



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: MAY 8, 2014

INFORMATIONAL HEARING

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: May 1, 2014
Case No.: **2010.0710C**
Project Address: **777 VALENCIA STREET**
Zoning: Valencia Street NCT (Neighborhood Commercial Transit)
55-X Height and Bulk District
Block/Lot: 3589 / 088 and 108
Project Sponsor: Phil Lesser
555 Laurel Avenue #501
San Mateo, CA 94401
Staff Contact: Erika S. Jackson – (415) 558-6363
erika.jackson@sfgov.org

BACKGROUND

On November 18, 2010, the Planning Commission approved a Conditional Use Authorization under Motion 18225, to convert an existing vacant two-story building to two new Full-Service Restaurant & Bar Establishments on the ground floor (dba *The Chapel* and *The Vestry*), an Other Entertainment Establishment (Jazz Club dba *Preservation Hall West at the Chapel*) on the ground floor, and accessory offices on the second floor with an outdoor activity area for use by *The Vestry* restaurant on the adjacent vacant lot.

On July 26, 2012, the Planning Commission approved a Conditional Use Authorization under Motion 18670, to enlarge the use size authorization for the Jazz Club (dba *Preservation Hall West at the Chapel*) and Restaurants approved under Motion 18225 from 8,595 square feet to 10,015 square feet, and to allow 2,952 square feet of Business and Professional Services on the second floor.

The Conditions of Approval included further restrictions on the hours of operation of the outdoor activity area, requiring a new sound wall around the outdoor activity area, restricting the noise within the outdoor activity area, restricting the hours of deliveries, and requiring a noise study and an informational Planning Commission hearing 6 months after the first day of business operations.

CURRENT ISSUES

The Jazz Club and *The Chapel* restaurant opened in October 2012 with intermittent shows until the full time schedule began in January 2013. The outdoor patio was opened in June 2012 on a part time basis. *The Vestry* restaurant and outdoor patio opened on a full time basis in September 2013.

Since the beginning of business operations, staff has received emails from neighbors with concerns regarding a spectrum of issues. These emails are attached to this case report. The issues are paraphrased below:

Issue #1: Excessive Noise. Noise complaints from neighbors indicate that there is excessive noise originating from a variety of sources including patron noise, amplified music, idling vehicle noise, and noise from employees on breaks.

Conditions of Approval 14 and 21 relate to this issue:

14. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
21. The Planning Department will conduct a public information hearing at the Planning Commission on the compliance of these Conditions of Approval six (6) months from the first day of business operations. After this public information hearing and with the advice and input of the Planning Commission, the Zoning Administrator may extend or reduce the permitted hours of the outdoor activity area. In preparation for the hearing, the Project Sponsor shall conduct a noise study six (6) months from the first day of business operations. This study will compare the actual versus expected level of noise from the noise study conducted by Charles M. Salter Associates, Inc. dated November 5, 2010, or subsequent study, requested above. This study shall be made available to the public.

Issue #2: Exceeding Hours of Deliveries. Complaints from the neighbors indicate that deliveries and trash pick ups are occurring outside of the permitted time.

Condition of Approval 25 relates to this issue:

25. Deliveries shall be limited to 8:00 a.m. to 10:00 p.m. daily.

COMPLIANCE WITH CONDITIONS

14. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.

The noise study conducted by Charles M. Salter dated April 16, 2014 indicates that the Project is in compliance with the San Francisco Noise Ordinance. Additionally the Project Sponsor has complied with the noise reduction measures as stated in the noise study conducted by Charles M. Salter dated November 5, 2010.

21. The Planning Department will conduct a public information hearing at the Planning Commission on the compliance of these Conditions of Approval six (6) months from the first day of business operations. After this public information hearing and with the advice and input of the Planning Commission, the Zoning Administrator may extend or reduce the permitted hours of the outdoor activity area. In preparation for the hearing, the Project Sponsor shall conduct a noise study six (6) months from the first day of business operations. This study will compare the actual versus expected level of noise from the noise study conducted by Charles M. Salter Associates, Inc. prior to operation, or subsequent study, requested above. This study shall be made available to the public.

The noise study was conducted on March 28-30, 2014, which is more than 6 months since the outdoor activity area opened on a full time basis on September 19, 2013.

22. The hours of operation for the outdoor activity area shall be 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 12:00 a.m. Friday and Saturday, with no patrons remaining 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.

Planning Code Section 726.27 limits the hours of operations within the Valencia NCT Zoning District to 6:00 a.m. to 2:00 a.m. The Project Sponsor is in compliance with further restriction on the hours of operation specifically for the outdoor activity area.

23. The outdoor activity area is not allowed to have amplified music or a bar.

The outdoor activity area is in compliance with this condition.

24. The Project Sponsor shall enhance proposed noise abatement by constructing sound walls around outdoor activity area that are a minimum of eight (8) feet in height and reinforced with stucco.

This wall was constructed in the summer of 2013, prior to the opening of the outdoor activity area under Building Permit Application 2012.10.25.2850.

25. Deliveries shall be limited to 8:00 a.m. to 10:00 p.m. daily.

In October 2013, neighbors complained of linen deliveries being made at 4:30 a.m. The issue has since been corrected. In March 2014, neighbors complained of Recology garbage and recycling pick up at 3:00 a.m. The Project Sponsor has made the request to Recology to do their pick up after 9:00 a.m.

ANALYSIS

The Planning Department Code Enforcement staff has received one complaint for noise in August 2013. Staff referred the complaint to the Police Department and the Entertainment Commission.

The noise study conducted by Charles M. Salter dated April 16, 2014 measured several different noise sources, including the outdoor dining patio noise and the music venue noise. The measurements were taken from March 28-30, 2014 at the following locations: residences and backyards located east of the parking lot and outdoor dining area, along Valencia Street at the Project Site, residences and backyards located east of the project site near the Jazz Club, the apartment at 787 Valencia Street, and at a mixed-use building located north of the project site. In order to determine compliance with the San Francisco Noise Ordinance, the noise study compared ambient Equivalent Sound Levels to the ambient Percentile Noise Level. However, in environments with varying noise levels due to ambient activity, the noise study also compared the ambient Equivalent Sound Levels in 2010 and 2014 to give a more accurate representation of the noise environment with and without the subject business operations. In the latter comparison, the noise levels did not exceed the allowable 8 dBA above the local ambient amount.

COMMISSION ACTION

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

Attachments:

Motion 18225

Motion 18670

Noise Study dated April 16, 2014

Noise Study dated November 5, 2010

Correspondence from Neighbors

Plans approved November 18, 2010

Acoustics
Audiovisual
Telecommunications
Security

16 April 2014

John Knowles
Valencia SF Properties, LLC
777 Valencia Street
San Francisco, CA 94110
Email: jack.acote@gmail.com

Subject: **757 and 777 Valencia COA Noise Study**
CSA Project: 14-0112

Dear Jack:

You requested that we measure noise levels during business operations at 757 and 777 Valencia per the project Condition of Approval (COA) 21. This letter summarizes our findings.

EXECUTIVE SUMMARY

Noise during business operations of 757/777 Valencia consisted of both project and ambient activity (e.g., both street traffic and human activity). In summary, we found the following at each measurement location:

Location	Finding
L1, near The Vestry outdoor dining patio	Both traffic noise and patio dining noise was audible. Noise levels were 8 to 10 dB above typical minimum ambient. Dining noise levels were similar to other ambient sources (e.g., traffic).
L2 and S5, along Valencia Street	Along Valencia Street, music from inside The Chapel was virtually inaudible. The primary sources of noise were voices, human activity, and traffic.
L3: near residences behind The Chapel	Music was occasionally detectible. Rooftop HVAC equipment was the primary noise source. A-weighted rooftop HVAC noise levels were 6 dB to 9 dB over ambient levels, not significantly exceeding the Noise Ordinance Limit.
S4: Inside apartment at 787 Valencia Street	Low-frequency music noise was audible. Music did not exceed the A-weighted limit. However, music might exceed the C-weighted limit, at times, if the ambient level falls significantly below 52 dBC in the evening.

BACKGROUND

In 2010, we conducted a study of expected noise levels from the proposed restaurant (The Vestry) and music venue (The Chapel) at the project site. Our 5 November 2010 letter summarized our findings and recommendations for acoustical measures to reduce noise at the nearest receivers.

Charles M. Salter, PE
David R. Schwind, FAES
Eric L. Broadhurst, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Anthony P. Nash, PE
Cristina L. Miyar
Jason R. Duty, PE
Durand R. Begault, PhD, FAES
Joseph G. D'Angelo
Thomas J. Corbett, CTS
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Peter K. Holst, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Thomas D. Keller, CDT
Craig L. Gillan, RCDD
Lloyd B. Ranala
Alexander K. Salter, PE
Jeremy L. Decker, PE
Rob Hammond, PSP, NICET III
Michael S. Chae
Andrew J. McKee
Paul R. Billings
Valerie C. Smith
Erika A. Frederick
Benjamin D. Piper
Elisabeth S. Kelson
Joshua J. Harrison
Brian C. Wourms
Shanna M. Sullivan
Amanda G. Higbie
Ryan G. Raskop, LEED AP
Diego Hernandez
Ryan A. Schofield
Jamal Kinan
Brian J. Good
Heather A. Salter
Dee E. Garcia
Catherine F. Spurlock
Marva De Veer - Noordzee
Elizabeth F. Trocker
Jennifer G. Palmer
Jodessa G. Cortez
Susan E. Lonergan
Courtney H. Vineys
Erin D. Gorton
Megan C. Santos

Following the commencement of business activities, the San Francisco Planning Commission required that the project conduct a follow-up study to assess noise surrounding the project during business operations. As requested, we performed noise measurements at the same locations used in our 2010 study. Noise from the music venue and the restaurant outdoor patio was studied.

ACOUSTICAL CRITERIA

Section 2909 of the San Francisco Police Code addresses noise relevant to the project as follows:

- Part (b): No person shall produce or allow to be produced by any machine or device, music or entertainment on commercial property over which the person has ownership or control, a noise level more than eight dBA¹ above the local ambient at any point outside the property plane. In addition, no noise or music associated with a licensed Place of Entertainment shall exceed the low-frequency ambient noise level by more than eight dBC.²
- "Ambient" is defined in Section 2901.a as the lowest sound level repeating itself during a minimum ten-minute period in the same location as the measurement of the noise level of the source at issue. It shall be measured with a sound level meter using slow response and "A" weighting. In addition, for the purposes of the Ordinance, it states the ambient shall not be considered to be less than 35 dBA for interior residential noise and 45 dBA in all other locations.
- "Low frequency ambient" is defined in Section 2901.f as the lowest sound level repeating itself during a ten-minute period in the same location as the measurement of the noise level of the source at issue. It shall be measured with a sound level meter using slow response and "C" weighting. In addition, for the purposes of the Ordinance, it states the local ambient shall not be considered to be less than 45 dBC for interior residential noise and 55 dBC in all other locations.
- "Noise level" is defined as the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a sound level meter.

In light of the Noise Ordinance definitions and requirements, we compare Equivalent Sound Levels (L_{eq}) measured during project business operations to the ambient L_{90} (Percentile Noise Level³). However, in environments with varying noise levels due to ambient activity, the measured L_{eq} level is usually greater than the L_{90} level. Furthermore, differentiating between project noise and ambient noise sources is challenging. Therefore, we also compare the project and ambient L_{eq} levels to compare the noise environment at the project site with and without subject business operations.

Acoustics
Audiovisual
Telecommunications
Security

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

- ¹ dBA — A-weighted sound pressure level (or noise level) represents the noisiness or loudness of a sound by weighting the amplitudes of various acoustical frequencies to correspond more closely with human hearing sensitivity. A 10-dB (decibel) increase in noise level is generally perceived to be twice as loud. A-weighting is specified by the ISO, U.S. EPA, OSHA and others for use in noise measurements.
- ² dBC — C-weighted sound pressure level (or noise level) is similar to an A-weighted level but with a different standard frequency weighting which places a greater emphasis on low-frequency noise.
- ³ L_{90} —The sound level in dBA that was equaled or exceeded 90 percent of the time; L_{10} , L_{50} , and L_{90} are the levels equaled or exceeded 10, 50, and 90 percent of the time, respectively.

NOISE MEASUREMENTS RESULTS AND COMMENTS

From 28 through 30 March 2014, we conducted noise measurements at the site. During a music event on 28 March, we also conducted short-term measurements at certain locations. We understand that music events occurred on Friday and Saturday evenings (28 and 29 March) but not on Sunday evening. On Sunday, we evaluated daytime noise near the outdoor dining patio during a regularly scheduled brunch. Measurements were conducted at the following locations:

- L1: Residences and backyards located east of parking lot and outdoor dining area (long-term)
 - Monitor was located on the back fence of the parking lot just north of 757 Valencia
- L2: Along Valencia Street at the project site (long-term)
 - Monitor located on a pole near the center of the 757/777 Valencia building
- L3: Residences and backyards located east of project site near Auditorium (long-term)
 - Monitor was located at the east edge of the roof of 757/777 Valencia
- S4: Apartment at 787 Valencia Street⁴ (short-term)
 - Measurements conducted in a bathroom and a bedroom along the zero-lot line wall
- S5: At mixed-use building located north of project site (short-term)
 - Measurement was conducted at south west corner of building along the sidewalk

Outdoor Dining Patio Noise

We understand that weekend brunch is regularly scheduled from 11:00 a.m. to 3:00 p.m. Table 1 summarizes the results of our measurements during this time at the back fence of the parking area which is near the dining area.

Table 1: Summary Levels (dBA) at Location L1 (near 757 Valencia Dining Patio)

(dBA) <i>Hour</i>	2010 Ambient		2014 Dining + Ambient		
	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus Ambient L₉₀)</i>	<i>Delta (L_{eq} minus Ambient L_{eq})</i>
11:00:00	49	56	59	9	2
12:00:00	50	56	60	10	3
13:00:00	51	56	59	9	4
14:00:00	51	57	59	8	2

During this time period, audio recordings indicate that both traffic noise and patio dining noise was audible at this measurement location.

Music Venue Noise

Based on the schedule we received, we understand that the music events during our Friday and Saturday noise measurements were to start at 9:00 p.m. and last till approximately 12:00 a.m. The following tables summarize the measurement results with comparisons to ambient levels.

⁴ We did not have access to the dwelling at 785 Valencia to conduct interior noise measurements.

Acoustics
Audiovisual
Telecommunications
Security

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

Tables 2a and 2b: Summary Levels (dBA/dBC) at Location L2 (Along Valencia Street)

(dBA)	2010 Ambient		2014 Ambient (Sunday)		2014 Music Event + Ambient		
	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus 2010/14 Ambient L₉₀)</i>	<i>Delta (L_{eq} minus 2010/14 Ambient L_{eq})</i>
21:00	60	68	59	67	74	15/15	6/7
22:00	58	70	56	66	74	16/18	4/8
23:00	58	67	55	64	72	15/18	5/8

(dBC)	2010 Ambient		2014 Ambient (Sunday)		2014 Music Event + Ambient		
	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus Ambient L₉₀)</i>	<i>Delta (L_{eq} minus Ambient L_{eq})</i>
21:00	67	76	66	73	78	11/12	2/5
22:00	63	75	63	74	78	15/14	2/4
23:00	64	74	62	71	77	13/15	4/7

Along Valencia Street music from inside The Chapel was virtually inaudible. The primary sources of noise were voices, distance street music performers, and traffic.

Tables 3a and 3b: Summary Levels (dBA/dBC) at Location L3 (behind the Chapel)

(dBA)	2010 Ambient		2014 Ambient (Sunday)		2014 Music Event + Ambient		
	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus 2010/14 Ambient L₉₀)</i>	<i>Delta (L_{eq} minus 2010/14 Ambient L_{eq})</i>
21:00	54	61	59	60	60	6/1	0/1
22:00	51	57	59	59	60	9/1	3/1
23:00	52	57	59	59	60	8/1	3/1

Acoustics
Audiovisual
Telecommunications
Security

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

(dBC)	2010 Ambient		2014 Ambient (Sunday)		2014 Music Event + Ambient		
	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus Ambient L₉₀)</i>	<i>Delta (L_{eq} minus Ambient L_{eq})</i>
Hour							
21:00	62	69	70	72	73	11/3	4/1
22:00	61	67	70	72	73	12/3	6/1
23:00	63	68	70	72	73	11/3	5/2

Behind the chapel at the roof of 757/777 Valencia, near the backyards of adjacent residences, music was occasionally detectible. Rooftop HVAC equipment was the primary noise source at this location. A-weighted rooftop HVAC noise levels were 6 dB to 9 dB over ambient levels, which do not significantly exceed the Noise Ordinance Limit.

Tables 4a and 4b: Summary Levels (dBA/dBC) at Location S4 (in 787 Valencia apartment)

(dBA)	2010 Ambient	2014 Music Event + Ambient	
Hour	<i>Ordinance Min. Prescribed</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus Ambient)</i>
22:00	35	39	4

(dBC)	2010 Ambient	2014 Music Event + Ambient	
Hour	<i>Prescribed/ Measured</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus Ambient)</i>
22:00	45/51	60	15/9

We expect that the ambient C-weighted noise level in these apartments might be 45 dBC at times. In 2010, we measured an ambient noise level of 51 dBC in 787 Valencia during the afternoon. In the apartment, music noise was audible. It did not exceed the A-weighted limit. However, at times, music might exceed the C-weighted limit.

Acoustics
Audiovisual
Telecommunications
Security

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

Tables 5a and 5b: Summary Levels (dBA/dBC) at Location S5 (along Valencia at mixed-use building)

(dBA)	2010 Ambient		2014 Ambient (Sunday)		2014 Music Event + Ambient		
	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus 2010/14 Ambient L₉₀)</i>	<i>Delta (L_{eq} minus 2010/14 Ambient L_{eq})</i>
23:00	58	67	55	64	68	11/13	1/4

(dBC)	2010 Ambient		2014 Ambient (Sunday)		2014 Music Event + Ambient		
	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L₉₀</i>	<i>L_{eq}</i>	<i>L_{eq}</i>	<i>Delta (L_{eq} minus Ambient L₉₀)</i>	<i>Delta (L_{eq} minus Ambient L_{eq})</i>
23:00	64	74	62	71	78	14/16	4/7

At the mixed-use building north of 757 Valencia, The Chapel music and The Vestry outdoor dining patio noise was not audible during our measurements. Local street activity noise (e.g., traffic and voices) were the primary sources of measured noise levels.

