



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: SEPTEMBER 27, 2012

*Date:* September 20, 2012  
*Case No.:* **2010.1162C**  
*Project Address:* **741 VALENCIA STREET**  
*Zoning:* Valencia Street NCT (Neighborhood Commercial Transit)  
55-X Height and Bulk District  
*Block/Lot:* 3589 / 091  
*Project Sponsor:* Joe Hargrave  
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### BACKGROUND

On April 28, 2011, the Planning Commission approved a Conditional Use Authorization under Motion 18337, to convert the vacant ground floor commercial unit of an existing two-story commercial and residential building at 741 Valencia Street to a new Full-Service Restaurant & Bar Establishment with an Outdoor Seating Area (dba *Tacolicious*) that exceeds the use size limitation of 3,000 square feet for the Zoning District.

The surrounding neighbors submitted comments to the draft Conditions of Approval for the Proposed Project. Staff incorporated some of these to the draft Conditions of Approval into the Motion that ultimately was approved by the Planning Commission. Some major changes to the Conditions of Approval included the addition of conditions further restricting the hours of operation of the outdoor activity area, and requiring a noise study and an informational Planning Commission hearing 6 months after the first day of business operations:

30. 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.
31. 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.

## **CURRENT ISSUES**

Since Tacolicious opened for business in November 2011, staff has received emails, phone calls, and video recordings from neighbors with concerns regarding a spectrum of issues. These 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, cleaning crew noise, HVAC system noise, and after hours construction noise.

Conditions of Approval numbers 13, 14, 24, 32, and 33 relate to this issue:

13. Noise, Ambient. Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.
14. Noise. Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.
24. Noise Control. The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
32. The outdoor activity area is not allowed to have amplified music or a bar.
33. 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. The sound levels stated in the Noise Study shall comply with the San Francisco Noise Ordinance.

**Issue #2: Exceeding Hours of Operation.** Complaints from the neighbors indicate that the outdoor activity area is remaining open past the permitted hours of operation, and sometimes until 4:00am. The neighbors indicate that the cleaning crew will sometimes remain in the outdoor activity area even after the establishment has closed.

Conditions of Approval numbers 29 and 31 relate to this issue:

29. Hours of Operation. The subject establishment is limited to the following hours of operation: from 10:00a.m. to 12:00 a.m. Sunday through Saturday.

31. 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.

**Issue #3: Light Pollution.** Complaints from the neighbors indicate that flood lights are pointed and/or are shining directly into adjacent residential units.

Conditions of Approval numbers 11 and 28 relate to this issue:

11. Lighting Plan. The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.
28. Lighting. All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

**Issue #4: Health and Safety Issues.** Complaints from the neighbors indicate that garbage is being stored in the interior exit staircase for the upstairs residential units, and that the smoke from patrons in the outdoor activity area is affecting air quality within the residential units above.

Conditions of Approval numbers 9, 17, 22, and 25 relate to this issue:

9. Garbage, composting and recycling storage. Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
17. Odor Control Unit. In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.
22. Garbage, Recycling, and Composting Receptacles. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
25. Odor Control. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

## **PROJECT ANALYSIS**

The specific Conditions of Approval referenced above are monitored by a variety of City Departments, including the Police Department, the Planning Department, and the Department of Public Health.

Several complaints have been filed with the Police Department since Tacolicious has opened. Complaints were received for a variety of issues specifically related to noise of patrons and employees after midnight. The Police Department has investigated these complaints but has no ongoing issues with the tenant at 741 Valencia Street.

Planning Department Code Enforcement staff has conducted several site visits based on complaints of noise and hours of operation. Staff has found no violation of these Conditions of Approval. However, staff did observe that although the outdoor activity area was closed, that the windows to the interior restaurant were open, which may be contributing to the patron noise level outside. Lighting in the outdoor activity area is pointed downwards, however, some illumination appears to travel upwards.

According to staff at the Department of Public Health, there was one complaint filed in late June regarding patron noise. The Department of Public Health enforces the San Francisco Noise Ordinance, which only applies to fixed noise from equipment and not noise from people. However, Department of Public Health staff conducted a site visit and performed rooftop noise measurements. Staff found the rooftop equipment at 741 Valencia Street in compliance with the San Francisco Noise Ordinance. Additionally, the Sound Study conducted by Charles M. Salter dated September 7, 2012 states that the fixed noise sources at 741 Valencia Street are in compliance with the San Francisco Noise Ordinance.

## **REQUIRED 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 may have violated 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 18337

Noise Study dated September 20, 2012

Correspondence from Neighbors

Plans approved April 21, 2011



# SAN FRANCISCO PLANNING DEPARTMENT

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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                             |

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## Planning Commission Motion No. 18337

HEARING DATE: APRIL 28, 2011

*Date:* April 21, 2011  
*Case No.:* **2010.1162C**  
*Project Address:* **741 VALENCIA STREET**  
*Zoning:* Valencia Street NCT (Neighborhood Commercial Transit)  
55-X Height and Bulk District  
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**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.2, 303, 316, 726.24, AND 726.41, TO CONVERT THE VACANT GROUND FLOOR COMMERCIAL UNIT OF AN EXISTING TWO-STORY COMMERCIAL AND RESIDENTIAL BUILDING TO A NEW FULL-SERVICE RESTAURANT & BAR ESTABLISHMENT WITH AN OUTDOOR SEATING AREA THAT EXCEEDS THE USE SIZE LIMITATION OF 3,000 SQUARE FEET FOR THE ZONING DISTRICT. 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 December 23, 2010, Joe Hargrave (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, and 726.41, to convert the vacant ground floor commercial unit of an existing two-story commercial and residential building to a new Full-Service Restaurant & Bar Establishment with an Outdoor Seating Area (dba *Tacolicious*) that exceeds the use size limitation of 3,000 square feet for the Zoning District. 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 April 28, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.1162C.

The Project was determined by the Department to be Categorical Exempt from the California Environmental Quality Act ("CEQA") as a Class 1a exemption under CEQA Guidelines as described in the determination contained in the Planning Department files for this project. The Commission has reviewed and concurs with said determination.

Any discussion of concerns related to noise and odor in this Motion is not an indication of an impact under CEQA, because CEQA addresses an impact under a particular framework; even though noise and odor effects on the neighborhood are not considered to be potentially significant for this project under CEQA, this Commission still wishes to address an area of concern to the neighbors and to seek to reduce any potential disturbance to the neighbors.

