200 standing guests.<sup>1</sup> With the exception of a partial barrier at the rear of the roof, the Sky Terrace has been operating without the acoustical barriers included in the Conditional Use application; temporary barriers were erected in December 2010 to conduct the acoustical testing described below.

The project site is located on Mission Street, within an NCT zoning district, which accommodates a mix of uses including restaurants, commercial/retail uses, and residences. With the exception of the property at the corner of Bartlett and 21<sup>st</sup> Streets that is within the RTO (Residential – Transit Oriented) district, the entire project block is located within this zoning district, which extends to the west across Valencia Street. Other uses along Mission Street on the project block include the Foreign Cinema restaurant, with ground-level outdoor seating in the rear yard, various retail uses, and the vacant New Mission Theater. The site on which the New Mission Theater is located is also owned by the project sponsor, and a proposal for renovation of the theater and construction of a residential building on the portion of the site currently occupied by the Giant Value retail store is under review at the Planning Department (Case No. 2005.0694). Bartlett Street, which runs parallel to Mission Street, is a mid-block alleyway with a more residential character than Mission Street. On the project block, Bartlett Street contains multifamily

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<sup>1</sup> <http://www.medjoolsf.com/events.htm>, accessed on July 12, 2011.

residential buildings and the San Francisco Buddhist Center, a practice and meditation facility with residences on its upper floors.

This evaluation considers the Sky Terrace a new use for CEQA purposes. Therefore, in assessing the potential for the proposed Sky Terrace authorization to result in significant impacts, the Sky Terrace operation was not considered part of the existing setting. Accordingly, an acoustical study was prepared to determine whether noise from the Sky Terrace would result in a significant impact.

#### *Acoustical Study Parameters*

The acoustical study was completed by Charles M. Salter Associates, Inc. (CSA), under the direction of the Planning Department.<sup>2</sup> The study considered whether the project as proposed, including the acoustical barriers, would result in an increase in noise levels to the extent that a substantial adverse effect would occur. The acoustical testing considered whether the addition of acoustical barriers and calibration of the Sky Terrace audio system would bring the Sky Terrace into compliance with applicable criteria.

It is presumed that a project that meets applicable local ordinances and codes related to noise would not result in a significant impact; therefore the acoustical study considered the project in light of the noise standards articulated in applicable codes. Section 303(c)(5)(A)(iv) of the Planning Code specifies that the Planning Commission must determine that a proposed Conditional Use is "...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." However, this is not the applicable standard for significance of noise impacts because the Planning Commission has discretion in the application of this provision, and because there is no demonstrable evidence that audibility of noise to individuals is a substantial environmental impact. The San Francisco Noise Ordinance, which serves as the standard threshold for environmental review of noise impacts, is contained in Article 29 of the San Francisco *Police Code*.

The applicable standard for noise produced at a fixed noise source by a commercial use is eight dBA above the local ambient at any point outside the property (*Police Code* Section 2909(b)). In addition, "...no fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. with windows open" (*Police Code* Section 2909(d)). Furthermore, Section 49 of the *Police Code* requires that amplified music be virtually inaudible at a distance of fifty feet from the source between the hours of 10:00 pm and 7:00 am. According to Tom Rivard of the San Francisco Department of Public Health, the ambient noise level under the Noise Ordinance correlates to the L90 metric, which is the quietest 10 percent of measured noise levels in a given period of time.<sup>3</sup>

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<sup>2</sup> Charles M Salter Associates Inc, "Medjool Sky Terrace Noise Mitigation – Results of Acoustical Study", May 15, 2011. This document is available for review at the Planning Department, 1650 Mission Street Ste 400, San Francisco, CA 94103 as part of Case File No 2009.0342E.

<sup>3</sup> Email communication from Cristina L. Miyar, CSA, to Sarah Jones, San Francisco Planning Department, dated June 7, 2010. This document is available for review at the Planning Department, 1650 Mission Street Ste 400, San Francisco, CA 94103 as part of Case File No 2009.0342E.

The San Francisco Noise Ordinance specifically regulates fixed noise sources, such as music systems, but does not contain standards for noise generated by individuals (dining, talking, etc). With the concurrence of Tom Rivard of the Department of Public Health, the noise ordinance criteria were applied to the measurement and evaluation of noise from the Sky Terrace.<sup>4</sup>

The acoustical study was intended to obtain noise information that would be relevant to review of the proposed Sky Terrace. It focused on noise levels at sensitive receptors near the project site, which include residential uses and religious institutions, and was designed to identify and evaluate noise levels attributable to the Sky Terrace specifically, separate from other noise sources on the project block, including the permitted restaurant and nightclub uses at the project site.

#### *Acoustical Testing Approach*

The approach to acoustical testing is described in a letter from CSA to the Planning Department.<sup>5</sup> The testing approach was developed in consultation with the Department of Public Health, which has responsibility for enforcement of noise requirements, and was reviewed by interested parties on request.

CSA designed the proposed acoustical barriers for the Sky Terrace, based on ambient noise measurements taken in 2007 by Environmental Science Associates as part of the aforementioned New Mission Theater project and noise measurements at the project site taken by CSA in May 2010. Temporary barriers were erected at the project site for the purpose of conducting the acoustical testing and determining the effect of project noise on neighboring uses.

Acoustical monitors were placed at six locations around the project site. The locations were selected by the Department. Locations included the Sky Terrace itself, the closest sensitive receptor at 3215 21<sup>st</sup> Street, and a location intended to capture noise at the San Francisco Buddhist Center, as well as locations on surrounding streets. The locations were identified based on noise ordinance requirements and the filing of complaints regarding entertainment-related noise. The testing plan included a location at the rear of the residential building at 25 Bartlett Street, but this location was not studied as CSA was unable to gain access to the location at the time of testing.<sup>6</sup>

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<sup>4</sup> Charles M Salter Associates Inc, "Medjool Sky Terrace Noise Mitigation – Results of Acoustical Study", May 15, 2011, p. 1. This document is available for review at the Planning Department, 1650 Mission Street Ste 400, San Francisco, CA 94103 as part of Case File No 2009.0342E.

<sup>5</sup> Charles M Salter Associates Inc, "Medjool Sky Terrace Conditional Use Permit Proposal for Acoustical Study", May 25, 2010. This document is available for review at the Planning Department, 1650 Mission Street Ste 400, San Francisco, CA 94103 as part of Case File No 2009.0342E.

<sup>6</sup> Location 2 at 3215 21<sup>st</sup> Street is closer to the Sky Terrace than 25 Bartlett Street. Moreover, according to CSA, 25 Bartlett Street is likely to experience noise from the interior portions of the Medjool restaurant and nightclub which would affect the results. Therefore, the omission of this test location does not have the potential to affect the conclusions of the acoustical study.

The amplified music source for the Sky Terrace was calibrated for inaudibility to a gain setting (volume level) of -10dB on April 9, 2011, and confirmed with a representative of the San Francisco Buddhist Center.

Acoustical testing occurred over the weekend of April 8-11, 2011. Testing consisted of measurement of ambient noise levels with and without the Sky Terrace in operation, and comparing them to calculate the change in noise levels that could reasonably be attributed to the Sky Terrace. In order to measure ambient noise levels in the project site vicinity, the Sky Terrace was closed starting at 9 pm on Friday April 8 (to evaluate night ambient noise) and again closed from morning until 9 pm on April 11. Noise levels with the Sky Terrace in operation were measured at other times during the weekend, primarily over the Saturday night of April 9-10.

An unexpected change in weather conditions between occurring on April 9 led to some substantially lower noise levels on this testing day that did not provide the Department with an adequate assessment of noise attributable to the Sky Terrace. Moreover, the maximum occupancy of the Sky Terrace was only 58 people, which is substantially lower than the Sky Terrace's capacity. Additional measurements were taken to supplement the original data at Location 2 (3215 21<sup>st</sup> Street), the residential receptor closest to the Sky Terrace, over the night of April 30-May 1, when weather conditions were similar to those that occurred on April 8. Occupancy of the Sky Terrace reached 113 persons on April 30.

#### *Acoustical Study Results*

The acoustical study indicated that L90 noise levels (e.g., the lowest 10 percent of noise levels during each 10-minute measurement period) on the night of April 30 at the closest residential receptor to the Sky Terrace were 0.5-3.9 dB louder than background (ambient) noise levels with the Sky Terrace in operation. During the highest occupancy period from 11:20 pm until midnight the sounds levels were 0.5-1.7 dB higher with the Sky Terrace in operation than without. In a setting already experiencing noise, a difference or increase of 3 dB is considered the threshold of audibility and, depending on the nature of the noise, could be perceived as an annoyance by some individuals.<sup>7</sup>

As stated above, the noise measurements on April 9 appear to have been affected by changing weather conditions, and show a substantial change in ambient noise levels not attributable to the Sky Terrace. This change is most notable in the measurements at Location 3 (33 Bartlett Street), which was the monitor closest to the Foreign Cinema restaurant. In that location, noise levels on the night of April 9, when the Sky Terrace was in operation, were up to 9.5 dB lower than they were on April 8, when the Sky Terrace was closed. It is reasonable to conclude that patronage of the outdoor seating area at the Foreign Cinema was lower on April 9 than on April 8 due to inclement weather conditions, and the noise levels in this location were affected accordingly. At other locations, April 9 noise measurements showed no discernible pattern relative to April 8 noise measurements. As stated above, additional measurements were taken on April 30 because these original results did not provide adequate information about noise attributable to the Sky Terrace.

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<sup>7</sup> Personal communication between Sarah Jones, Planning Department and Cristina Miyar, Charles M Salter Associates Inc, July 12, 2011.

In addition to the April 2011 acoustical study, CSA had taken measurements in May 2010 that were intended to inform the design of the proposed acoustical barriers. The measurements were taken on a warm night and maximum occupancy of the Sky Terrace reached 135 patrons. In reviewing the results, CSA estimated an increase of approximately two dB in sound levels between the maximum occupancy of 113 on April 30, 2011 and the occupancy of 135 in May 2010. Noise levels would remain under the Noise Ordinance limit of eight dB with the greater occupancy.

#### *Peer Review of Acoustical Study*

Upon request from the San Francisco Buddhist Center, the acoustical study results were peer reviewed by an acoustical consultant under contract to the Buddhist Center (Deborah Jue of Wilson, Ihrig & Associates, Inc (WIA)).<sup>8</sup> WIA discussed the testing methodology and extrapolated the acoustical study conclusions to an assumed capacity level of use of 340 users (calculated based on WIA's estimate of 10 sq ft per person). WIA concurred with CSA's conclusion that the Sky Terrace noise would meet Noise Ordinance criteria.

While the project as proposed would be expected to meet the Noise Ordinance requirements and would not result in a significant impact, the potential for neighboring properties to experience some audible sound from Sky Terrace patrons or sound system amplification would remain. WIA's review included recommendations to address this noise resulting from the project. These measures could include occupancy limits, calibration of the sound system using multiple metrics (i.e. A-weighted level, C-weighted level, and an octave band spectrum), and use of an objective and reliable enforcement mechanism for the sound system such as a noise limiter system.

WIA's recommended measures could further reduce a less-than-significant impact of the proposed project, and could be considered by the Planning Commission as part of the Conditional Use process.

## **CONCLUSION**

Based on the results of the acoustical study, it appears that the Sky Terrace project as proposed would not result in a significant noise impact. This conclusion is based on the following:

1. It appears that, at the occupancy level of 113 persons as tested, noise from the Sky Terrace would be substantially below the Noise Ordinance threshold of an increase of 8 dB over the L90 ambient level.
2. While there have been numerous complaints from neighbors about noise generated by the Sky Terrace in the past, no acoustical barriers were in place. The proposed project includes acoustical

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<sup>8</sup> Letter from Deborah Jue, Wilson Ihrig & Associates to Sarah Jones, San Francisco Planning Department, "2522 Mission Street Conditional Use Permit (Medjool Sky Terrace) and Sound Study," 18 July 2011. This document is available for review at the Planning Department, 1650 Mission Street Ste 400, San Francisco, CA 94103 as part of Case File No 2009.0342E.

barriers designed to address noise generated at an occupancy level of 135 patrons, and test results indicate that the barriers would maintain noise levels that would result in less-than-significant noise levels.

Noise is a typical and expected characteristic of an urban setting, particularly in location with a mix of commercial and residential uses. While some individuals might experience temporary inconvenience or annoyance as a result of Sky Terrace noise, the impact would not be substantial and would be less than significant.

With regard to the proposed Conditional Use application, the Planning Commission may consider findings or choose to grant a permit with conditions that are deemed appropriate for the project and its site. Such conditions might reduce an impact that has been determined to be less than significant, but the imposition of such conditions does not indicate that a significant environmental impact would occur if they were not part of a project approval.