* * *

This concludes our comments on the 757 and 777 Valencia COA noise study. If you have any questions, please call.

Sincerely,

CHARLES M. SALTER ASSOCIATES



Jeremy L. Decker, PE
Principal Consultant

Acoustics
Audiovisual
Telecommunications
Security

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

Charles M Salter Associates Inc

Consultants in
Acoustics,
Audiovisual,
Telecommunications
& Security System Design

130 Sutter Street
Suite 500
San Francisco
California 94104
Tel: 415 397 0442
Fax: 415 397 0454
www.cmsalter.com
info@cmsalter.com

Charles M Salter, PE
David R Schwarz, FAES
Robert P Alvarado
Eric L Broadhurst, PE
Anthony Nash, PE
Thomas A Schandler, PE
Ken Graven, PE, RCDD, LEED AP
Philip N Sanders, LEED AP
Jason P Duty, PE
Christina L Miyar
Durand R Begault, PhD, FAES
Thomas J Corbett, CTS
Ross A Jerozal, CTS
Joey G DiAngelo
Eric A Yee
Joshua M Roper, LEED AP
Timothy C Brown
Randy D Waldeck, PE, LEED AP
Peter K Holst, PE, LEED AP
Andrew L Stanley
Christopher A Peltier, PE
Ethan C Salter, LEED AP
Thomas D Keller, CDT
Troy R Gimbel, CTS
Alex K Salter, PE
Jeremy L Decker, PE
David E Nussbaum, RCDD, PMP
Dylan B Mills
Davis H Keith, CTS-D
Melody K Parker, LEED AP
Brian J Good
Heather A Salter
Elizabeth F Thomas
Catherine F Spurlock
Marva D Noordzee
Debbie E Garcia
Jasmine S Recidoro
Dani S Cirignano

5 November 2010

John Knowles
6000 Margarido Drive
Oakland, CA 94618
Email: jack.acote@gmail.com

Subject: **777 Valencia: Restaurant and Live Music Venue
Noise Study
CSA Project No. 10-0429**

Dear John:

You requested that we analyze expected noise from the proposed restaurant and live music venue at 777 Valencia Street in San Francisco and compare the results of our study to the noise limits of the San Francisco Noise Ordinance. This letter summarizes our findings.

SUMMARY

Our analysis indicates that the project is expected to meet the noise limits of the San Francisco Noise Ordinance if noise reduction measures (described below) are incorporated into the renovation.

ACOUSTICAL CRITERIA

Section 2909 of the San Francisco Police Code addresses noise relevant to the project as follows:

- Part (b): No person shall produce or allow to be produced by any machine or device, music or entertainment on commercial property over which the person has ownership or control, a noise level more than eight dBA¹ above the local ambient at any point outside the property plane. In addition, no noise or music associated with a licensed Place of Entertainment shall exceed the low-frequency ambient noise level by more than eight dBC.²

¹ dBA — A-weighted sound pressure level (or noise level) represents the noisiness or loudness of a sound by weighting the amplitudes of various acoustical frequencies to correspond more closely with human hearing sensitivity. A 10-dB (decibel) increase in noise level is generally perceived to be twice as loud. A-weighting is specified by the ISO, U.S. EPA, OSHA and others for use in noise measurements.

² dBC — C-weighted sound pressure level (or noise level) is similar to an A-weighted level but with a different standard frequency weighting which places a greater emphasis on low-frequency noise.

- “Ambient” is defined in Section 2901.a as the lowest sound level repeating itself during a minimum ten-minute period in the same location as the measurement of the noise level of the source at issue. It shall be measured with a sound level meter using slow response and “A” weighting. In addition, for the purposes of the Ordinance, it states the ambient shall not be considered to be less than 35 dBA for interior residential noise and 45 dBA in all other locations.
- “Low frequency ambient” is defined in Section 2901.f as the lowest sound level repeating itself during a ten-minute period in the same location as the measurement of the noise level of the source at issue. It shall be measured with a sound level meter using slow response and “C” weighting. In addition, for the purposes of the Ordinance, it states the local ambient shall not be considered to be less than 45 dBC for interior residential noise and 55 dBC in all other locations.
- “Noise level” is defined as the maximum continuous sound level or repetitive peak sound level, produced by a source or group of sources as measured with a sound level meter.

In summary, the prescribed minimum ambient sound levels and associated maximum noise levels are summarized in Table 1. If the measured ambient sound levels exceed these minimum ambient levels, the maximum noise limits are also increased accordingly.

Location	dBA		dBC	
	Minimum Ambient	Maximum Noise Level	Minimum Ambient	Maximum Noise Level
Residence interior	35	43	45	53
All other locations	45	53	55	63

SETTING

The project is located at 777 Valencia Street in San Francisco between 18th Street and 19th Street. Valencia Street is to the west of the site. A mixed-use building is located to the south consisting of two apartments (2nd and 3rd floors) above a dry-cleaning business. We understand that the subject building and this mixed-use building are separated by zero lot line wall constructions. To the east of the site are residential backyards. To the north of the site is a two-story mixed-use building separated from the subject building by the parking lot of the project.

The project will include a renovated two-story Auditorium at the south end of the building, which will have live music. The remainder of the first floor will be a restaurant. In addition, a southwest portion of the parking lot is to become an outdoor dining area.³

ACOUSTICAL MEASUREMENTS

To determine the ambient noise levels for the project we conducted acoustical measurements at the site using Type I sound level meters. Sound transmission from the Auditorium to the exterior of the building at the rear (east) property line was also measured.

From 1 to 4 November 2010,⁴ two long-term noise monitors recorded ambient noise levels at the site. One was located along Valencia Street, the other was located at the rear (east) property line at the lower roof of the building. This location was significantly “shielded” from traffic noise by buildings. In addition, a short-term measurement was conducted on 4 November at the east end of the parking lot.

Location	2 to 3 November		3 to 4 November	
	dBA	dB(C)	dBA	dB(C)
Along valencia street	50	57	49	58
At east end of parking lot	45*	57*	44*	56*
At rear of property, along residence backyards	45	57	44	56

*these ambient sound levels are estimated

Based on measurements conducted inside the apartments at 785 and 787 Valencia Street, we expect that the interior ambient sound levels will be at or below the minimum values prescribed in the Noise Ordinance at times.

On 1 November 2010, we conducted sound transmission tests to quantify the existing sound insulation at the live venue space (i.e., the Auditorium). These measurements were used to estimate the future music noise levels in areas adjacent to the project.

³ Our comments are based on the architectural drawings dated 24 October 2010.

⁴ Abnormally high sound levels measured at the site during the evening of 1 November, presumably due to community jubilation and celebratory activities related to the SF Giants World Series win, were considered to be atypical data and disregarded from our analysis.

⁵ The lowest ambient noise levels typically occurred late at night between 12:00 a.m. and 2:00 a.m. Ambient noise levels occurring earlier in the evening and daytime are noticeably higher.

EXPECTED PROJECT SOUND LEVELS

Our analysis is based on acoustical measurements of music playback in the Auditorium. The music content and level were determined to be representative of the loudest expected music program by the owner of the project. Table 3 summarizes the baseline source sound level developed for our study.

<i>Table 3: Baseline Music Sound Level in Auditorium</i>										
31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dBA	dBC
82	97	98	87	88	85	85	85	85	93	101

We understand that background music is expected to be played in the restaurant and in the outdoor seating area. Our analysis of the outdoor seating area is based on approximately 70 patrons and a music playback level no greater than 60 dBA in the outdoor dining area until 12:00 a.m. and 55 dBA after 12:00 a.m.⁶

FINDINGS

The results of our analysis are summarized in Table 4. This table includes the relevant noise limit for each location based on the Noise Ordinance, the expected project-related noise level, and references to the related noise reduction measures.

<i>Table 4: Comparison of Expected Project Noise Levels to Noise Ordinance Limits</i>			
Neighboring Location	Noise Limit	Expected Project Noise Level	Related Noise Reduction Measures
Apartments at 785/787 Valencia St.	43 dBA 53 dBC	30 dBA 53 dBC	1, 3, 4, 5, 6
Residences and backyards located east of project site near Auditorium	53 dBA 64 dBC	42 dBA 64 dBC	2, 3
Residences and backyards located east of parking lot and outdoor dining area	53 dBA 64 dBC	50 dBA 52 dBC	7
At mixed-use building located north of project site	53 dBA 64 dBC	53 dBA 55 dBC	7
Along Valencia Street	57 dBA 65 dBC	43 dBA 65 dBC	3, 4, 6

⁶ The 55 dBA maximum noise limit should be applied between the hours of 12:00 a.m. and 7:00 a.m.

NOISE REDUCTION MEASURES

To reduce project-related noise to the levels listed in Table 4, which meet the Noise Ordinance Limits, noise reduction measures need to be incorporated into the project. We recommend the following measures:

1. At the south wall of the Auditorium, remove the existing interior gypsum board. Insulate the stud cavities with minimum R-11 glass fiber batts. Provide an insulated furred wall at the entire south wall of the Auditorium. This should consist of one layer of 5/8-inch thick gypsum board and two layers of 1/2-inch thick cement board attached to new framing. Provide a minimum one-inch clearance between the existing studs and the new furred framing. If intermediate span supports are needed at the framing, provide resilient sway braces.
2. Fill or replace vents in north wall of Auditorium with solid sheathing having a minimum surface weight of 4 psf (e.g., two layers of 1/2-inch plywood). Seal the construction airtight. Any replacement ventilation open to the exterior must include sound attenuation elements equal to the noise reduction provided by the exterior wall assembly.
3. At the exterior walls of Auditorium (i.e., north wall at low roof, east wall, west wall at mezzanine), provide insulated furred walls consisting of two layers of gypsum board and new framing spaced minimum one-inch from existing interior gypsum board. As an alternative, the existing gypsum board could be removed and two new layers installed with resilient sound isolation clips.⁷
4. At each exterior window of the Auditorium mezzanine (i.e., along Valencia), provide a secondary jockey sash incorporating minimum 3/8-inch thick laminated glass.
5. The elevated stage should be isolated from the floor and walls with neoprene pads or mounts having a minimum static deflection of 0.20-inch.
6. Interior doors between the auditorium and the restaurant and bar area should be solid-core wood or insulated steel with full perimeter gaskets, including a bottom seal.
7. At the outdoor dining area, the east and north fences should incorporate a solid layer of overlapping wood planks or exterior-grade plywood with a minimum surface weight of 3 psf with no cracks, gaps, or leaks (including at the ground). This fence should be a minimum of six feet high.

At all interior sound-rated construction, gypsum board should be held back 1/4-inch at all intersecting surfaces and penetrations and the gap caulked airtight with acoustical sealant. If needed, provide a fire-rated acoustical sealant.

⁷ If this alternative is selected, the existing stud cavities should be insulated with R-11 glass fiber batts.

John Knowles
5 November 2010
Page 6

The above measures are intended to address noise reduction only. Your architect and engineers should review and comment on proposed modifications to address seismic, mechanical, fire, and other Building Code issues. We can be available to meet with you and your design team to discuss their comments.

* * *

This concludes our current comments for the subject project. Please call if you have any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Jeremy L. Decker, P.E.
Senior Consultant



Jason R. Duty, P.E.
Vice President

JLD/JRD/jld
P:\2010-11-05_777 Valencia (10-0429) Noise Ordinance Study.doc

cc: Lisa Harvey
Harvey Architecture
Email: laharvey@mindspring.com

Patricia Dedekian
Email: trish.d99@gmail.com



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18225

HEARING DATE: NOVEMBER 18, 2010

Date: November 9, 2010
Case No.: **2010.0710C**
Project Address: **777 VALENCIA STREET**
Zoning: Valencia Street NCT (Neighborhood Commercial Transit)
55-X Height and Bulk District
Block/Lot: 3589 / 088 and 108
Project Sponsor: Lisa Harvey
Harvey Architecture
28 ½ Precita Avenue
San Francisco, CA 94110
Staff Contact: Erika S. Jackson – (415) 558-6363
erika.jackson@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.2, 303, 316, 726.24, 726.41, AND 726.48, TO CONVERT AN EXISTING VACANT TWO-STORY BUILDING TO TWO NEW FULL-SERVICE RESTAURANT & BAR ESTABLISHMENTS ON THE GROUND FLOOR, AN OTHER ENTERTAINMENT ESTABLISHMENT (JAZZ CLUB) ON THE GROUND FLOOR, AND ACCESSORY OFFICES ON THE SECOND FLOOR WITH AN OUTDOOR ACTIVITY AREA ON THE ADJACENT VACANT LOT. THE PROPOSED PROJECT IS LOCATED WITHIN THE VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT (VALENCIA NCT), A 55-X HEIGHT AND BULK DISTRICT, AND THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT.

PREAMBLE

On August 19, 2010, Lisa Harvey (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.2, 303, 316, 726.24, 726.41, and 726.48, to convert an existing vacant two-story building to two new Full-Service Restaurant & Bar Establishments on the ground floor, an Other Entertainment Establishment (Jazz Club) on the ground floor, and accessory offices on the second floor with an outdoor activity area on the adjacent vacant lot. The Proposed Project is located within the Valencia Street Neighborhood Commercial Transit District (Valencia NCT), a 55-X Height and Bulk District, and the Mission Alcoholic Beverage Special Use Subdistrict.

On November 18, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0710C.

On August 23, 2010 the Proposed Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 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. 2010.0710C, 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 site is located on the east side of Valencia Street, between 18th and 19th and Streets, within the Valencia Street Neighborhood Commercial Transit District and a 55-X Height and Bulk District. The Proposed Project is located on two adjacent lots. One lot is improved with a vacant two story tall 11,178 square foot building. This 7,360 square foot lot is the site of the former New College. The adjacent 4,640 square foot lot is currently used as a surface parking lot. The Proposed Project would occupy 108 linear feet of frontage on Valencia Street.
3. **Surrounding Properties and Neighborhood.** The Project site is located toward the center of the 13 block Valencia Street Neighborhood Commercial District. A number of neighborhood serving uses including bars, eating establishments, general grocery stores, liquor stores, automobile-related uses, professional and personal service uses and retail sales and services uses characterize this neighborhood commercial district. In general, residential uses are found in the immediate vicinity. Properties in the vicinity are located within the RTO-M (Residential, Transit-Oriented, Mission Neighborhood), NC-1 (Neighborhood Commercial, Cluster) and P (Public Use) Districts. The site is well served by transit.
4. **Project Description.** The Proposed Project is to convert the former New College space into a new entertainment and restaurant venue. The ground floor will be converted to two Full-Service Restaurants, each with a separate bar and kitchen, and a Jazz Club. The restaurants (dba *Preservation Hall West* and *Second Line Café*) will be 4,581 square feet and 539 square feet in area. The 2,575 square foot Jazz Club (dba *Preservation Hall West*) will serve as the new West Coast

venue for the existing Preservation Hall Jazz Band. The original Preservation Hall Jazz Club is located in New Orleans' French Quarter and was established in 1961 by Allen and Sandra Jaffe. The Preservation Hall Jazz Club is known as both the home of Traditional New Orleans Jazz and the headquarters of the Preservation Hall Jazz Band. The Preservation Hall Jazz Band derives its name from the Jazz Club and is directed by Ben Jaffe, the son of the Preservation Hall Jazz Club founders. The Preservation Hall Jazz Band started performing in 1963 and has since traveled worldwide.

The ground floor restaurant uses will operate as separate restaurants, but will be connected internally. Both restaurants will share the same Type 47 Liquor License. The second floor will contain approximately 900 square feet of accessory offices and storage to support the uses on the ground floor. The proposal also includes an 860 square foot outdoor seating area located on the lot adjacent to the subject building to be used by the adjacent café.

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. A Section 312 Neighborhood Notification was conducted in conjunction with the Conditional Use Authorization process.

5. **Public Comment.** The Department has received fifteen letters/emails in support of the Project. The Department has received three emails and one phone call with questions and concerns regarding the Project. The Project Sponsor contacted each party to set up a meeting to resolve issues and answer questions.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Outdoor Activity Area.** Planning Code Section 726.24 states that a Conditional Use Authorization is required for an Outdoor Activity Area, as defined by Planning Code Section 790.70.

The proposal is for a 860 square foot outdoor seating area on the adjacent lot currently containing a surface parking lot. The Outdoor Activity Area included with this proposal is outdoor seating on the lot adjacent to the subject building to be used by the adjacent café. The Project Sponsor proposes setting up tables to accommodate approximately 50 additional patrons (the restaurant currently has approximately 25 seats inside). The outdoor area would be used for dining both day and night.

- B. **Bar Use.** Planning Code Section 726.41 requires a Conditional Use Authorization for a Bar use within the Valencia Street NCT Zoning District. A Full-Service Restaurant that is operating with a Type 47 Liquor License is also classified as a Bar use under Planning Code Section 790.92.

The proposal is for two new Full-Service Restaurant & Bar Establishments (dba Preservation Hall West and Second Line Café) that are 4,581 square feet and 539 square feet in area.

- C. **Other Entertainment Use.** Planning Code Section 726.48 states that a Conditional Use Authorization is required for Other Entertainment, as defined by Planning Code Section 790.38.

The proposal is for a 2,575 square foot Jazz Club (dba Preservation Hall West) that will provide a new venue for the existing Preservation Hall Jazz Band. The original Preservation Hall Jazz Club is in New Orleans and was established in 1961. The live music would be restricted to the inside area and the sound equipment must be inspected and permitted by the Entertainment Commission prior to operation.

- D. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that NC Districts containing specific uses have at least ½ the total width of the new or altered structure at the commercial street frontage devoted to entrances to commercially used space, windows or display space at the pedestrian eye-level. Such windows shall use clear, un-tinted glass, except for decorative or architectural accent. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

The subject commercial space has approximately 92 feet of frontage on Valencia Street with approximately 70 feet devoted to either the restaurant entrance or window space. The windows are clear and unobstructed. There are no changes proposed to the commercial frontage.