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. 2010.1162C, 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 18<sup>th</sup> and 19<sup>th</sup> and Streets, within the Valencia Street Neighborhood Commercial Transit District and a 55-X Height and Bulk District. The Proposed Project is located on a through lot containing a two-story commercial and residential building on the Valencia Street side and a residential building on the Lexington Street side. The lot is 6,000 square feet with 50 feet of frontage on Valencia Street and 25 feet of frontage on Lexington Street. There are three residential units in the building fronting on Valencia Street and one unit in the building fronting on Lexington Street. The building fronting on Valencia Street has a side yard along the southern property line and the building fronting on Lexington Street has a rear yard between the two buildings. The side yard does not connect to the rear yard.
3. **Surrounding Properties and Neighborhood.** The Project site is located toward the center of the thirteen 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 on the upper floors 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 vacant ground floor commercial unit of an existing two-story commercial and residential building to a new Full-Service Restaurant & Bar Establishment with an Outdoor Seating Area (dba *Tacolicious*) that exceeds the use size limitation of 3,000 square feet for the Zoning District. The Project is approximately 4,064 square feet, including the Outdoor Activity Area, which is a 470 square foot outdoor seating area located along the side of the existing building. The restaurant proposes 125 seats indoors and 24 seats outdoors. The Project does not propose a physical expansion of the existing building and will not alter the existing residential units on the lot.

The proposed use is an independent and locally owned business, 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 six letters/emails in support of the Project. The Department has received one email and three phone calls from neighbors with questions and concerns regarding the Project. The Project Sponsor conducted a meeting with neighbors on Tuesday, April 12, 2011 to discuss questions and concerns.
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 470 square foot outdoor seating area located along the side of the existing building. The Project Sponsor proposes setting up tables to accommodate approximately 24 additional patrons. 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 one new Full-Service Restaurant & Bar Establishment (dba *Tacolicious*) that is 4,064 square feet in area. A bar serves spirits in addition to beer and wine.*



- C. **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 45 feet of frontage on Valencia Street with approximately 40 feet devoted to either the restaurant entrance or window space. The windows are clear and unobstructed.*

- D. **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 restaurant is not anticipated to adversely impact traffic or parking in the District. The use 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.*

- 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 size and shape of the existing building will remain the same. The Project will update the existing storefront windows and front façade materials, but 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, bars, and outdoor activity areas 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. Additionally, there are proposed parapets and retaining walls with sound reducing materials surrounding the Outdoor Activity area that will help mitigate noise. 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 13, 14, 17, 24, 25, and 33, as outlined in Exhibit A, specifically obligates the Project Sponsor to mitigate odor and noise generated by the restaurant use.*

- 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 Conditions of Approval 11, 12, and 28 as outlined in Exhibit A. The outdoor activity area will be screened from the street by an extension of the front building wall. There are existing street trees along the site frontage.*

- 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. The Proposed Project will be 4,064 square feet in size. 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. Other neighborhood serving uses would continue to locate in the Valencia NCT; approval of the Proposed Project would not preclude this. The intent of the neighborhood commercial zoning districts to promote the growth of small business is consistent with the proposal.*

- 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 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 proposed restaurant is being located in an existing tenant space, which was previously used as office space for the former New College school.*

- 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 is no proposed enlargement to the existing building. Therefore, the scale and pattern of existing development will be respected and retained. 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 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 commercial space, which was previously used as office space for the former New College school. 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 existing tenant space was previously used as office space for the former New College school and has been vacant for several years.*

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.*

**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 proposed use is subject to the standard conditions of approval for full-service restaurants, bars, and outdoor activity areas 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. Additionally, there are proposed parapets and retaining walls with sound reducing materials surrounding the Outdoor Activity area that will help mitigate noise. 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 13, 14, 17, 24, 25, and 33, as outlined in Exhibit A, specifically obligates the Project Sponsor to mitigate odor and noise generated by the restaurant use.*

**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 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.*

- 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 to 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.
13. The Commission finds that the proposed conditions of approval to address concerns related to noise and odor do not constitute mitigation measures under CEQA; rather these conditions seek to address an area of concern to the neighbors and to reduce any potential noise or odor nuisances in the area.



**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. 2010.1162C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application dated January 14, 2011 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18337. 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 April 28, 2011.

Linda D. Avery  
Commission Secretary

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

NAYS: None

ABSENT: None

ADOPTED: April 28, 2011

## EXHIBIT A

### AUTHORIZATION

1. This authorization is for a conditional use to allow a Full-Service Restaurant & Bar Establishment (d.b.a. **Tacolicious**) located at 741 Valencia Street, Block 3589, Lot 091 pursuant to Planning Code Section(s) **121.2, 303, 316, 726.24, AND 726.41** within the **Valencia Street Neighborhood Commercial Transit Zoning** District and a **55-X** Height and Bulk District; in general conformance with plans, dated **January 14, 2011**, and stamped "EXHIBIT B" included in the docket for Case No. **2010.1162C** and subject to conditions of approval reviewed and approved by the Commission on **April 28, 2011** under Motion No. 18337. 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

2. 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 **April 28, 2011** under Motion No. 18337.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

3. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18337 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

4. The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

5. Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

### PERFORMANCE

6. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as

this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

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

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

## DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

9. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

10. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

11. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*
12. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*
13. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.  
*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*
14. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*
15. **Street Trees.** Pursuant to Planning Code Section 428 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

16. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

17. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

## PARKING AND TRAFFIC

18. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation impacts during construction of the Project.

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

## MONITORING - AFTER ENTITLEMENT

19. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

20. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

21. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

22. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org/>.*

23. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>.*

24. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

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

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

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

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

26. **Community Liaison.** Prior to issuance of a building permit application to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

27. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment).*

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

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

29. **Hours of Operation.** The subject establishment is limited to the following hours of operation: from 10:00a.m. to 12:00 a.m. Sunday through Saturday.

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

30. 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.

31. 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.

32. The outdoor activity area is not allowed to have amplified music or a bar.
33. 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. The sound levels stated in the Noise Study shall comply with the San Francisco Noise Ordinance.



20 September 2012

Erika S. Jackson  
**City and County of San Francisco Planning Department**  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
Email: erika.jackson@sfgov.org

Subject: 741 Valencia: Tacolicious Comparative Noise Analysis  
CSA Project No. 11-0020

Dear Erika:

At your request, we have prepared this report comparing pre-construction ambient noise measurements and projected noise levels to post-construction ambient noise measurements at the nearest sensitive receivers. We also include a comparison of the measured post-construction noise measurements to the noise limits of the San Francisco Noise Ordinance.

