



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use Height Reclassification Zoning Text Amendment

HEARING DATE: FEBRUARY 7, 2013

*Date:* January 31, 2012  
*Case No.:* **2013.0050CTZ**  
*Project Address:* **1731 Powell Street**  
*Zoning:* North Beach Neighborhood Commercial District  
North Beach Special Use District  
North Beach Financial Service, Limited Financial Service, and Business or  
Professional Service Subdistrict  
40-X Height and Bulk District  
*Block/Lot:* 0101/004  
*Project Sponsor:* Brett Gladstone  
177 Post Street, Penthouse  
San Francisco, CA 94108  
*Legislation Sponsor:* David Chiu, District 3 Supervisor  
*Staff Contact:* Kevin Guy – (415) 558-6163  
kevin.guy@sfgov.org  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The applicant proposes to demolish the existing vacant movie theater (formerly known “Palace” or “Pagoda” Theater), and construct a new five-story over basement mixed-use building containing up to 18 dwelling units, a restaurant measuring approximately 4,700 square feet, and up to 27 off-street parking spaces. Following demolition of the existing building, and prior to the construction of the new mixed-use building, the site would be utilized for extraction of a tunnel boring machine associated with the Central Subway project.

A project was previously approved for the subject property (Case No. 2007.1117C; Motion No. 17797, adopted on January 8, 2009, and amended by Motion No. 18204, adopted on October 28, 2010), to rehabilitate the existing theater and convert the building to a similar program of uses as the mixed-use building proposed by this application.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the southwest corner of the intersection of Columbus Avenue and Powell Street, Assessor’s Block 0101, Lot 004. The property is located within the North Beach NCD Neighborhood Commercial District (NCD), the 40-X Height and Bulk District, the North Beach Special Use District, and the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict. The property is historically known as the Palace and the Pagoda Theaters. The subject

property is a corner lot, with approximately 40 feet of frontage on Columbus Avenue and 58 feet of frontage on Powell Street. The existing building that is proposed for demolition has full lot coverage.

### **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located at the intersection of Powell Street and Columbus Avenue within the North Beach NCD and directly across the street from Washington Square Park. The North Beach NCD is a generally linear district situated along Columbus Avenue between Grant Avenue and Francisco Street. The District hosts a mixture of commercial establishments, but is heavily oriented toward restaurants, including a number of larger restaurants such as Original Joe’s (measuring approximately 7,800 square feet), Park Tavern (measuring approximately 7,200 square feet), and Fior D’ Italia (measuring approximately 6,000 square feet). The surrounding area is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the vicinity, including restaurants, financial institutions, apparel stores, and other types of retailers. Upper floors of buildings are generally occupied by offices, residential units, or tourist-hotels. Other nearby uses include the Church of Saint Peter and Paul and the Saint Francis of Assisi Church.

### **ENVIRONMENTAL REVIEW**

On August 7, 2008, the Planning Commission certified the Central Subway/Third Street Light Rail Phase 2 Final Supplemental Environmental Impact Statement/Final Supplemental Environmental Impact Report (“Final SEIS/SEIR”).

On January 31, 2013, the Department prepared and published an Addendum to the previously-certified Final EIR which determined that revisions to incorporate the proposed Project, would not cause and new significant impacts not identified in the original Final SEIS/SEIR (Case No. 1996.281E).

### **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	January 18, 2013	January 18, 2013	20 days
Posted Notice	20 days	January 18, 2013	January 18, 2013	20 days
Mailed Notice	20 days	January 18, 2013	January 16, 2013	22 days

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

### **PUBLIC COMMENT**

- To date, the Department has received six communications in support of the project, and no letters in opposition.

### **ISSUES AND OTHER CONSIDERATIONS**

- The project will facilitate the Central Subway project by providing a site for the extraction of the tunnel boring machines used to tunnel the subway alignment. Prior to the construction of the new building, the existing vacant theater would be demolished and the boring machine would be removed at the subject property. Extracting the boring machine at this site would avoid the

substantial disruption to pedestrian and vehicular traffic that would result by extracting the boring machine within the public right-of-way of Columbus Avenue.

- The Planning Commission previously approved a project to rehabilitate the existing vacant theater building on the site, and convert the building to a similar program of uses as the mixed-use building proposed by this application. The Zoning Administrator also granted variances from Planning Code regulations for rear yard and dwelling unit exposure in association with the rehabilitation project.

The project proposes to construct the new building at the same height and configuration as the previously-approved rehabilitation project. However, because the project involves new construction, it is subject to several aspects of the Planning Code that were not addressed by the previous approval for rehabilitation. The Board of Supervisors has introduced legislation that would enable the construction of the project in a manner similar to the previously-approved rehabilitation of the theater building.

Specifically, the property is proposed for a height reclassification from the 40-X to the 55-X Height and Bulk District, because the existing theater building exceeds the 40-foot height limit. The height and roofline profile of the new building would not exceed the height of the previously-approved rehabilitation project.

In addition, the proposed “Central Subway Tunnel Boring Machine Extraction Site Special Use District” (SUD) would modify specific Planning Code regulations related to off-street parking, rear yard, ground-floor ceiling heights, dwelling unit exposure, signage, allowing a restaurant use at the property, and maximum non-residential use size, as follows:

- Rear Yard – Section 134 would require a rear yard on the property equal to 25% of the depth of the lot. The Project proposes to construct within the same general footprint and configuration as the existing vacant theater, which covers the entire lot and does not provide a Code-complying rear yard. It should be noted that the subject block is generally occupied by buildings with full-lot coverage, and does not exhibit a strong pattern of mid-block open space that is intended by the rear yard requirements of the Code. The Project includes private terraces for each of the dwelling units, creating ample exterior open space for the use of residents that might ordinarily be satisfied by a Code-complying rear yard. The proposed SUD would exempt the project from strict compliance with the rear yard requirements of Section 134.
- Dwelling Unit Exposure - Section requires each unit to face directly onto a public street or an open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. Several of the units toward the interior of the property do not face onto an area that meets the exposure requirements of the Code. However, the interior units face onto inner courtyards to be inserted on the north and south sides of the building. These courtyards measure 25-feet in every direction. The proposed SUD would exempt the project from strict compliance with the dwelling unit exposure requirements of Section 140.

- Blade Sign - The height of the blade sign, which exceeds the roof height of the existing building, would not be permitted by the existing sign regulations of Article 6. The Project Sponsor has indicated, as shown in the proposed plans, that the new building will include a new blade sign that is comparable to the size and character of the existing blade sign. The proposed SUD would exempt the blade sign from the height limitation which applies to the property.
  - Ground-floor Ceiling Heights - Section 145.1(c)(4) requires that non-residential ground-floor uses within NC Districts provide a minimum floor-to-floor height of 14 feet. The floor-to-floor heights within portions of the ground-floor restaurant space measure approximately 10 feet, and do not strictly comply with the requirements of Section 145.1(c)(4). However, the ceiling heights must be limited in order for the overall structure to fit within the height and roof profile of the existing vacant theater building. Therefore, the proposed SUD would exempt the project from the ceiling height requirements of Section 145.1(c)(4).
  - Restaurant Use – Section 780.3 (the North Beach SUD) prohibits a restaurant from being located within a space that is currently or last occupied by a Basic Neighborhood Sale or Service. The proposed SUD would exempt the project from this prohibition, allowing the proposed restaurant to seek Conditional Use authorization.
  - Non-Residential Use Size - Section 121.2 limits nonresidential uses to a maximum of 4,000 square feet within the North Beach NCD. The Project Sponsor is requesting conditional use authorization for the proposed restaurant, which would measure approximately 4,700 square feet. The proposed SUD (as amended by substitute legislation introduced on January 29, 2013) would exempt the subject property from the maximum 4,000 square-foot nonresidential use size limit, in order to accommodate the proposed restaurant size.
- The SUD would apply only to the subject property, would only become effective once a lease for use of the site is authorized by the SFMTA, and would sunset five years from the initial effective date, unless extended by the Board of Supervisors.
  - The project has been designed to respect the overall character, massing, and scale of the district. It follows the Art Deco and Moderne motifs found on other buildings within the neighborhood and its massing and scale is identical to its previous use as a movie theater. The historic blade sign will be rehabilitated as part of the proposal and will continue as a prominent visual landmark within the North Beach NCD.
  - The Commerce and Industry Element of the General Plan contains Guidelines that discourage the overconcentration of eating and drinking establishments within NCD's. The North Beach NCD is characterized by a large number of restaurants, However, the proposed restaurant would be located within a newly constructed building which replaces a theater that has been vacant for over 20 years. Therefore, the restaurant will not displace an existing business, or occupy an

existing storefront which could otherwise be used for a neighborhood serving, non-restaurant use.