- E. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the Proposed 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 size of the proposed use is in keeping with other storefronts on the block face. The proposed full-service restaurants and entertainment venue is not anticipated to adversely impact traffic or parking in the District. This will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront. The Police Department is aware of the Proposed Project and has no opposition to the proposed use. The Proposed Project will provide a venue for a long standing musical group that will enhance the cultural diversity of the Mission District and will compliment the variety of arts activities present in the Mission District.

- 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 Proposed

Project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same. The Project will not alter the existing appearance or character of the 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 Planning Code does not require parking or loading in the Valencia Street NCT. The proposed use should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide because the neighborhood is well served by public transit. Furthermore, parking is not required in the Valencia Street NCT District.

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

The proposed use is subject to the standard conditions of approval for full-service restaurants entertainment uses and outlined in Exhibit A. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. Conditions of Approval 10 and 14 as outlined in Exhibit A specifically obligates the Project Sponsor to mitigate odor and noise generated by the restaurant and entertainment uses.

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

The Department shall review all lighting and signs proposed for the new business in accordance with Condition 7 of Exhibit A. Landscaping and screening of the outdoor activity area will be reviewed by the Planning Department during review of the Building Permit Application.

- 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 Proposed 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 Valencia Street NCT District in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods and will contribute to the street's mixed-use character and activity in the evening hours. Parking is not required in the Valencia Street NCT District. Finally, the Valencia Street NCT District is intended to encourage pedestrian-oriented ground floor uses and serve a wider trade area.

8. **Use Size.** Planning Code Section 121.2 requires a Conditional Use Authorization for a non-residential use that is larger than 3,000 square feet within the Valencia Street NCT Zoning District. This applies both to the square footage of the entire project or the square footage of one use. One of the proposed restaurants is 4,581 square feet and the entire Project is approximately 8,000 square feet. Although the proposed restaurants and entertainment use will operate as separate uses, they will be connected internally. Planning Code Section 121.2 sets forth additional criteria which the Commission shall consider in addition to those of Section 303 when reviewing an application for a non-residential use size in excess of that which is permitted as-of-right:

- a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The Valencia NCT is a vibrant and intense cluster of businesses and dwellings. In relation to the general availability of commercial space in the district, the proposed non-residential expansion is comparatively minor. Other neighborhood serving uses would continue to locate in the Valencia NCT; approval of the Proposed Project would not preclude this. The proposal supports the intention of the neighborhood commercial zoning districts in that it would promote the growth of an existing small business. Furthermore, historically this site contained a large use, namely the New College campus.

- b. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The 2,575 square foot Jazz Club (dba Preservation Hall West) will serve as the new West Coast venue for the existing Preservation Hall Jazz Band. The original Preservation Hall Jazz Club is located in New Orleans' French Quarter and was established in 1961 by Allen and Sandra Jaffe. The Preservation Hall Jazz Club is known as both the home of Traditional New Orleans Jazz and the headquarters of the Preservation Hall Jazz Band. Preservation Hall West Jazz Club will be comparable in size and operation to the venue in New Orleans. Entertainment venues of this type have historically required larger spaces in order to serve the number of patrons. The proposed restaurant, by its food-serving nature, is one that would serve neighborhood residents and business-people. Furthermore, in order to accommodate the needs of an efficient and code-compliant modern kitchen, and to provide for the volume of customers necessary to make such a kitchen feasible, a larger use size that which is permitted as-of-right is appropriate. The

restaurants would serve as a complement to the Jazz Club, allowing patrons to eat at the same location.

- c. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

There are no proposed modifications to the existing building. The existing building was constructed in approximately 1917 and is an interesting complement to the modern buildings on the same block. The existing building is a two story building that respects the scale of development in the district that ranges from two to four stories in height.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

General/Citywide

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business to include outdoor activity and other entertainment will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial Transit District and is thus consistent with activities in the commercial land use plan.

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 subject property contains a vacant educational building. Therefore, the Proposed Project will not displace an existing commercial or industrial activity. The addition of the proposed uses will enhance the diverse economic base of 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.

Policy 3.2:

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

The Proposed Project will provide employment opportunities, including entry-level employment opportunities, for the area's unskilled and semi-skilled workers.

Neighborhood Commerce

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 Proposed Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments:

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the Valencia Street NCT District that contains the proposed building. With the proposed restaurant use, approximately 15% of the frontage of the Valencia Street NCT District would be attributed to eating and drinking establishments.

Entertainment Uses:

Entertainment uses may be appropriate in certain districts or parts of districts. The following guidelines should be used in their review:

- Except in the Broadway district, where later hours may be appropriate under carefully regulated conditions, entertainment uses should not be open after 2:00 a.m. in order to minimize disruption to residences in and around a district. For uses involving liquor service, potentially loud music, dancing or large patron volumes, earlier closing hours may be necessary.
- Entertainment uses should be adequately soundproofed or insulated for noise, as certified by an acoustical engineer, and operated so as to reasonably protect surrounding residences. Fixed source equipment noise should not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Ventilation systems should be adequate to permit doors to stay closed during performances.
- Except for movie theaters with substantial soundproofing, entertainment uses should not involve electronic amplification after midnight, in order to minimize disruption to surrounding residences.

The proposed entertainment use will operate between the hours of 6:00 a.m. to 2:00 a.m., which are the permitted hours of operation within the Valencia Street Neighborhood Commercial Transit District. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures

as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. Condition of Approval 14 as outlined in Exhibit A specifically obligates the Project Sponsor to mitigate noise generated by the restaurant and entertainment uses.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

MISSION AREA PLAN

Objectives and Policies

Land 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 Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. Conditions of Approval 10 and 14 as outlined in Exhibit A specifically obligates the Project Sponsor to mitigate odor and noise generated by the restaurant and entertainment uses.

OBJECTIVE 1.8:

MAINTAIN AND STRENGTHEN THE MISSION'S NEIGHBORHOOD COMMERCIAL AREAS.

Policy 1.8.2:

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

No commercial tenant would be displaced and the Proposed Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Proposed 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 a full-service restaurant and jazz club in an area that is not over concentrated by restaurants. The business would be locally owned and it creates more employment opportunities for the community. The Proposed Project will provide employment opportunities, including entry-level employment opportunities, for the area's unskilled and semi-skilled workers.

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

The existing units in the surrounding neighborhood would not be adversely affected. Any entertainment use must be approved by the Entertainment Commission, who also regulates noise which may be of concern to the neighbors.

- 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 on Valencia Street and is well served by public transit. It is presumable that the employees would commute by transit thereby mitigating possible impacts on street parking.

- 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 Proposed Project will not displace any service or industry establishment. The Proposed Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by the Proposed Project.

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

The Proposed Project is designed and will be constructed 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 Proposed Project will have no negative impact on existing parks and open spaces. The Proposed Project does not have an impact on open spaces.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.0710C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application dated October 24, 2010 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. 18225. 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 November 18, 2010.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, Olague and Sugaya

NAYS: None

ABSENT: None

ADOPTED: November 18, 2010

Exhibit A

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 121.2, 303, 316, 726.24, 726.41, and 726.48, to convert an existing vacant two-story building to two new Full-Service Restaurant & Bar Establishments on the ground floor, an Other Entertainment Establishment (Jazz Club) on the ground floor, and accessory offices on the second floor with an outdoor activity area on the adjacent vacant lot. The Proposed Project is located within the Valencia Street Neighborhood Commercial Transit District (Valencia NCT), a 55-X Height and Bulk District, and the Mission Alcoholic Beverage Special Use Subdistrict, in general conformance with plans filed with the Application dated October 24, 2010 and stamped "EXHIBIT B" included in the docket for Case No. 2010.0710C, reviewed and approved by the Commission on November 18, 2010.
2. Prior to the issuance of the Building Permit for the Project the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco for the premises (Assessor's 3589, Lots 088 and 108), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
3. The Project Sponsor shall secure an Entertainment Permit from the Entertainment Commission prior to any entertainment use.
4. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
5. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
6. The property owner shall maintain the main entrance to the building, outdoor activity area, and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
7. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
8. The Project Sponsor shall maintain an attractive storefront providing visibility of the restaurant interior through the storefront windows.

9. The Project Sponsor shall appoint a Community Liaison Officer to address issues and matters of concern to neighbors, nearby residents, and commercial lessees related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Project Sponsor will keep the above parties apprised should a different staff liaison be designated. This liaison or a designated representative shall be available at the establishment at all times during business hours.
10. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
11. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the restaurant. The operator of the use shall be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter generated by the restaurant.
12. An enclosed garbage and recycling area shall be provided within the establishment. All garbage and recycling containers shall be kept within the building until pick-up by the disposal company.
13. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.
14. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
15. The Project shall comply with the following "Good Neighbor" policies to insure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.
 - a. Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and
 - b. Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and

- shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and
- c. The operator of the restaurant and entertainment use shall maintain the main entrance, outdoor activity area, parking lot, loading dock area, and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup, and disposal and washing or steam/pressure cleaning of all frontage entrances and abutting sidewalks at least once every two weeks; and
 - d. The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and
 - e. The establishment shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
16. The Project shall comply with all City Codes.
 17. The Project Sponsor shall pass a noise test of the proposed entertainment conducted by the Entertainment Commission prior to Building Permit issuance.
 18. The Planning Department will not approve any Building Permit application, or any referral permit from the Entertainment Commission until the Entertainment Commission verifies that adequate sound proofing is in place to meet the conditions imposed by the Planning Department, the Police Department and the Entertainment Commission regarding appropriate noise levels.
 19. Should the monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successor(s) shall pay fees as established in Planning Code Section 351(e)(1).
 20. The Project Sponsor or its successors shall comply fully with all conditions specified in this authorization. Failure to comply with any condition shall constitute grounds for revocation under the provisions of Planning Code sections 303(f). The Zoning Administrator shall schedule a public hearing before the Planning Commission to receive testimony and other evidence to demonstrate a finding of a violation of a condition of the authorization of the use of the facility and, finding that violation, the Commission shall revoke the Conditional Use authorization. Such revocation by the Planning Commission is appealable to the Board of Supervisors.
 21. The Planning Department will conduct a public information hearing at the Planning Commission on the compliance of these Conditions of Approval six (6) months from the first day of business operations. After this public information hearing and with the advice and input of the Planning Commission, the Zoning Administrator may extend or reduce the permitted hours of the outdoor activity area. In preparation for the hearing, the Project Sponsor shall conduct a noise study six (6) months from the first day of business operations.

This study will compare the actual versus expected level of noise from the noise study conducted by Charles M. Salter Associates, Inc. dated November 5, 2010, or subsequent study, requested above. This study shall be made available to the public.

22. The hours of operation for the outdoor activity area shall be 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 12:00 a.m. Friday and Saturday, with no patrons remaining 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.
23. The outdoor activity area is not allowed to have amplified music or a bar.
24. The Project Sponsor shall enhance proposed noise abatement by constructing sound walls around outdoor activity area that are a minimum of eight (8) feet in height and reinforced with stucco.
25. Deliveries shall be limited to 8:00 a.m. to 10:00 p.m. daily.

ESJ: G:\DOCUMENTS\Projects\CU\Valencia 777\18225.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- Market & Octavia Fee (Sec. 326)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18670

HEARING DATE: JULY 26, 2012

Date: July 19, 2012
Case No.: 2012.0672C
Project Address: 777 VALENCIA STREET
Zoning: Valencia Street NCT (Neighborhood Commercial Transit)
55-X Height and Bulk District
Block/Lot: 3589 / 088 and 108
Project Sponsor: Phil Lesser
555 Laurel Avenue #501
San Mateo, CA 94401
Staff Contact: Erika S. Jackson – (415) 558-6363
Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.2, 303, AND 726.53, TO ENLARGE THE USE SIZE AUTHORIZATION FOR A JAZZ CLUB (DBA PRESERVATION HALL WEST) AND RESTAURANTS APPROVED UNDER MOTION 18225 FROM 8,595 SQUARE FEET TO 10,015 SQUARE FEET, AND TO ALLOW 2,952 SQUARE FEET OF BUSINESS AND PROFESSIONAL SERVICES ON THE SECOND FLOOR WITHIN THE VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT (VALENCIA NCT), A 55-X HEIGHT AND BULK DISTRICT, AND THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT.

PREAMBLE

On May 24, 2012, Phil Lesser, on behalf Valencia Street Properties, Inc. (hereinafter "Project Sponsor"), filed Application No. 2012.0150C (hereinafter "Application") with the Planning Department (hereinafter "Department") for Conditional Use Authorization pursuant to Planning Code Sections 121.2, 303, and 726.53, to enlarge the use size authorization for a Jazz Club (dba *Preservation Hall West*) and Restaurants approved under Motion 18225 from 8,595 square feet to 10,015 square feet, and to allow 2,952 square feet of Business and Professional Services on the second floor. The project is located within the Valencia Street Neighborhood Commercial Transit District (Valencia NCT), a 55-X Height and Bulk District, and the Mission Alcoholic Beverage Special Use Subdistrict.

On July 26, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0672C.

PROJECT BACKGROUND

On August 19, 2010, an application was filed with the Planning Department for Conditional Use Authorization under Planning Code Sections 121.2, 303, 316, 726.24, 726.41, and 726.48, to convert an existing vacant two-story building to two new Full-Service Restaurant & Bar Establishments on the ground floor, an Other Entertainment Establishment (Jazz Club) on the ground floor, and accessory offices on the second floor with an outdoor activity area on the adjacent vacant lot.

On November 18, 2010, the Commission approved the Conditional Use Authorization under Motion 18225, to convert the former New College space into a new entertainment and restaurant venue. The ground floor will be converted to two Full-Service Restaurants, each with a separate bar and kitchen, and a Jazz Club. The restaurants (dba *Preservation Hall West* and *Second Line Café*) will be 4,581 square feet and 539 square feet in area. The 2,575 square foot Jazz Club (dba *Preservation Hall West*) will serve as the new West Coast venue for the existing Preservation Hall Jazz Band, which is known as both the home of Traditional New Orleans Jazz and the headquarters of the Preservation Hall Jazz Band. The ground floor restaurant uses will operate as separate restaurants, but will be connected internally. Both restaurants will share the same Type 47 Liquor License. The second floor will contain approximately 900 square feet of accessory offices and storage to support the uses on the ground floor. The proposal also includes an 860 square foot outdoor seating area located on the lot adjacent to the subject building to be used by the adjacent café.

On August 23, 2010 the Proposed Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project. On July 3, 2012, this Categorical Exemption was rescinded and a new one was issued under the new case number.

The Planning Department, Linda Avery, is the custodian of records, and they are located in the File for Case No. 2012.0672C at 1650 Mission Street, Fourth Floor, San Francisco, California.

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. 2012.0672C, 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 site is located on the east side of Valencia Street, between 18th and 19th and Streets, within the Valencia Street Neighborhood Commercial Transit District and a 55-X Height and Bulk District. The Proposed Project is located on two adjacent lots. One lot is improved with a vacant two story tall 11,178 square foot building. This 7,360 square foot lot is the site of the former New College. The adjacent 4,640 square foot lot is currently used as a surface parking lot. The Proposed Project would occupy 108 linear feet of frontage on Valencia Street.
3. **Surrounding Properties and Neighborhood.** The Project site is located toward the center of the 13 block Valencia Street Neighborhood Commercial District. A number of neighborhood serving uses including bars, eating establishments, general grocery stores, liquor stores, automobile-related uses, professional and personal service uses and retail sales and services uses characterize this neighborhood commercial district. In general, residential uses are found in the immediate vicinity. Properties in the vicinity are located within the RTO-M (Residential, Transit-Oriented, Mission Neighborhood), NC-1 (Neighborhood Commercial, Cluster) and P (Public Use) Districts. The site is well served by transit.
4. **Project Description.** The Proposed Project is to enlarge the use size authorization for a Jazz Club (dba *Preservation Hall West*) and Restaurants approved under Motion 18225 from 8,595 square feet to 10,015 square feet, and to allow 2,952 square feet of Business and Professional Services on the second floor. The previously approved accessory space will be expanded from 900 square feet to 2,320 square feet. The new square footage will be added as follows: 360 square feet in the basement to be used as accessory space, an increase from 900 square feet to 1,960 square feet on the second floor to be used as accessory space, and 2,952 on the second floor to be used as Business and Professional Services. The existing building is being expanded on the second floor in the rear to add 1,352 square feet, which increases the total square footage from 11,615 to 12,967.

The additional square footage is needed for accessory space for the operations of the venue. The space will be used for storage space for tables and chairs, office space for employees, and a waiting area for performing musicians. There are three tenants and one backup tenant selected to occupy the second floor Business and Professional Services – 1) a real estate brokerage company, 2) a special event production, talent management, and marketing company, 3) an architectural firm, and 4) a law firm.

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. A Section 312 Neighborhood Notification was conducted in conjunction with the Conditional Use Authorization process.

5. **Public Comment.** The Department has received no public comment.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

A. **Use.** Planning Code Section 726.53 requires a Conditional Use Authorization for Business and Professional services located on the second floor of a building within the Valencia Street NCT Zoning District. The proposal is for 2,952 square of Business and Professional Services.

The Project is proposing 2,952 square feet of Business and Professional Services on the second floor.

B. **Rear Yard.** Planning Code Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is generally a function of lot depth, with the exception of corner lots. Planning Code Section 134 requires a rear yard of 25% of lot depth at the second floor and above within the Valencia NCT Zoning District.

The Proposed Project maintains a 20 foot rear yard at the second floor. The subject lot is 80 feet deep and therefore the proposed rear yard complies with Planning Code Section 134.

C. **Parking.** Planning Code Section 151 establishes minimum required rear yards in all zoning districts. No parking is required in the Valencia NCT Zoning District.

The Planning Code does not require parking or loading in the Valencia Street NCT. The proposed use should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide because the neighborhood is well served by public transit.

7. **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 size of the proposed use is in keeping with other storefronts on the block face. The proposed restaurants and entertainment venue are not anticipated to adversely impact traffic or parking in the District. This will compliment the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by removing a vacant storefront. The Police Department is aware of the Proposed Project and has no opposition to the proposed use. The Proposed Project will provide a venue for a long standing musical group that will enhance the cultural diversity of the Mission District and will compliment the variety of arts activities present in the Mission District. The Proposed Project will also provide low-impact neighborhood-serving offices in an area where such space is in short supply.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project

that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same. The Project will not alter the existing appearance or character of the 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 Planning Code does not require parking or loading in the Valencia Street NCT. The proposed use should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide because the neighborhood is well served by public transit. Furthermore, parking is not required in the Valencia Street NCT District.