## SUMMARY

Our pre-construction analysis indicates that the project is expected to meet the noise limits of the San Francisco Noise Ordinance with recommended noise reduction measures. Our post-construction analysis indicates that the project is in compliance with the noise limits of the San Francisco Noise Ordinance.

## 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 dBA<sup>1</sup> above the local ambient at any point outside the property plane.
- Part (d): No fixed noise source may cause the noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00 p.m. to 8:00 a.m. or 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. with windows open except where building ventilation is achieved through mechanical systems that allow windows to remain closed.
- "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.<sup>2</sup> It shall be measured with a sound level meter using slow response and "A"

<sup>1</sup> 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.

<sup>2</sup> The San Francisco Department of Public Health has determined that the L<sub>90</sub> noise level, which is the sound level (in dBA) equaled or exceeded ninety percent of the time, is to be considered the ambient noise level.

Charles M. Salter, PE  
David R. Schwind, FAES  
Robert P. Alvarado  
Eric L. Broadhurst, PE  
Philip N. Sanders, LEED AP  
Anthony P. Nash, PE  
Thomas A. Schindler, PE  
Cristina L. Miyar  
Jason R. Duty, PE  
Durand R. Begault, PhD, FAES  
Joey G. D'Angelo  
Thomas J. Corbett, CTS  
Eric A. Yee  
Joshua M. Roper, PE, LEED AP  
Peter K. Holst, PE, LEED AP  
Christopher A. Peltier, PE  
Ethan C. Salter, PE, LEED AP  
Thomas D. Keller, CDT  
Craig L. Gillan, RCDD  
Lloyd B. Ranola  
Alexander K. Salter, PE  
Jeremy L. Decker, PE  
Rob Hammond, PSP, NICET III  
Michael S. Chae  
Dylan B. Mills, CTS  
Davis H. Keith, CTS-D  
Paul R. Billings  
Erika A. Frederick  
Travis R. Lawrence  
Benjamin D. Piper  
Elisabeth S. Nelson  
Ian M. Staub  
Noel J. Bacani  
Joshua J. Harrison  
Brian C. Wourms  
Valerie C. Smith  
Shanna M. Sullivan  
Amanda G. Higbie  
Brian J. Good  
Heather A. Salter  
Dee E. Garcia  
Catherine F. Spurlock  
Marva De Veer - Noordzee  
Elizabeth F. Trocker  
Jennifer G. Palmer  
Jodessa P. Gregorio  
Susan E. Lonergan  
Heather D. Heise  
Courtney H. Vineys  
Erin D. Gorton

weighting. In addition, for the purposes of the Ordinance, it states that the exterior ambient shall not be considered to be less than 45 dBA.

- “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.
- “Fixed source” means a machine or device capable of creating a noise level at the property upon which it is regularly located, including but not limited to: industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus or refrigeration machines.

## SETTING

The project is a restaurant and bar located at 741 Valencia Street in San Francisco between 18th Street and 19th Street. Valencia Street is to the west of the site. A multifamily housing building consisting of three apartments is located at 150 Lexington Street to the south of the building rooftop. The middle dwelling is closest to the rooftop equipment at 741 Valencia Street and is also the residential receiver with the least acoustical shielding. A bedroom and study at the rear of 150 Lexington Street #2 with operable windows at the rear of the property are the interior residential spaces most affected by fixed noise sources on the rooftop of 741 Valencia Street.

## ACOUSTICAL MEASUREMENTS

To determine the ambient noise levels for the project we utilized acoustical data collected in November of 2010 adjacent to 741 Valencia Street (at 777 Valencia Street).

From 1 to 4 November 2010, 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. Because rooftop mechanical equipment at 741 Valencia Street is located at the rear of the site, we used acoustical data collected at the rear property line for our pre-construction analysis. Note that 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. The table below presents ambient noise data at the rear property line used for our pre-construction noise calculations:

Acoustics  
Audiovisual  
Telecommunications  
Security

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

**Table 1: Ambient Noise Levels (dBA) at Rear of 777 Valencia Building**

Hour	11/2-3/2010	11/3-4/2010
02:00:00	<b>44</b>	<b>44</b>
03:00:00	<b>44</b>	<b>44</b>
04:00:00	<b>44</b>	<b>44</b>
05:00:00	46	<b>45</b>
06:00:00	49	49
07:00:00	50	51
08:00:00	49	50
09:00:00	46	47
10:00:00	46	48
11:00:00	46	50
12:00:00	<b>45</b>	49
13:00:00	<b>45</b>	47
14:00:00	46	48
15:00:00	46	47
16:00:00	46	48
17:00:00	47	49
18:00:00	48	49
19:00:00	50	48
20:00:00	52	48
21:00:00	49	49
22:00:00	48	49
23:00:00	49	48
00:00:00	48	46
01:00:00	<b>45</b>	<b>44</b>

Noise readings in bold type above indicate that ambient noise at the rear of the property are at or below the minimum noise levels for exterior spaces as set forth by the San Francisco Noise Ordinance.

Based on the collected acoustical data, the acoustical criteria for exterior noise levels at the property plane was established to be 53dBA (45dBA ambient + 8dBA allowable above the ambient). Because the rooftop equipment at 741 Valencia Street would be in operation after 10pm, the acoustical criteria for interior noise levels at the nearest residential receiver was established to be 45dBA, as proscribed by the San Francisco Noise Ordinance.

**EXPECTED PROJECT SOUND LEVELS**

Our analysis is based on acoustical performance data for rooftop equipment, and CADNA acoustical noise modeling to the nearest sensitive receiver. Acoustical mitigation measures incorporated in the project during the design phase in order to achieve compliance with San Francisco Noise Ordinance included the reselection of quieter units, sound attenuation elements to reduce and redirect noise away from the property line to the east, and acoustical barriers around rooftop equipment. Table 2 below presents projected noise levels at the nearest and most exposed sensitive receiver (150 Lexington Street, No. 2) with acoustical mitigation measures in place.