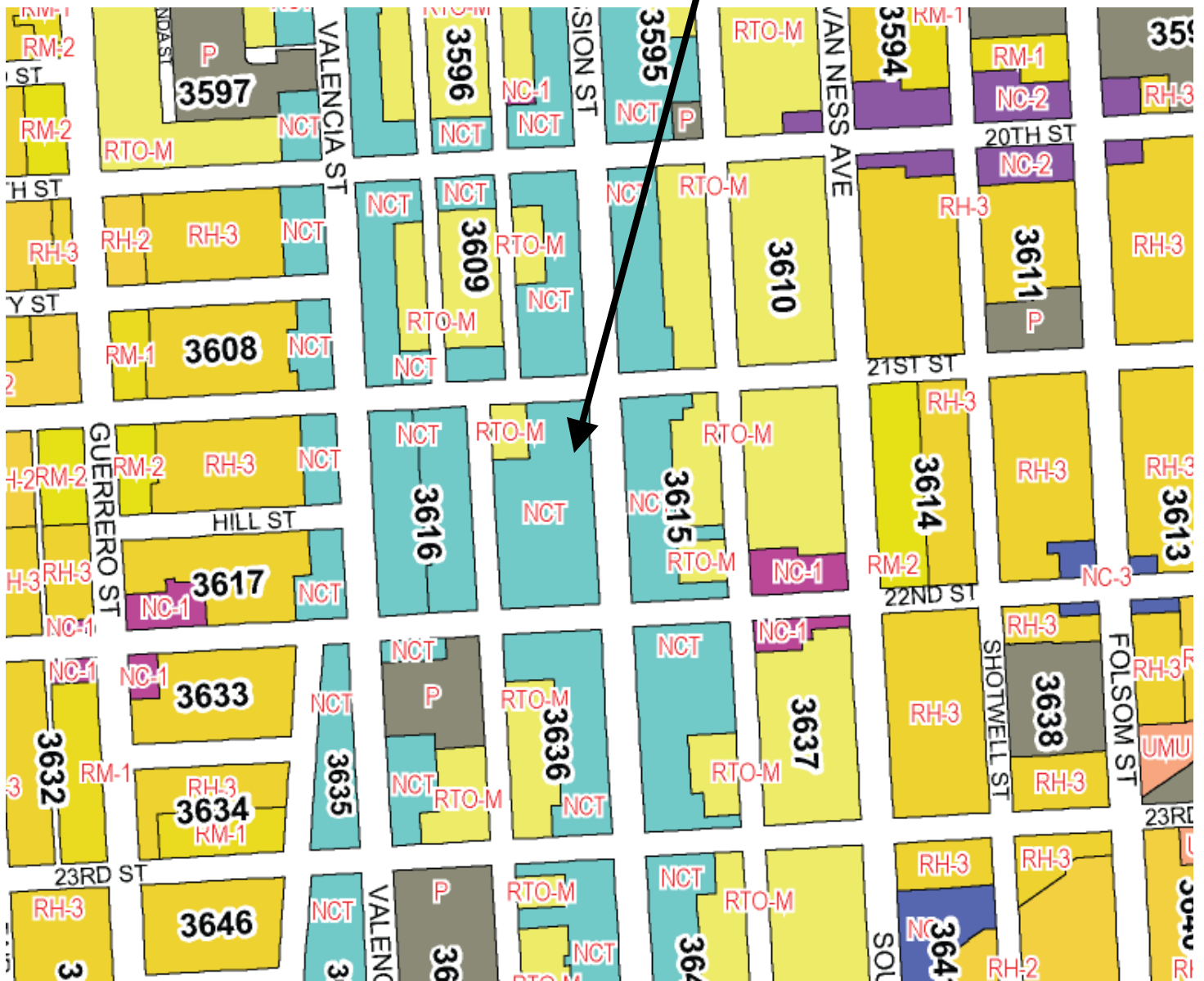
The proposed project would involve establishment of an approximately 3,414 sq ft rooftop dining and entertainment area and a 320 sq ft residential outdoor space on the roof of an existing building. CEQA State Guidelines Section 15301(e)(1), or Class 1, provides an exemption from environmental review for additions to existing structures provided that the addition is less than 2,500 square feet. With the exception of the acoustical barriers, no additions to the existing structure are proposed. Moreover, the Department does not consider the 2516 Mission Street project site to be environmentally sensitive, in that the density and mix of uses are typical in an urban setting and there are no special circumstances in the vicinity of the project site, and the acoustical study confirmed that the project would not result in a significant noise impact. Therefore, the proposed project would be exempt under Class 1.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances. Issues associated with noise are addressed above, and there are no other unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect. The proposed project would be exempt under the above-cited classification.

For all of the above reasons, the proposed project is appropriately exempt from environmental review.

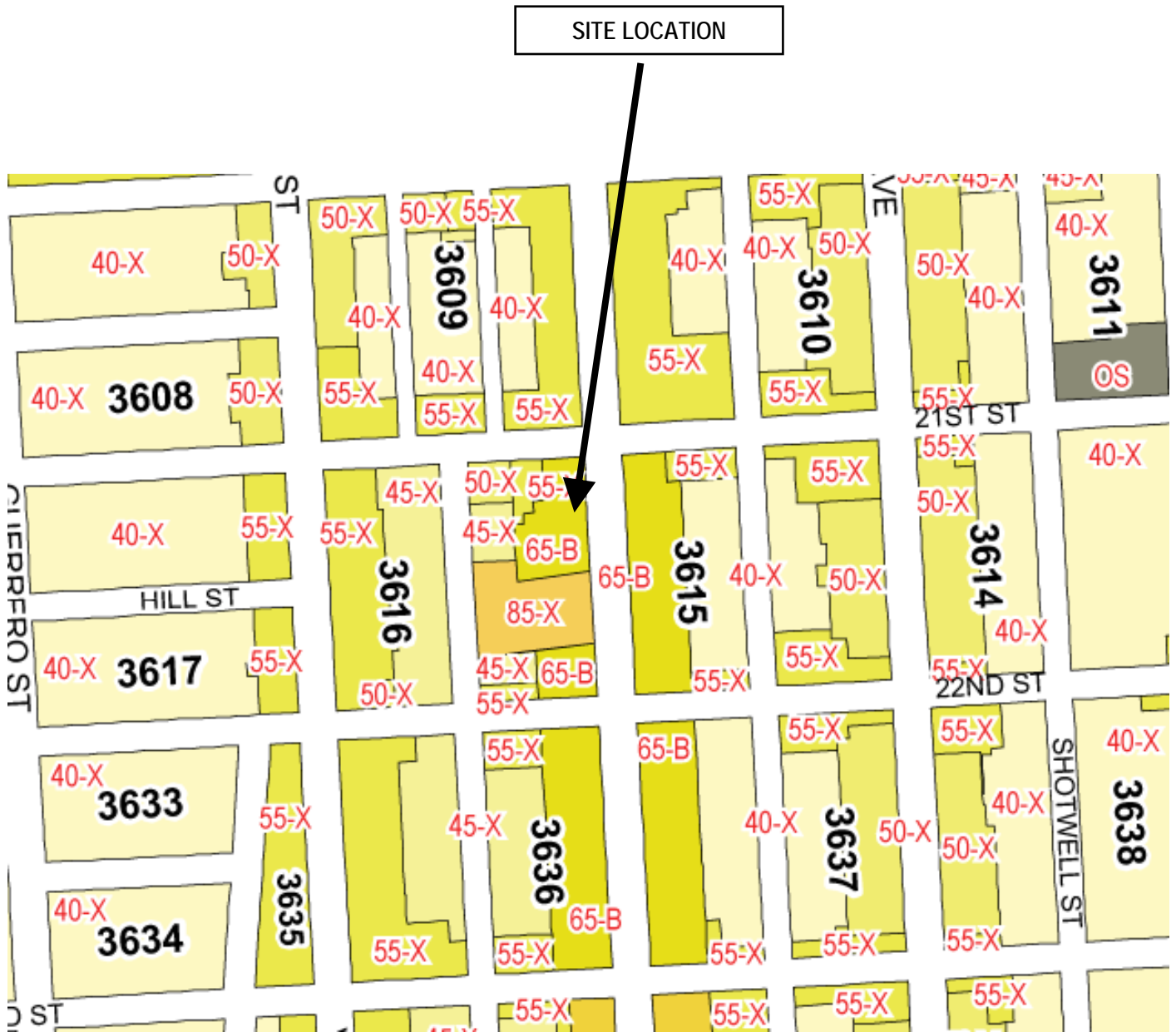
# Zoning Map

SITE LOCATION



Conditional Use Authorization  
Case Number 2009.0342C  
2516 Mission Street

# Height and Bulk Map



Conditional Use Authorization  
Case Number 2009.0342C  
2516 Mission Street



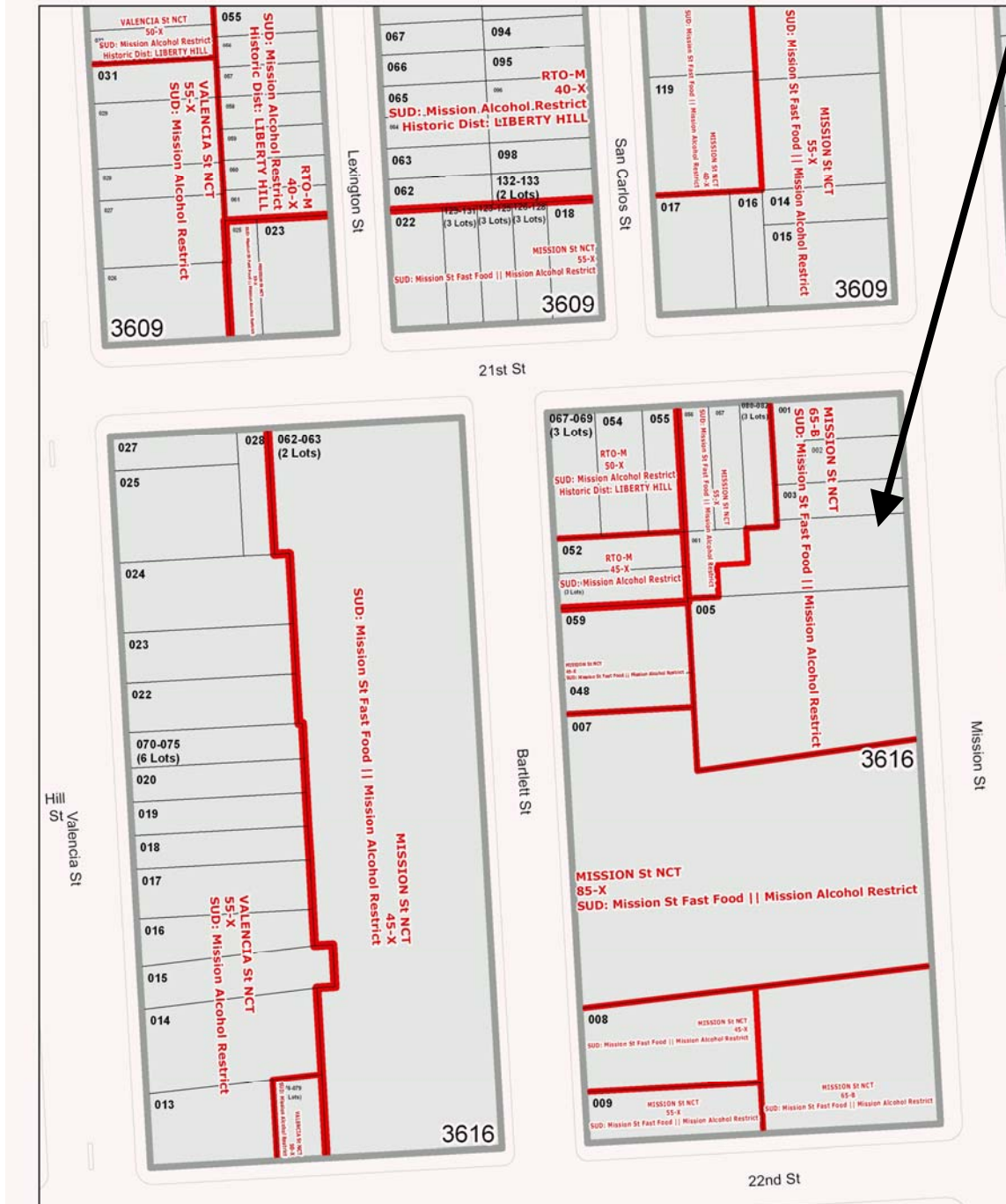


# Parcel Map

**BLOCK 3616**

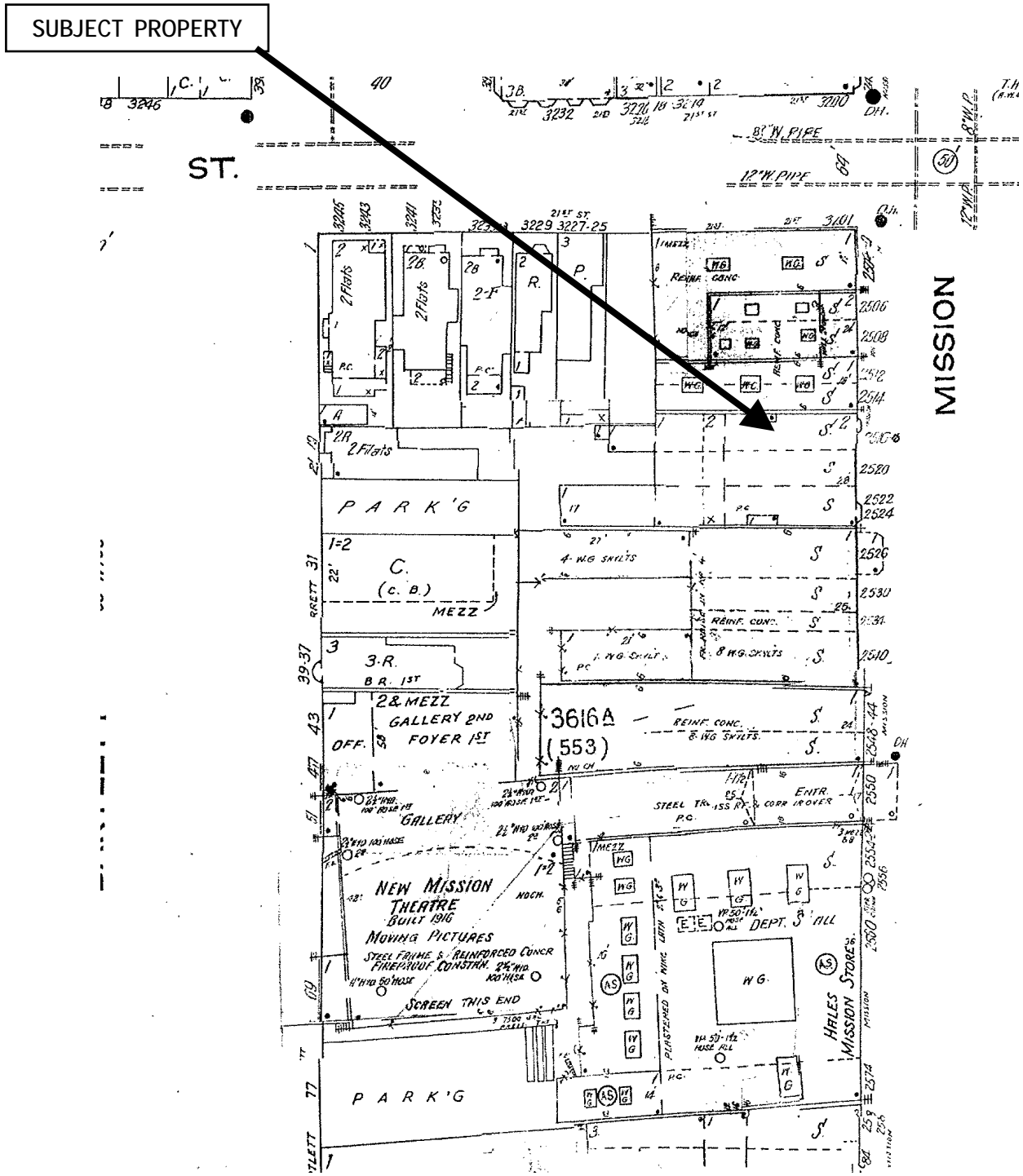
**SUBJECT PROPERTY**

Printed: 27 June, 2011



**Conditional Use Authorization**  
**Case Number 2009.0342C**  
**2516 Mission Street**

# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization  
 Case Number 2009.0342C  
 2516 Mission Street