- The proposed restaurant is not a Formula Retail use and would serve the immediate neighborhood. The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

### **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow development of a lot greater than 5,000 square feet (Section 121.1), non-residential uses greater than 2,000 square feet (Section 121.2), demolition of a movie theater use (Section 221.1), and establishment of a restaurant use, including a Type 47 ABC License to provide beer, wine, and/or liquor in a Bona Fide Eating Place (Sections 722.44 and 790.142). In addition, the Commission would need to make a recommendation regarding the proposed height reclassification from the 40-X Height and Bulk District to the 55-X Height and Bulk District, as well as the adoption of the "Central Subway Tunnel Boring Machine Extraction Site Special Use District", as introduced at the Board of Supervisors on January 8, 2013, and in substitute legislation introduced on January 29, 2013.

### **BASIS FOR RECOMMENDATION**

- The project would facilitate the Central Subway project by providing a tunnel boring machine extraction site located outside of the public right-of-way, avoiding substantial disruptions for pedestrian and vehicular movement.
- The project would create housing opportunities within a walkable, urban context in an area well-served by transit.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
- The project would meet all applicable requirements of the Planning Code, pending the adoption of the proposed height reclassification and SUD.
- The project is desirable for, and compatible with the surrounding neighborhood.
- The business is not a Formula Retail use and would serve the immediate neighborhood.

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

Draft Conditional Use Authorization Motion  
Draft Height Reclassification/Zoning Text Amendment Resolution  
Addendum to Supplemental Environmental Impact Report  
Block Book Map  
Sanborn Map  
Aerial Photographs  
Public Correspondence  
Project Sponsor Submittal

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal                              |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>   |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility                                   |
| <input checked="" type="checkbox"/> Parcel Map                  | <input type="checkbox"/> Wireless Telecommunications Materials                             |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input type="checkbox"/> Health Dept. review of RF levels                                  |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> RF Report   |
| <input checked="" type="checkbox"/> Context Photos              | <input type="checkbox"/> Community Meeting Notice  |
| <input checked="" type="checkbox"/> Site Photos                 | <input type="checkbox"/> Housing Documents   |
|   | <input type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
|   | <input type="checkbox"/> Residential Pipeline  |

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

\_\_\_\_\_  
Planner's Initials

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Draft Motion

HEARING DATE: FEBRUARY 7, 2013

*Date:* January 31, 2012  
*Case No.:* **2013.0050CTZ**  
*Project Address:* **1731 Powell Street**  
*Zoning:* North Beach Neighborhood Commercial District  
 North Beach Special Use District  
 North Beach Financial Service, Limited Financial Service, and Business or  
 Professional Service Subdistrict  
 40-X Height and Bulk District  
*Block/Lot:* 0101/004  
*Project Sponsor:* Brett Gladstone  
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*Staff Contact:* Kevin Guy – (415) 558-6163  
 kevin.guy@sfgov.org

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 121.2, 303, 221.1, AND 722 OF THE PLANNING CODE TO ALLOW A RESTAURANT (D.B.A. LA CORNETA) WITH A TYPE 47 ABC LICENSE, TO ALLOW THE DEMOLITION OF AN EXISTING VACANT MOVIE THEATER, TO ALLOW THE DEVELOPMENT OF A LOT GREATER THAN 5,000 SQUARE FEET, AND TO ALLOW NON-RESIDENTIAL USES GREATER THAN 2,000 SQUARE FEET, IN ASSOCIATION WITH A PROJECT TO DEMOLISH THE EXISTING THEATER (FORMERLY KNOWN "PALACE" OR "PAGODA" THEATER), AND CONSTRUCT A NEW FIVE-STORY OVER BASEMENT MIXED-USE BUILDING CONTAINING UP TO 18 DWELLING UNITS, A RESTAURANT MEASURING APPROXIMATELY 4,700 SQUARE FEET, AND UP TO 27 OFF-STREET PARKING SPACES, WITHIN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, THE NORTH BEACH SPECIAL USE DISTRICT, THE NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT, AND THE 40-X HEIGHT AND BULK DISTRICT.**

## **PREAMBLE**

On January 15, 2013 Brett Gladstone ("Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization to allow development of a lot greater than 5,000 square feet (Section 121.1), non-residential uses greater than 2,000 square feet (Section 121.2), demolition of a movie theater use (Section 221.1), and establishment of a restaurant use, including a Type 47 ABC License to provide beer, wine, and/or liquor in a Bona Fide Eating Place (Sections 722.44 and 790.142), for a project to demolish the existing vacant movie theater (formerly known as the "Palace" or "Pagoda" Theater), and construct a new five-story over basement mixed-use building containing up to 18 dwelling units, a restaurant measuring approximately 4,700 square feet, and up to 27 off-street parking spaces, within the North Beach Neighborhood Commercial District, the North Beach Special Use District, the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict, and the 40-X Height and Bulk District. Following demolition of the existing building, and prior to the construction of the new mixed-use building, the site would be utilized for extraction of a tunnel boring machine associated with the Central Subway project (Case No. 2013.0050C, collectively "Project").

On January 8, 2009, the San Francisco Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1117C, which proposed to rehabilitate the existing theater and convert the building to up to 18 dwelling units, a restaurant measuring approximately 4,000 square feet, an additional ground-floor commercial space measuring approximately 1,000 square feet, and 27 off-street parking spaces located at 1731 Powell Street (Motion No. 17797). The Zoning Administrator also granted variances from Planning Code regulations for rear yard and dwelling unit exposure in association with the rehabilitation project (Case No. 2007.1117V). On October 28, 2010, the Commission approved an amendment to Conditional Use Application No 2007.1117C, allowing the project to satisfy the Inclusionary Affordable Housing requirements of Planning Code Section ("Section") 415 through the payment of an in-lieu fee rather than through the construction of off-site affordable dwelling units (Motion No. 18204). The project was determined to be categorically exempt under the California Environmental Quality Act (CEQA).

On August 7, 2008, the Planning Commission reviewed and considered the Central Subway/Third Street Light Rail Phase 2 Final Supplemental Environmental Impact Statement/Final Supplemental Environmental Impact Report ("Final SEIS/SEIR") and found that the contents of said report and the procedures through which the SEIS/SEIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the SEIS/SEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the SEIS/SEIR for the Central Subway Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 1996.281E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action. On August 19, 2008, the San Francisco Municipal Transportation Agency adopted the Project and adopted findings under CEQA, including a statement of overriding considerations and a mitigation monitoring

and reporting program. This Commission has reviewed the findings, and adopts and incorporates them herein by reference.

On January 31, 2013, the Department prepared and published an Addendum to the previously-certified Final EIR which determined that the revisions to incorporate the proposed Project, would not cause and new significant impacts not identified in the original Final SEIS/SEIR (Case No. 1996.281E).