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

The proposed use is subject to the standard conditions of approval for restaurants and entertainment uses as outlined in Exhibit A. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. Conditions of Approval 10 and 14 as outlined in Exhibit A specifically obligates the Project Sponsor to mitigate odor and noise generated by the restaurant and entertainment uses.

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

The Department shall review all lighting and signs proposed for the new business in accordance with Condition 7 of Exhibit A. Landscaping and screening of the outdoor activity area will be reviewed by the Planning Department during review of the Building Permit Application.

- 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 Proposed 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 Valencia Street NCT District in that the intended use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods and will contribute to the street's mixed-use character and activity in the evening hours. Parking is not required in the Valencia Street NCT District. Finally, the Valencia Street NCT District is intended to encourage pedestrian-oriented ground floor uses and serve a wider trade area. The Proposed Project will also provide low-impact neighborhood-serving offices in an area where such space is in short supply.

8. **Use Size.** Planning Code Section 121.2 requires a Conditional Use Authorization for a non-residential use that is larger than 3,000 square feet within the Valencia Street NCT Zoning District. This applies both to the square footage of the entire project or the square footage of one use. The Jazz Club and Restaurants are 10,015 square feet combined including the new accessory space. Planning Code Section 121.2 sets forth additional criteria which the Commission shall consider in addition to those of Section 303 when reviewing an application for a non-residential use size in excess of that which is permitted as-of-right:

- a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

The Valencia NCT is a vibrant and intense cluster of businesses and dwellings. In relation to the general availability of commercial space in the district, the proposed non-residential expansion is comparatively minor. Other neighborhood serving uses would continue to locate in the Valencia NCT; approval of the Proposed Project would not preclude this. The proposal supports the intention of the neighborhood commercial zoning districts in that it would promote the growth of an existing small business. Furthermore, historically this site contained a large use, namely the New College campus.

- b. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The 2,575 square foot Jazz Club (dba Preservation Hall West) will serve as the new West Coast venue for the existing Preservation Hall Jazz Band. The original Preservation Hall Jazz Club is located in New Orleans' French Quarter and was established in 1961 by Allen and Sandra Jaffe. The Preservation Hall Jazz Club is known as both the home of Traditional New Orleans Jazz and the headquarters of the Preservation Hall Jazz Band. Preservation Hall West Jazz Club will be comparable in size and operation to the venue in New Orleans. Entertainment venues of this type have historically required larger spaces in order to serve the number of patrons. The proposed restaurants, by their food-serving nature, would serve neighborhood residents and business-people. Furthermore, in order to accommodate the needs of an efficient and code-compliant modern kitchen, and to provide for the volume of customers necessary to make such a kitchen feasible, a larger use size that which is permitted as-of-right is appropriate. The restaurants would serve as a complement to the Jazz Club, allowing patrons to eat at the same location.

- c. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

There are no proposed modifications to the existing building. The existing building was constructed in approximately 1917 and is an interesting complement to the modern buildings on the same block. The existing building is a two story building that respects the scale of development in the district that ranges from two to four stories in height.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

General/Citywide

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business to include outdoor activity and other entertainment will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial Transit District and is thus consistent with activities in the commercial land use plan.

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 subject property contains a vacant educational building. Therefore, the Proposed Project will not displace an existing commercial or industrial activity. The addition of the proposed uses will enhance the diverse economic base of the City. The Proposed Project will also provide low-impact neighborhood-serving offices in an area where such space is in short supply.

OBJECTIVE 3: PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.2:

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

The Proposed Project will provide employment opportunities, including entry-level employment opportunities, for the area's unskilled and semi-skilled workers.

Neighborhood Commerce

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 Proposed Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

The following guidelines, in addition to others in this objective for neighborhood commercial districts, should be employed in the development of overall district zoning controls as well as in the review of individual permit applications, which require case-by-case review and City Planning Commission approval. Pertinent guidelines may be applied as conditions of approval of individual permit applications. In general, uses should be encouraged which meet the guidelines; conversely, uses should be discouraged which do not.

Eating and Drinking Establishments:

Eating and drinking establishments include bars, sit-down restaurants, fast food restaurants, self-service restaurants, and take-out food. Associated uses, which can serve similar functions and create similar land use impacts, include ice cream stores, bakeries and cookie stores. Guidelines for eating and drinking establishments are needed to achieve the following purposes:

- Regulate the distribution and proliferation of eating and drinking establishments, especially in districts experiencing increased commercial activity;
- Control nuisances associated with their proliferation;
- Preserve storefronts for other types of local-serving businesses; and
- Maintain a balanced mix of commercial goods and services.
- The regulation of eating and drinking establishments should consider the following:
 - Balance of retail sales and services;
 - Current inventory and composition of eating and drinking establishments;
 - Total occupied commercial linear frontage, relative to the total district frontage;
 - Uses on surrounding properties;
 - Available parking facilities, both existing and proposed;
 - Existing traffic and parking congestion; and
 - Potential impacts on the surrounding community.

There is a concern with the potential over-concentration of food-service establishments. The Commerce and Industry Element of the General Plan contains Guidelines for Specific Uses. For eating and drinking establishments, the Guidelines state, "the balance of commercial uses may be threatened when eating and drinking establishments occupy more than 20% of the total occupied commercial frontage." Planning staff has performed a site survey of the Valencia Street NCT District that contains the proposed building. With the proposed restaurant use, approximately 15% of the frontage of the Valencia Street NCT District would be attributed to eating and drinking establishments. Furthermore, the Project has already received approval, and this Conditional Use Authorization would not increase the amount of frontage devoted to eating and drinking uses.

Entertainment Uses:

Entertainment uses may be appropriate in certain districts or parts of districts. The following guidelines should be used in their review:

- Except in the Broadway district, where later hours may be appropriate under carefully regulated conditions, entertainment uses should not be open after 2:00 a.m. in order to minimize disruption to residences in and around a district. For uses involving liquor service, potentially loud music, dancing or large patron volumes, earlier closing hours may be necessary.
- Entertainment uses should be adequately soundproofed or insulated for noise, as certified by an acoustical engineer, and operated so as to reasonably protect surrounding residences. Fixed source equipment noise should not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Ventilation systems should be adequate to permit doors to stay closed during performances.
- Except for movie theaters with substantial soundproofing, entertainment uses should not involve electronic amplification after midnight, in order to minimize disruption to surrounding residences.

The proposed entertainment use will operate between the hours of 6:00 a.m. to 2:00 a.m., which are the permitted hours of operation within the Valencia Street Neighborhood Commercial Transit District. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. Condition of Approval 14 as outlined in Exhibit A specifically obligates the Project Sponsor to mitigate noise generated by the restaurant and entertainment uses.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. This is not a Formula Retail use.

MISSION AREA PLAN

Objectives and Policies

Land 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 Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents. Conditions of Approval 10 and 14 as outlined in Exhibit A specifically obligates the Project Sponsor to mitigate odor and noise generated by the restaurant and entertainment uses.

OBJECTIVE 1.8:

MAINTAIN AND STRENGTHEN THE MISSION'S NEIGHBORHOOD COMMERCIAL AREAS.

Policy 1.8.2:

Ensure that the Mission's neighborhood commercial districts continue to serve the needs of residents, including immigrant and low-income households.

No commercial tenant would be displaced and the Proposed Project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Proposed 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 restaurants and jazz club in an area that is not over concentrated by restaurants. The business would be locally owned and it creates more employment opportunities for the community. The Proposed Project will provide employment opportunities, including entry-level employment opportunities, for the area's unskilled and semi-skilled workers. The Proposed Project will also provide low-impact neighborhood-serving offices in an area where such space is in short supply.

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

The existing units in the surrounding neighborhood would not be adversely affected. Any entertainment use must be approved by the Entertainment Commission, who also regulates noise which may be of concern to the neighbors.

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 on Valencia Street and is well served by public transit. It is presumable that the employees would commute by transit thereby mitigating possible impacts on street parking.

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 Proposed Project will not displace any service or industry establishment. The Proposed Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by the Proposed Project.

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

The Proposed Project is designed and will be constructed 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 Proposed Project will have no negative impact on existing parks and open spaces. The Proposed Project does not have an impact on open spaces.

11. 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.
12. 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. 2012.0672C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17855. 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 July 26, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Sugaya, Fong, Antonini, Borden, and Wu

NAYES: None

ABSENT: None

ADOPTED: July 26, 2012

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This approval is for Conditional Use Authorization, pursuant to Planning Code Sections 121.2, 303, and 726.53, to enlarge the use size authorization for a Jazz Club (dba *Preservation Hall West*) and Restaurants approved under Motion 18225 from 8,595 square feet to 10,015 square feet, and to allow 2,952 square feet of Business and Professional Services on the second floor. The original proposal was for a Conditional Use Authorization under Planning Code Sections 121.2, 303, 316, 726.24, 726.41, and 726.48, to convert an existing vacant two-story building to two new Restaurant & Bar Establishments on the ground floor, an Other Entertainment Establishment (Jazz Club) on the ground floor, and accessory offices on the second floor with an outdoor activity area on the adjacent vacant lot. All previous Conditions of Approval under Motion No. 18225 would remain and are attached as Exhibit C.

AUTHORIZATION

This authorization is for a conditional use to enlarge the use size authorization for a Jazz Club (dba *Preservation Hall West*) and Restaurants approved under Motion 18225 from 8,595 square feet to 10,015 square feet, and to allow 2,952 square feet of Business and Professional Services on the second floor located at 777 Valencia Street, Blocks 3589, and Lots 088 and 108 pursuant to Planning Code Sections 121.2, 303, and 726.53 within the Valencia Street Neighborhood Commercial Transit District (Valencia NCT), a 55-X Height and Bulk District, and the Mission Alcoholic Beverage Special Use Subdistrict; in general conformance with plans, dated **May 24, 2012**, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0672C** and subject to conditions of approval reviewed and approved by the Commission on **July 26, 2012** under Motion No. **18670**. 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 **July 26, 2012** under Motion No. **18670**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18670** 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.

Exhibit C

Conditions of Approval

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 121.2, 303, 316, 726.24, 726.41, and 726.48, to convert an existing vacant two-story building to two new Full-Service Restaurant & Bar Establishments on the ground floor, an Other Entertainment Establishment (Jazz Club) on the ground floor, and accessory offices on the second floor with an outdoor activity area on the adjacent vacant lot. The Proposed Project is located within the Valencia Street Neighborhood Commercial Transit District (Valencia NCT), a 55-X Height and Bulk District, and the Mission Alcoholic Beverage Special Use Subdistrict, in general conformance with plans filed with the Application dated October 24, 2010 and stamped "EXHIBIT B" included in the docket for Case No. 2010.0710C, reviewed and approved by the Commission on November 18, 2010.
2. Prior to the issuance of the Building Permit for the Project the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco for the premises (Assessor's 3589, Lots 088 and 108), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
3. The Project Sponsor shall secure an Entertainment Permit from the Entertainment Commission prior to any entertainment use.
4. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Planning Code Section 176.
5. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).
6. The property owner shall maintain the main entrance to the building, outdoor activity area, and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
7. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
8. The Project Sponsor shall maintain an attractive storefront providing visibility of the restaurant interior through the storefront windows.
9. The Project Sponsor shall appoint a Community Liaison Officer to address issues and matters of concern to neighbors, nearby residents, and commercial lessees related to the operation of

this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Project Sponsor will keep the above parties apprised should a different staff liaison be designated. This liaison or a designated representative shall be available at the establishment at all times during business hours.

10. The Project Sponsor shall maintain appropriate odor control equipment to prevent any significant noxious or offensive kitchen odors from escaping the premises.
11. Refuse containers shall be provided both inside and outside the establishment for use by patrons of the restaurant. The operator of the use shall be responsible for maintaining the sidewalk within a one-block radius of the site free of paper or litter generated by the restaurant.
12. An enclosed garbage and recycling area shall be provided within the establishment. All garbage and recycling containers shall be kept within the building until pick-up by the disposal company.
13. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.
14. The Project Sponsor shall maintain the maximum sound levels and comply with the noise reduction measures as stated in the Noise Study submitted by Charles M. Salter Associates dated November 5, 2010. The sound levels stated in the Noise Study complies with the San Francisco Noise Ordinance and meets the requirements of the Entertainment Commission. In addition, the Project Sponsor shall operate the proposed uses such that noise is kept at reasonable levels so as not to unduly disturb neighboring businesses and residents.
15. The Project shall comply with the following "Good Neighbor" policies to insure that management and/or patrons of the establishment maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.
 - a. Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood; and
 - b. Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons; and

- c. The operator of the restaurant and entertainment use shall maintain the main entrance, outdoor activity area, parking lot, loading dock area, and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at minimum, daily sweeping and litter pickup, and disposal and washing or steam/pressure cleaning of all frontage entrances and abutting sidewalks at least once every two weeks; and
 - d. The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and
 - e. The establishment shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
16. The Project shall comply with all City Codes.
17. The Project Sponsor shall pass a noise test of the proposed entertainment conducted by the Entertainment Commission prior to Building Permit issuance.
18. The Planning Department will not approve any Building Permit application, or any referral permit from the Entertainment Commission until the Entertainment Commission verifies that adequate sound proofing is in place to meet the conditions imposed by the Planning Department, the Police Department and the Entertainment Commission regarding appropriate noise levels.
19. Should the monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successor(s) shall pay fees as established in Planning Code Section 351(e)(1).
20. The Project Sponsor or its successors shall comply fully with all conditions specified in this authorization. Failure to comply with any condition shall constitute grounds for revocation under the provisions of Planning Code sections 303(f). The Zoning Administrator shall schedule a public hearing before the Planning Commission to receive testimony and other evidence to demonstrate a finding of a violation of a condition of the authorization of the use of the facility and, finding that violation, the Commission shall revoke the Conditional Use authorization. Such revocation by the Planning Commission is appealable to the Board of Supervisors.
21. The Planning Department will conduct a public information hearing at the Planning Commission on the compliance of these Conditions of Approval six (6) months from the first day of business operations. After this public information hearing and with the advice and input of the Planning Commission, the Zoning Administrator may extend or reduce the permitted hours of the outdoor activity area. In preparation for the hearing, the Project Sponsor shall conduct a noise study six (6) months from the first day of business operations. This study will compare the actual versus expected level of noise from the noise study conducted by Charles M. Salter Associates, Inc. dated November 5, 2010, or subsequent study, requested above. This study shall be made available to the public.

22. The hours of operation for the outdoor activity area shall be 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 12:00 a.m. Friday and Saturday, with no patrons remaining 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.
23. The outdoor activity area is not allowed to have amplified music or a bar.
24. The Project Sponsor shall enhance proposed noise abatement by constructing sound walls around outdoor activity area that are a minimum of eight (8) feet in height and reinforced with stucco.
25. Deliveries shall be limited to 8:00 a.m. to 10:00 p.m. daily.

ESJ: G:\DOCUMENTS\Projects\CU\Valencia 777\072612\Motion.doc

Jackson, Erika

From: James Howard <jim@multivax.net>
Sent: Saturday, March 01, 2014 5:19 PM
To: Philip Lesser
Cc: Shelly Howard; Jackie Munz; Patricia Dedekian; Dave Kluger; dacino12@aol.com; Jackson, Erika
Subject: RE: Noise at 3am

Sounds good, Phil.

Will you address the questions about the CoA violations regarding the waste and recycling?

I have asked you about these questions repeatedly in the past and today.