- Acoustics
- Audiovisual
- Telecommunications
- Security

<b>Equipment Identification No.</b>	<b>150 Lexington Noise Level</b>
Exhaust Fan 2 (EF-2)	44 dBA
Make Up Air Unit (MAU-1)	44 dBA
Kitchen Exhaust Fan 1 (KEF-1)	47 dBA
Kitchen Exhaust Fan 2 (KEF-2)	47 dBA
Condensing Unit (CU-1)	48 dBA
<b>Noise Level at Balcony</b>	<b>53dBA</b>
Noise Reduction Open Window	10dBA
<b>Noise Level in Rear Room w/open window</b>	<b>43dBA</b>

### POST-CONSTRUCTION ACOUSTICAL MEASUREMENTS

On 30 July 2012, at 9:12pm, we conducted final acoustical measurements at the rear room of 150 Lexington #2 with the window open.<sup>3</sup> The minimum noise reading during the measurement period was 45dBA. The quietest 10% of measured sound levels (i.e., the L<sub>90</sub>) was 46dBA. The minimum reading represents the continuous fixed noise source (i.e., rooftop mechanical equipment at 741 Valencia Street) with the addition of some minimum amount of contributions from other sources (i.e., traffic noise, noise from people in the street, noise from patrons at 741 Valencia Street, etc.). The San Francisco Noise Ordinance requires that fixed noise sources not cause the noise level measured inside a sleeping or living room to exceed 45dBA between the hours of 10pm and 7am with the windows open. Therefore, noise from fixed noise sources at 741 Valencia Street is in compliance with the SF Noise Ordinance.

\* \* \*

Please contact us if you have any questions about our report.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Cristina L. Miyar  
Vice President

Acoustics  
Audiovisual  
Telecommunications  
Security

cc: Philip Lesser ([phnsan@msn.com](mailto:phnsan@msn.com))  
Joe Hargrave ([joe@tacoliciousf.com](mailto:joe@tacoliciousf.com))

*2012Sept20 741 Valencia Comparative Noise Report*

130 Sutter Street  
Floor 5  
San Francisco, CA  
94104  
T 415.397.0442  
F 415.397.0454  
[www.cmsalter.com](http://www.cmsalter.com)

<sup>3</sup> Fan balancing and adjustments to the kitchen grease exhaust fans (KEF-1 and KEF-2) were completed subsequent to the final acoustical measurements.

## Jackson, Erika

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**From:** Richard Tirtoprodjo <rtirtoprojo@yahoo.com>  
**Sent:** Tuesday, September 11, 2012 2:50 PM  
**To:** Jackson, Erika  
**Cc:** Ken Huangibo  
**Subject:** Re: Tacolicious

Hi Ms Jackson,

I am planning to submit something or may come to the hearing. My name is Richard Tirtoprodjo and I live right behind Tacolicious on 138 Lexington Street. Mr Ken Huangibo and his family member who live next door to me still having problem sleeping at night from the noise from the HVAC or other system that is running 24/7. From my house, I can still hear the noise but not as bad as before they replaced the motor on the blower. Before they reduced the noise level, for many months, their system was running very loud and quiet often it woke me up at night. but now it is quieter but still they should turn off their system when the restaurant is not in operation. For a while they have done so, on and off, but in the past few months, it has been running 24/7.

Best Regards,  
Richard Tirtoprodjo

## Jackson, Erika

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**From:** huangken <kenhuangibo@hotmail.com>  
**Sent:** Saturday, September 15, 2012 6:35 PM  
**To:** Jackson, Erika  
**Cc:** jackiemclandrich@gmail.com; smclandrich@gmail.com; rtirtoprojo@yahoo.com; bestman20022002@hotmail.com  
**Subject:** RE: Tacolicious

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I am ken live in 134 lexington st. They said they are working on it. The past few months the sound are reduce a little bit. On day time is all right, but the system are very noise at midnight to morning, I am hardly to fall in sleep and wake me up some time. I feel my body getting weak and sick cause I don't have any full rest for the noise sound.

Date: Tue, 11 Sep 2012 14:49:49 -0700

From: [rtirtoprojo@yahoo.com](mailto:rtirtoprojo@yahoo.com)

Subject: Re: Tacolicious

To: [erika.jackson@sfgov.org](mailto:erika.jackson@sfgov.org)

CC: [kenhuangibo@hotmail.com](mailto:kenhuangibo@hotmail.com)

**ACOUSTICAL COMMENTS**

Charles M. Salter Associates Inc.

10 January 2011

Tim Murphy, TMDA  
Via Email: tmurphy@tmda.com

Subject: Tacolicious, 741 Valencia Street - Site Permit Acoustical Comments

Dear Tim,

We have reviewed the site permit architectural drawings dated 12.23.10 and have the following comments:

1. If possible, locate mechanical equipment serving the kitchen on the roof of the one-story space housing the restrooms/kitchen areas (see attached markup).
2. During the design phase of the project, we plan to conduct acoustical measurements to determine if acoustical barriers are required around kitchen mechanical equipment in order to meet the San Francisco Noise Ordinance.
3. During the design phase of the project, we plan to conduct acoustical measurements to determine allowable noise levels in the outdoor patio area. Mitigation measures that may need to be incorporated to reduce dining noise to residential spaces above include: solid elements below the residential windows to block line-of-sight from window to patio space, exterior grade sound absorbing material at patio wall, operational limits on hours and occupancy in the patio, operational limits on open windows to the patio (from the restaurant, fixed windows at residential spaces above with alternate ventilation (if feasible)).
4. During the design phase of the project, we will evaluate the proposed floor-ceiling assembly between the restaurant and residential units above and confirm that the assembly meets Title 24 requirements for acoustical insulation. The gypsum board will need to be resiliently attached to the bottom of the joists in order to meet code requirements for sound insulation.

Do not hesitate to contact us if you have questions about our drawing comments

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Cristina L. Myar  
Vice President

**SCOPE OF WORK**

INTERIOR WORK TO INCLUDE NON-STRUCTURAL DEMOLITION AND MINOR CONSTRUCTION MODIFICATION FOR NEW SPECIALTY RESTAURANT BUSINESS ON GROUND FLOOR. NEW SIGNAGE ON EXTERIOR AND NEW WINDOWS AT SOUTH ELEVATION. INTERIOR IMPROVEMENTS INCLUDE NEW LIGHTING; NEW DOORS AND HARDWARE; FINISHES THROUGHOUT SPACE, TYP.