On January 8, 2013, the San Francisco Board of Supervisors ("Board") introduced legislation to amend Zoning Map HT01 to reclassify the subject property from the 40-X Height and Bulk District to the 50-X Height and Bulk District, and to amend Zoning Map SU01 and the text of the Planning Code to establish the "Central Subway Tunnel Boring Machine Extraction Site Special Use District" (SUD) on the property. The proposed SUD would modify specific Planning Code regulations related to off-street parking, rear yard, ground-floor ceiling heights, dwelling unit exposure, signage, allowing a restaurant use at the property, and other provisions of the Planning Code. Substitute legislation was introduced on January 29, 2013, which increase the height to 55-X and allowed a non-residential use over 4,000 square feet. Adoption of the SUD (as amended in the substitute legislation) would enable the construction of the proposed Project in a manner similar to the configuration and program of uses envisioned by the previously-approved rehabilitation project, after the existing building is demolished to allow the extraction of the boring machine utilized for the Central Subway project (Case No. 2007.1117C).

On February 7, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0050C.

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. 2013.0050C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southwest corner of the intersection of Columbus Avenue and Powell Street, Assessor's Block 0101, Lot 004. The property is located within the North Beach NCD Neighborhood Commercial District (NCD), the 40-X Height and Bulk District, the North Beach Special Use District, and the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict. The property is historically known as the Palace and the Pagoda Theaters. The subject property is a corner lot,

with approximately 40 feet of frontage on Columbus Avenue and 58 feet of frontage on Powell Street. The existing building that is proposed for demolition has full lot coverage.

3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of Powell Street and Columbus Avenue within the North Beach NCD and directly across the street from Washington Square Park. The North Beach NCD is a generally linear district situated along Columbus Avenue between Grant Avenue and Francisco Street. The District hosts a mixture of commercial establishments, but is heavily oriented toward restaurants, including a number of larger restaurants such as Original Joe's (measuring approximately 7,800 square feet), Park Tavern (measuring approximately 7,200 square feet), and Fior D' Italia (measuring approximately 6,000 square feet). The surrounding area is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts in the vicinity, including restaurants, financial institutions, apparel stores, and other types of retailers. Upper floors of buildings are generally occupied by offices, residential units, or tourist-hotels. Other nearby uses include the Church of Saint Peter and Paul and the Saint Francis of Assisi Church.
4. **Project Description.** The applicant proposes to demolish the existing vacant movie theater (formerly known "Palace" or "Pagoda" Theater), and construct a new five-story over basement mixed-use building containing up to 18 dwelling units, a restaurant measuring approximately 4,700 square feet, and up to 27 off-street parking spaces. Following demolition of the existing building, and prior to the construction of the new mixed-use building, the site would be utilized for extraction of a tunnel boring machine associated with the Central Subway project.

A project was previously approved for the subject property (Case No. 2007.1117C; Motion No. 17797, adopted on January 8, 2009, and amended by Motion No. 18204, adopted on October 28, 2010), to rehabilitate the existing theater and convert the building to a similar program of uses as the mixed-use building proposed by this application.

5. **Public Comment.** To date, the Department has received six communications in support of the project, and no letters in opposition.
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. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in the 40-X Height and Bulk District, with a 40-foot height limit.

*The Board has introduced legislation to reclassify the subject property from the existing 40-foot height limit to a 55-foot height limit. This height reclassification is necessary to allow the construction of the building to the height of the existing vacant movie theater, which exceeds the current height limit applicable to the property. The newly-constructed building would not exceed the roof height or roof profile of the existing theater building. The proposed SUD would also allow the reconstruction of the blade sign feature found on the existing theater. This blade sign would be exempt from the height limit of the 55-X Height and Bulk District.*

- B. **Bulk.** Planning Code Section 270 limits the bulk of buildings and structures, and assigns maximum plan dimensions. The proposed Project is located in a 40-X Height and Bulk district, with an "X" bulk controls.

*Planning Code Section 270 does not regulate bulk dimensions for sites with "X" controls.*

- C. **Floor Area Ratio (FAR)** Planning Code Section 124 limits the building square footage to 1.8 square feet of building area for every 1 square foot of lot area, or approximately 21,300 square feet of building area for the subject site.

*The FAR limits do not apply to dwellings or to other residential uses in NC Districts, nor do they apply to non-accessory off-street parking. The Project includes a total of approximately 4,700 square feet of ground floor commercial space, and is therefore well within the allowed FAR.*

- D. **Open Space.** Section 135 of the Planning Code requires a minimum of 60 square feet of private open space for each residential unit or approximately 80 square feet of common open space per unit within the North Beach NCD.

*All of the 18 units will have access to private terraces that meet the Code requirements for private useable open space. Each of the terraces will meet the minimum Code requirements for area, dimension, and exposure to light and air.*

- E. **Exposure.** Section 140(a)(2) of the Planning Code requires each unit to face directly onto a public street or an open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

*Several of the units toward the interior of the property do not face onto an area that meets the exposure requirements of the Code. However, the interior units face onto inner courtyards to be inserted on the north and south sides of the building. These courtyards measure 25-feet in every direction. The proposed SUD would exempt the project from strict compliance with the dwelling unit exposure requirements of Section 140.*

- F. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at every residential level.

*The Project proposes to construct a new building within the same general footprint and configuration as the existing vacant theater, which covers the entire lot and does not provide a Code-complying rear yard. The proposed SUD would exempt the project from strict compliance with the rear yard requirements of Section 134. It should be noted that the subject block is generally occupied by buildings with full-lot coverage, and does not exhibit a strong pattern of mid-block open space that is intended by the rear yard requirements of the Code. The Project includes private terraces for each of the dwelling units, creating ample exterior open space for the use of residents that might ordinarily be satisfied by a Code-complying rear yard. In addition, the Project includes two courtyards situated*

*toward the interior of the lot that create exposure to light and air for several of the dwelling units, in a manner that is typical of the traditional dense development pattern of the North Beach neighborhood.*

- G. **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. Section 145.1(c)(4) requires that non-residential ground-floor uses within NC Districts provide a minimum floor-to-floor height of 14 feet.

*The subject commercial space has approximately 100-feet of frontage on Columbus Avenue and Powell Street with the majority devoted to either the retail entries or window space. The windows are clear and unobstructed. The floor-to-floor heights within portions of the ground-floor restaurant space measure approximately 10 feet, and do not strictly comply with the requirements of Section 145.1(c)(4). However, the ceiling heights must be limited in order for the overall structure to fit within the height and roof profile of the existing vacant theater building. Therefore, the proposed SUD would exempt the project from strict compliance with the ceiling height requirements of Section 145.1(c)(4). The SUD would allow ceiling heights of 8.5 feet, and the project would comply with this requirement.*

- H. **Parking.** Section 151 of the Planning Code allows one off-street parking space for every two residential units within the North Beach NCD, or up to .75 spaces per residential unit with Conditional Use Authorization. Eating and drinking establishments are required to provide one parking space for every 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

*The occupied floor area of the proposed restaurant is less than 5,000 square feet; therefore the restaurant use within the Project is not required to provide parking. The project includes 27 off-street parking spaces, which exceeds the maximum permitted residential parking per Section 151. The proposed SUD would exempt the subject property from the parking limitations of Section 151, allowing up to 27 off-street parking spaces for the Project.*

- I. **Bicycle Parking.** Section 155.4 of the Planning Code requires that one bicycle parking space be provided for every two dwelling units.

*The Project will provide secured storage for nine bicycles within the basement parking garage to serve the 18 proposed dwelling units.*

- J. **Shadow.** Planning Code Section 295 generally does not permit new buildings over 40-feet in height to cast new shadows on a property owned and operated by the Recreation and Park Commission. Section 295 does not apply to structures of the same height and in the same location as structures in place on June 6, 1984.