# Aerial Photo

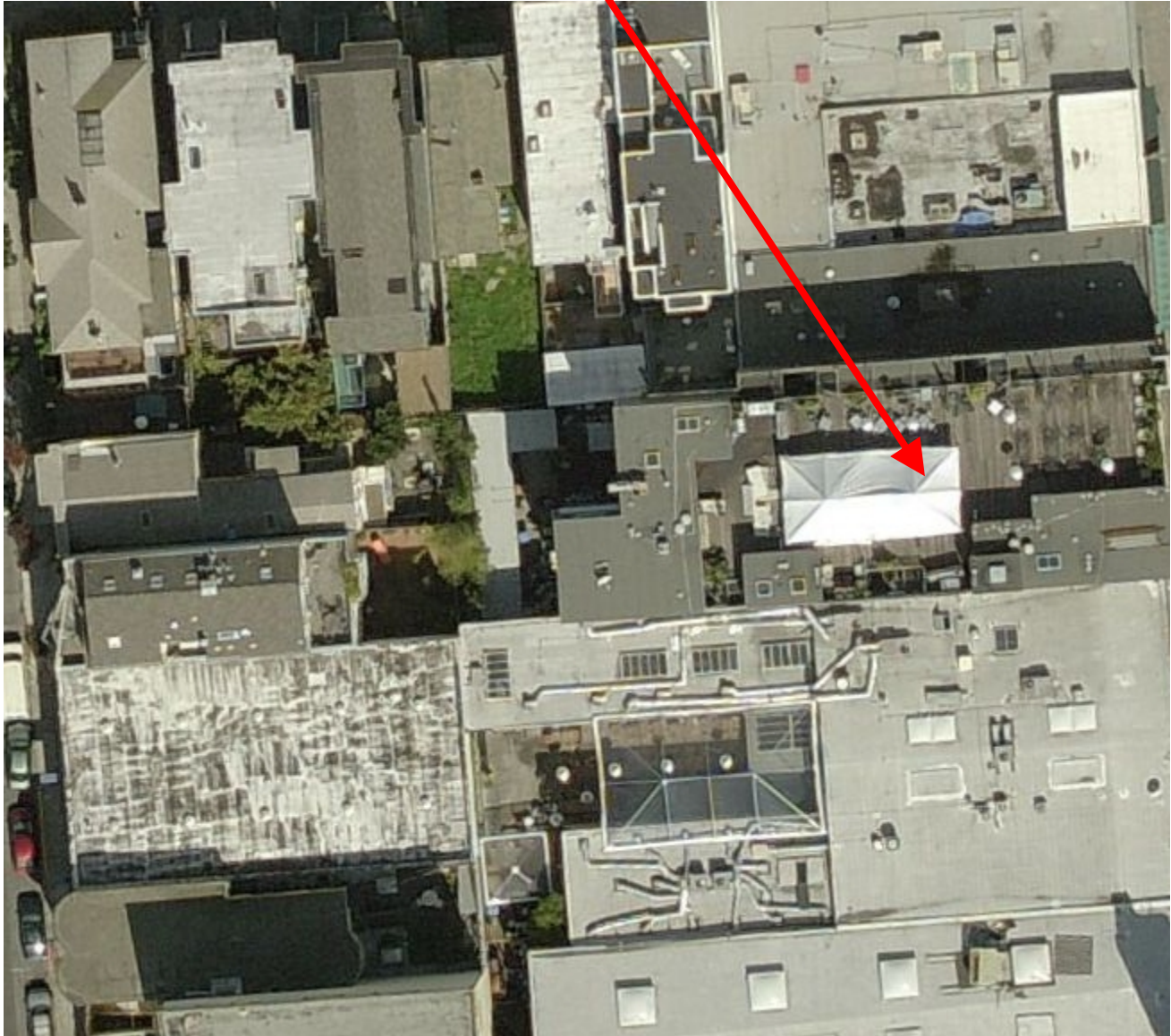
SUBJECT PROPERTY



Conditional Use Authorization  
Case Number 2009.0342C  
2516 Mission Street

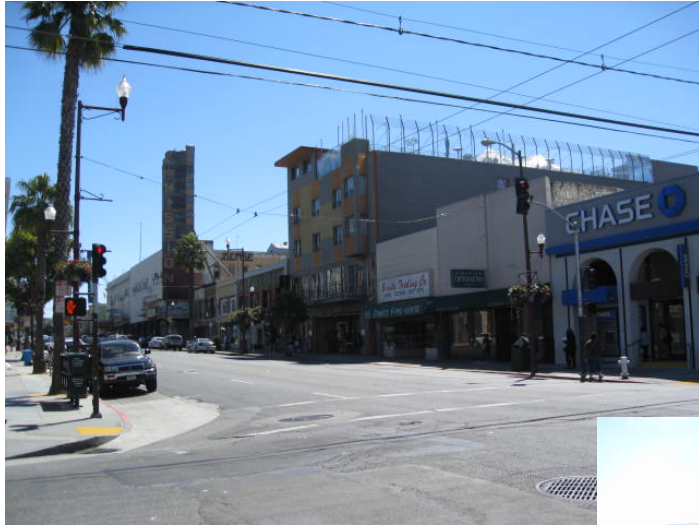
# Aerial Photo 2

SUBJECT SITE



Conditional Use Authorization  
Case Number 2009.0342C  
2516 Mission Street

# 2516 Mission Street



# Neighboring Properties from Medjool

San Francisco Buddhist Center  
Neighbor to the Southwest



Closest Residential Neighbors  
to the Northwest



Residential Neighbors to the  
West from rear yard.

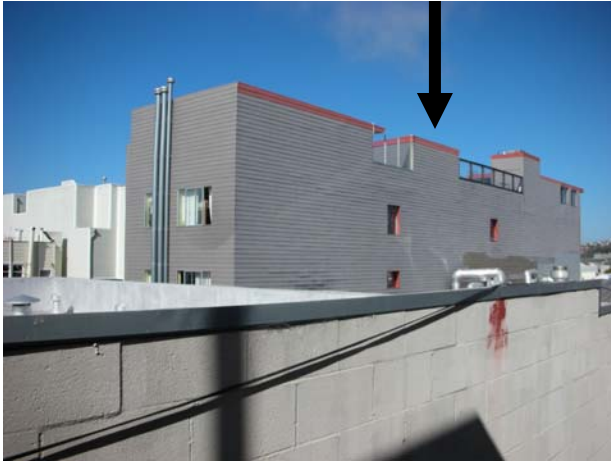


Residential Neighbors to the  
northwest from rear yard.



# Photos from Neighboring Properties

From the San Francisco Buddhist Center Looking at Medjool Roof Deck



From the San Francisco Buddhist Center Looking at Foreign Cinema Below



From the Neighbor to the West Looking at Medjool Roof Deck



From the Neighbor to the West Looking at Medjool Roof Deck



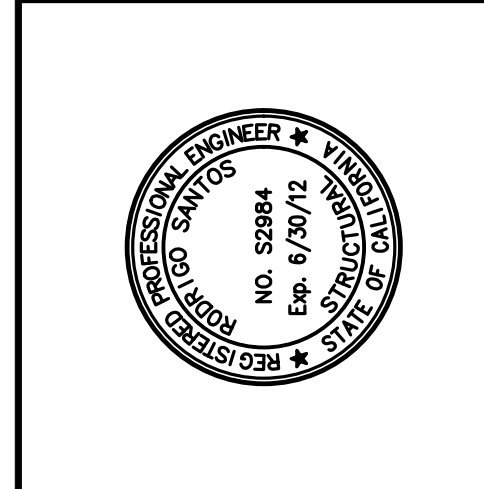
# ROOF DECK - MEDJOOOL RESTAURANT

## 2516-2524 MISSION STREET

### SAN FRANCISCO, CALIFORNIA 94110

REVISIONS	BY

**SANTOS & URRUTIA**  
**STRUCTURAL**  
**ENGINEERS**  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 642-7590  
 FAX: (415) 642-7590

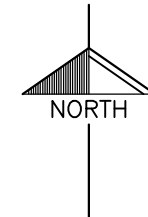


TITLE SHEET, PROJECT INFO, AERIAL VIEW,  
 VICINITY MAP, LOCATION MAP AND SHEET INDEX

**AS BUILT CONDITIONS**  
**2516-2524 MISSION STREET**  
**SAN FRANCISCO, CALIFORNIA**

Date: 08/04/11  
 Scale: AS NOTED  
 Drawn By: R.S.  
 Job No: 7661  
 Sheet  
**AO**  
 Of 13 Sheets

### AERIAL VIEW



### PROJECT INFO

**OWNER:** GUS MURAD  
 2576 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA 94110

**PROJECT CONTACT:** SANTOS & URRUTIA STRUCTURAL ENGINEERS  
 2451 HARRISON STREET  
 SAN FRANCISCO, CALIFORNIA 94110  
 (415) 642-7722  
 (415) 642-7590

**PROPERTY ADDRESS:** 2576 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA 94110

**BLOCK/LOT:** 3616 - 061

**ZONING FOR SITE:** RESIDENTIAL- HOUSE, THREE FAMILY

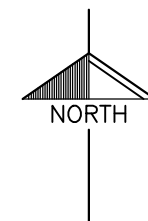
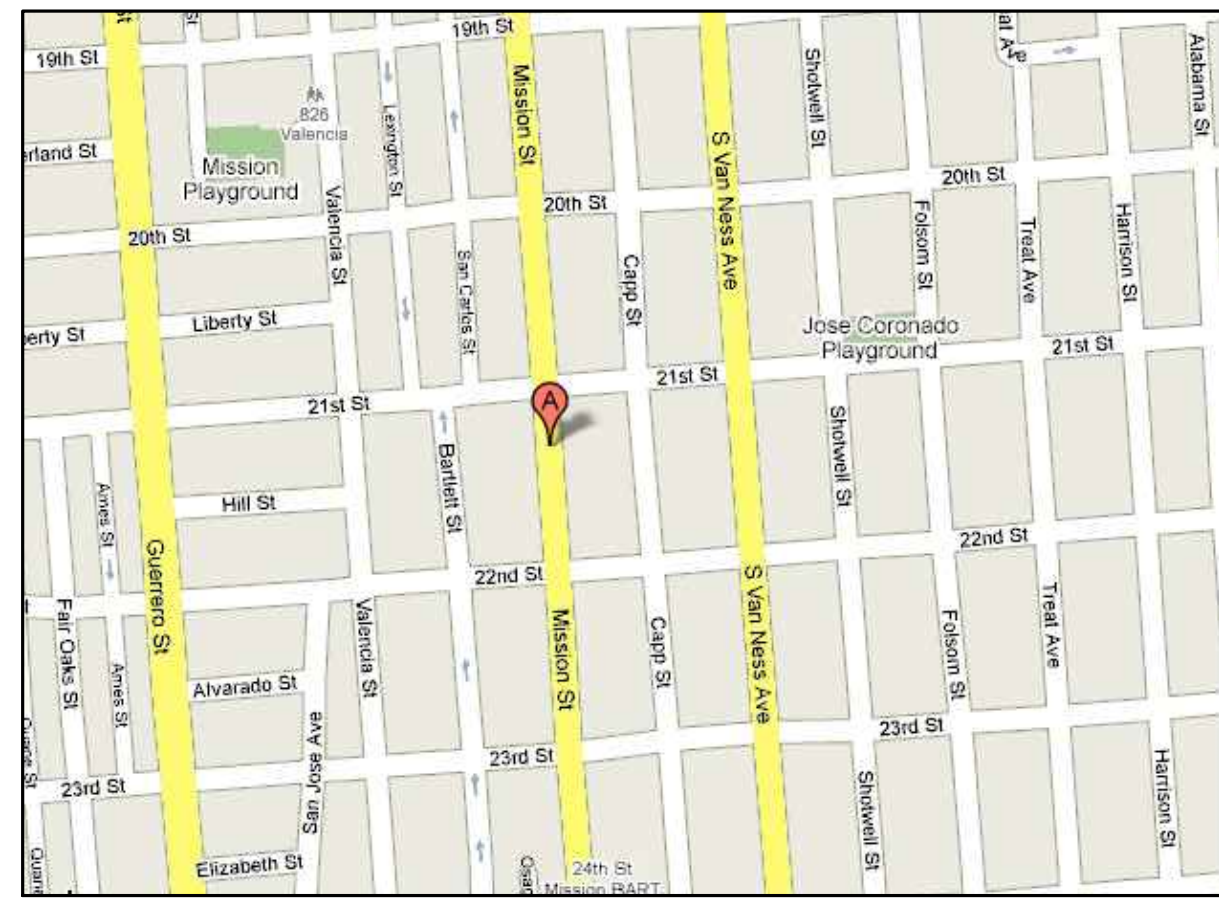
### SHEET INDEX

- A0 - TITLE SHEET, DRAWING INDEX, GENERAL INFO
- A1 - EXISTING GROUND FLOOR PLAN
- A2 - EXISTING MEZZANINE FLOOR PLAN
- A3 - EXISTING FIRST FLOOR PLAN
- A4 - EXISTING SECOND FLOOR PLAN
- A5 - EXISTING ROOF DECK PLAN
- A6 - PROPOSED ROOF DECK PLAN
- A7 - GROUND FLOOR AREA CALCULATION
- A8 - MEZZANINE AREA CALCULATION
- A9 - ROOF DECK AREA CALCULATION
- A10 - EAST & WEST ELEVATION
- A11 - NORTH ELEVATION
- A12 - SOUTH ELEVATION