**BUILDING INFO:**

BUILDING ADDRESS: 741 VALENCIA STREET, SAN FRANCISCO, CA  
BLOCK #: 3589  
LOT #: 091  
ZONE: VALENCIA NCT/RTO-MISSION  
CONSTRUCTION TYPE: V-B  
OCCUPANCY DESIGNATION: A-2  
DESCRIPTION OF USE: RESTAURANT  
SPRINKLERED BUILDING: YES  
STORIES: 2  
NO NEW SQUARE FOOTAGE

**PROJECT TEAM:**

**ARCHITECT:**

TMDA, INC.  
520 WASHINGTON STREET  
SAN FRANCISCO, CA 94111  
PHONE: (415) 986-1600  
FAX: (415) 986-1665  
CONTACT:  
TIM MURPHY  
TMURPHY@TMDA.COM  
ERICH MELE  
EMELE@TMDA.COM

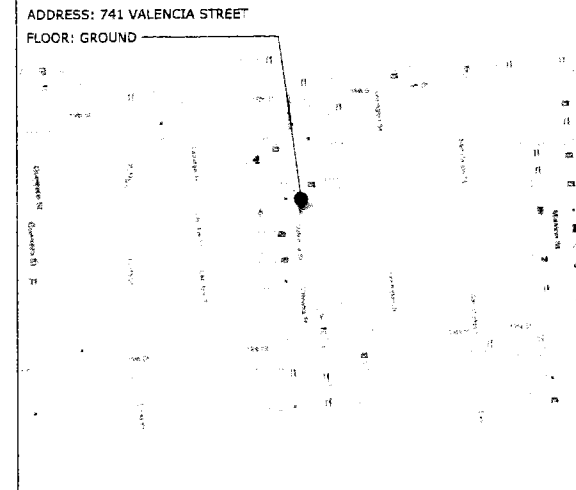
**OWNER:**

JOE HARGRAVE  
TACOLICIOUS  
2031 CHESTNUT STREET  
SAN FRANCISCO, CA 94123  
PHONE: (415) 420-9869

**LIST OF DRAWINGS:**

- ARCHITECTURAL DRAWINGS:**
- A0.0 PROJECT INFORMATION
  - A0.1 SITE PLAN
  - A2.0 EXISTING PLAN
  - A3.0 CONSTRUCTION PLAN
  - A8.0 EXTERIOR ELEVATIONS

**PROJECT LOCATION**



**SITE PHOTOS**



Existing Conditions Photos

N.T.S.

**PLOT PLAN**

ADDRESS: 741 VALENCIA STREET  
BLOCK: 3589 / LOT: 91  
FLOOR: GROUND



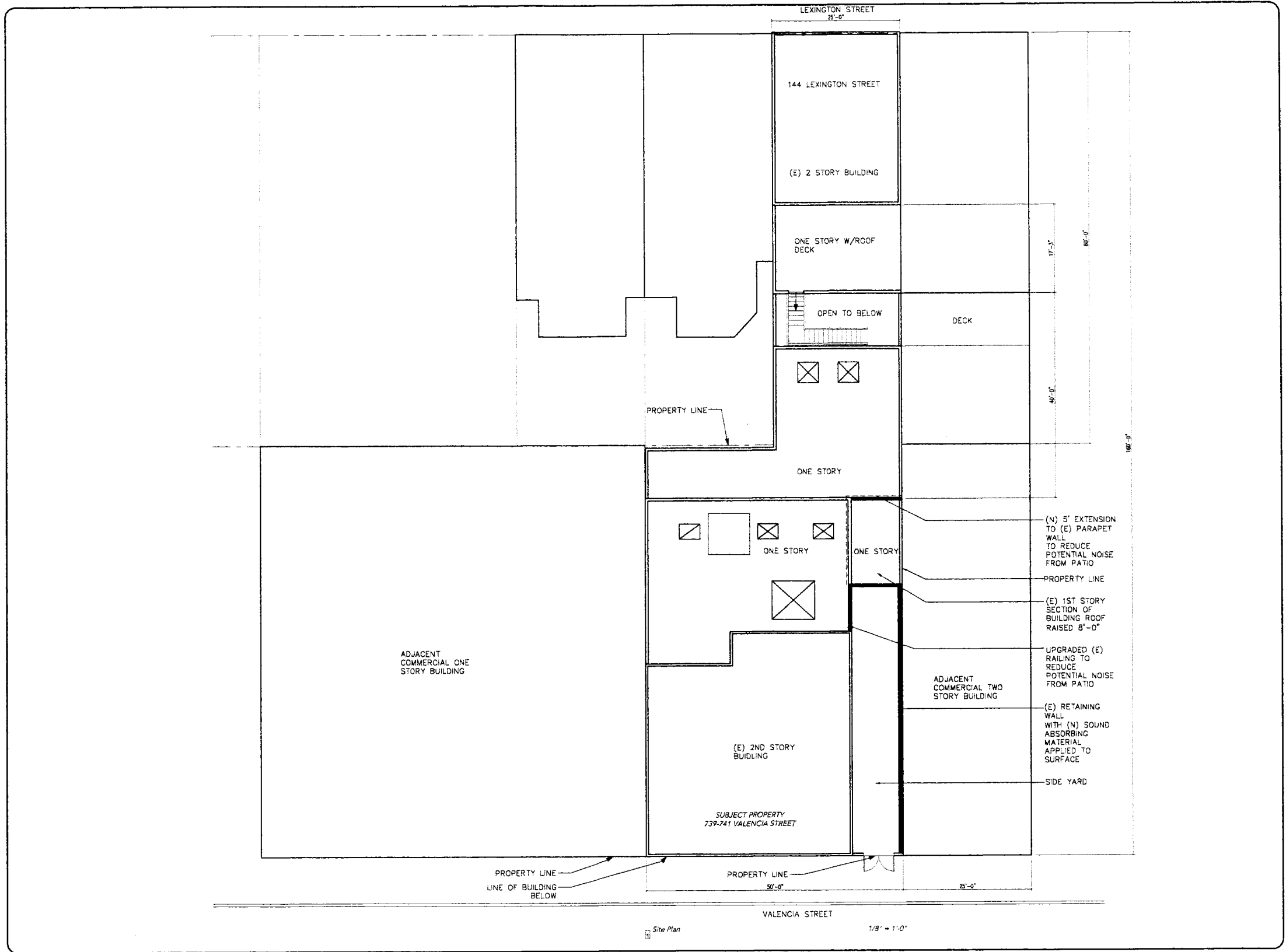
date	issue	by/ check
12.23.10	permit	eid/tjm
01.14.11	site permit	dnm/tjm