Thanks,

-James

On Sat, 1 Mar 2014, Philip Lesser wrote:

>
> Hi Shelly & James,
>
> The sound study will need to be completed before this matter can be
> heard by the Planning Commission. Once again, appreciate your
> cooperation when the acoustical engineers perform their monitoring.
>
> Phil
>
>
> Philip Lesser
>
>
>
> _____
> _____
> Date: Sat, 1 Mar 2014 14:30:19 -0800
> Subject: Re: Noise at 3am
> From: shellyleung9@gmail.com
> To: jim@multivax.net
> CC: phnsan@msn.com; jackiemunz@gmail.com; trish.d99@gmail.com;
> david@thechapelsf.com; dacino12@aol.com; erika.jackson@sfgov.org
>
> Erika or Phil,
> Would you please let us know when the next hearing before the Planning
> Commission to discuss The Chapel/The Vestry is scheduled?
>
> Thank you,
> Shelly

>
>
> On Sat, Mar 1, 2014 at 1:45 PM, James Howard <jim@multivax.net> wrote:
> Thank you, Phil for your quick reply.
>
> Do please keep all of us appraised of progress. I have
> additional comments at this time (because it's Saturday, and
> this is what I'm doing with my free time).
>
> - Are there plans to enclose the waste bins as required by CoA?
>
> - Can the collection of these (recology) occur during reasonable
> hours (not 3, 4, 5 AM). I'm not sure how recology operates with
> business that generate enormous amounts of waste. The Chapel
> staff who drag the waste bins to the sidewalk and open and close
> the gate do TRY to be mindful of the 12 families who reside
> adjacent to that parking lot, however, it's not done quietly
> enough so as to not wake us up.
>
> You have communicated previously (several months ago) that the
> business would make operational adjustments. Somehow, that has
> not been addressed.
>
> Most people need sleep. The business operation is effectively 24
> hours a day. This can not continue.
>
> Thanks for understanding. :)
>
>
>
> On Sat, 1 Mar 2014, Philip Lesser wrote:
>
>
> Hi James,
> We're revisiting the fence and other noise
> remediation measures.
>
> As a first step, the acoustical engineering firm of
> Charles Salter is being
> re-engaged to provide useful information.
>
> I suspect that they will be asking for your
> assistance later this month.
>
> Sure there will be improvements.
>
> Thanks for your cooperation,
>
> Phil
>
>
> Philip Lesser

> (650) 346-2903 cell
>
>
> > Date: Sat, 1 Mar 2014 13:09:50 -0800
> > From: jim@multivax.net
> > To: jackiemunz@gmail.com
> > CC: trish.d99@gmail.com; phnsan@msn.com;
> david@thechapelsf.com;
> dacino12@aol.com; shellyleung9@gmail.com;
> erika.jackson@sfgov.org
> > Subject: Re: Noise at 3am
>
> > Jackie is correct.
>
> > I sleep closer to the project, and I am routinely
> awoken by trash and
> > recycling operations at all hours of the night.
>
> > The gate being opened and closed (and crashed into
> by angry drunks) is
> > also cause of sleep disturbance in my family's
> household.
>
> > I have logs of these disturbances as well as
> photographs.
>
> > Also the motorcycles with modified exhaust
> systems.
>
> > If waste pickup can not be coordinated at
> reasonable hours, then we will
> > have to ask the regulators to reduced the hours of
> operation and monitor
> > the violations of the conditions of approval.
>
> >
> > My wife and I both work, and we're both trying to
> raise a small family in
> > the Mission. We will continue to advocate for our
> health and well being
> > and we will not be bullied out of our home and
> neighborhood in which our
> > family has been in residence for nearly 3 decades.
>
> >
> > Lastly, Phil:
>
> > How is progress on the project's promise to erect
> a new fence along the
> > east property line coming along? It has been
> several months since I

> > checked in on this.
> >
> > While I'm somewhat willing to continue to do the
> > groundwork for the
> > project on a pro bono basis, I recognize that this
> > is in fact a very
> > lucrative venture for you, Phil, and perhaps I'd
> > humbly suggest that you
> > take the helm on this one.
> >
> > Fair enough?
> >
> > Thank you everyone for your cooperation. I look
> > forward to hearing of your
> > plan to comply with the regulations and follow
> > through on the promises
> > that were made when the project received
> > Conditional Use Authorization.
> >
> > -James Howard
> >
> >
> >
> >
> > On Sat, 1 Mar 2014, Jackie Munz wrote:
> >
> >> Early morning all,
> >>
> >> After working a long week and finally having the
> >> chance to sleep in, I
> >> have
> >> just been woken up! I just heard and watched
> >> your employee wheel out the
> >> dumpster or two actually for pickup. I am so
> >> frustrated, but mostly
> >> beyond
> >> exhausted. I would like this to stop
> >> immediately. I'd like not to have
> >> this
> >> to escalate. A prompt reply via email, but phone
> >> would be appreciated.
> >> These
> >> sleep disturbances are taking over my life.
> >> There has to be another way
> >> to
> >> get the bottles picked up if hour waking
> >> multiple neighbors. I am now
> >> copying the Lexington HOA.
> >>
> >> Very disappointed,
> >> Jackie
> >>

> > Sent from my iPad
> >
> > On Feb 27, 2014, at 9:32 AM, Patricia Dedekian
> <trish.d99@gmail.com>
> wrote:
> >
> > Thanks Jackie. I'm sorry that you've been
> losing sleep. I'm
> > very sensitive to that myself so can appreciate
> how you're
> > feeling!
> > Most of our staff is gone by 2:00 am, so I'm
> really curious as to what
> > might be going on.
> >
> > I'll get back to you tonight or tomorrow.
> >
> > Patricia
> >
> >
> > On Thu, Feb 27, 2014 at 9:24 AM, Jacqueline Munz
> > <jackiemunz@gmail.com> wrote:
> > Morning Patricia,
> > Thank you so much for your prompt reply. It has
> been occurring
> > nightly sometime between the hours of 2-4. I
> think some of it
> > might be the kitchen staff dumping and dragging
> bottles, and
> > perhaps some might be the city pickup.
> Although, as I
> > mentioned, it is not coming from Tacolicious,
> so if it is the
> > city, they have pickup elsewhere. I am a
> teacher and wake up
> > very early and have been losing sleep nightly.
> >
> > Anything you can do to alleviate the noise would
> be greatly
> > appreciated by the neighbors. I have spoken to
> others in my
> > building and neighboring buildings and they have
> all expressed
> > the same concerns. There have been a few
> personal issues going
> > on with some of the neighbors, so I didn't want
> to bother them
> > with this email.
> >
> > Thank you so much,
> > Jackie
> >

> >>
> >> On Thu, Feb 27, 2014 at 9:19 AM, Patricia
> Dedekian
> >> <trish.d99@gmail.com> wrote:
> >> Hi Jackie. Dave is the music venue manager, and
> >> isn't involved in the pick-up of bottles. I'll
> talk
> >> to the restaurant management this afternoon.
> >> I'm surprised to hear this, and appreciate you
> letting us
> >> know. The kitchen staff has been trained to be
> very
> >> diligent in leaving all full refuse containers
> inside the
> >> building until the next morning. I believe the
> recycling
> >> company comes a couple of times a week during
> daytime
> >> hours.
> >>
> >> Again, I'll speak with the kitchen manager this
> afternoon
> >> and make sure he is complying with the rules.
> >>
> >> Best,
> >>
> >> Patricia Dedekian
> >>
> >>
> >> On Thu, Feb 27, 2014 at 7:43 AM, Philip Lesser
> >> <phnsan@msn.com> wrote:
> >>
> >> Hi Jackie,
> >> The venue manager of the Chapel is Dave Kluger.
> I
> >> am courtesy copying him with this e-mail so that
> he
> >> can take immediate corrective action.
> >>
> >> I'm sure that he can quiet things down like
> >> Tacolicious.
> >>
> >> Sorry for the disturbance.
> >>
> >> Phil
> >>
> >>
> >> Philip Lesser
> >> (650) 346-2903 cell
> >>
> >>
> >>> Subject: Noise at 3am

> >> From: jackiemunz@gmail.com
> >> Date: Thu, 27 Feb 2014 04:32:15 -0800
> >> To: phnsan@msn.com
> >>>
> >>> Hi Phil,
> >>>
> >>> The dumping of and picking up of the bottles
> at
> >> the chapel/vestry has gotten out of hand! I am
> now
> >> being woken up nightly. My work and life are
> >> suffering because of my lack of sleep. Please
> help
> >> me in figuring out how we can work out this
> problem.
> >> As you know I live behind Tacolicious as well,
> and I
> >> am never woken up by them. Thus has gotten out
> of
> >> hand.
> >>>
> >>> Thank you and I look forward to a prompt
> reply,
> >>> Jackie Munz 150 Lexington (hoa 150 Lexington)
> >>>
> >>> Sent from my iPad
> >>
> >>
> >>
> >>
> >>
> >> --
> >> Jackie Munz, M.Ed.
> >> Certified Educational Therapist
> >> (415) 297-8157
> >> jackiemunz@gmail.com
> >>
> >>
> >>
> >>
>
>
>
>

Jackson, Erika

From: Patricia Dedekian <trish.d99@gmail.com>
Sent: Saturday, March 01, 2014 5:42 PM
To: Jacqueline Munz
Cc: James Howard; Phil Lesser; Jack Knowles; Jackson, Erika
Subject: Recycling Pick-Up from 777 Valencia

Hi Jackie. Sorry I wasn't able to get back to you yesterday. I spoke with the kitchen managers about the middle-of-the-night sounds of bottles, etc. that you experienced. They confirmed that our staff leaves all garbage, recycling and composting inside the building each night, and then sorts and places items in the parking lot bins the next morning.

What we have discovered is that Recology, the company the City of SF uses for recycling and compost pick-up, has been doing their pickup between 2:00 and 4:00 am. We had no idea this was occurring until you sent your email, and I really appreciate your letting us know.

We've been having email discussions with our representative, requesting that their drivers come after 9:00 am for pickup, but he will not promise that the drivers will change this behavior. We're going to do everything possible on our end to alleviate the problem. Believe me, we DO NOT want Recology coming at these ridiculous hours for pick-up, and we do not want them coming into the parking lot. Anything we can do to solve this, we will.

I know our venue manager pulled the bins through the parking lot last night when Recology arrived at 3:00 am. He feels terrible that even his attempt to do this quietly woke you up.

I'll keep everyone posted.

Thanks,

Patricia Dedekian

Jackson, Erika

From: Jackie Munz <jackiemunz@gmail.com>
Sent: Saturday, March 01, 2014 8:35 PM
To: Patricia Dedekian
Cc: James Howard; Phil Lesser; Jack Knowles; Jackson, Erika
Subject: Re: Recycling Pick-Up from 777 Valencia

Patricia,

Thank you so much! I know it may take a bit of time to get this resolved, but the fact that you care and are trying to alleviate the late night/early morning pick up is greatly appreciated. If you'd like to speak over the phone my number is 415-297-9157, please feel free to call me.

Thank you,
Jackie

Sent from my iPhone

> On Mar 1, 2014, at 5:42 PM, Patricia Dedekian <trish.d99@gmail.com> wrote:

>

> Hi Jackie. Sorry I wasn't able to get back to you yesterday. I spoke with the kitchen managers about the middle-of-the-night sounds of bottles, etc. that you experienced. They confirmed that our staff leaves all garbage, recycling and composting inside the building each night, and then sorts and places items in the parking lot bins the next morning.

>

> What we have discovered is that Recology, the company the City of SF uses for recycling and compost pick-up, has been doing their pickup between 2:00 and 4:00 am. We had no idea this was occurring until you sent your email, and I really appreciate your letting us know.

>

> We've been having email discussions with our representative, requesting that their drivers come after 9:00 am for pickup, but he will not promise that the drivers will change this behavior. We're going to do everything possible on our end to alleviate the problem. Believe me, we DO NOT want Recology coming at these ridiculous hours for pick-up, and we do not want them coming into the parking lot. Anything we can do to solve this, we will.

>

> I know our venue manager pulled the bins through the parking lot last night when Recology arrived at 3:00 am. He feels terrible that even his attempt to do this quietly woke you up.

>

> I'll keep everyone posted.

>

> Thanks,

>

> Patricia Dedekian

Jackson, Erika

From: James Howard <jim@multivax.net>
Sent: Friday, October 11, 2013 8:02 PM
To: Philip Lesser
Cc: Shelly Leung; Jackson, Erika; vna@lists.valencianeighbors.org
Subject: RE: 777 Valencia: Continued sleep disturbances

Thanks for your response, Phil.

A sound wall between the project and the residential neighbors on Lexington could be *part* of the solution. That would certainly help mitigate the security concerns we expressed in our previous letter to you.

However, neighbors living higher than the wall might still be affected, as well as neighbors living around other parts of the concert venue (such as the apartments on Valencia).

I encourage the project to continue isolating the low frequency noises (drums, base guitars) that emanate from the venue.

Here's another idea, and I'm not a business guy, so bear with me here if this idea is coming out of left field. Instead of just leaving all that noisy glass around for folks to pick through all day and night, perhaps the project could *sell* the recyclable glass to a business (collected at a reasonable hour of the day)?

-James

On Fri, 11 Oct 2013, Philip Lesser wrote:

>
>
> Hi James,
> Glad to hear that you and the Chapel management are having constructive dialogue.
>
> As they told you, all of your input is being acted upon. They are
> very sensitive to your complaints.
>
> A solution maybe to put a sound wall around your backyard. I'd be
> interested to hear your thoughts about that.
>
> Phil
>
> Philip Lesser
>
>
>> Date: Fri, 11 Oct 2013 18:58:11 -0700
>> From: jim@multivax.net
>> To: phnsan@msn.com
>> CC: shellyleung9@gmail.com; erika.jackson@sfgov.org;
>> vna@lists.valencianeighbors.org

>> Subject: RE: 777 Valencia: Continued sleep disturbances
>>
>> Hi Phil,
>>
>> The concerts were a bit loud again this week. On Monday the 7th of
>> October and then again last night, Thursday October 10.
>>
>> Monday, I had a chance to speak with the venue manager Dave Kluger.
>> He's a great guy -- really glad he's on the project team. His
>> security staff on Tuesday was great. He mentioned that his aim since
>> coming on board was to get the music acts off the stage by 11:15 PM
>> on weeknights and that they're still working on noise mitigation
>> construction a year after going into operation (installing more dry
>> wall).
>> He indicated that the project is really working hard to not disturb
>> the neighbors.
>>
>> Fast forward a couple of days to Thursday (last night) and the
>> concert noise was back, this time much later. At around
>> 12:24 AM, I again climbed out of bed and walked around the block to
>> the Chapel. The scene on the sidewalk was considerably more chaotic
>> and louder. The headliner was of the sub-genre "noise rock" (not
>> acoustic jazz like the project indicated during the planning
>> process), and the patrons were accordingly amped ("Whooooo!"). Doors
>> were open to both the venue AND into the music room, allowing
>> amplified music to pour into the street. I asked security if I could
>> speak with Dave and I was informed that they didn't know where he
>> was.
>>
>> I wandered around for a bit out front amongst the throng of
>> enthusiastic concert-goers and found Dave (he actually spotted me
>> and called out my name. Props to Dave, again).
>> The crowd of assembled patrons was fairly static -- smoking,
>> conversing excitedly, waiting for taxis (the security plan that the
>> project submitted to the planning commission is most certainly not
>> being applied).
>>
>> Dave explained to me that the inconsistency between what he
>> represented earlier in the week and what was taking place this
>> current weeknight was that he didn't really have the authority to
>> prevent the show from going on as late as it did. He said he was
>> required to book 4 acts this Thursday night. He said he booked the
>> act three months prior, before he was aware that noise was an issue
>> for the neighbors (I have been raising this issue for much longer
>> than that). He said that he didn't effectively have the authority to
>> reduce the time the show goes until.
>>
>> I can see Dave's point. Since best efforts made by staff aren't
>> effective, all we can do is ask the planning commission to reduce
>> the hours of operation so that the project is more compatible with
>> the neighboring residential area.
>>

>> Alternatively, I'm really hoping that the project can give Dave the
>> authority to limit the time the band plays and to keep the doors
>> closed so the sound from "noise rock" bands don't unduly disrupt the
>> residential neighbors in the future. Progress along this lines in
>> the near future will be revealing as to which path must be taken.

>>

>>

>> On another noise related topic, I discussed the issue of noise
>> relating to the glass recycling and garbage accumulation in the
>> Chapel's parking lot at 757 (adjacent to 16 residential units). Dave
>> assured me that the project staff has nothing to do with the late
>> night noise associated with folks (poachers) picking through and
>> collecting this waste.

>>

>> Phil, to refresh your memory, Condition of Approval for 777 (case
>> 2010.1162C and 2012.0672C) #12 states:

>>

>> "An enclosed garbage area shall be provided within the
>> establishment. All garbage and recycling containers shall be kept
>> within the building until pick-up by the disposal company."

>>

>> This was precient of the city planners to include this rule, because
>> it is in-fact the project's non-compliance with the rule that is
>> enabling poachers to make noise by near our homes at all hours of
>> the night. The gate to the parking lot is never locked, and even
>> then, the wily poachers will still find a way to get those bottles.
>> I think it's reasonable (and in fact required by law) for the
>> project to take responsibility for all the waste it produces.

>>

>> We neighbors of the project have been dealing with noise relating to
>> waste since the project began to take shape a year ago. We can
>> support these accounts and our observations with video and
>> photographic evidence spanning the course of several months at this
>> point.

>>

>> Phil, thank you for taking the time to review these complaints (as
>> well as all our previous note to you dated October 7 recommending
>> the erection of a sound mitigating
>> fence) with your project team and sponsor. We look forward to these
>> issues being addressed. It would be great if these could be resolved
>> as soon as possible so that the detrimental effects from the project
>> can be abated.

>>

>> Most sincerely,

>>

>> -James and Shelly Howard

>

>

Jackson, Erika

From: James Howard <jim@multivax.net>
Sent: Friday, September 27, 2013 9:56 AM
To: Philip Lesser
Cc: Jackson, Erika; dacino12@aol.com; Jackie McLandrich; Shelly Leung
Subject: RE: 777 Valencia: Continued sleep disturbances

Very much appreciated!

On Fri, 27 Sep 2013, Philip Lesser wrote:

>
>
> Thanks for the clarification. The kitchen department will work with
> Recology to see that the pick-ups are done during the day-time.
> Phil
>
> Philip Lesser
>
>
>> Date: Fri, 27 Sep 2013 09:05:30 -0700
>> From: jim@multivax.net
>> To: phnsan@msn.com
>> CC: erika.jackson@sfgov.org; dacino12@aol.com;
>> jackiemclandrich@gmail.com; shellyleung9@gmail.com
>> Subject: RE: 777 Valencia: Continued sleep disturbances
>>
>> The connection is that is the Chapel in the background. The truck is
>> here to collect refuse that is being stored in the parking lot of
>> the chapel. It comes several times a week at any hour of the day and
>> night.
>>
>> This violates conditions of approval that the project accepted.
>>
>> My question is: what is the project going to do about this?
>>
>>
>>
>> On Fri, 27 Sep 2013, Philip Lesser wrote:
>>
>>>
>>> Hi James,
>>> That's a Recology truck in your picture. What is the connection
>>> with The Chapel?
>>>
>>> As for fencing, I thought you were going to see how your neighbors
>>> felt about it.
>>>

>>> Let me know.

>>>

>>> Thanks,

>>>

>>> Phil

>>>

>>>

>>> Philip Lesser

>>>

>>>

>>>> Date: Fri, 27 Sep 2013 05:24:06 -0700

>>>> From: jim@multivax.net

>>>> To: phnsan@msn.com

>>>> CC: erika.jackson@sfgov.org

>>>> Subject: 777 Valencia: Continued sleep disturbances

>>>>

>>>> Phil,

>>>>

>>>> I'm not happy right now that I have to write you at 4:30 AM.

>>>> This large vehicle (see attached), was in the parking lot behind

>>>> the Lexington residences for well over 10 minutes waking up

>>>> everyone. As we have discussed repeatedly, this is just the

>>>> latest in serious of sleep distrurbances caused by the project.

>>>>

>>>> When you get a chance, let me know what the project intends to

>>>> do about it. I have not heard back from you since our 10 minute

>>>> phone conversation on September 11 (including my follow up email

>>>> on September 24) wherein I proposed solutions to the various

>>>> nuisances the project has intrduced since its arrival. You have

>>>> made no indication that the project is addressing our concerns.

>>>>

>>>> We continue to document violations of the conditions of approval

>>>> and are hopeful that the project begins to address these issues

>>>> in a timely manner.