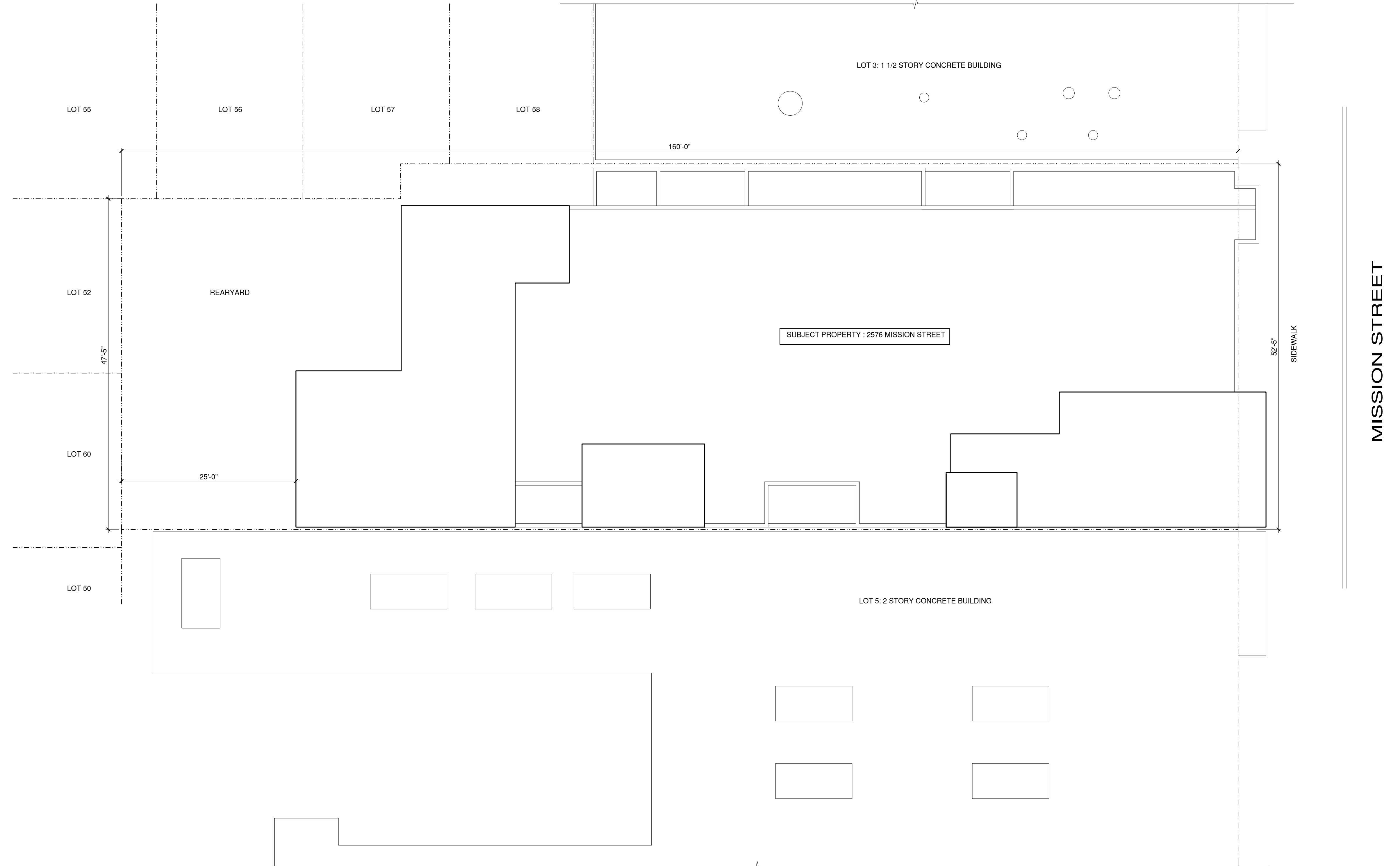
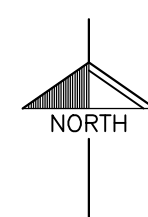
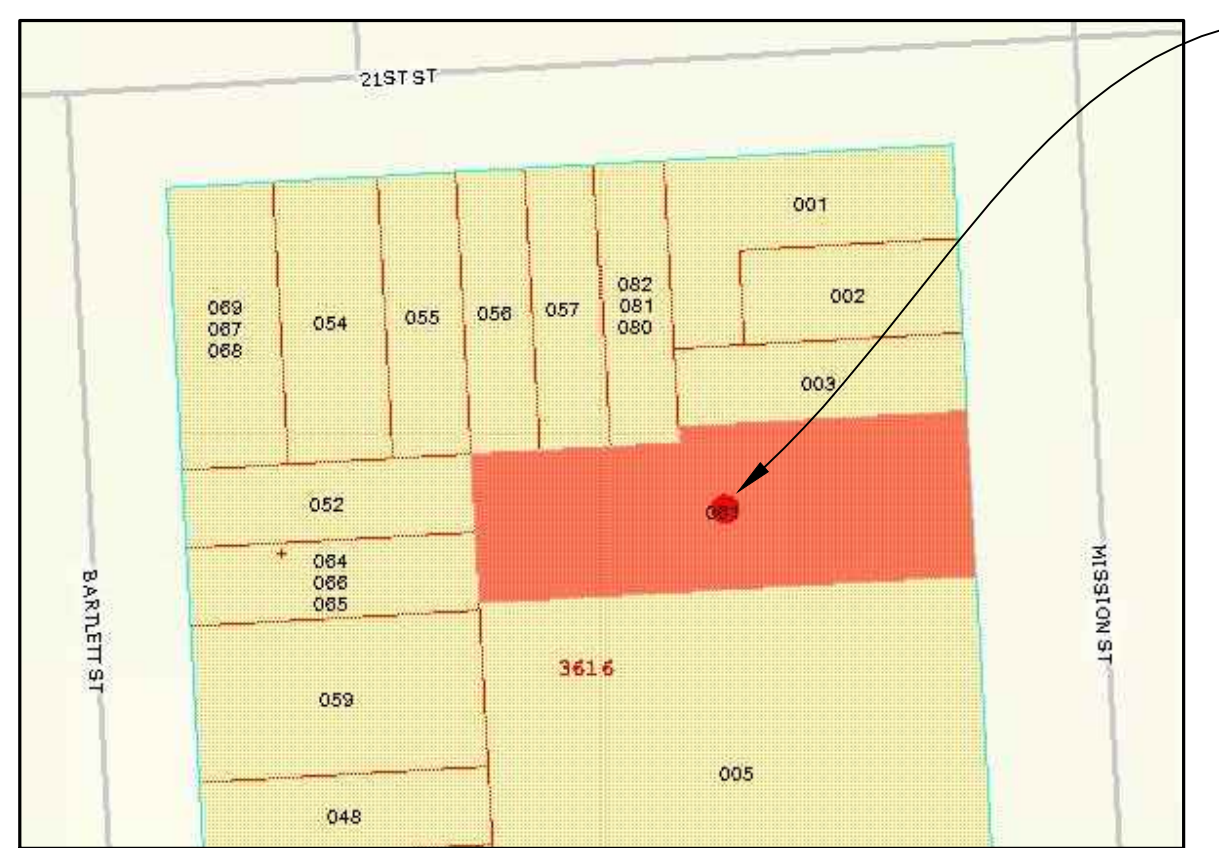
### DRAWING SYMBOLS

- BUILDING ELEVATION TAG
  - BUILDING SECTION TAG
  - WINDOW / STOREFRONT TAG
  - DETAIL TAG
  - INT. WALL TYPE TAG (NUMBERS)
  - EXT. WALL TYPE TAG (LETTERS)
  - KEY NOTE
  - DOOR TAG
- LOWER CASE LETTER DENOTES SUBCATEGORY

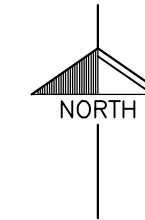
### VICINITY MAP



### LOCATION MAP

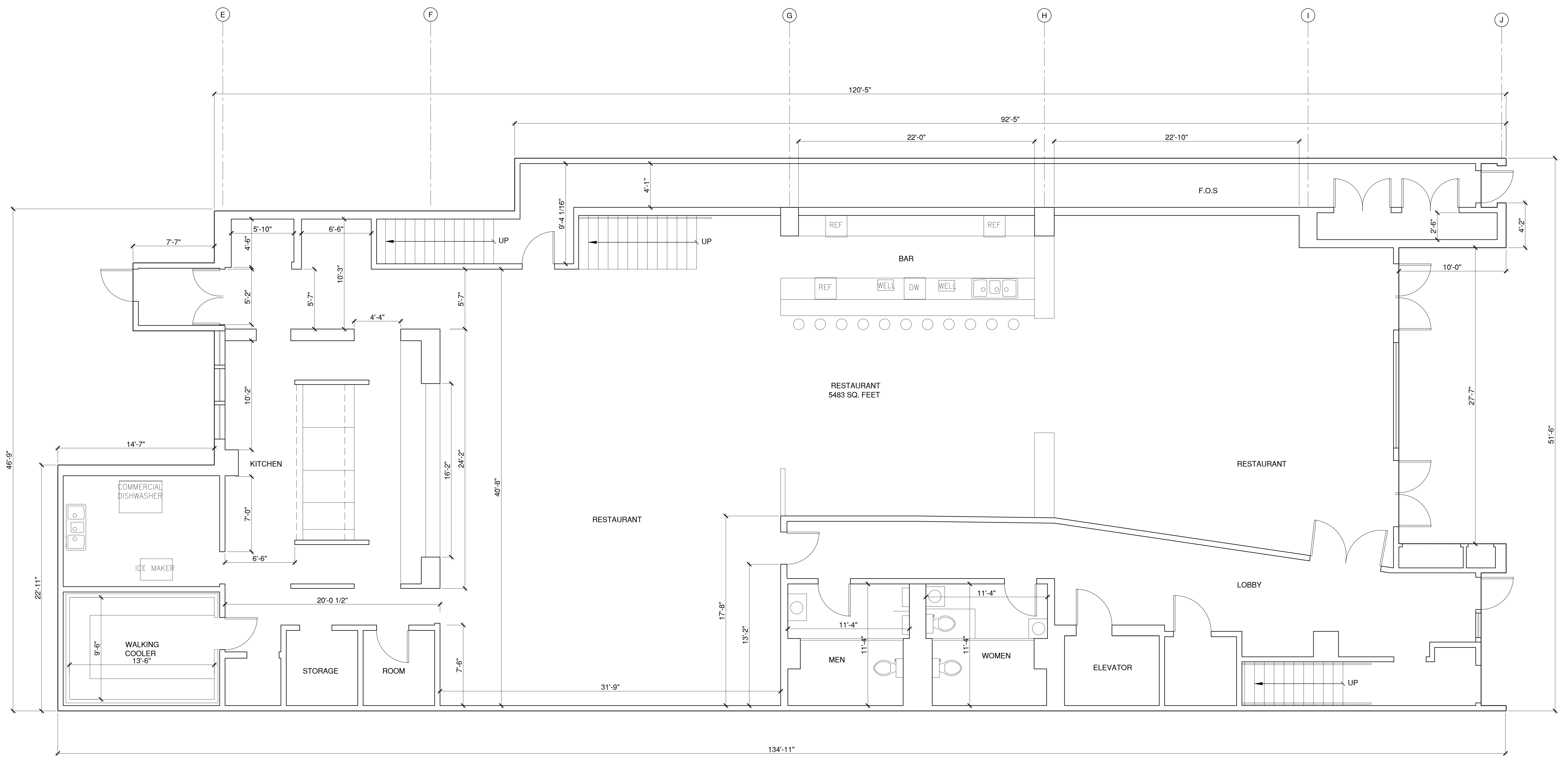


**SITE PLAN**  
 SCALE: 1/8"=1'-0"



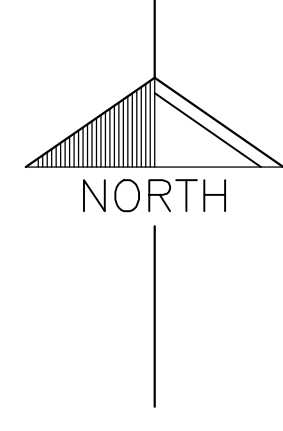
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 3042





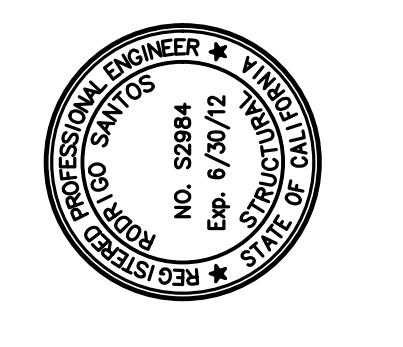
# EXISTING GROUND FLOOR PLAN

SCALE: 1/4" = 1'-0"



REVISIONS	BY

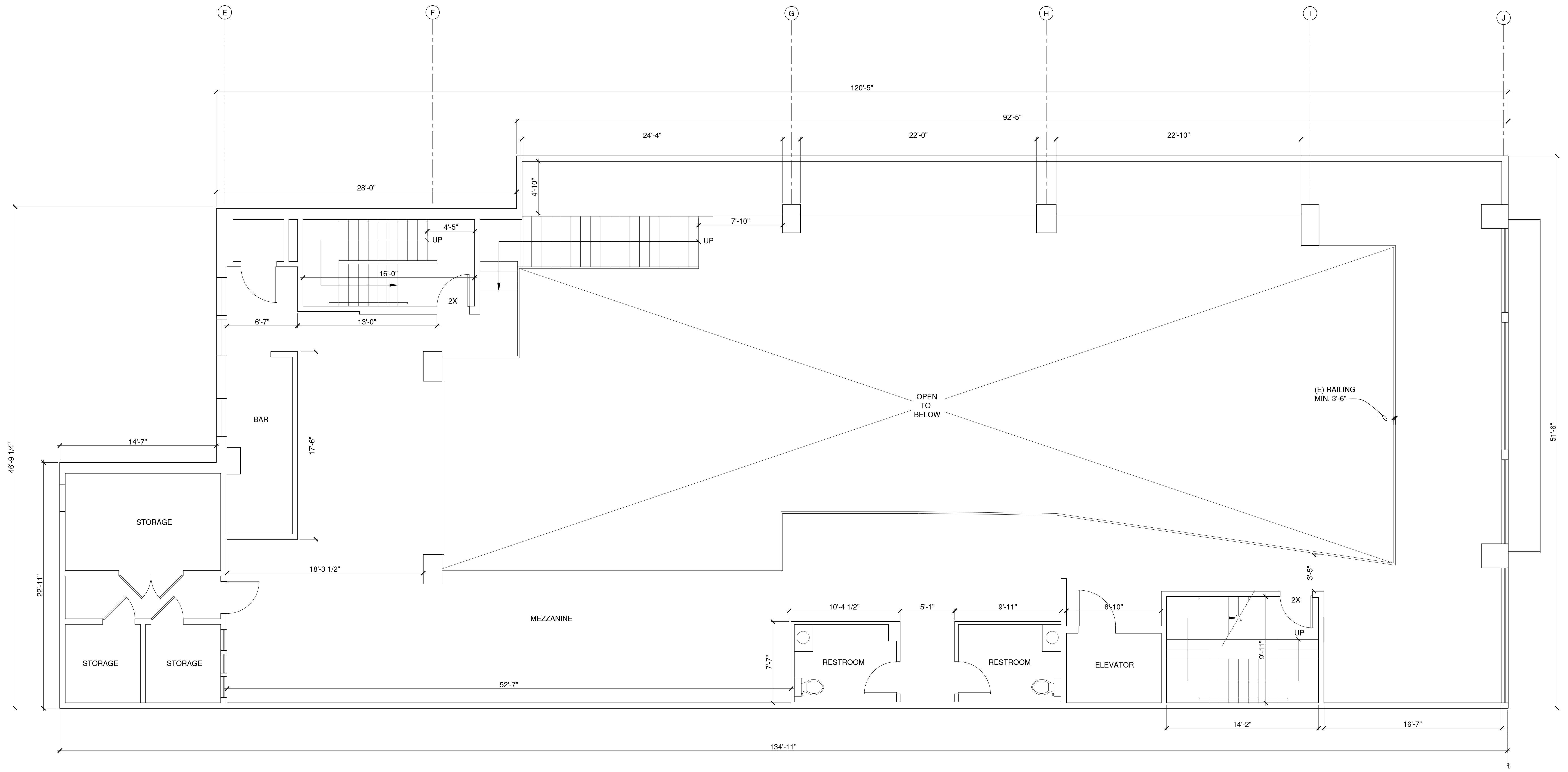
**SANTOS & URRUTIA**  
 STRUCTURAL  
 ENGINEERS  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 942-7590  
 FAX: (415) 942-7590