**TMDA**

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TACOLICIOUS  
741 Valencia Street  
San Francisco, CA

Project Information  
**A0.0**



tacolicious

date	issue	by/check
01.14.11	Site Permit	dnm/tjm
02.10.11	Client Review	dnm/tjm
03.25.11	Budgeting Set	dnm/tjm
04.04.11	Client Review	dnm/tjm
04.11.11	GC RFP/Pricing	dnm/tjm
04.19.11	Addendum A	dnm/tjm

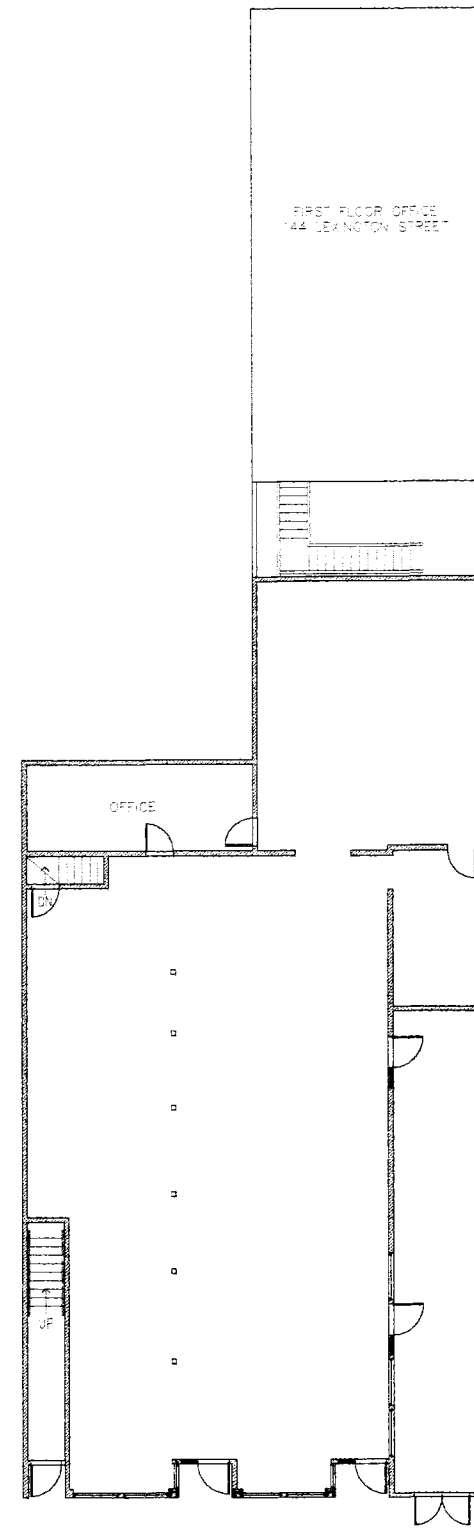
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San Francisco, CA  
AS NOTED

Site Plan  
A0.1R





**SHEET NOTES**

1. REFERENCE PERMIT #201005283486 REVISION.

date	issue	by/check
12.23.10	permit	eld/tjm
01.14.11	site permit	dnm/tjm

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San Francisco, CA 94111

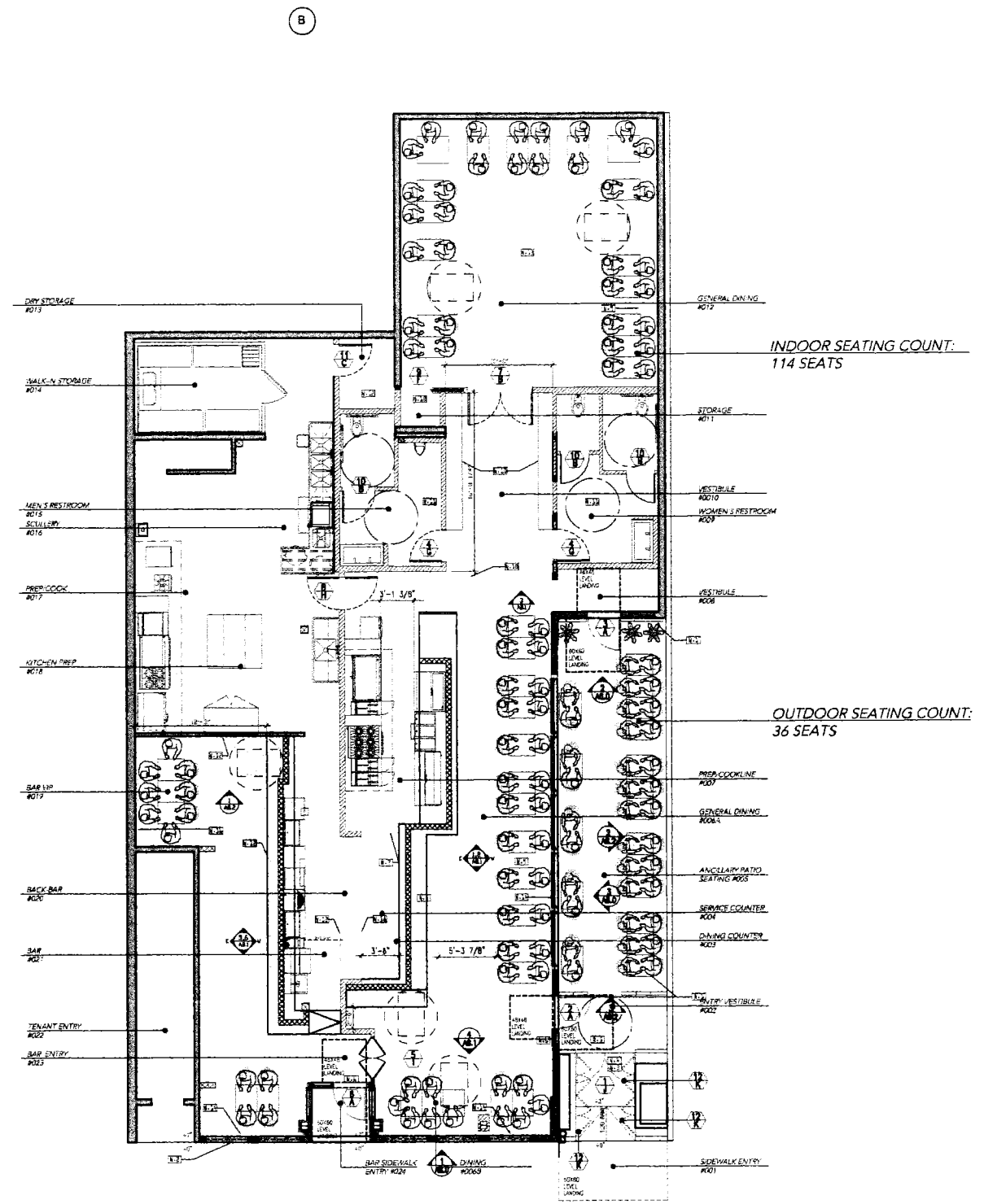
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San Francisco, CA