*The existing theater building to be demolished was constructed in 1908. The proposed project would be constructed to match the existing height and roof profile of the existing theater, and would therefore not create any new shadows on Recreation and Park Commission that did not exist on June 6, 1984. Therefore, the Project is not subject to Section 295.*

- K. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

*The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee.*

- L. **Signage.** Currently, there is not a developed sign program on file with the Planning Department; however, the previously-approved project for the site included the rehabilitation/reconstruction of the existing blade sign.

*The height of the blade sign, which exceeds the roof height of the existing building, would not be permitted by the existing sign regulations of Article 6. The Project Sponsor has indicated, as shown in the proposed plans, that the new building will include a new blade sign that is comparable to the size and character of the existing blade sign. The proposed SUD would exempt the blade sign from the height limitation which applies to the property.*

- M. **Loading.** Section 152 requires off-street freight loading for uses above a certain size. Eating and drinking establishments up to 10,000 square feet in gross floor area are not required to provide off-street freight loading.

*With a gross floor area of under 10,000 square feet, the Project is not required to provide off-street loading. There are nearby yellow zones that can be used for deliveries.*

- N. **Formula Retail.** Section 703.3 places notification requirements and other restrictions on formula retail uses.

*The Project is not considered to be a Formula Retail Use as defined by Section 703.3 of the Planning Code. The proposed location would be a sister restaurant to the La Corneta Restaurant in the Mission.*

- O. **Hours of Operation.** Section 722.27 allows hours of operation from 6:00AM until 2:00AM as of right and requires conditional use authorization to operate between the hours of 2:00AM and 6:00AM.

*The Project Sponsor is not requesting conditional use authorization to operate between the hours of 2:00AM and 6:00AM.*

- P. **North Beach Special Use District/Restaurant Use.** Section 780.3 (the North Beach SUD) prohibits a restaurant from being located within a space that is currently or last occupied by a Basic Neighborhood Sale or Service.

*The proposed SUD would exempt the project from this prohibition, allowing the proposed restaurant to seek Conditional Use authorization.*

- Q. **Use Size.** Sections 722 and 121.2(a) establishes size limits on nonresidential uses in all NCDs. In the North Beach NCD, conditional use authorization is required for any nonresidential use that exceeds 1,999 square feet. Section 121.2 also limits nonresidential uses to a maximum of 4,000 square feet within the North Beach NCD.

*The Project Sponsor is requesting conditional use authorization for the proposed restaurant, which would measure approximately 4,700 square feet. The proposed SUD would raise the maximum 4,000 square-foot nonresidential use size limit to 5,000 square feet for the subject property, in order to accommodate the proposed restaurant size.*

7. **Planning Code Section 303.** Specifically, the Project requires Conditional Use Authorization per 211.1 to demolish an existing theater; per 722.42 to establish a restaurant use with a Type 47 ABC License within the North Beach NCD; per 722.21 and 121.2 to allow a non-residential use exceeding 2,000 square feet; and, per 121.1 to develop a lot greater than 5,000 square feet within the North Beach NCD.

Section 303 of the Planning Code 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 building is consistent with the existing building, and is in keeping with other buildings on the block face. The proposed restaurant will not impact traffic or parking in the District because it is not a destination restaurant. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by demolishing an existing building that has been vacant for nearly 20 years, and by locating services and dwelling units at a location which is currently underutilized.*

- 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 proposed project is compatible in its overall massing, size, scale, and architectural features with the neighborhood and its immediate neighbors. The volume of the Project will not exceed that of the existing vacant theater building, which has existed as an element of the urban fabric in the area for over 100 years.*

- 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 proposed restaurant is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide. Residents of the project would be able to walk or use transit to satisfy daily convenience needs, avoiding private automobile use which would generate excessive traffic.*

- 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 as shown in Exhibit A. These conditions 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 the Conditions of Approval. The reconstruction of the blade sign found on the existing building is consistent with the architectural theme of the proposed building, and will retain the sign as an element of the historic urban fabric of the neighborhood.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*Project complies generally with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below. The proposed SUD and height reclassification would address several areas of inconsistency between the Code and the Project, and would enable the construction of the project in a manner similar to the previously-approved rehabilitation of the theater building.*

- 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 purposes of The North Beach NCD in that the intended restaurant use is located at the ground floor, and will provide a compatible convenience service for the*

*immediately surrounding neighborhoods during daytime hours. The addition of dwelling units will create housing opportunities in a walkable, urban context that is well served by transit.*

8. **Planning Code Section 303(k)** establishes criteria for the Planning Commission to consider when reviewing applications for a change in use or a demolition of a movie theater Conditional Use approval. On balance, the project does comply with said criteria in that:

A. Preservation of a movie theater use is no longer economically viable and cannot effect a reasonable economic return to the property owner.

*The existing theater has been closed since 1994, and has been completely gutted of all features. To rehabilitate and return the structure into an operating theater would require a substantial and unreasonable investment.*

B. The change in use or demolition of the movie theater use will not undermine the economic diversity and vitality of the surrounding Neighborhood Commercial District.

*As stated above, the existing theater has been closed since 1994. There are no other neighborhood-serving theaters within close proximity; however, the lack of an operating theater for nearly 20 years has not impacted the diversity and vitality of the North Beach NCD.*

C. The resulting project will preserve the architectural integrity of important historic features of the movie theater use affected.

*The existing theater has been completely gutted of all interior features. Aside from the projecting blade sign, all other exterior historic character-defining features have been removed. The Project Sponsor proposes to reconstruct the blade sign, which is the one architecturally significant element remaining from the historic theater use.*

9. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval for development of a lot exceeding 5,000 square feet within the North Beach NCD. On balance, the project does comply with said criteria in that:

A. The mass and facade of the proposed structure are compatible with the existing scale of the district.

*The massing of the building is virtually identical to the existing theater building on the site. In addition, it is compatible with many of the older buildings in the area, particularly the larger commercial structures found on corner lots and fronting along Columbus Avenue.*

B. The facade of the proposed structure is compatible with the design features of adjacent facades that contribute to the positive visual quality of the district.

*While contemporary, the project design incorporates visual elements of many of the Art Deco and Moderne buildings in the vicinity. The facade is expressed as a rhythm of voids framed by strong column elements, and further articulated through the use of richly detailed balconies. The project also*

*includes a reconstructed blade sign which recalls the past theater use of the site and strengthens the relationship to Art Deco motifs found in the area.*

10. **Planning Code Section 121.2** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval for a non-residential use which exceed 2,000 square feet within the North Beach NCD. On balance, the project does comply with said criteria in that:

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

*The proposed restaurant is not a destination eating establishment, but a neighborhood-serving facility. While there are a number of restaurants within the North Beach NCD, the establishment of a Mexican restaurant will help diversify the collection of eating establishments within the District. There are a number of other larger existing restaurants in the area, including Original Joe's (measuring approximately 7,800 square feet), Park Tavern (measuring approximately 7,200 square feet), and Fior D' Italia (measuring approximately 6,000 square feet). The presence of these larger establishments does not appear to preclude opportunities for other needed neighborhood-serving uses in the area.*

- 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 use is designed to meet the needs of the immediate neighborhood and visitors alike. The building's existing envelope has full lot coverage and the proposal is to accommodate the potential number of customers generated from an area with a very high level of foot traffic.*

- 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;

*The project design respect the overall character, massing, and scale of the district. It follows the Art Deco and Moderne motifs found on other buildings within the neighborhood and its massing and scale is identical to its previous use as a movie theater. The historic blade sign will be rehabilitated as part of the proposal and will continue as a prominent visual landmark within the North Beach NCD.*

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

## **NEIGHBORHOOD COMMERCE**

### **Objectives and Policies**

#### **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.

*The Project will replace an existing structure that has been vacant for nearly 20 years with a new structure that is comparable to the scale and character of the existing vacant theater. The project will bring a neighborhood-serving restaurant and new housing opportunities to a site that is currently underutilized.*