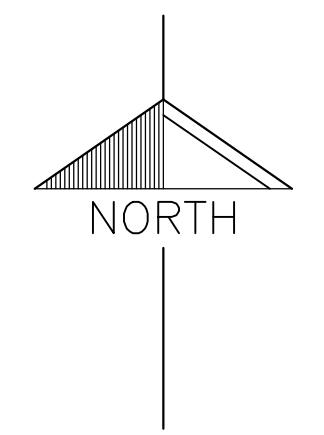
## GROUND FLOOR PLAN

**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4" = 1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A1</b>
Of 13 Sheets	



MEZZANINE AREA: 3397.5 SQ. FEET  
 (SD) = SMOKE DETECTOR, 40 FT. ON CENTER  
 2X = 2 HOUR, 36" DOOR W/PANIC HARDWARE  
 COMPLETE NFPA-13 SPRINKLERED FIRE ALARM SYSTEM THROUGHOUT STRUCTURE.

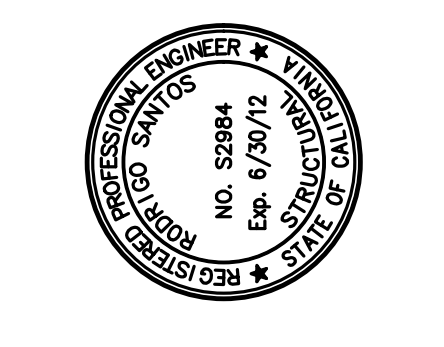


**EXISTING MEZZANINE FLOOR PLAN**

SCALE: 1/4"=1'-0"

REVISIONS	BY

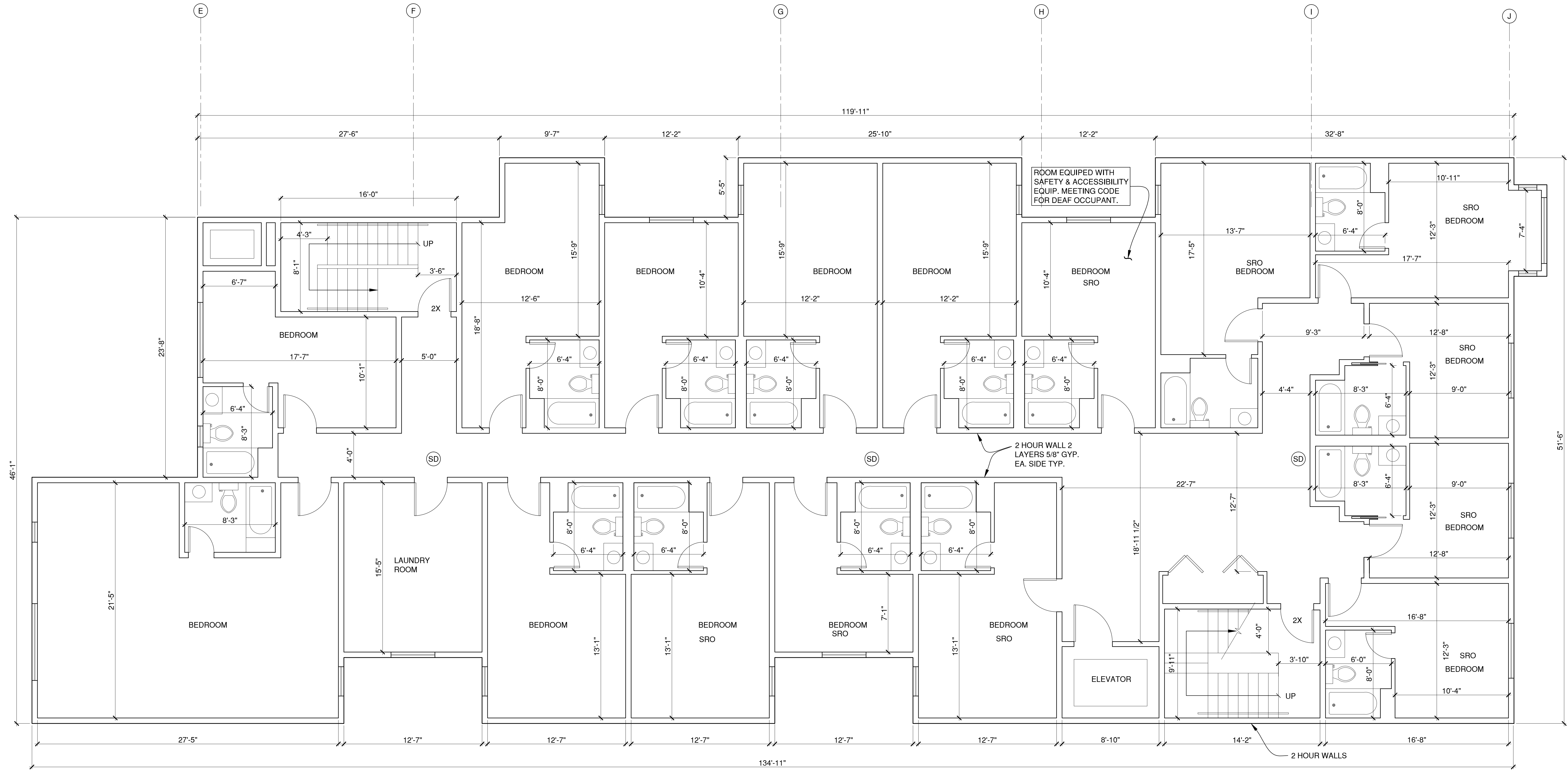
**SANTOS & URRUTIA**  
 STRUCTURAL  
 ENGINEERS  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 775-1122  
 FAX: (415) 942-7590



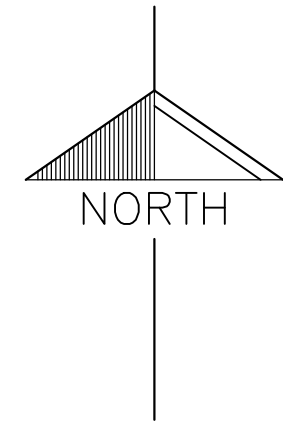
**MEZZANINE FLOOR PLAN**

**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	A2
Of 13 Sheets	



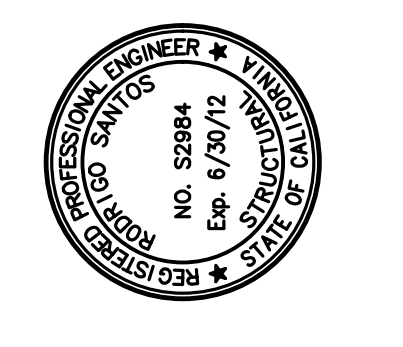
**EXISTING FIRST FLOOR PLAN**  
 SCALE: 1/4"=1'-0"



16 ROOMS  
 AREA = 5495.9 SQ. FEET  
 (SD) = SMOKE DETECTOR, 40 FT. ON CENTER  
 2X = 2 HOUR, 36" DOOR W/PANIC HARDWARE  
 COMPLETE NFPA-13 SPRINKLERED FIRE ALARM SYSTEM THROUGHOUT STRUCTURE.

REVISIONS	BY

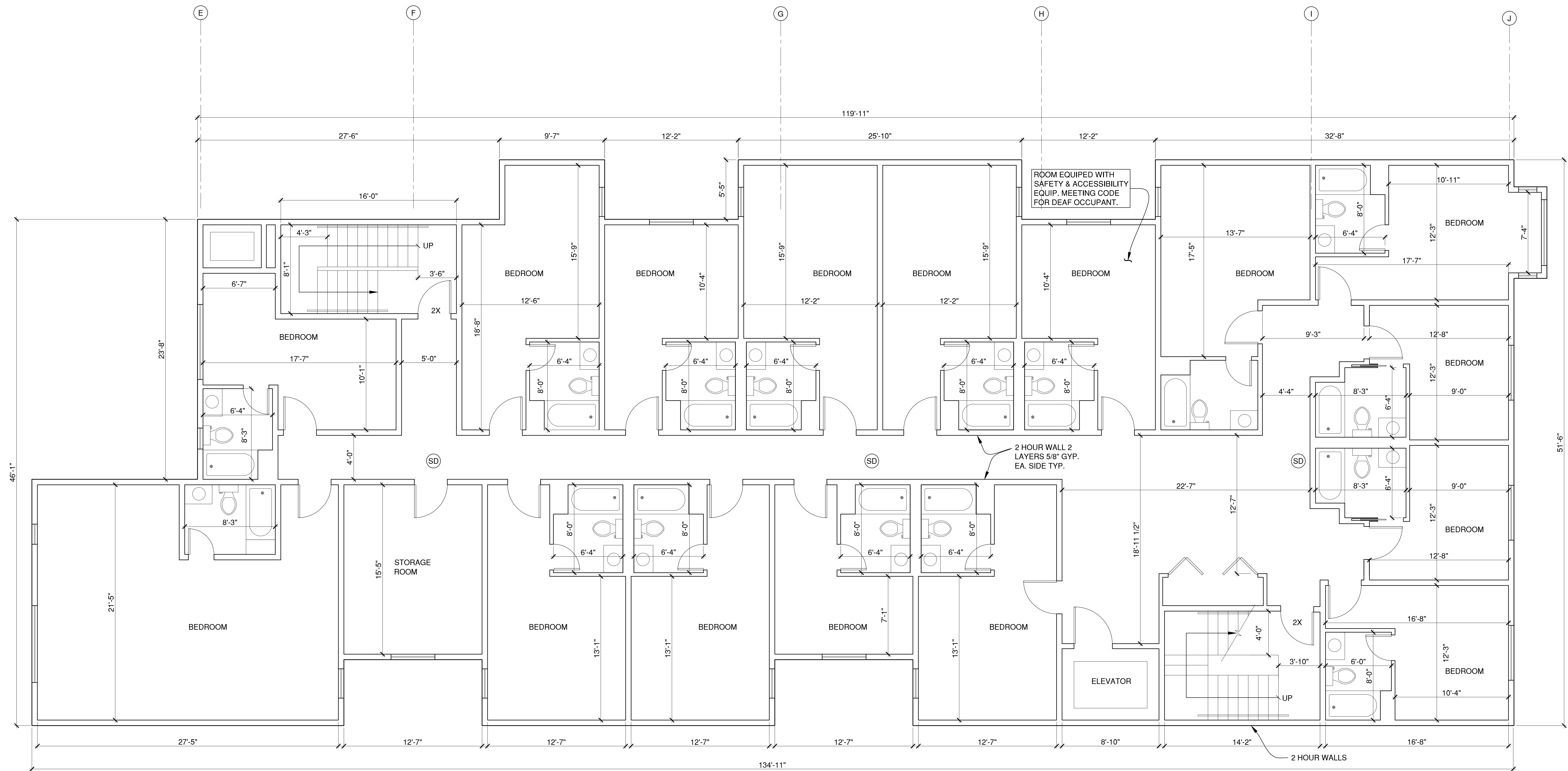
**SANTOS & URRUTIA**  
 STRUCTURAL  
 ENGINEERS  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 942-7590  
 FAX: (415) 942-7590



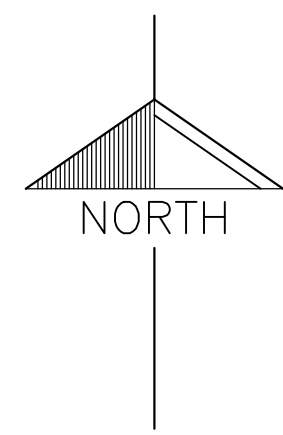
**FIRST FLOOR PLAN**

**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A3</b>
	Of 13 Sheets



16 ROOMS  
 AREA = 5495.9 SQ. FEET  
 (SD) = SMOKE DETECTOR, 40 FT. ON CENTER  
 2X = 2 HOUR, 36" DOOR W/PANIC HARDWARE  
 COMPLETE NFPA-13 SPRINKLERED FIRE ALARM SYSTEM THROUGHOUT STRUCTURE.