>>>>

>>>> -James and Shelly Howard

>>>> 150 Lexington HOA

>>>>

>>>>

>

>

Jackson, Erika

From: James Howard <jim@multivax.net>
Sent: Monday, October 07, 2013 8:35 PM
To: Philip Lesser
Cc: Shelly Leung; Jackson, Erika
Subject: RE: 757 Valencia "The Chapel" East Property Fence

Yeah, Phil. We really hope it helps too. We're not happy about having to spend the money -- noise measurements we've taken with an SPL meter in accordance with City ordinance guidelines indicate the project is out of compliance with respect to both concert noise and patron noise in the outdoor activity areas. But we figured rather than spending the money on more acoustical measuring and attorneys fees we should just spend the money improving our properties (We'll buy windows, Knowles can build a sound wall. That seems more than reasonable, on our part, doncha think?).

We're looking for practical solutions so we can get a good night sleep and enjoy our home like we could before these developments arrived.

Best of luck on conveying these ideas to the project. I hope they are received well as they are intended, as fair and practical solutions.

-James and Shelly Howard

On Mon, 7 Oct 2013, Philip Lesser wrote:

>
>
> Hi James,
> Glad to learn that you are also working on improving the sound levels
> from within your unit.
>
> Bet that will help a lot.
>
> Phil
>
>
>> Date: Mon, 7 Oct 2013 19:17:05 -0700
>> From: jim@multivax.net
>> To: phnsan@msn.com
>> CC: shellyleung9@gmail.com; erika.jackson@sfgov.org
>> Subject: RE: 757 Valencia "The Chapel" East Property Fence
>>
>> Thanks, Phil. I don't imagine it will go over very well with him
>> based on past experience, so thank you for doing that.
>>
>> I'm really not interested in making a living documenting and
>> enforcing regulations to protect my family and home.
>> It's tedious and time consuming (violated conditions of approval 12,
>> 14, 15, 22, 25 come to mind). I think a good tall, sturdy, noise

>> absorbing fence could save us all a lot of time and money so we can
>> all just focus on doing what each of us does best.
>>
>> I'm about to spend a big chunk of my own to insulate my property
>> from the ongoing business operations, including fees to the various
>> regulatory agencies. Let the owner of
>> 777 know that improvement of the neighborhood is not being done
>> unilaterally. I think you both can appreciate that.
>>
>> Thanks for considering these additional, personal thoughts.
>>
>> -James
>>
>>
>>
>> On Mon, 7 Oct 2013, Philip Lesser wrote:
>>
>>>
>>> Hi James,
>>> I'll pass all that along.
>>>
>>> Thanks,
>>>
>>> Phil
>>>
>>>
>>> Philip Lesser
>>>
>>>> Date: Mon, 7 Oct 2013 18:58:13 -0700
>>>> From: jim@multivax.net
>>>> To: phnsan@msn.com
>>>> CC: shellyleung9@gmail.com; erika.jackson@sfgov.org
>>>> Subject: RE: 757 Valencia "The Chapel" East Property Fence
>>>>
>>>> Hi Phil,
>>>>
>>>> Indeed, the discussion of who bears the cost of the fence was
>>>> discussed. It was assumed that the owner of 757 would take
>>>> responsibility for replacing the fence, particularly if the
>>>> owner of 757 plans to make future alterations to said fence.
>>>>
>>>> Thanks,
>>>>
>>>> -James
>>>>
>>>> On Mon, 7 Oct 2013, Philip Lesser wrote:
>>>>
>>>>>
>>>>>
>>>>> Hi James,
>>>>> Thanks for canvassing your neighbors on their disposition

>>>> towards a new fence
> behind
>>>> 757/777 Valencia Street.
>>>>
>>>> Did you also happen to ask them if they would be willing to
>>>> share the cost of
> erecting
>>> a
>>>> fence?
>>>>
>>>> Am I correct to assume that you and your neighbors would be
>>>> willing to permit
> future
>>>> alterations to the fence if 757 Valencia Street gets developed?
>>>>
>>>> Appreciatively,
>>>>
>>>> Phil
>>>>
>>>> Philip Lesser
>>>>
>>>>
>>>>> Date: Mon, 7 Oct 2013 14:46:16 -0700
>>>>> From: jim@multivax.net
>>>>> To: phnsan@msn.com
>>>>> CC: shellyleung9@gmail.com; erika.jackson@sfgov.org
>>>>> Subject: 757 Valencia "The Chapel" East Property Fence
>>>>>
>>>>> Hi Phil,
>>>>>
>>>>> I've caucused with the residential neighbors of The
>>>>> Chapel/Vestry parking lot at 757 Valencia.
>>>>>
>>>>> Particular responses (running South to North):
>>>>>
>>>>> - Tom Cervantez of 164/166 Lexington is happy with the fence
>>>>> the project has already provided him but shares concern
>>>>> about break-ins and feels it would be effective to complete
>>>>> the span.
>>>>>
>>>>> - Gal Cohen of 160/162 Lexington indicates an immediate need
>>>>> in addressing the replacement fence that's been erected
>>>>> along the border of his lot as it's falling onto his own
>>>>> fence and property (there is no support -- a post at the
>>>>> north end of the yard could help, for example).
>>>>>
>>>>> - CY Mak of 156/158 Lexington agrees that the fence needs to
>>>>> be replaced and the both he and Gal Cohen feel that the
>>>>> vines need to go as they are overgrown and invasive.
>>>>>
>>>>> - Jackie, Dave, Shelly and I of 150/1-3 Lexington are very
>>>>> concerned about security following a recent break-in attempt

>>>>> at our property and possibly related thefts. We are in the
>>>>> process of purchasing additional security improvements and
>>>>> repairing the fence between 150 and 156 following damage to
>>>>> it that occurred at around 4 AM on August 18th due to a
>>>>> probable criminal intrusion (still waiting on the police
>>>>> records report to provide more detail).

>>>>>
>>>>> - The Riels of 751 Valencia (the mixed used building North
>>>>> of the Chapel parking lot) have requested that no new
>>>>> construction be attached to their building. They also
>>>>> expressed concern about access from Valencia leading to
>>>>> their building rooftop.

>>>>>
>>>>>
>>>>> Currently, the northernmost span of the chain link fence
>>>>> inherited from New College (that would be the span that
>>>>> separates 757 Valencia and 156 Lexington) is porous and
>>>>> dilapidated. Attempts to patch openings with plywood have
>>>>> given way as recently as August 18 (see attached). Trash
>>>>> cans, piles of debris, and step ladders left around the
>>>>> parking lot could enable intruders to enter the residential
>>>>> backyards. (see attached)

>>>>>
>>>>>
>>>>> We would like to propose that the span be replaced with a
>>>>> strong wooden fence, of height consistent with the height at
>>>>> Tom Cervantez' lot. If the cross members are placed on the
>>>>> residential side (or if, perhaps, thick plywood is used on
>>>>> both sides of the fence), a tall fence like this would be
>>>>> difficult to climb and would prevent intrusion into our
>>>>> properties from the parking lot. A well built sound reducing
>>>>> fence might also mitigate disruption caused by business
>>>>> activities and the noisy Valencia street gate that is opened
>>>>> and closed late at night as cars come and go at all hours of
>>>>> the night.

>>>>>
>>>>> We can appreciate the complexity of the project. We have
>>>>> lived next to its development for over 3 years now while the
>>>>> project takes shape (and we lose sleep). It would be great
>>>>> if all that fine craftsman work taking place *inside* the
>>>>> operation would continue on to the *outside* so that we can
>>>>> ALL (neighboring families and youngsters even) benefit from
>>>>> this addition to our neighborhood.

>>>>>
>>>>> Thank you for considering our request. If necessary, we can
>>>>> continue to budget our time to help you with this where we
>>>>> can, though it takes time away from our family and careers
>>>>> (time we spend doing pro bono work is dedicated to helping
>>>>> nonprofit community based orgs and not businesses). Please
>>>>> pass this request on to your project team and let us know if
>>>>> you have any follow up questions or concerns. Do let us know
>>>>> how things are progressing so we can keep the neighbors

>>>>> updated.

>>>>>

>>>>> Thanks, Phil.

>>>>>

>>>>> Sincerely,

>>>>>

>>>>> -James and Shelly Howard

>>>>> 415 626 2383

>>>>>

>>>>>

>>>

>>>

>

>

Jackson, Erika

From: phnsan <phnsan@msn.com>
Sent: Wednesday, October 02, 2013 11:29 AM
To: Jacqueline Munz; James Howard
Cc: Jackson, Erika; Shelly Leung
Subject: RE: 777 Valencia, Deliveries

Hi Jackie, I'll talk with the operational staff this afternoon about rescheduling services to a more appropriate hour. Phil

Sent from my Samsung Galaxy S®4

----- Original message -----

From: Jacqueline Munz <jackiemunz@gmail.com>
Date: 10/02/2013 10:57 AM (GMT-08:00)
To: James Howard <jim@multivax.net>
Cc: Philip Lesser <phnsan@msn.com>, Erika Jackson <erika.jackson@sfgov.org>, Shelly Leung <shellyleung9@gmail.com>
Subject: Re: 777 Valencia, Deliveries

Hi Phil,

This is Jackie - I live in unit 2. Yesterday there was trash pick up, at 3am. I did not get up to take a picture, as I get up very early as it is and doing so would have further interrupted my sleep. I think it is clear that at this point the conditions agreed upon in the permit are not being met at all. James has been the spokesperson for our building, as we are not trying to bombard you with emails. We all recognize that we are in an urban neighborhood, but the other businesses (such as Tacolicious) have gone to great lengths to mitigate the noise in a timely manner. We all lead busy lives with careers that are being greatly affected by the negligence going on outside our homes. We would like a response to this that does not simply shift the blame, nor push back the timeline in terms of addressing the problems that we are currently living with day to day. It certainly does not feel like the neighbors to the Chapel et al. are being considered.

Your response and attention is greatly appreciated.

Thank you
Jackie Munz

On Wed, Oct 2, 2013 at 9:27 AM, James Howard <jim@multivax.net> wrote:
Good morning, Phil.

Once again business noise has disturbed the neighborhood, waking us up.

Attached you will find a photo of a truck doing a delivery (linen service) taken around 4:30 AM from my bedroom window. It then idled in the parking lot for several minutes before leaving at around 4:44 AM.

Condition of Approval 25 clearly states deliveries to take place between 8 AM and 10 PM.

Additionally, on 23 May 2013, you wrote:

"To that end, Jack has instructed his team that any tour bus in the parking lot should not be allowed to idle the engine or run the generator while sitting in the lot. "

A delivery truck in the parking lot is just as disruptive as a band tour bus. Many of us sleep around 30 feet from where they idle.

Phil, thank you for reviewing this complaint with the project and having the project address the issue.

-James and Shelly Howard

--

Jackie Munz, M.Ed.
Certified Educational Therapist
(415) 297-8157
jackiemunz@gmail.com

Jackson, Erika

From: Philip Lesser <phnsan@msn.com>
Sent: Thursday, May 23, 2013 11:33 AM
To: Shelly Howard; James Howard
Cc: Jackson, Erika
Subject: RE: 777 Valencia Concerts

Dear James & Shelly:

Jack is taking your complaints very seriously and making every effort to make sure he is in compliance with all noise ordinances, and that there is minimal impact on the neighborhood from The Chapel.

To that end, Jack has instructed his team that any tour bus in the parking lot should not be allowed to idle the engine or run the generator while sitting in the lot. He has asked the venue manager to put up a sign at the kitchen door leading to the parking lot to remind staff and others to be respectful of the neighbors.

He has also instructed the security staff to be diligent in keeping the front door to the building closed when music is playing, and to keep all interior doors leading into the music room closed during shows.

He did have a very cordial and productive meeting with Gal Cohen last evening at The Chapel, and the two of them walked through the building during the show and discussed the above solutions.

Best Regards,

Phil

From: Shelly.Howard@oliverwyman.com
To: phnsan@msn.com; jim@multivax.net
CC: erika.jackson@sfgov.org
Date: Wed, 22 May 2013 16:05:04 -0400
Subject: RE: 777 Valencia Concerts

Dear Phil,

Yes, we noticed the motor-coach bus parked in the parking lot. The driver left the motor running for an extended period of time around 2 AM, as James mentioned. The sound was very loud and disturbed our sleep, even with the windows closed. This noise was louder than any regular street noise that we would hear without a wooden fence/door. In addition, employees, band members and their crew often speak in elevated volumes when coming and going (smoke breaks, moving equipment, etc.) People did not congregate in the parking lot before. Therefore, the level of noise emanating from the parking lot is actually much louder now than it was before the business was established. As you noted, this is the area closest to our bedroom.

We would appreciate if you would address these issues with the Chapel management.

Thank you,

Shelly Howard

From: Philip Lesser [mailto:phnsan@msn.com]

Sent: Wednesday, May 22, 2013 8:31 AM

To: James Howard

Cc: Howard, Shelly; Erika Jackson

Subject: RE: 777 Valencia Concerts

Hi James,

Since your last correspondence I have been making many visits to the 700 block of Valencia Street, which has afforded me the opportunity to follow up on your observations and suggestions.

Yesterday I was there at mid day and at 9:00 pm.

As you know, a rolling security fence has been installed in front of the parking lot. It is open during the day for the office workers and for maintenance personnel.

In the evening it is open and closed only to a few employees and vehicles transporting performers and equipment. (Last night you may have seen a nice motor-coach bus parked there. Personnel happened to lock the gate in my presence to assure that no one would gain entry into the parking lot.)

So the parking lot, which is closer to your residence than the Chapel, should be much quieter than before. Also the fact that the mesh fence has been replaced with a solid wood fence should also be dampening the street sounds that travel to your condo.

The patrons that I have been witnessing, last night included, seem very civil and respectful of the neighborhood. Last evening was no exception. (Last night many of the them seemed to be at least my age. We sixty somethings aren't doing as much raving as we used to do!)

Only one door is open during shows and its the one farthest from your condo.

I'll see that management gets your comments, which by the way are the only ones of this nature that we have received from the neighbors.

We'll also recheck the mechanical equipment to see if the equipment continues to run properly so that it stays within the permissible noise levels.

Sincerely,

Phil

Philip Lesser

(650) 347-6014 Home Office

(650) 346-2903 Cell

Philip Lesser

> Date: Tue, 21 May 2013 23:57:59 -0700

> From: jim@multivax.net

> To: phnsan@msn.com

> CC: shelly.howard@oliverwyman.com; erika.jackson@sfgov.org

> Subject: RE: 777 Valencia Concerts

>

> Phil,

>

> It's been several weeks since I wrote you and I have not
> received a response from you.

>

> Noise disturbances from events at the Chapel continue to be
> a problem. Between the mechanical and banquet room event
> noise at Tacolicious, and the music concerts at The Chapel
> (both amplified music and late night activity in the
> parking lot), our quality of life is deteriorating.

>

> Solutions could be as simple as "close the doors during the
> performance", and "turn the blower off at night". The staff
> at both enterprises are gracious and receptive of our
> concerns, but their efforts aren't consistent enough to
> provide relief.

>

> Alternatively, reducing hours of operation to 10 PM on
> weeknights may be a reasonable compromise.

>

> I'm open to any suggestions you may have.

>

> Sincerely,

>

> James Howard

>

> On Thu, 25 Apr 2013, James Howard wrote:

>

>> Thanks, Phil. Thank you for speaking at length with Jack Knowles about these
>> issues.

>>

>> I have some follow up I'm hoping you might be willing to address.

>>
>> You write:
>>
>> "the occasional disturbances emanating from the backside of your [home]".
>>
>> Could you please clarify, as I'm puzzled. My family is in bed by around 9 PM
>> 7 nights a week. If we're creating noise, I'm not aware of it. Did you
>> mis-speak?
>>
>>
>>
>> Also, the very next evening after I received this response from you, I was
>> awoken at 1 AM. There were several young people standing by parked cars along
>> the fence line, which is about 20 feet from where we sleep. These were not
>> trespassers, as these people circulated to and from the side entrance to 777
>> Valencia. Based on the topic of their conversations I guess they are
>> musicians. This went on until about 2 AM.
>>
>> Would it be possible for the staff to remind the guest musicians that the
>> parking lot adjoins upwards of a dozen families who live in the neighboring
>> residences.
>>
>> They weren't being particularly obnoxious. I just don't think they were aware
>> of how their voices carry. The slatted chain-link fence that runs between the
>> parking lot and the Lexington residences provides very little in the way of
>> noise mitigation.
>>
>>
>> It might be helpful if we had a phone number of someone on-site that we could
>> call to alert you about such disturbances. I wouldn't assume to call you at
>> 1:30 AM on a Wednesday evening.
>>
>>
>> Phil, you also write:
>>
>> "As you noted, security is stationed by the doors closest to your residence."
>>
>> I didn't note this and I'm not sure I follow. Could you please clarify. The
>> door that's closest to my home is the side door to the parking lot. The
>> security person I spoke with was stationed at the Chapel entrance, which is
>> the furthest entrance from my home.
>>
>>
>> Thank you for your continued commitment towards addressing the concerns of
>> your residential neighbors and mitigating late night noise.
>>
>> -James Howard and Family
>> 150 Lexington

>>
>> On Tue, 16 Apr 2013, Philip Lesser wrote:
>>
>>>
>>>
>>> Hi James and Shelly,
>>>
>>> First off, congrats on the birth of your daughter. May she have a boatload
>>> of wonderful memories
>>> from growing up in the Mission.
>>>
>>> Spoke at length with Jack Knowles about the occasional disturbances
>>> emanating from the backside of
>>> your condo. He felt that there are a couple of things that he can do
>>> forthwith to keep the noise
>>> level more acceptable.
>>>
>>> First off, he will be gating the egress to the parking area north of the
>>> new outdoor patio-dining
>>> area. People walking down Valencia Street, especially late in the
>>> evening, sometimes trespass in that
>>> area. The gate should buffer your property from noise and other problems
>>> associated with such
>>> trespassers.
>>>
>>> As for sound leaving the Chapel, Jack's management team will be
>>> further reminded to minimize the
>>> times and duration that doors are opened during show time. As you noted,
>>> security is stationed by
>>> the doors closest to your residence. So they should be able to see that
>>> the self-closing doors
>>> are operating properly and in a "neighborhood-sensitive" manner.
>>>
>>> Thanks for your understanding. Hope to hear from you that these measures
>>> have had a positive impact.
>>>
>>> Best regards,
>>>
>>> Phil
>>>
>>> Philip Lesser (age 61, but only chronologically!)
>>>
>>>
>>>> Date: Tue, 16 Apr 2013 12:33:17 -0700
>>>> From: jim@multivax.net
>>>> To: phnsan@msn.com
>>>> CC: erika.jackson@sfgov.org
>>>> Subject: 777 Valencia Concerts

>>>>

>>>> Dear Phil,

>>>>

>>>> Erika Jackson informs me that you are the community liason
>>>> for the 777 project. That's great news because you have
>>>> always been pleasant to work with.