**Policy 1.2:**

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

*The Project is located in an ideal location for a mixed-use structure. It is located within a thriving commercial area that is well served by public transit and experiences a high level of foot traffic.*

**Policy 1.3:**

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

*The proposed ground-floor commercial space shall provide goods and services to the neighborhood and shall provide resident employment opportunities to those in the community. Further, the Project Site is located within a neighborhood commercial 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 Project will increase the amount of commercial activity where a building shell has been unoccupied and boarded up for nearly 20 years. The Project will enhance the diverse economic base of the City.*

**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 existing commercial tenant would be displaced and the project would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood.*

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 in North Beach. 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." However, the proposed restaurant would be located within a newly constructed building which replaces a theater that has been vacant for over 20 years. Therefore, the restaurant will not displace an existing business, or occupy an existing storefront which could otherwise be used for a neighborhood serving, non-restaurant use.*

### **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, and is not a Formula Retail use.*

## URBAN DESIGN ELEMENT OBJECTIVES AND POLICIES

### Objectives and Policies

#### **OBJECTIVE 1:**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OR ORIENTATION.

#### **Policy 1.1:**

Promote harmony in the visual relationships and transitions between new and older buildings.

*The Project proposes a well-designed structure that captures the character and vitality of the North Beach Neighborhood Commercial District, and the Washington Square Historic District in a contemporary idiom through its use of materials, massing, scale, and details similar to those adjacent buildings that characterize the district.*

#### **Policy 1.3:**

Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

*The Project design expresses the character of the overall district; it is consistent with the historical pattern of development and has been found to meet the Secretary of the Interior's Standards for infill construction within a historic district, (Standard 9.)*

#### **OBJECTIVE 2:**

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

#### **Policy 2.4:**

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

*The subject building was not found to be a historic resource due to lack of integrity; however, the overall massing and form of the former theater, including the historic blade sign, are important visual reminders of the building's historic use and are to be retained and rehabilitated as part of the proposal.*

## TRANSPORTATION ELEMENT

### Objectives and Policies

#### **OBJECTIVE 1**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

**Policy 1.3**

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

**Policy 1.5**

Coordinate regional and local transportation systems and provide for interline transit transfers.

*The Project will allow the construction of the Project in a manner consistent with the previously-approved rehabilitation of the theater, and will also facilitate construction of the Central Subway project. Prior to construction of the new building, the existing building on the site will be demolished and the boring machine utilized for the construction of the Central Subway project will be extracted at the site. Extracting the boring machine through the site will avoid the need to extract within the Columbus Avenue right-of-way, which would cause substantial disruption to pedestrian and vehicular movement in the area.*

**OBJECTIVE 24:**

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

*Along the Powell Street and Columbus Avenue frontages the project sponsor will activate the ground-floor of the building where pedestrians have passed by a dormant building.*

**HOUSING ELEMENT:  
Objectives and Policies**

**OBJECTIVE 1**

**TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.**

**Policy 1.1:**

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

**Policy 1.3**

Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

**Policy 1.4:**

Locate in-fill housing on appropriate sites in established residential neighborhoods.

*The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The site is suited for dense, mixed-use development, where residents can commute and satisfy convenience needs without frequent use of a private automobile. The Project Site is located within walking distance of the Financial District, and is in an area with abundant transit options routes that travel to the South of Market and Civic Center employment clusters.*

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The proposal would enhance the district by providing a restaurant and would be locally owned. It will create more employment opportunities for the community. The proposed alterations are within the existing building footprint.*

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 dwelling units in the surrounding neighborhood would not be adversely affected. The proposed project would activate the corner of Powell Street and Columbus Avenue by returning a building to lively use after being shuttered for nearly 20 years.*

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

*The Project will comply with the City's Inclusionary Affordable Housing Program through the payment of an in-lieu fee.*

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

*The site is well served by transit, and is located within a pedestrian-oriented context. Residents would be able to walk or use transit to commute and to meet daily convenience needs. In addition, the project will facilitate the Central Subway project by providing a site for the extraction of the boring machine used to tunnel the subway alignment. Extracting the boring machine at this site would avoid the substantial disruption to pedestrian and vehicular traffic that would result by extracting the boring machine within the public right-of-way of Columbus Avenue.*

E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment. The proposed restaurant would create local ownership and employment opportunities.*

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

*The 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.

*The subject building was not found to be a historic resource due to lack of integrity; however, the overall massing and form of the former theater, including the historic blade sign, are important visual reminders of the building's historic use and are reflected in the proposal.*

*The Project design expresses the character of the overall Washington Square Historic District; it is consistent with the historical pattern of development and has been found to meet the Secretary of the Interior's Standards for infill construction within a historic district, (Standard 9.)*

H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces. The project would not exceed the roof height or roof profile of the existing theater building, and would therefore not cast new shadows on parks and open spaces.*

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0050C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated February 7, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 7, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: February 7, 2013

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow development of a lot greater than 5,000 square feet (Section 121.1), non-residential uses greater than 2,000 square feet (Section 121.2), demolition of a movie theater use (Section 221.1), and establishment of a restaurant use, including a Type 47 ABC License to provide beer, wine, and/or liquor in a Bona Fide Eating Place (Sections 722.44 and 790.142), for a project to demolish the existing vacant movie theater (formerly known "Palace" or "Pagoda" Theater), and construct a new five-story over basement mixed-use building containing up to 18 dwelling units, a restaurant measuring approximately 4,700 square feet, and up to 27 off-street parking spaces, within the North Beach Neighborhood Commercial District, the North Beach Special Use District, the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict, and the 40 Height and Bulk District; in general conformance with plans, dated February 7, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0050C and subject to conditions of approval reviewed and approved by the Commission on February 7, 2013 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 7, 2013 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

## Conditions of approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

**Validity and Expiration.** The authorization and right vested by virtue of this action is valid for five 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 five (5) 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 five (5) 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)*

**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)*

**Additional Project Authorization.** The Project Sponsor must obtain a height reclassification from the 40-X Height and Bulk District to the 55-X Height and Bulk District, along with Zoning Text Amendment to adopt the "Central Subway Tunnel Boring Machine Extraction Site Special Use District" associated with the project for the subject property. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

This approval is contingent on, and will be of no further force and effect until the date that the San Francisco Municipal Transportation Agency Board of Directors has approved by resolution approving a lease by and between the property owner and the San Francisco Municipal Transportation Agency for use of the site to remove tunnel boring machines used in the Central Subway Project.

*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

**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)*

**Building Height.** The height of the project shall not exceed the height of the existing vacant theater building, and the roofline of the project shall not exceed the roofline profile formed by the roof, parapet, and other rooftop appurtenances, equipment, and all other solid features of the existing theater building. Prior to demolition of the existing theater building, the Project Sponsor shall prepare and submit to the Planning Department a detailed survey, including elevations and sections, which accurately dimension the height of the existing theater building, including the heights of all rooftop features of the existing building.

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

**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)*

**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)*

**Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

**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 complement, 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.sfplanning.org](http://www.sfplanning.org)*

**Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

**Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

**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)*

**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.sfplanning.org](http://www.sfplanning.org)*

**Street Trees.** Pursuant to Planning Code Section 138.1 (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)*

**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

**Car Share.** No fewer than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

**Bicycle Parking.** The Project shall provide no fewer than nine (9) Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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

**Parking Maximum.** Pursuant to Central Subway Tunnel Boring Machine Extraction Site Special Use District, the Project shall provide no more than 27 off-street parking spaces.