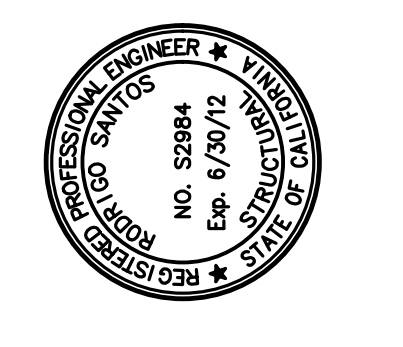


**EXISTING SECOND FLOOR PLAN**

SCALE: 1/4"=1'-0"

REVISIONS	BY

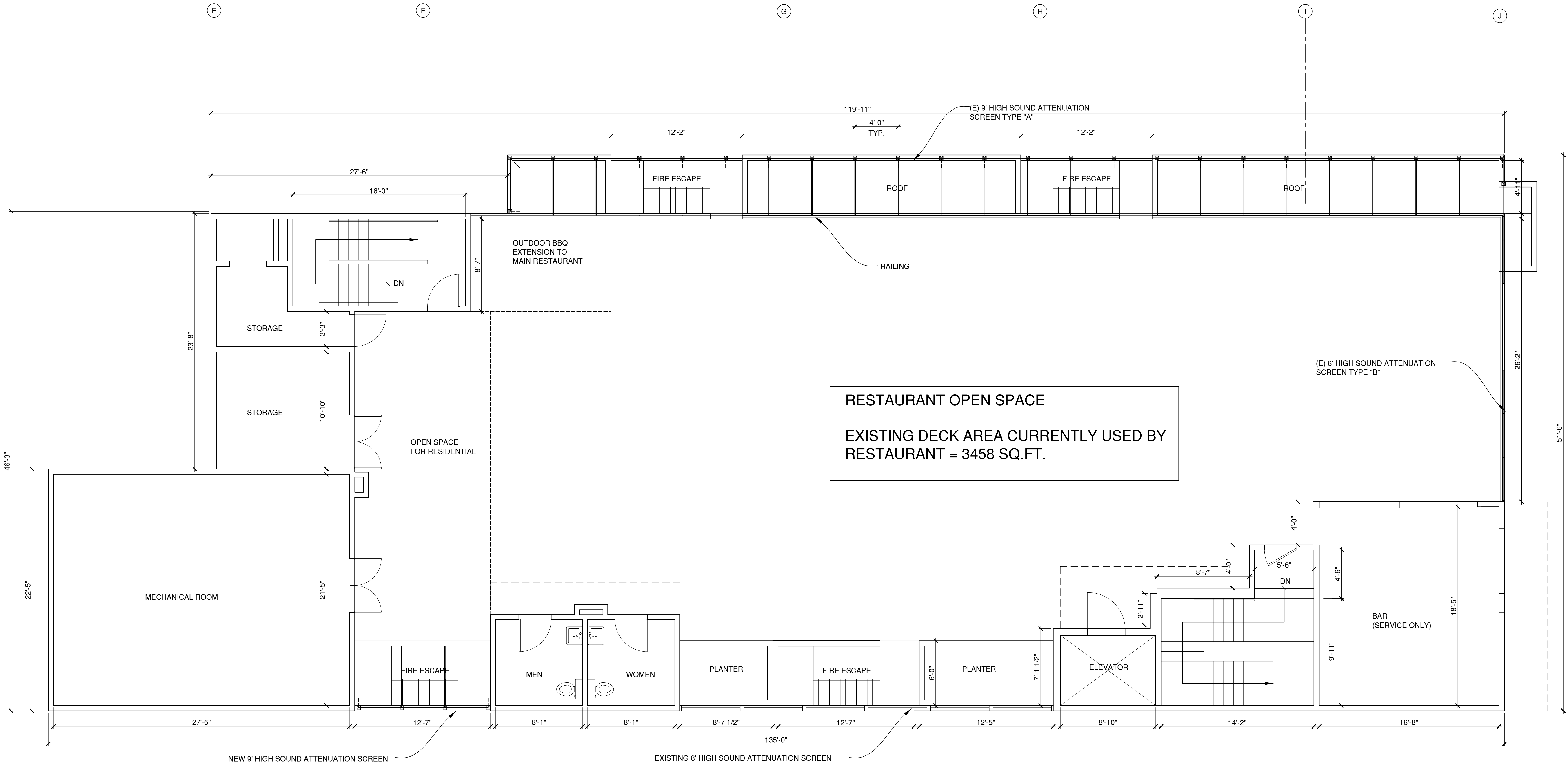
**SANTOS & URRUTIA**  
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 ENGINEERS  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 942-7590  
 FAX: (415) 942-7590



**SECOND FLOOR PLAN**

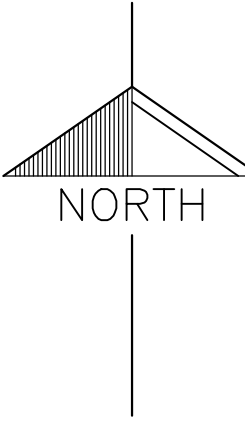
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 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

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Drawn By:	R.S.
Job No:	7661
Sheet	A4
Of 13 Sheets	



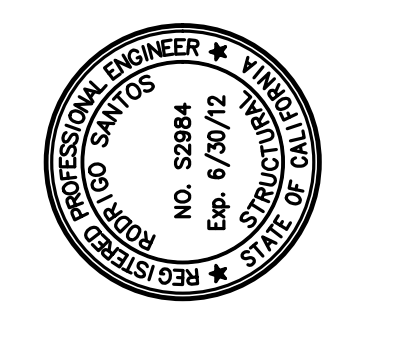
# EXISTING ROOF DECK PLAN

SCALE: 1/4"=1'-0"



REVISIONS	BY

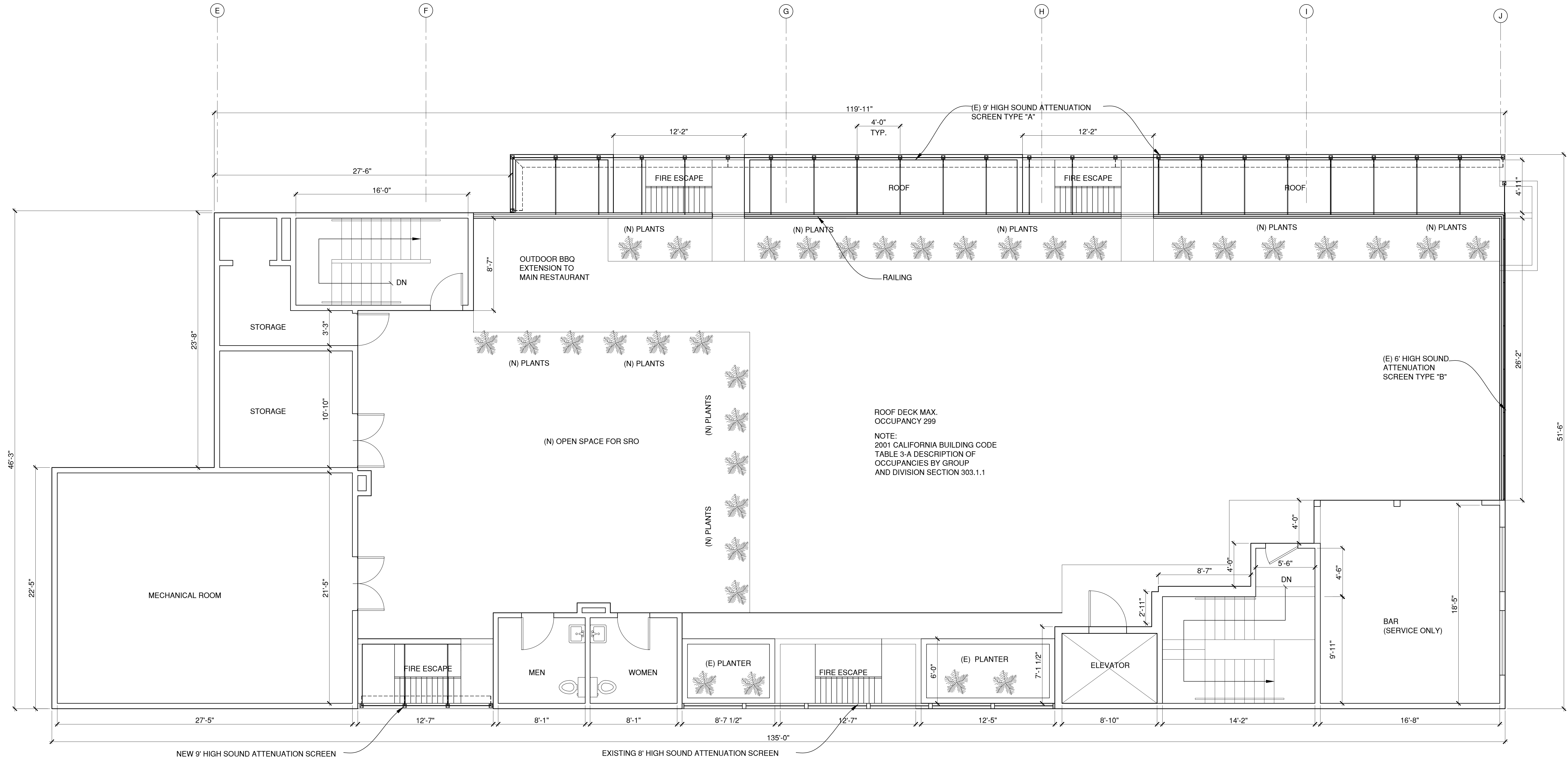
**SANTOS & JURRUTA**  
 STRUCTURAL  
 ENGINEERS  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 942-7590  
 FAX: (415) 942-7590



## AS BUILT ROOF DECK PLAN

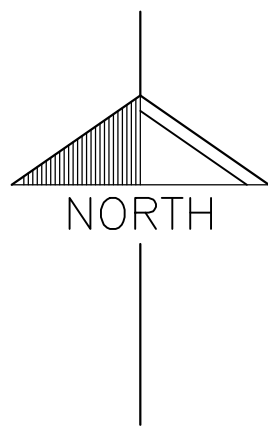
**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A5</b>
Of 13 Sheets	



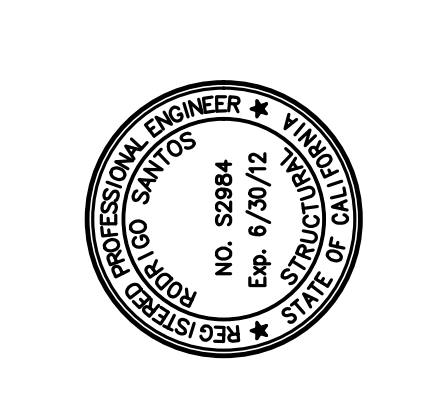
# PROPOSED ROOF DECK PLAN

SCALE: 1/4"=1'-0"



REVISIONS	BY

**SANTOS & URRUTIA**  
**STRUCTURAL**  
**ENGINEERS**  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 942-7550  
 FAX: (415) 942-7550



## PROPOSED ROOF DECK PLAN

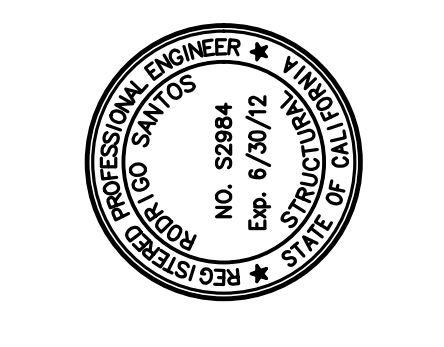
2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

**AS BUILT CONDITIONS**

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A6</b>
Of 13 Sheets	

REVISIONS	BY

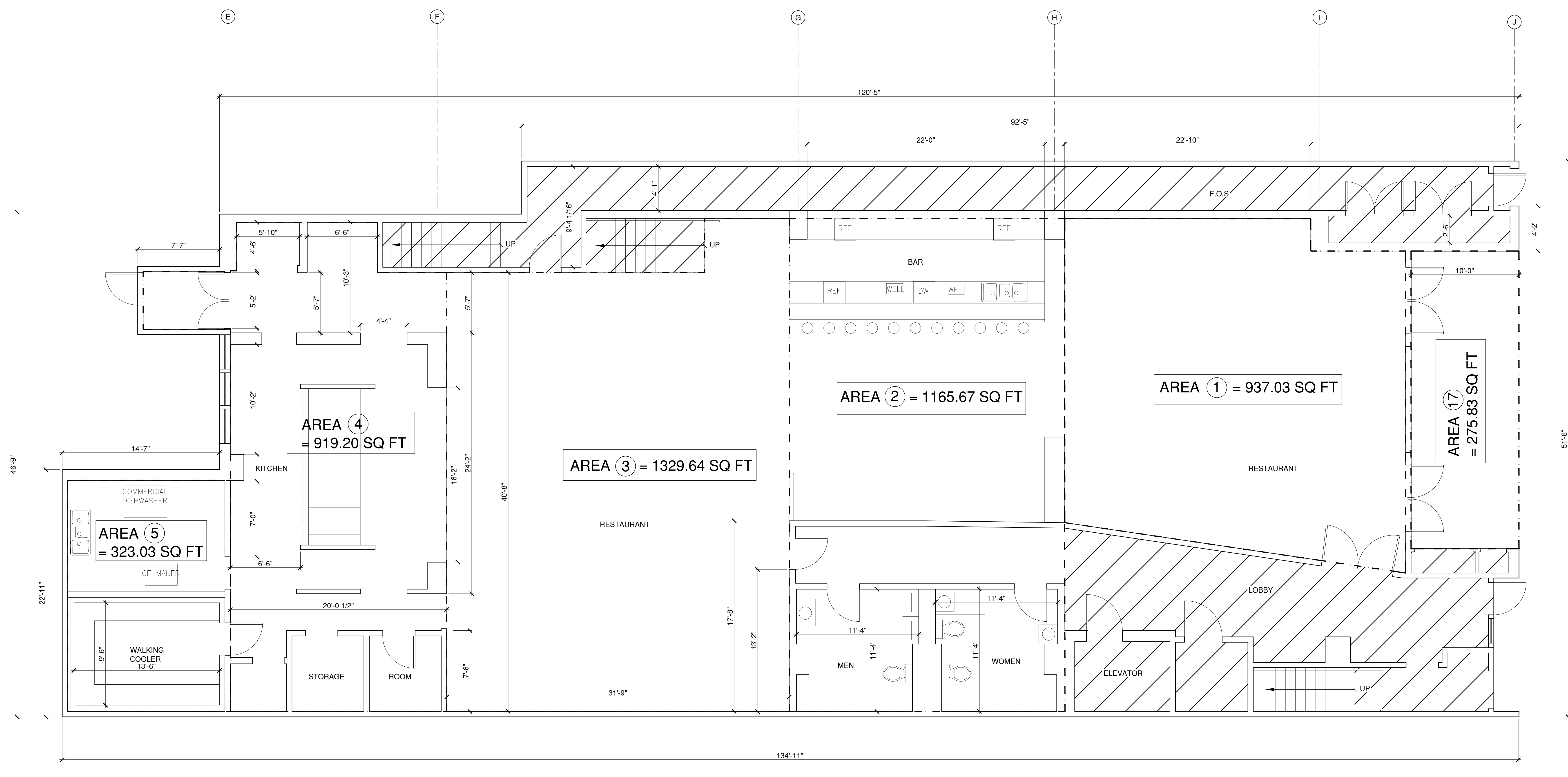
**SANTOS & URRUTIA**  
**STRUCTURAL**  
**ENGINEERS**  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 942-7525  
 FAX: (415) 942-7590