>>>>

>>>> As the number of concert events at The Chapel has been
>>>> ramping up, I've been taking notes, making observations,
>>>> and talking with neighbors.

>>>>

>>>> The bottom line is that noise from the concert venue
>>>> continues to be a disturbance, particularly late at night,
>>>> particularly on week nights. Lying in bed I can hear
>>>> electronically amplified base beats, the emcee hyping up
>>>> the crowd, the crowd cheering in response, the musicians
>>>> wailing with their elctronic guitars and drum sets.

>>>>

>>>> Several times, I've had to get out of bed, get dressed,
>>>> walk around the block to find out what is causing the
>>>> disturbance. Every time, the solution appears simple: close
>>>> the doors. On one Wednesday at 12 AM, I got out of bed,
>>>> walked to 777 Valencia, and asked one of the security team
>>>> if he would close the doors to the concert hall as it was
>>>> quite rowdy. He graciously obliged. He was a really nice
>>>> guy. However, to my dismay, the following night at around
>>>> the same time, once again, the doors were wide open during
>>>> the performance. The night following (Friday), the same
>>>> thing.

>>>>

>>>> I can appreciate the challenging task undertaken by the
>>>> security team to pack 600 enthusiastic guests into the
>>>> concert hall. I would guess that it make sense to have the
>>>> doors propped open for a brief period of time while the
>>>> bulk of the crowd is coming and going. I would simply ask
>>>> the courtesy of turning the music down during those
>>>> intervals as well as keeping the doors shut completely
>>>> during the performances.

>>>>

>>>> Erecting some sort of physical sound barrier between our
>>>> properties may also prove effective. I'll defer to the
>>>> accoustical experts you've relied on.

>>>>

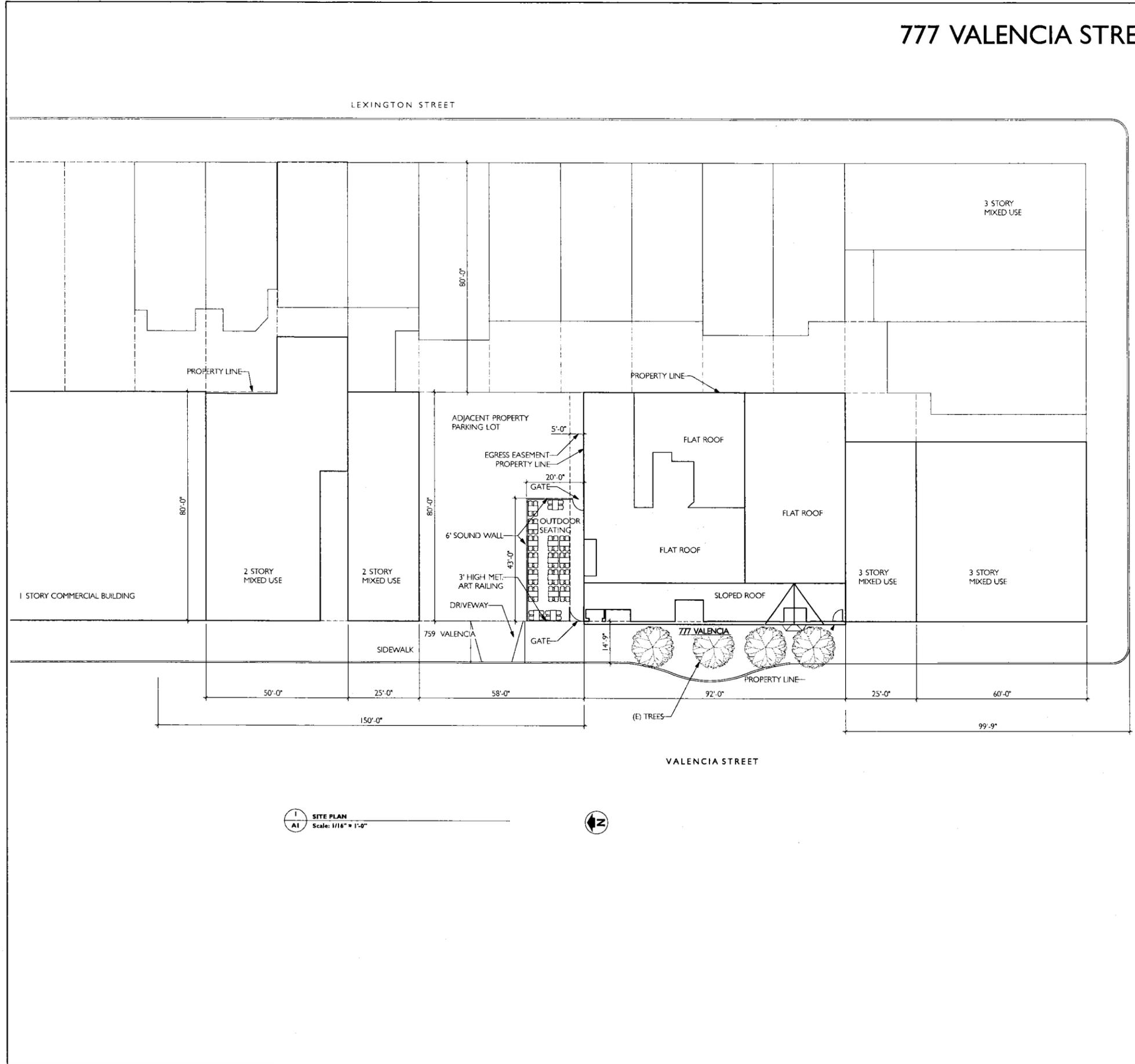
>>>> Aside from the noise of the concert performances, activity
>>>> of guests loitering in the parking lot and along Valencia
>>>> before and after the performance continiue to be a problem.
>>>> On one particular night in recent weeks and extremely loud
>>>> and violent altercation in the parking lot shook us out of

>>> bed shortly after 2 AM. It took SFPD over 15 minutes to
>>> respond while we tried to go back to sleep.
>>>
>>> I realize that the project is still quite new. It's under
>>> construction and many of the operational issues have yet to
>>> be worked out. I think if you could just tighten down the
>>> screws on these 2 main issues we should be able to share
>>> the block without incident (concert, amplified noise/music
>>> and crowd control).
>>>
>>> Thanks very much for considering our needs and striving to
>>> be a good Mission neighbor. I hope you find this feedback
>>> useful.
>>>
>>> -James Howard (age 37)
>>> Shelly Howard (age 39)
>>> Lillian Howard (age 1)
>>>
>>>
>>

This e-mail and any attachments may be confidential, proprietary or legally privileged. Any review, use, disclosure, distribution or copying of this e-mail is prohibited except by or on behalf of the intended recipient. If you received this message in error or are not the intended recipient, please delete or destroy the e-mail message and any attachments or copies and notify the sender of the erroneous delivery by return e-mail. To the extent that this message or its attachments were sent without encryption, we can not guarantee that the contents have not been changed or tampered with. Any advice expressed in this message is being delivered to you solely for your use in connection with the matters addressed herein and may not be used for any other purpose without our prior written consent.

The information contained in this document (including any attachments) is not intended by Mercer to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code that may be imposed on the taxpayer.

777 VALENCIA STREET



SITE PLAN
Scale: 1/16" = 1'-0"

TABLE OF CONTENTS

- A1 SITE PLAN / ROOF PLAN
- A2 EXISTING FLOOR PLAN
- A3 FIRST FLOOR PLAN
- A4 SECOND FLOOR PLAN
- A5 EXTERIOR ELEVATIONS
- A6 BLOCK PHOTOS

PROJECT DATA

ADDRESS: 777 VALENCIA STREET
SAN FRANCISCO, CA 94110

BLOCK/LOT: 3589 108
3589 088

ZONE: NEIGHBORHOOD COMMERCIAL

CONSTRUCTION TYPE: VN
SPRINKLERED: NO
STORIES: 2

OWNER: VALANCIA SF PROPERTIES, LLC
2414 CENTRAL AVE
ALAMEDA, CA 94501
510 750-8700

ARCHITECT: LISA HARVEY ARCHITECT
28 1/2 PRECITA AVENUE
SAN FRANCISCO, CA 94110
415 648-4812, 415 641-0482 FAX

ENGINEER: SEDCO - CALIN SMITH
304 12th ST. 3rd FLOOR SUITE A
OAKLAND, CA 94067
(510) 464-0894

PROJECT SHALL COMPLY WITH 2007 CBC AND CITY OF SAN FRANCISCO ORDINANCES

GENERAL NOTES

1. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COMPLETELY FAMILIARIZE HIMSELF/HERSELF WITH THESE DRAWINGS AND THE (E) SITE CONDITIONS, AND TO VERIFY ALL DETAILS WITH THE OWNER PRIOR TO THE START OF CONSTRUCTION.
2. CONTRACTOR SHALL CAREFULLY STUDY AND COMPARE THE CONTRACT DOCUMENTS WITH EACH OTHER AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES, ERRORS, OR OMISSIONS. IF THE CONTRACTOR PERFORMS ANY CONSTRUCTION KNOWING IT INVOLVES A RECOGNIZED DISCREPANCY, ERROR, OR OMISSION IN THE CONTRACT DOCUMENTS WITHOUT SUCH NOTICE TO THE ARCHITECT, THE CONTRACTOR SHALL ASSUME APPROPRIATE RESPONSIBILITY FOR SUCH PERFORMANCE AND SHALL BEAR AN APPROPRIATE AMOUNT OF THE ATTRIBUTABLE COSTS FOR CORRECTION.
3. ALL WORK SHALL EQUAL OR EXCEED ALL CURRENT APPLICABLE BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, SAFETY, ZONING CODES AND ORDINANCES.
4. THESE DOCUMENTS SHALL NOT BE USED BY ANYONE FOR OTHER PROJECTS, ADDITIONS TO THIS PROJECT, OR FOR COMPLETION OF THIS PROJECT BY OTHERS EXCEPT BY AGREEMENT IN WRITING BY LISA HARVEY.
5. DO NOT SCALE DRAWINGS.
6. DIMENSIONS ARE TO FINISH FACE U.O.N. CONTACT ARCHITECT IF ANY DIMENSIONING DISCREPANCIES ARISE.
7. PLANS HAVE BEEN PREPARED TO MEET REQUIREMENTS OF 2007 CBC.
8. ARCHITECT SHALL HAVE NO RESPONSIBILITY FOR THE DISCOVERY, HANDLING, PRESENCE, DISPOSAL, REMOVAL OF OR EXPOSURE OF PERSONS TO HAZARDOUS MATERIALS IN ANY FORM AT THE PROJECT SITE INCLUDING BUT NOT LIMITED TO ASBESTOS, ASBESTOS PRODUCTS, POLYCHLORINATED BIPHENYL (PCB) OR OTHER TOXIC SUBSTANCES. SUCH WORK IF REQUIRED, IS TO BE COMPLETED UNDER SEPARATE CONTRACT.
9. THE DRAWINGS DO NOT ILLUSTRATE EVERY CONDITION. THE DRAWINGS INDICATE LOCATIONS, DIMENSIONS, AND TYPICAL DETAILS OF CONSTRUCTION. WORK NOT EXPRESSLY DETAILED SHALL BE OF CONSTRUCTION SIMILAR TO PARTS THAT ARE DETAILED. WHERE DISCREPANCIES OCCUR, THEY SHALL BE REPORTED TO THE ARCHITECT FOR RESOLUTION.

ABBREVIATIONS

ABV	ABOVE	FSEC	FOOD SERVICE EQUIP. CONTRACTOR
ADJ	ADJACENT	FRP	FIBERGLASS REINFORCED PANEL
AFP	ABOVE FINISHED FLOOR	FO	FACE OF
AP	ACCESS PANEL	GA	GAUGE
ACT	ACOUSTICAL CEILING TILE	GC	GENERAL CONTRACTOR
A/C	AIR CONDITIONING	GL	GLAZING, GLASS
ALT	ALTERNATE	GYP	GYPSUM
ARCH	ARCHITECTURAL	HDRW	HARDWARE
BLKG	BLOCKING	HORIZ	HORIZONTAL
BD	BOARD	INT	INTERIOR
BOT	BOTTOM	INSUL	INSULATION
BLDG	BUILDING	MAX	MAXIMUM
CLR	CLEAR	MECH	MECHANICAL
CLG	CEILING	MIN	MINIMUM
CONC	CONCRETE	MTRL	MATERIAL
COL	COLUMN	MTL	METAL
CPT	CARPET	(N)	NEW
CMU	CONCRETE MASONRY UNIT	NTI	NOT IN CONTRACT
CONST	CONSTRUCTION	NTS	NOT TO SCALE
CG	CORNER GUARD	OJ	OVER
DTL	DETAIL	O.C.	ON CENTER
DIAM	DIAMETER	O.S.C.I.	OWNER SUPPLIED, CONTRACTOR INSTALLED
DIM	DIMENSION	PSI	POUNDS PER SQUARE INCH
DR	DOOR	PBO	PROVIDED BY OWNER
DWG	DRAWING	PLAM	PLASTIC LAMINATE
DF	DRINKING FOUNTAIN	PLYMD	PLYWOOD
DSP	DISPENSER	REF	REFRIGERATOR
(E), EX	EXISTING	REG	REGISTER
EA	EACH	RD	ROOF DRAIN
EL, ELEV	ELEVATION	RO	ROUGH OPENING
ELEC	ELECTRICAL	SEC	SECTION
EQ	EQUAL	SH	SECTION SHOWER HEAD
EXT	EXTERIOR	SHT	SHEET
FBO	FURNISHED BY OTHERS	SIM	SIMILAR
FF	FINISHED FLOOR	SO	SQUARE
FT	FEET	SS	STAINLESS STEEL
FIR	FLOOR	TBD	TO BE DETERMINED
FLUOR	FLUORESCENT	TYP	TYPICAL
FOF	FACE OF FINISH	UON	UNLESS OTHERWISE NOTED
FOS	FACE OF STUD	VF	VERIFY IN FIELD
FIN	FINISHED	WISCT	WAINSCOT
		WH	WATER HEATER

Harvey Architecture
28 1/2 Precita Avenue
San Francisco, California 94110
415 648-4812 fax 641-0482



PRESERVATION HALL WEST
777 Valencia Street
San Francisco, CA

CONDITIONAL USE PERMIT
REVISION 10/24/10

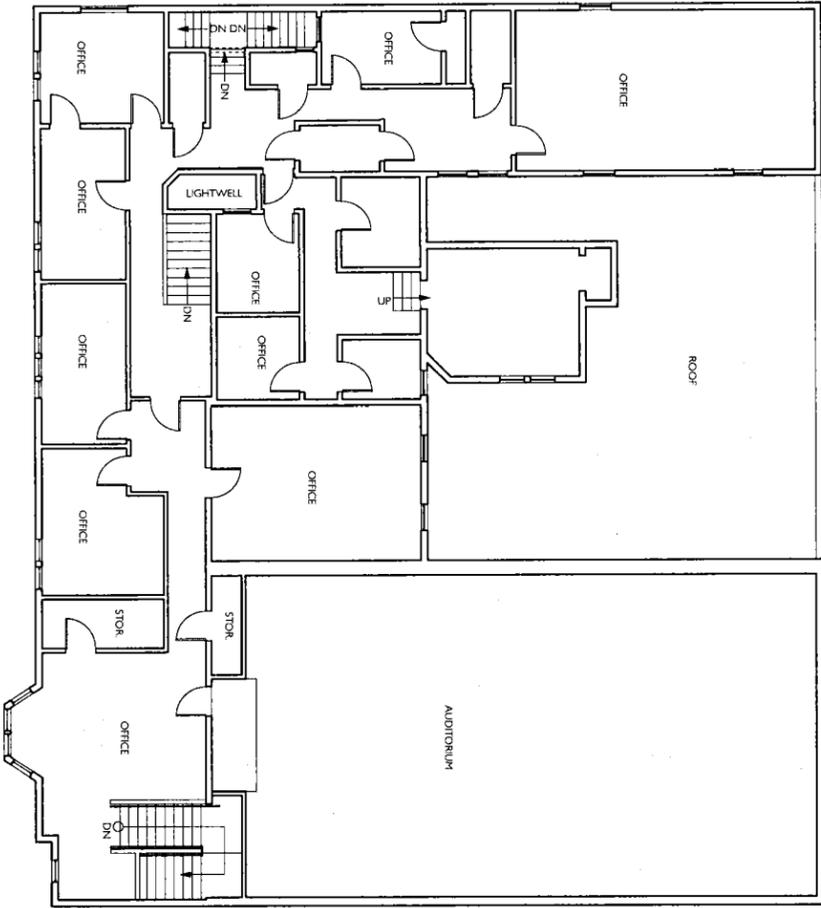
drawing title: SITE / ROOF PLAN

scale: AS NOTED

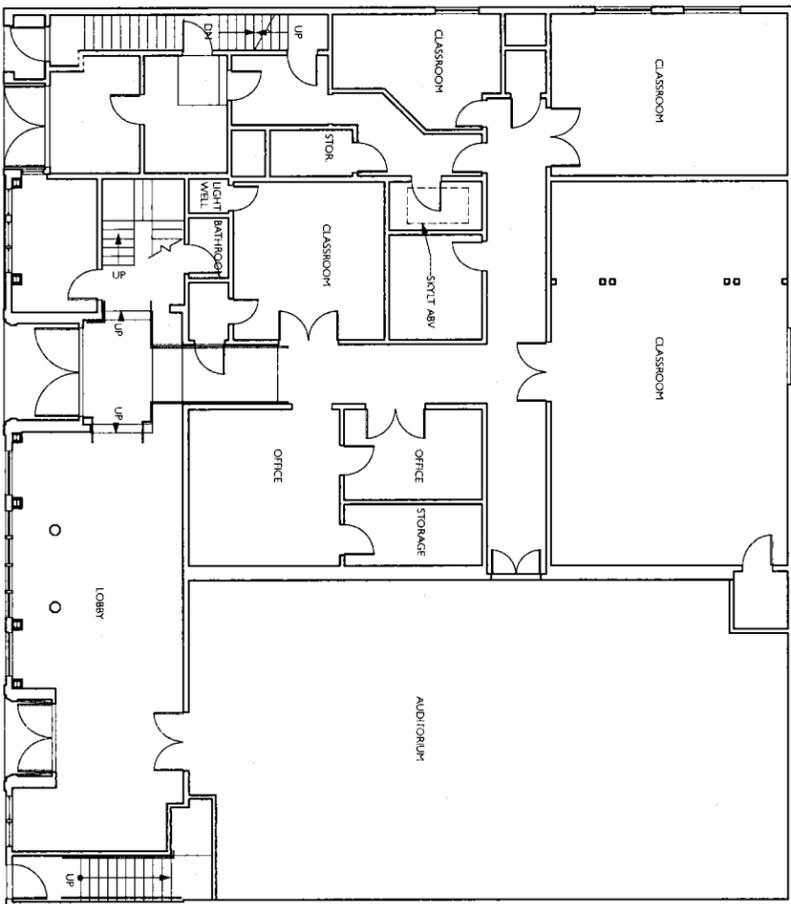
revisions:

date:

drawing #: **A.1**



1 SECOND FLOOR EXISTING PLAN
 A1 Scale: 1/8" = 1'-0"
 3955 SF



1 FIRST FLOOR EXISTING PLAN
 A2 Scale: 1/8" = 1'-0"
 7223 SF

- WALL LEGEND**
- NEW WOOD FRAMED
 - WALL CONSTRUCTION
 - WALL CONSTRUCTION TO REMAIN
 - WALLS TO BE REMOVED
 - WINDOW

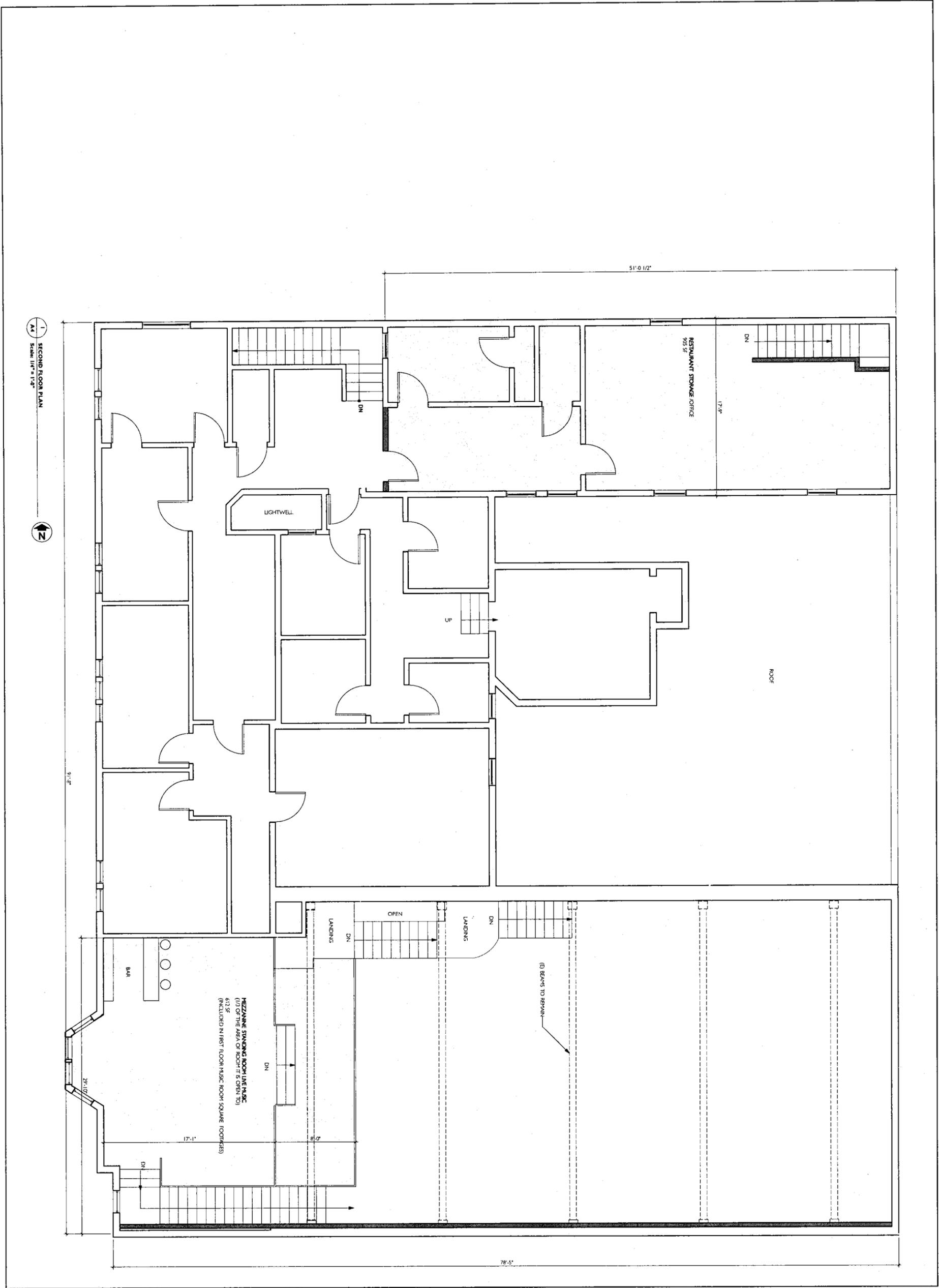
drawing title:
 EXISTING FLOOR PLANS
 scale: AS NOTED
 revision:
 drawing #: **A.2**

CONDITIONAL USE
 PERMIT
 REVISION 10/24/10

PRESERVATION HALL WEST
 777 Valencia Street
 San Francisco, CA



Harvey Architecture
 28 1/2 Precita Avenue
 San Francisco, California 94110
 415 648-4812 fax 641-0482



1 SECOND FLOOR PLAN
 A4 Scale: 1/4" = 1'-0"



91'-2"

51'-0 1/2"

17'-9"

ROOF

BAR

MEZZANINE STANDING ROOM LIVE MUSIC
 (1/3 OF THE AREA OF ROOM IT IS OPEN TO)
 4,13 SF
 (INCLUDED IN FIRST FLOOR MUSIC ROOM SQUARE FOOTAGES)

DN

LANDING

OPEN

LANDING

DN

(3) BEAMS TO REPAIR

17'-1"

78'-5"

drawing #:

A.4

date:	
revisions:	
scale:	AS NOTED
drawing title:	SECOND FLOOR PLAN

CONDITIONAL USE
 PERMITS
 REVISION 10/24/10

PRESERVATION HALL WEST
 777 Valencia Street
 San Francisco, CA



Harvey Architecture
 28 1/2 Precita Avenue
 San Francisco, California 94110
 415 648-4812 fax 641-0482

ARTIST RC

Harvey Architecture
 28 1/2 Precita Avenue
 San Francisco, California 94110
 415 648-4812 fax 641-0482



PRESERVATION HALL WEST
 777 Valencia Street
 San Francisco, CA

CONDITIONAL USE
 PERMIT
 REVISION 10/24/10

drawing title:
 EXTERIOR ELEVATIONS
 scale: AS NOTED
 revisions:
 date:
 drawing #:
A.5



SOUND WALL

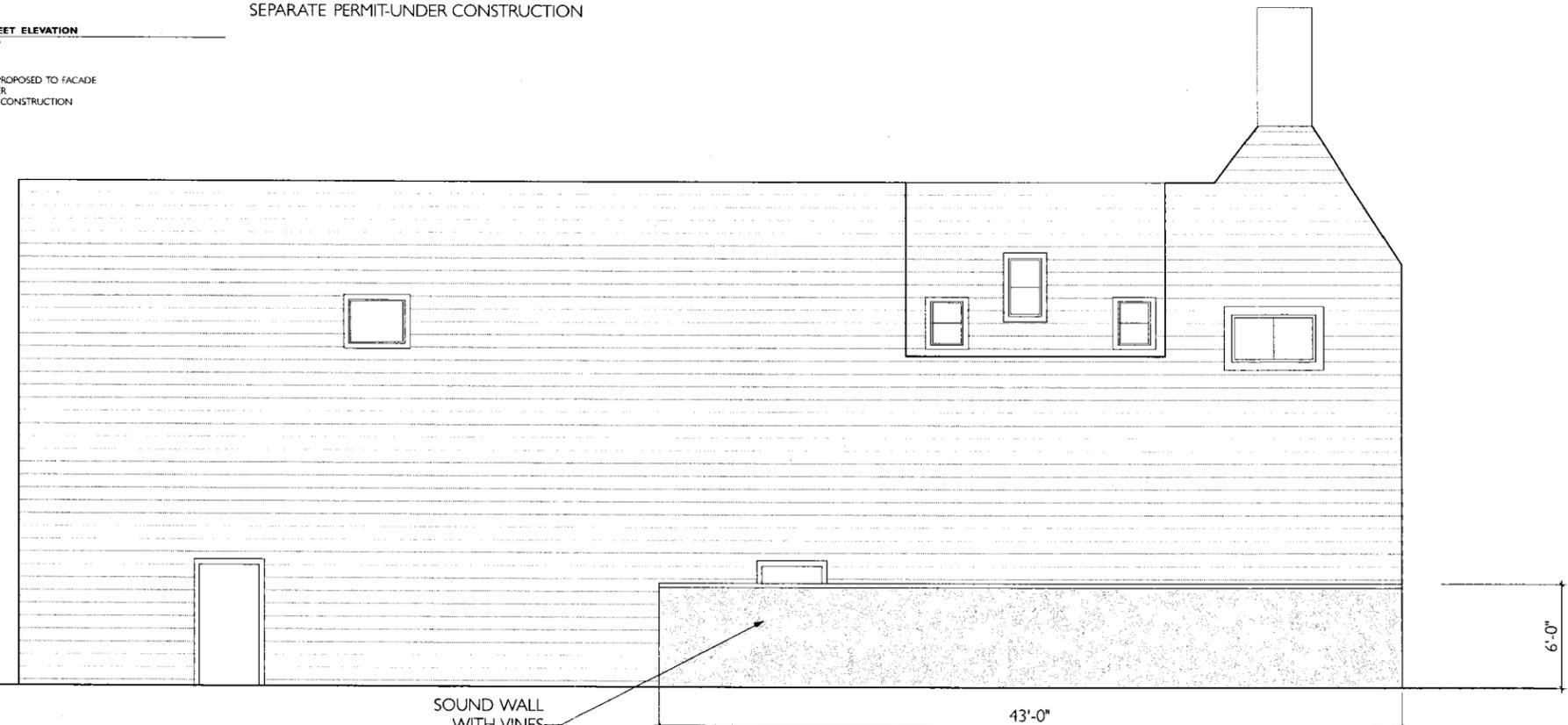
6'-0"

3' HIGH CURVED
 METAL RAIL

NO ADDITIONAL WORK PROPOSED TO FACADE
 FACADE APPROVED UNDER
 SEPARATE PERMIT-UNDER CONSTRUCTION

1 VALENCIA STREET ELEVATION
 AS Scale: 1/4" = 1'-0"

NO ADDITIONAL WORK PROPOSED TO FACADE
 FACADE APPROVED UNDER
 SEPARATE PERMIT-UNDER CONSTRUCTION

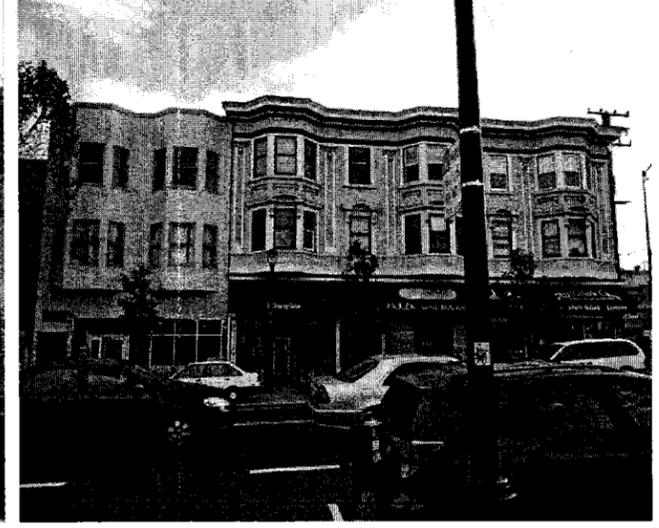
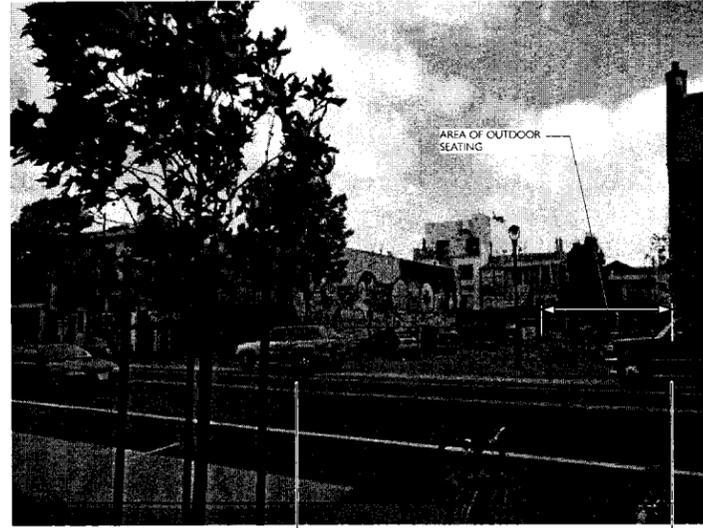
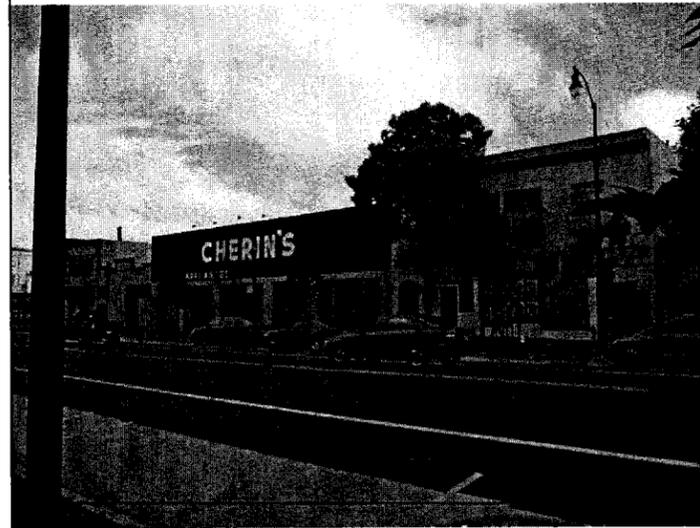


SOUND WALL
 WITH VINES

43'-0"

6'-0"

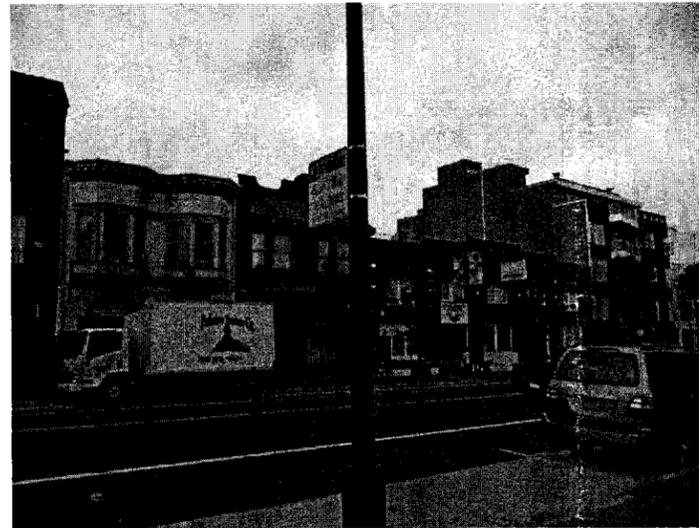
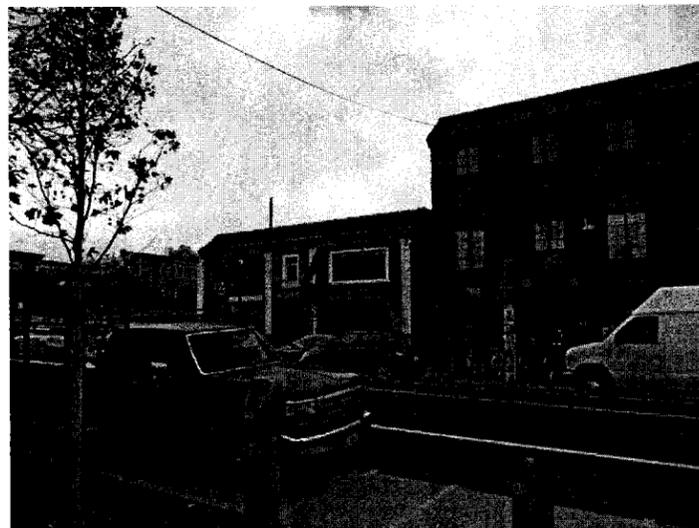
2 NORTH ELEVATION AT PARKING LOT
 AS Scale: 1/4" = 1'-0"



759 VALENCIA STREET
SUBJECT PROPERTY

777 VALENCIA STREET
SUBJECT PROPERTY

1 VALENCIA STREET EAST SIDE
A6 Scale: Actual Size



2 VALENCIA STREET WEST SIDE
A6 Scale: Actual Size

Harvey Architecture
28 1/2 Precita Avenue
San Francisco, California 94110
415 648-4812 fax 641-0482



PRESERVATION HALL WEST
777 Valencia Street
San Francisco, CA

CONDITIONAL USE
PERMIT
REVISION 10/24/10

drawing title:
PHOTOS

scale: AS NOTED

revisions:

date:

drawing #:
A.6