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

**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 effects 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)*

## PROVISIONS

**First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

**Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

### **Inclusionary Affordable Housing Program.**

**a.** Pursuant to Planning Code Section 415 Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

**b. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- i. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide

Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

- ii. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- iii. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

## MONITORING - AFTER ENTITLEMENT

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

**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

**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>*

**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>*

**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 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

**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)*

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

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

**Hours of Operation.** The subject establishment is limited to the following hours of operation: 6:00a.m. to 2:00 a.m.

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



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Suite 400  
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**415.558.6409**

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Information:  
**415.558.6377**

## Planning Commission Draft Resolution Zoning Map Amendment Zoning Text Amendment

HEARING DATE: FEBRUARY 7, 2013

*Date:* January 31, 2012  
*Case No.:* **2013.0050CTZ**  
*Project Address:* **1731 Powell Street**  
*Zoning:* North Beach Neighborhood Commercial District  
 North Beach Special Use District  
 North Beach Financial Service, Limited Financial Service, and Business or  
 Professional Service Subdistrict  
 40-X Height and Bulk District  
*Block/Lot:* 0101/004  
*Project Sponsor:* Brett Gladstone  
 177 Post Street, Penthouse  
 San Francisco, CA 94108  
*Staff Contact:* Kevin Guy – (415) 558-6163  
 kevin.guy@sfgov.org

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND ZONING MAP SHEET HT01 TO RECLASSIFY THE PROPERTY AT 1731 POWELL STREET, BLOCK 0101, LOT 004, FROM THE 40-X HEIGHT AND BULK DISTRICT TO THE 55-X HEIGHT AND BULK DISTRICT, AND RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND ZONING MAP SHEET SU01 AND THE TEXT OF THE PLANNING CODE TO ADOPT THE "CENTRAL SUBWAY TUNNEL BORING MACHINE EXTRACTION SITE SPECIAL USE DISTRICT", AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO THE PLANNING CODE IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE PLANNING CODE.

### RECITALS

- WHEREAS**, the San Francisco Municipal Transportation Agency ("SFMTA") is constructing a continuation of the T-Third Light Rail Vehicle line from the Caltrain Station at Fourth and King Street to an underground station in Chinatown to create a critical transportation improvement linking neighborhoods in the southeastern portion of San Francisco with the retail and employment centers in the City's Downtown and Chinatown neighborhoods.

2. **WHEREAS**, Construction of the subway portion of the extension, from underneath Interstate 80 to the Chinatown Station, requires the use of two tunnel boring machines. The Project originally included plans to remove the tunnel boring machines from a location in North Beach in the right-of-way of Columbus Avenue, between Powell Street and Union Street, approximately 2000 feet beyond the Chinatown Station. Retrieval of the machines from Columbus Avenue will require closing two lanes of Columbus Avenue for almost a year. After further consideration, and in order to avoid the traffic disruptions caused by the original retrieval location, the SFMTA proposes to change the location where the tunnel boring machines are retrieved to an off-street location at 1731 Powell Street.
3. **WHEREAS**, The proposed new location for the removal of the machines is currently occupied by the former Pagoda Palace, or Pagoda Theater. The Pagoda Palace is a former movie and live performance theater built around 1908. The building is approximately 55 feet tall. The building height is consistent with other building heights in the same block where it is located, including the height of the building directly adjacent to the Pagoda Palace to the south; however, it exceeds the current height limit in the area, which is 40 feet. The building has been officially closed since 1994, is currently vacant.
4. **WHEREAS**, On January 8, 2009, the San Francisco Planning Commission (“Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1117C, which proposed to rehabilitate the existing vacant movie theater and convert the building to up to 18 dwelling units, a restaurant measuring approximately 4,000 square feet, an additional ground-floor commercial space measuring approximately 1,000 square feet, and 27 off-street parking spaces located at 1731 Powell Street (Motion No. 17797). On October 28, 2010, the Commission approved an amendment to Conditional Use Application No 2007.1117C, allowing the project to satisfy the Inclusionary Affordable Housing requirements of Planning Code Section (“Section”) 415 through the payment of an in-lieu fee rather than through the construction of off-site affordable dwelling units (Motion No. 18204). The project was determined to be categorically exempt under the California Environmental Quality Act (CEQA) (collectively, “Rehabilitation Project”).
5. **WHEREAS**, In order to accommodate the proposed modification to the Central Subway Project tunnel boring machine extraction site, Brett Gladstone (“Project Sponsor”) acting on behalf of Joel Campos (“Property Owner”) proposes a development project on a site at 1731 Powell Street (Lot 004 of Assessor’s Block 0101) to demolish the existing Pagoda Palace, and construct a substantially similar project to the Rehabilitation Project – to wit a new five-story over basement mixed-use building containing up to 18 dwelling units, a restaurant measuring approximately 4,700 square feet, and up to 27 off-street parking spaces. Following demolition of the existing building, and prior to the construction of the new mixed-use building, the site would be utilized for extraction of the tunnel boring machines associated with the Central Subway project (Case No. 2013.0050C, collectively “Project”).
6. **WHEREAS**, In order for the Project to proceed, a reclassification of the height district of the Project Site would be required, as shown on Sheet HT01 of the Zoning Map of the City and County of San Francisco (“Zoning Map”), from the existing 40-X Height and Bulk District to a height limit of 55 feet. In addition, a Special Use District (“SUD”) would need to be adopted to enable the construction of

the proposed Project in a manner similar to the configuration and program of uses envisioned by the previously-approved Rehabilitation Project, after the existing building is demolished to allow the extraction of the boring machines utilized for the Central Subway project. Specifically, the previously-approved Rehabilitation Project would have consisted of a seismic/structural retrofit, and would not have constituted structural demolition. As an alteration of a non-complying structure, and not demolition, the approved project would comply with the applicable zoning regulations relative to building height, which allows altered non-conforming buildings to remain at their current height. However, use of the site by the Central Subway to remove the tunnel boring machines will require the demolition of the structure in order to provide the necessary construction access.

7. **WHEREAS**, Since the time that the Planning Commission approved the Rehabilitation Project, several Planning Code provisions have been added or amended which, if applicable to the project site, would trigger additional restrictions on the ability of the project sponsor to construct the Rehabilitation Project.. These restrictions would not apply to the previously approved Rehabilitation Project.
8. **WHEREAS**, On January 8, 2013, the San Francisco Board of Supervisors (“Board”) introduced legislation to amend Zoning Map HT01 to reclassify the subject property from the 40-X Height and Bulk District to the 50-X Height and Bulk District, and to amend Zoning Map SU01 and the text of the Planning Code to establish the “Central Subway Tunnel Boring Machine Extraction Site” SUD on the property. The proposed SUD would modify specific Planning Code regulations related to off-street parking, rear yard, ground-floor ceiling heights, dwelling unit exposure, signage, allowing a restaurant use at the property, and other provisions of the Planning Code. On January 29, 2013, the Board of Supervisors introduced substitute legislation which would reclassify the Height and Bulk District to the 55-X Height and Bulk District, and in addition to the Planning Code modifications found in the January 8 legislation, would also modify a Planning Code regulation regarding non-residential use size.
9. **WHEREAS**, Adoption of the SUD and approval of the Height Reclassification would enable the construction of the proposed Project in a manner similar to the configuration and program of uses envisioned by the previously-approved Rehabilitation Project, after the existing building is demolished to allow the extraction of the boring machines utilized for the Central Subway project.
10. **WHEREAS**, The proposed Project will promote the public necessity, convenience, and general welfare in that it will facilitate the Central Subway project by providing a boring machine extraction site located outside of the public right-of-way, avoiding substantial disruptions for pedestrian and vehicular movement. In addition, the Project would create housing opportunities within a walkable, urban context in an area well-served by transit, and would establish a restaurant that provides new dining options and activates the adjacent sidewalk.
11. **WHEREAS**, On August 7, 2008, in Motion 17668, the Planning Commission reviewed and considered the Central Subway/Third Street Light Rail Phase 2 Final Supplemental Environmental Impact Statement/Final Supplemental Environmental Impact Report (“Final SEIS/SEIR”) and found that the contents of said report and the procedures through which the SEIS/SEIR was prepared, publicized,

and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission found the SEIS/SEIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and approved the SEIS/SEIR for the Central Subway Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Planning Department, Jonas Ionin, is the custodian of records, located in the File for Case No. 1996.281E, at 1650 Mission Street, Fourth Floor, San Francisco, California. Department staff prepared a Mitigation Monitoring and Reporting program, which material was made available to the public and the Commission for the Commission's review, consideration, and action.