**GROUND FLOOR AREA CALCULATION**

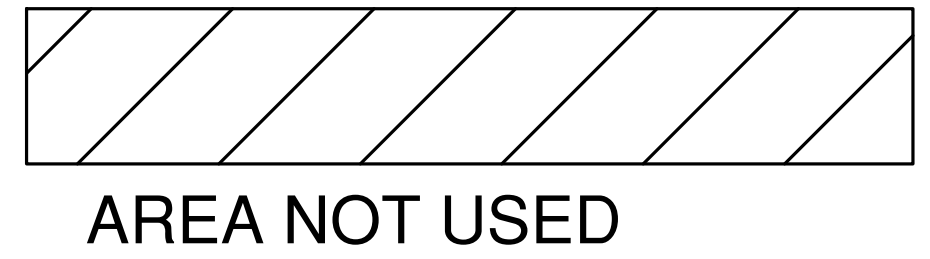
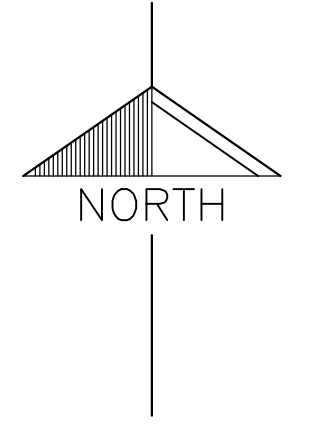
**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A7</b>
	Of 13 Sheets



**GROUND FLOOR PLAN AREA CALCULATION**

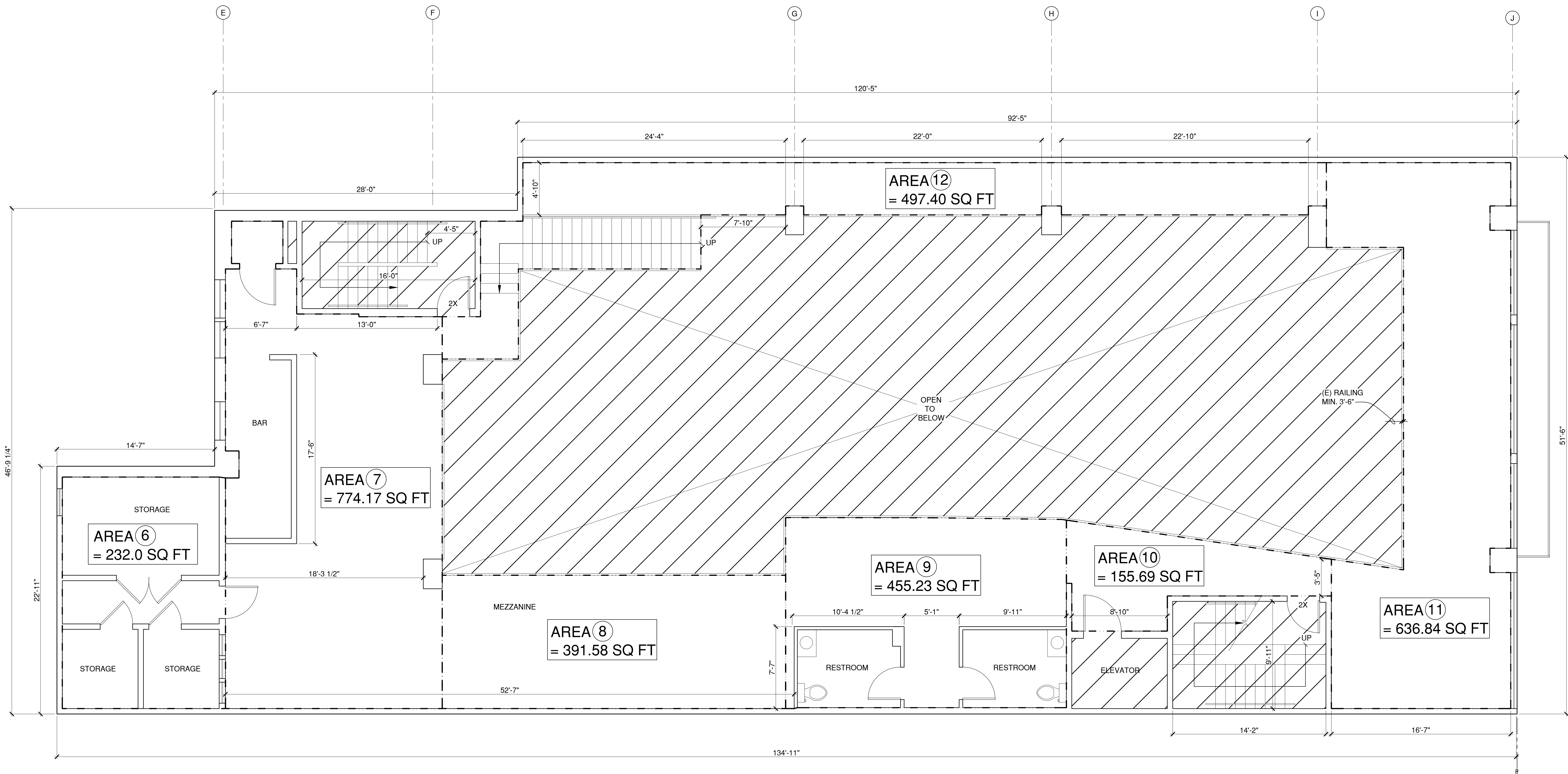
SCALE: 1/4"=1'-0"



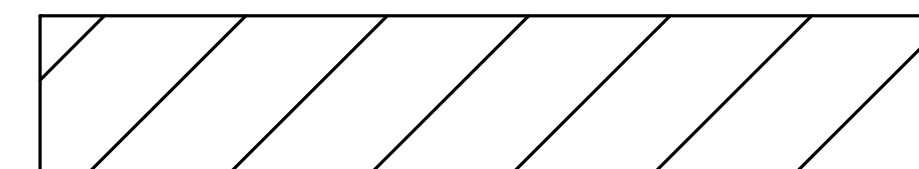
AREA CALCULATION	
①	937.03 SQ FT
②	1165.67 SQ FT
③	1329.64 SQ FT
④	919.20 SQ FT
⑤	323.03 SQ FT

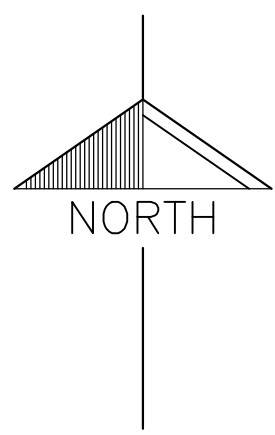
TOTAL GROUND FLOOR RESTAURANT AREA= 4674.57 SQ FT

GROUND FLOOR OPEN AIR SPACE AREA ⑰ = 275.83 SQ FT



MEZZANINE AREA: 3397.5 SQ. FEET  
 (SD) = SMOKE DETECTOR, 40 FT. ON CENTER  
 2X = 2 HOUR, 36" DOOR W/PANIC HARDWARE  
 COMPLETE NFPA-13 SPRINKLERED FIRE ALARM SYSTEM THROUGHOUT STRUCTURE.

  
 AREA NOT USED



**MEZZANINE FLOOR PLAN AREA CALCULATION**

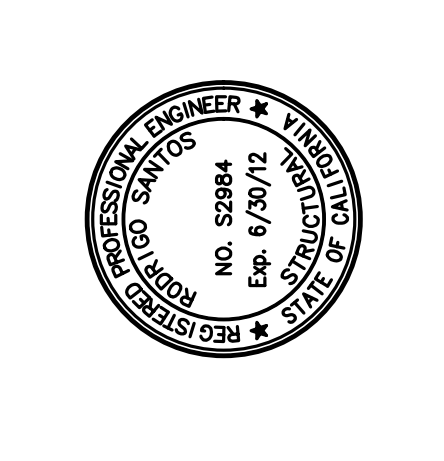
SCALE: 1/4"=1'-0"

AREA CALCULATION	
⑥	232.00 SQ FT
⑦	774.17 SQ FT
⑧	391.58 SQ FT
⑨	455.23 SQ FT
⑩	155.69 SQ FT
⑪	636.84 SQ FT
⑫	497.40 SQ FT

TOTAL RESTAURANT MEZZANINE AREA= 3142.91 SQ FT

REVISIONS	BY

**SANTOS & URRUTIA**  
 STRUCTURAL  
 ENGINEERS  
 2451 HARRISON STREET  
 SAN FRANCISCO, CA 94110  
 TEL: (415) 942-7590  
 FAX: (415) 942-7590

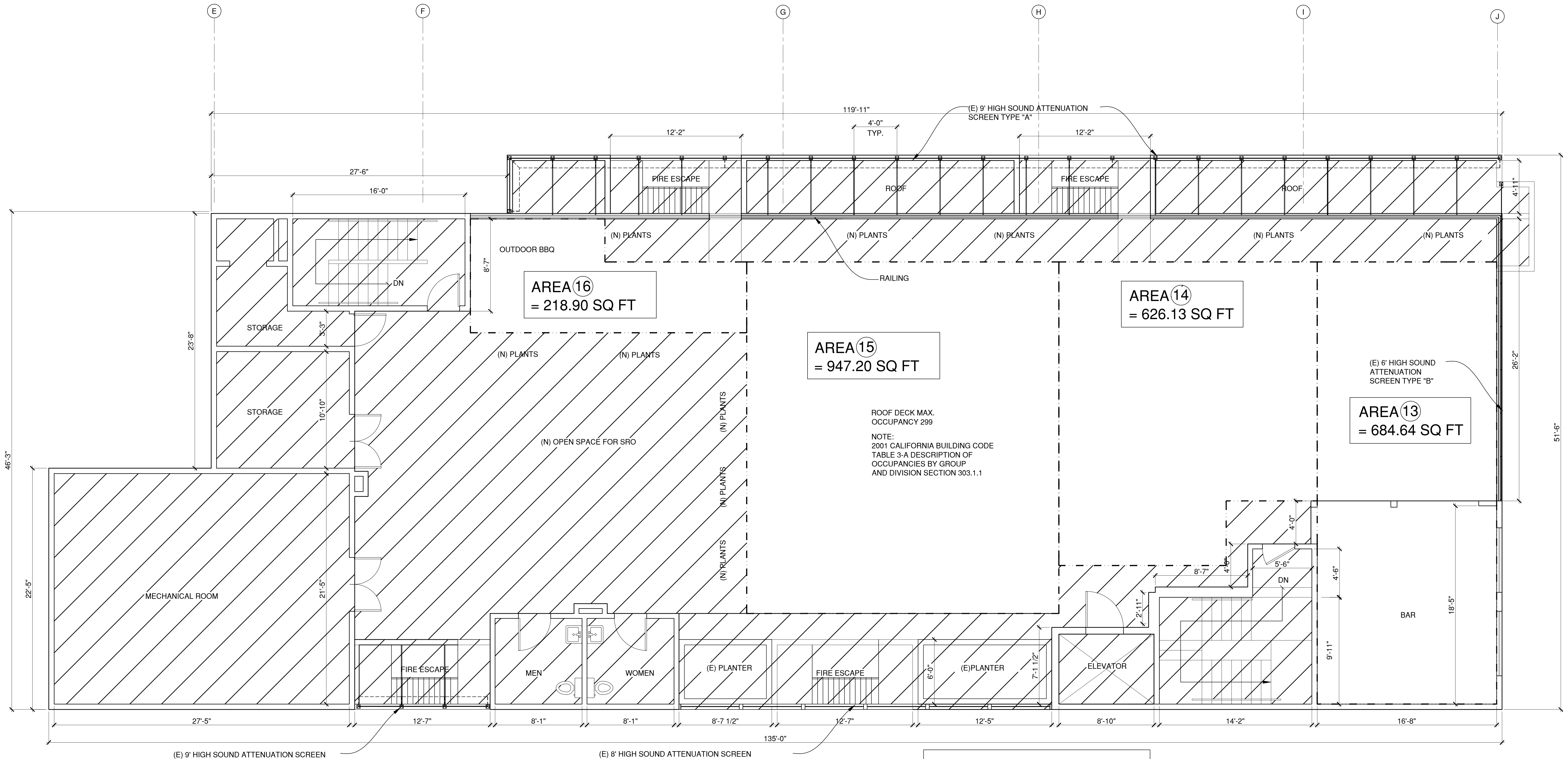


**MEZZANINE CALCULATION**

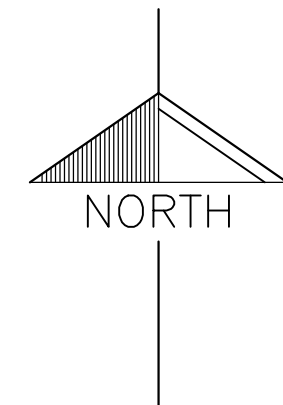
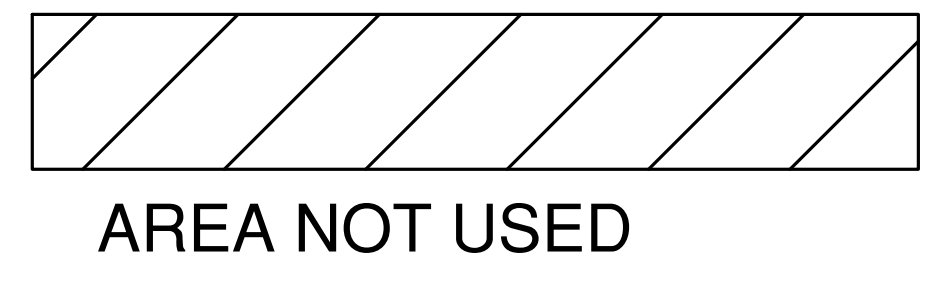
**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

Date: 08/04/11  
 Scale: 1/4"=1'-0"  
 Drawn By: R.S.  
 Job No: 7661  
 Sheet  
**A8**  
 Of 13 Sheets





ROOF DECK MAX. OCCUPANCY 299  
NOTE: 2001 CALIFORNIA BUILDING CODE TABLE 3-A DESCRIPTION OF OCCUPANCIES BY GROUP AND DIVISION SECTION 303.1.1



**ROOF DECK PLAN AREA CALCULATION**  
SCALE: 1/4"=1'-0"

AREA CALCULATION	
13	684.64 SQ FT
14	626.13 SQ FT
15	947.20 SQ FT
16	218.90 SQ FT
TOTAL	2476.87 SQ FT

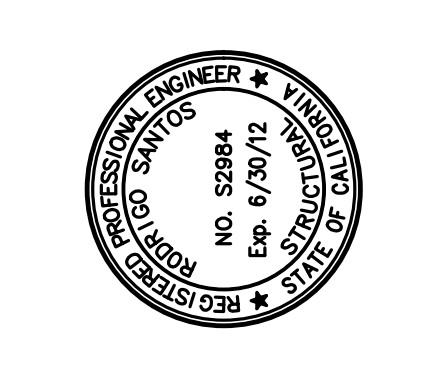
TOTAL GROUND FLR. RESTAURANT + MEZZANINE  
= 4674.57 + 3142.91 = 7817.48 SQ FT

ALLOWABLE OPEN SPACE AT ROOF DECK  
= (7817.48 - 275.83) x 1/3 = 2513.88 SQ FT.