AS NOTED

Existing  
Plan  
**A2.0**

Existing Plan 1/8" = 1'-0"



**CONSTRUCTION LEGEND**

DOOR AND DOOR FRAME DETAIL KEY  
 DOOR TYPE SHEET #  
 HARDWARE GROUP DETAIL #

GLAZING AND FRAME DETAIL KEY  
 GLAZING TYPE SHEET #  
 FRAME TYPE DETAIL #

CORNER GUARD, SEE DETAILS  
 TILE CORNER GUARD, SEE DETAILS

FIXTURE TAG  
 FLOOR FIXTURE TYPE  
 BOOTH TYPE  
 TABLE TYPE  
 CHAIR TYPE

EXISTING FULL HT. CONSTRUCTION TO REMAIN  
 NEW CONSTRUCTION: FULL HEIGHT, ACOUSTICALLY INSULATED WALLS; NON-RATED SEE DETAIL 4/9.00  
 NEW CONSTRUCTION: PARTIAL HEIGHT, ACOUSTICALLY INSULATED; NON-RATED WALLS SEE DETAIL 2/9.00  
 NEW CONSTRUCTION: EXTERIOR INSULATED INFILL WALL SEE DETAIL 7/9.00  
 NEW CONSTRUCTION: FULL HEIGHT EXTERIOR RATED WALLS W/WOOD FINISH SEE DETAIL 5/9.00  
 NEW CONSTRUCTION: FULL HEIGHT EXTERIOR RATED PARTITION W/NEW STUCCO FINISH SEE DETAIL 6/9.00

**WALL TYPE LEGEND** SEE SHEET A0.0 FOR DETAILS

**CONSTRUCTION KEYNOTES**

SYMB DESCRIPTION

1.1 NEW (4'x16"x16" MODULAR) DECORATIVE PATTERN CMU BLOCK WALL "SCREEN". PROVIDE ANCHORPOINTS TO EXTERIOR JOIST AND ADJACENT WALLS. SEE ELEVATIONS.

1.2 NEW 18 GAUGE, (CUSTOM PATTERN) WATERJECT CUT HOT ROLLED STEEL SHEET DECORATIVE SCREEN. PROVIDE 3/4" x 4" BAR STOCK FRAME SURROUND ALONG PERIMETER W/FULLY WELDED JOINTS. PROVIDE STEEL TAB HANGING BRACKETS AND SUPPORT HARDWARE FROM CURB AND BUILDING FACADE.

1.3 NEW "ANTIQUE" WOOD DECORATIVE INLAY PAIR (4'x8" EA. LEAF) ENTRY "GATE-DOORS". PROVIDE \$800 DECORATIVE HARDWARE ALLOWANCE AND 90° HOLD-OPEN CAPABILITY.

1.4 NEW FRAMING AND WOOD FINISH SURROUND FOR GAS/ELEC UTILITY BUILDING POINT OF ENTRY. TIE INTO DECORATIVE ENTRY DOORS (N.S.). PROVIDE DECORATIVE AND LOCKING HARDWARE.

1.5 NEW CONCRETE/TILE PAVEMENT AND ENTRY VESTIBULE FLOORING. THINSET MORTAR BED, GROUT AND SEAL AS REQUIRED. COORDINATE WITH S.E.

1.6 NEW CUSTOM (3'x5") HOT ROLLED STEEL DOOR AND FRAME W/TEMPERED GLASS INSET AND Sidelight. PROVIDE \$2000 HARDWARE ALLOWANCE, INCLUDE OFFSET PIVOT W/COUNTERBALANCE.

1.7 HOT ROLLED MAT. FIN. PLATE STEEL DECORATIVE HOOD SURROUND (FULL WIDTH x HT.). TIE INTO ADJOINING CEILING/WALL FEATURES. SEE ELEVATIONS.

1.8 NEW 2" THICK POLISHED POURED CONCRETE BAR TOP. W/EASED EDGE. NEW DECORATIVE MODULAR METAL PANEL. FINISH AND ENDS. ALLOW \$20/SQFT. SEE ELEVATIONS.

1.9 BENCH SEATING: WALNUT WOOD MILLWORK. UPHOLSTERED SEAT. PROVIDE CONCEALED STEEL ANGLE BRACKETS EVERY 4' O.C. TO PROVIDE CANTILEVER. SEE ELEVATIONS AND DETAILS.

1.10 VENEER PLY MILLWORK "CUBBY" FEATURE-WALL AND SURROUND. SEE ELEVATIONS.

1.11 RESTROOMS: NEW TILE FLOOR AND 5/8" TILE WANSICOTT ON ALL WALLS. FIXTURES: KOHLER TOILETS/JURIS. SUSHI TOILETLESS FLUSH. DURAMIT VERO (L) SNWS, KOHLER TOUCHLESS FAUCETS. BOBRICK ACCESSORIES PACKAGE.

1.12 STORAGE MILLWORK: P.G. PLYWOOD SHELVES. PROVIDE BACKING/SUPPORT HARDWARE.

1.13 PATCH/REPAIR (E) RAFTER CEILING. SKYLIGHTS. PROVIDE NEW PAINTED RIGID INSULATION BETWEEN RAFTERS.

1.14 NEW SURFACE APPLIED PAINTED HARDWOOD FRAME MOUNTED LouVERS CLIPPED TO INTERIOR GLAZING AT CELESTORY WINDOWS. SEE ELEVATIONS. U.O.N.

1.15 STORAGE MILLWORK: P.G. PLYWOOD SHELVES. PROVIDE BACKING/SUPPORT HARDWARE. SOLID STOCK NOSING AND FRAME TO CONCEAL CONTINUOUS LED FIXTURE.