12. **WHEREAS**, on August 19, 2008, in Resolution 08-150, the San Francisco Municipal Transportation Agency Board of Directors approved the Central Subway project, including the North Beach Construction Variant which included retrieval of the tunnel boring machines from the right of way on Columbus Avenue, and adopted CEQA findings, including a statement of overriding considerations and a mitigation monitoring and reporting program as required by CEQA.
13. **WHEREAS**, On January 31, 2013, the Department prepared and published an Addendum to the previously-certified Final EIR which determined that the revisions to incorporate the proposed Project, would not cause and new significant impacts not identified in the original Final SEIS/SEIR (Case No. 1996.281E).
14. **WHEREAS**, The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies, for the reasons set forth set forth in Item #10 of Motion No. XXXXX, Case #2013.0050C, which are incorporated herein as though fully set forth.
15. **WHEREAS**, The Project complies with the eight priority policies of Planning Code Section 101.1, for the reasons set forth set forth in Item #11 of Motion No. XXXXX, Case #2013.0050C, which are incorporated herein as though fully set forth.
16. **WHEREAS**, A proposed ordinance, attached hereto as Exhibit A, has been prepared in order to make the amendment to the Sheet HT01 of the Zoning Map by changing the height and bulk district for the Project Site, from the existing 40-X Height and Bulk District to a height limit of 55 feet. The proposed ordinance would also amend Zoning Map SU01 and the text of the Planning Code to establish the "Central Subway Tunnel Boring Machine Extraction Site" SUD on the property.
17. **WHEREAS**, the Office of the City Attorney has approved the proposed ordinance as to form.
18. **WHEREAS**, Section 4.105 of the San Francisco Charter and Section 302 of the Planning Code require that the Commission consider any proposed amendments to the City's Zoning Maps or Planning Code, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.

19. **WHEREAS**, On February 7, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed Zoning Map Amendment and Zoning Text Amendment.
  
20. **WHEREAS**, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, in accordance with the actions contemplated herein, the Commission has reviewed the Final SEIS/SEIR and the Addendum, and adopts and incorporates by reference as though fully set forth herein the findings, including the mitigation monitoring and reporting program, adopted by the San Francisco Municipal Transportation Agency Board of Directors in Resolution 08-150 on August 19, 2008. The Board further finds that there is no need to prepare a subsequent environmental impact report under CEQA Guidelines Section 15162 for the actions contemplated herein; and;

BE IT FURTHER RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Sheet HT01 of the Zoning Maps be amended to reclassify the height limit for the property from the existing 40-X Height and Bulk District to a height limit of 55 feet, and to amend Zoning Map SU01 and the text of the Planning Code to establish the "Central Subway Tunnel Boring Machine Extraction Site" SUD on the property, as proposed in Application No. 2013.0050TZ; and,

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed Zoning Map Amendment and Planning Code Text Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on February 7, 2013.

Jonas P. Ionin  
Acting Commission Secretary

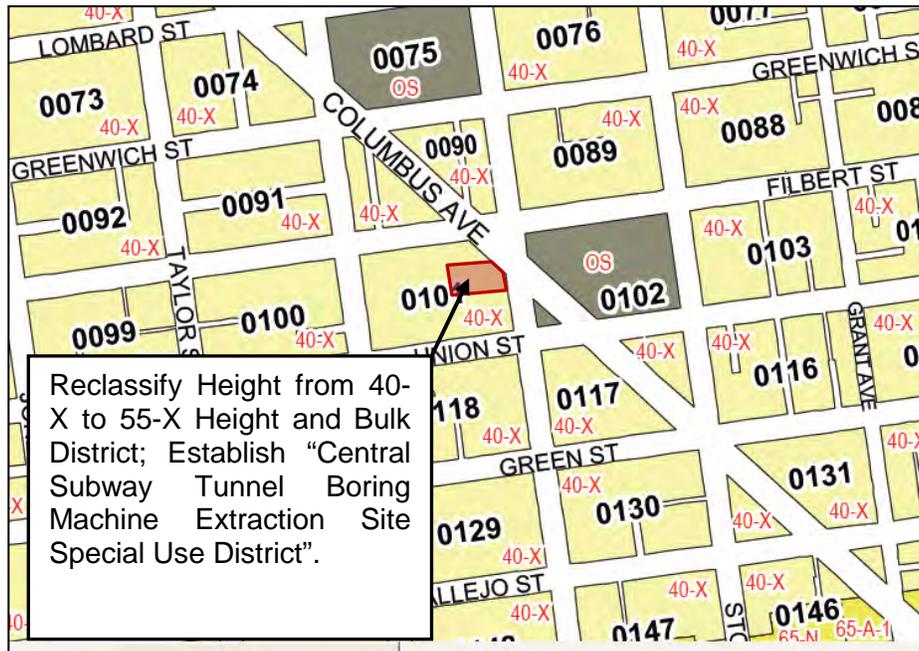
AYES:

NOES:

ABSENT:

ADOPTED: February 7, 2013

Proposed Zoning Map Amendments



FILE NO.

ORDINANCE NO.

1 [Planning Code and Zoning Map – Central Subway Tunnel Boring Machine Extraction Site  
2 Special Use District]

3 **Ordinance amending the San Francisco Planning Code by adding section 249.70 to**  
4 **create the Central Subway Tunnel Boring Machine Extraction Site Special Use District**  
5 **for the property located at Assessor's Block No. 0101, Lot No. 004, known as 1731-1741**  
6 **Powell Street, to facilitate the removal of the tunnel boring machines used in the**  
7 **construction of the Central Subway Project and to allow the construction of an**  
8 **previously approved mixed-use residential/retail building; amending Sectional Maps HT**  
9 **01 and SU 01 of the San Francisco Zoning Maps to reflect the Central Subway Tunnel**  
10 **Boring Machine Extraction Site Special Use District; adopting findings, including**  
11 **environmental findings and findings of consistency with General Plan.**

12 NOTE: Additions are *single-underline italics Times New Roman*;  
13 deletions are ~~*strike-through italics Times New Roman*~~.  
14 Board amendment additions are double-underlined;  
15 Board amendment deletions are ~~strikethrough normal~~.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. General

18 (a) The San Francisco Municipal Transportation Agency (SFMTA) is constructing a  
19 continuation of the T-Third Light Rail Vehicle line from the Caltrain Station at Fourth and King  
20 Streets to an underground station in Chinatown (the "Project") to create a critical  
21 transportation improvement linking neighborhoods in the southeastern portion of the City and  
22 County of San Francisco (the "City") with the retail and employment centers in the City's  
23 downtown and Chinatown neighborhoods.

24 (b) The Project will provide direct rail service to regional destinations, including the  
25 City's Chinatown, Union Square, Moscone Convention Center, Yerba Buena, SoMa and

Supervisor Chiu  
BOARD OF SUPERVISORS

Page 1

1/29/2013

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revised on: 1/29/2013 – n:\ptc\las2012\1000388\00823854.doc

1 AT&T Park neighborhoods; connect BART and Caltrain; serve a low-auto-ownership  
2 population of transit customers; increase transit use and reduce travel time; reduce air and  
3 noise pollution and provide congestion relief.