PROPOSED RESTAURANT OPEN SPACE AT ROOF DECK  
= 2476.87 SQ FT.

REVISIONS	BY

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**AS BUILT CONDITIONS**  
2516-2524 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

ROOF DECK AREA CALCULATION

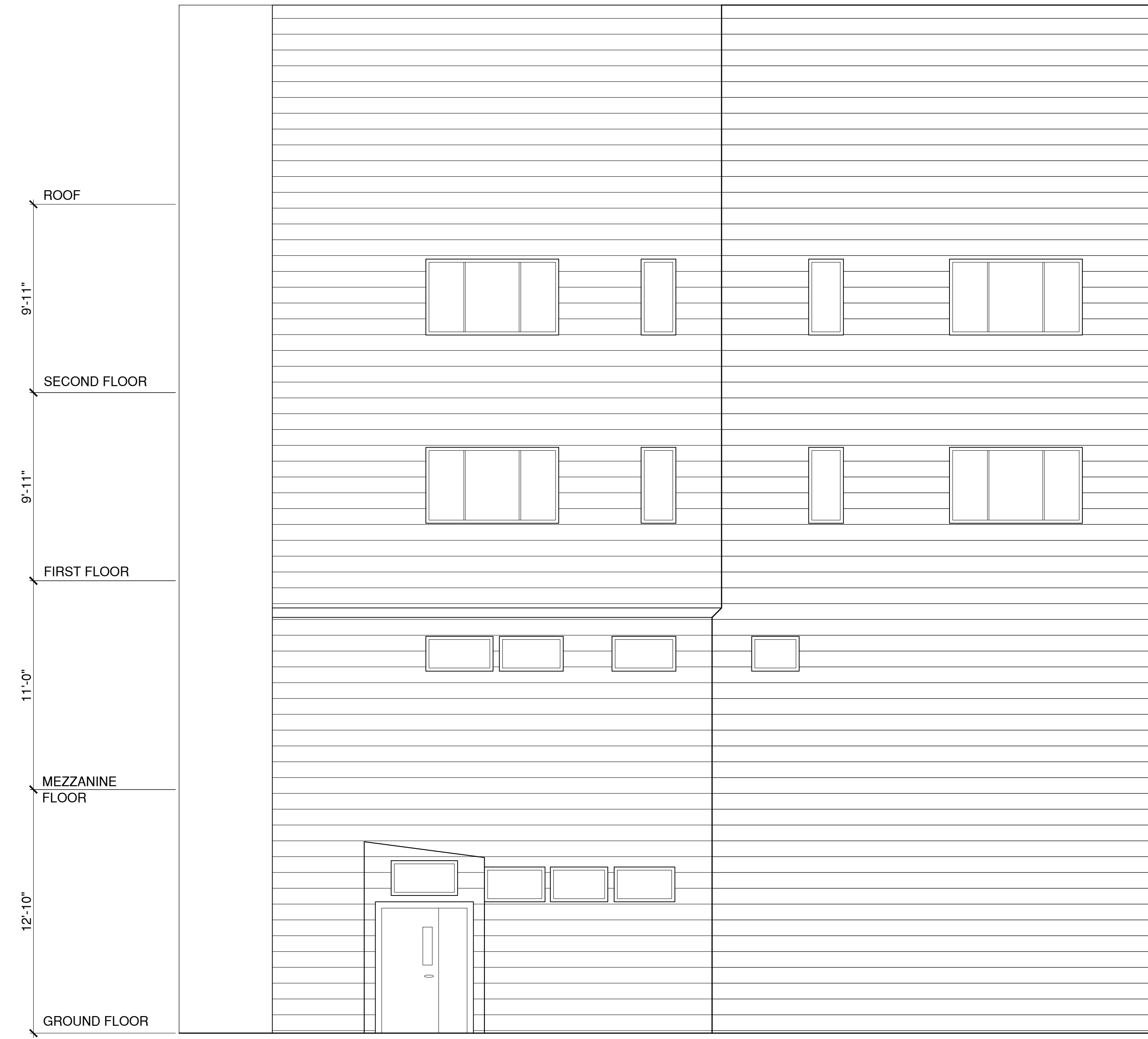
**AS BUILT CONDITIONS**  
2516-2524 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	A9
Of 13 Sheets	



**EAST ELEVATION**

SCALE: 1/4"=1'-0"

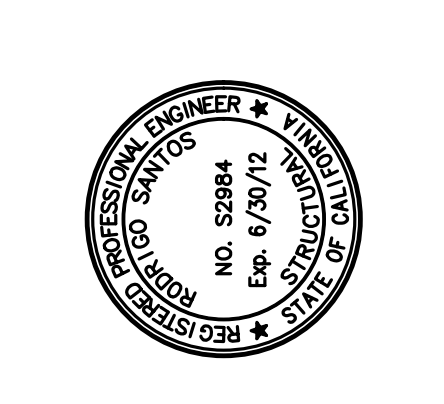


**WEST ELEVATION**

SCALE: 1/4"=1'-0"

REVISIONS	BY

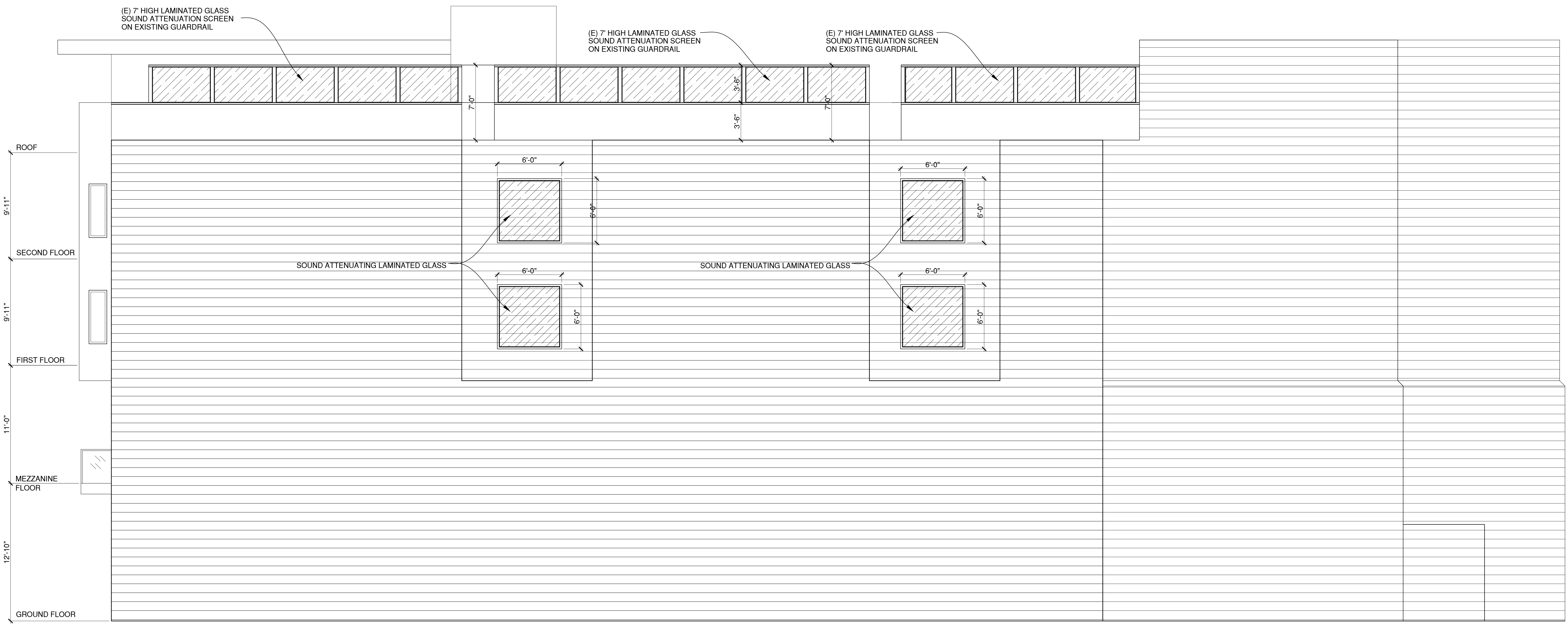
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**EAST ELEVATION**  
**WEST ELEVATION**

**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A10</b>
Of 13 Sheets	

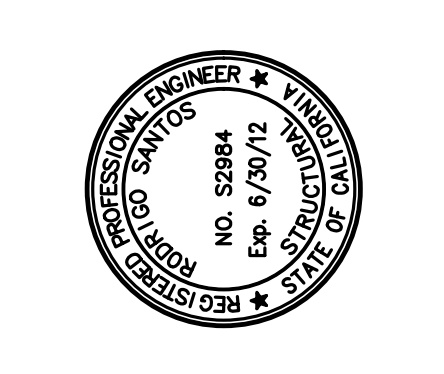


# NORTH ELEVATION

SCALE: 1/4"=1'-0"

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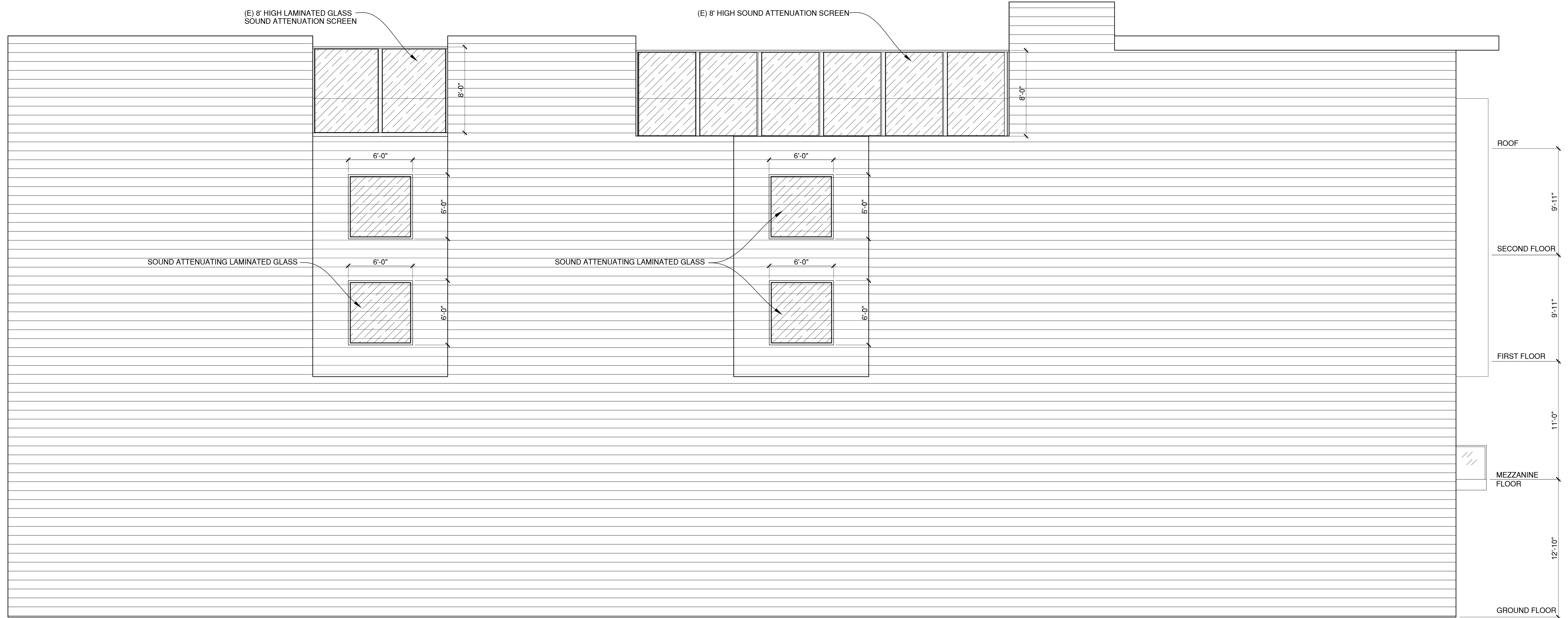


## NORTH ELEVATION

**AS BUILT CONDITIONS**  
 2516-2524 MISSION STREET  
 SAN FRANCISCO, CALIFORNIA

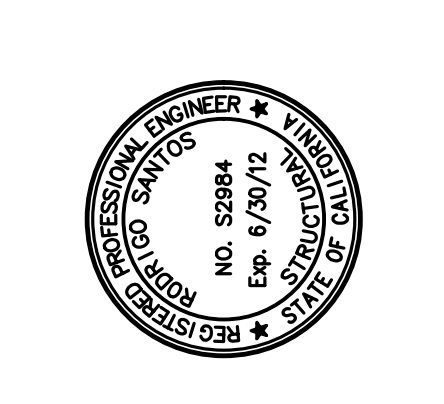
Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A11</b>
Of 13 Sheets	

**SOUTH ELEVATION**  
SCALE: 1/4"=1'-0"



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**SOUTH ELEVATION**

**AS BUILT CONDITIONS**  
2516-2524 MISSION STREET  
SAN FRANCISCO, CALIFORNIA

Date:	08/04/11
Scale:	1/4"=1'-0"
Drawn By:	R.S.
Job No:	7661
Sheet	<b>A12</b>
Of 13 Sheets	