1.16 NEW 18 GAUGE WATER JET CUT DECORATIVE SCREEN. POWDER-COATED METALLIC GOLD FINISH. PROVIDE STEEL TAB HANGING BRACKETS AND SUPPORT HARDWARE FROM WALLS AND CEILING. COORDINATE SCREEN STANDOFF WITH CONCEALED LIGHT FIXTURES.

1.17 NEW WALNUT VENEER BAR TOP WITH 4" WIDE SOLID STOCK SCULPTED EDGE BAND. NEW DECORATIVE TILE FRONT AND ENDS. ALLOW \$20/SQFT. SEE ELEVATIONS.

1.18 VENEER PLY MILLWORK BACK BAR FEATURE-WALL AND SURROUND. SEE ELEVATIONS.

1.19

1.20

**DOOR, FRAME AND HARDWARE LEGEND**

SEE SHEET A10.0 FOR DOOR, FRAME TYPE, AND HARDWARE DESCRIPTIONS.

**GLAZING & FRAME LEGEND**

SEE SHEET A10.0 FOR GLAZING AND FRAME DESCRIPTIONS.

**SHEET NOTES**

1. SEE FOOD SERVICE DRAWINGS FOR INFRASTRUCTURE/ EQUIPMENT INFORMATION REQUIREMENTS.  
 2. SEE MEP ENGINEERING DRAWINGS FOR ALL EQUIPMENT INFORMATION REQUIREMENTS.  
 3. ALL WALLS W/EQUIPMENT TO RECEIVE APPROPRIATE (FULL LENGTH/WIDTH) BACKING AND BLOCKING.  
 4. C.C. TO PATCH/REPAIR ALL (E) WALLS. MAINTAIN OR UPGRADE FIRE-RATINGS AS REQUIRED.  
 5. C.C. TO FLOAT AND PREP ALL FLOORS/TRANSITIONS/LANDINGS TO MEET ADA AND FLOOR FINISH REQUIREMENTS.  
 6. COORDINATE ALL PARTITIONS/CONSTRUCTION W/STRUCTURAL COLUMNS, SHEAR WALLS AND CONDITIONS. NOTIFY ARCHITECT OF ANY DISCREPANCIES RELATED TO LOCATION, ASSEMBLY OR REMEDIATION.

tacolicious

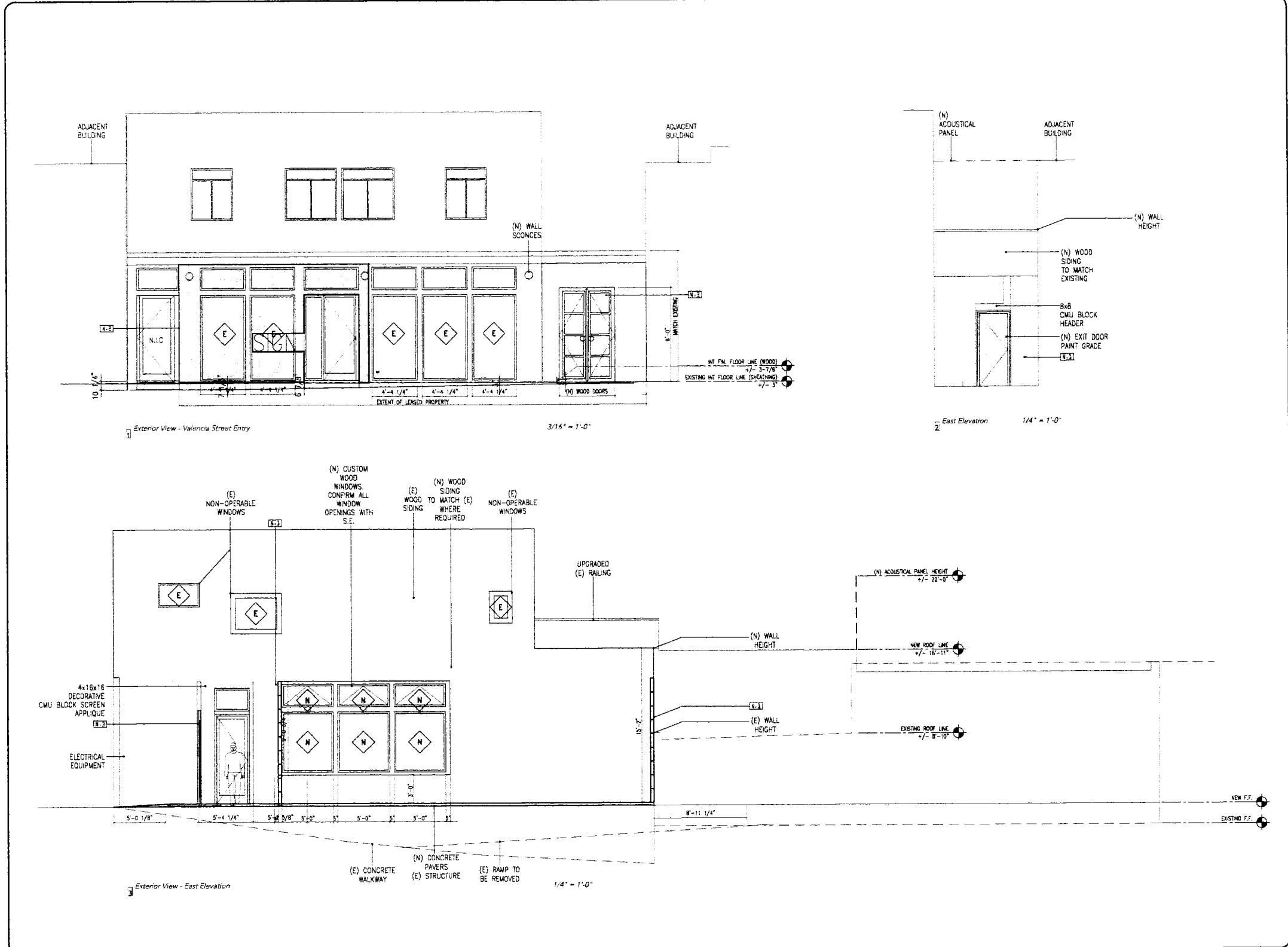
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04.19.11	Addendum A	dmm/tjm

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TACOLICIOUS  
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 San Francisco, CA

Construction Plan  
 A3.0R



# tacolicious

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Elevations  
**A8.0R**