4 (c) Construction of the subway portion of the extension, from underneath Interstate  
5 80 to the Chinatown Station, requires the use of two tunnel boring machines. The Project  
6 originally included plans to remove the tunnel boring machines from a location in North Beach  
7 in the right-of-way of Columbus Avenue, between Powell Street and Union Street,  
8 approximately 2000 feet beyond the Chinatown Station. Retrieval of the machines from  
9 Columbus Avenue will require closing two lanes of Columbus Avenue for almost a year. After  
10 further consideration, and in order to avoid the traffic disruptions caused by the original  
11 retrieval location, the SFMTA proposes to change the location where the tunnel boring  
12 machines are retrieved to an off-street location at 1731-1741 Powell Street.

13 (d) The proposed new location for the removal of the machines is currently  
14 occupied by the former Pagoda Palace, or Pagoda Theater. The Pagoda Palace is a former  
15 movie and live performance theater built around 1908. The building is approximately 56 feet  
16 tall. The building height is consistent with other building heights in the same block where it is  
17 located, including the height of the building directly adjacent to the Pagoda Palace to the  
18 south; however, it exceeds the current height limit in the area, which is 40 feet. The building  
19 has been officially closed since 1994, is currently vacant.

20 (e) On January 8, 2009, in Motion number 17797, the San Francisco Planning  
21 Commission approved a conditional use authorization to allow the building to be converted  
22 from a movie theater use to a mixed-use residential, parking and ground floor retail project  
23 with basement parking. The Planning Commission approved an amended conditional use  
24 authorization on October 28, 2010, in Motion number 18204, which did not alter the project,  
25

1 but allowed the project sponsor to change the method by which the project sponsor complied  
2 with the City's affordable housing requirements.

3 (f) As approved by the Planning Commission in Motion numbers 17797 and 18204,  
4 the reuse of 1731-1741 Powell as a mixed-use residential and retail project would have  
5 consisted of a seismic/structural retrofit, and would not have constituted structural demolition.  
6 As an alteration of a non-complying structure, and not demolition, the approved project would  
7 comply with the applicable zoning regulations relative to building height, which allows altered  
8 non-conforming buildings to remain at their current height. However, use of the site by the  
9 Central Subway to remove the tunnel boring machines will require the demolition of the  
10 structure in order to provide the necessary construction access. This Ordinance will allow the  
11 Central Subway to demolish the non-complying structure while preserving the ability of the  
12 project sponsor to construct the previously approved mixed-use residential/retail use, which  
13 included a building consistent with the previously existing height. By adopting a special use  
14 district exclusively for the site, the 40 foot height limit remains applicable for other parcels in  
15 the area.

16 (g) In addition, since the time that the Planning Commission approved Motions  
17 17797 and 18204, several Planning Code provisions have been added or amended which, if  
18 applicable to the project site, would trigger additional restrictions on the ability of the project  
19 sponsor to construct the previously approved project. These restrictions would not apply to the  
20 previously approved project. This Ordinance would allow the construction of the previously  
21 approved project without requiring compliance with these later enacted Planning Code  
22 provisions.

## 23 Section 2. Findings.

24 (a) On August 7, 2008, the City's Planning Commission certified that the Final  
25 Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report

1 ("Final Supplemental EIS/EIR") for the Central Subway/Third Street Light Rail Phase 2  
2 ("Central Subway") was in compliance with the California Environmental Quality Act,  
3 (California Public Resources Code section 21000, *et seq*) ("CEQA"), the CEQA Guidelines,  
4 and Administrative Code Chapter 31 in Planning Commission Motion No. 17668. The Final  
5 Supplemental EIS/EIR and Motion No. 17668 are on file with the Clerk of the Board of  
6 Supervisors in File No. \_\_\_\_\_ and are incorporated by reference.

7 (b) On August 19, 2008, the SFMTA's Board of Directors, by Resolution No. 08-  
8 150, approved the Project, and adopted CEQA Findings, including a Statement of Overriding  
9 Considerations and a Mitigation Monitoring and Reporting Program (MMRP) as required by  
10 CEQA. Resolution No. 08-150 is on file with the Clerk of the Board of Supervisors in File  
11 No. \_\_\_\_\_ and is incorporated by reference.

12 (c) On September 16, 2008, the City's Board of Supervisors (this "Board") adopted  
13 Motion No. 08-145, in Board File No. 081138, affirming the City's Planning Department  
14 decision to certify the Final Supplemental EIS/EIR. Motion No. 08-145 is on file with the Clerk  
15 of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated by reference.

16 (d) On \_\_\_\_\_, the City's Planning Department found in an Addendum to  
17 the Final Supplemental EIS/EIR, that the proposed changes to the Project are not substantial  
18 and would not require major revisions to the Final Supplemental EIS/EIR or result in  
19 significant environmental impacts that were not evaluated in the Final Supplemental EIS/EIR;  
20 and no new information has become available that was not known and could not have been  
21 known at the time the Final Supplemental EIS/EIR was certified as complete and that would  
22 result in significant environmental impacts not evaluated in the Final Supplemental EIS/EIR.

23 (e) In accordance with the actions contemplated herein, this Board has reviewed  
24 the Final Supplemental EIS/EIR and the Addendum, and adopts and incorporates by  
25 reference as though fully set forth herein the findings, including the mitigation monitoring and

1 reporting program, adopted by the Planning Commission on \_\_\_\_\_ in Motion  
2 \_\_\_\_\_. The Board further finds that there is no need to prepare a subsequent  
3 environmental impact report under CEQA Guidelines Section 15162 for the actions  
4 contemplated herein.

5 (f) On \_\_\_\_\_, the Planning Commission conducted a duly noticed public  
6 hearing on the proposed Zoning Map amendments and, by Resolution No. \_\_\_\_\_  
7 recommended them for approval. The Planning Commission found that the proposed Zoning  
8 Map amendments were, on balance, consistent with the City's General Plan, and with  
9 Planning Code Section 101.1(b). A copy of said Resolution is on file with the Clerk of the  
10 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

11 (g) The Board finds that these Zoning Map amendments are on balance consistent  
12 with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the  
13 reasons set forth in Planning Commission Resolution No. \_\_\_\_\_ and the Board  
14 hereby incorporates such reasons herein by reference.

15 (h) Pursuant to Planning Code Section 302, the Board finds that the proposed  
16 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
17 Planning Commission Resolution No. \_\_\_\_\_, which reasons are incorporated by reference  
18 as though fully set forth.

19  
20 Section 3. The San Francisco Planning Code is hereby amended by adding Section  
21 249.70 to read as follows:

22 Section 249.70 Central Subway Tunnel Boring Machine Extraction Site Special Use District

23 (a) Purposes. In order to facilitate the removal of the tunnel boring machines used to  
24 construct the Central Subway Project from an off-street location at 1731-1741 Powell Street while  
25 allowing the construction of a mixed-use residential and ground floor retail building in substantial

1 conformity to a mixed-use residential/retail project conditionally authorized in 2009 and 2010, there  
2 shall be a special use district known as the Central Subway Tunnel Boring Machine Extraction Site  
3 Special Use District, as designated on Sectional Map No. 1SU of the Zoning Map of the City and  
4 County of San Francisco.

5 (b) Controls: All otherwise applicable provisions of the Planning Code shall apply to this  
6 Special Use District, except as specifically provided in this Section 249.70:

7 (1) Restaurant Use: Section 780.3, prohibiting new restaurants in specified locations, shall  
8 not apply in this Special Use District.

9 (2) Use Size: In this District, the maximum use size in the North Beach Neighborhood  
10 Commercial District found in Section 121.2(b) shall be 5,000 square feet.

11 (3) Parking: Notwithstanding any other provision of this Code, no more than one parking  
12 space per dwelling unit, up to .5 accessory spaces per dwelling unit, and up to 3 accessory parking  
13 spaces for non-residential uses, up to a total maximum of 27 spaces, shall be allowed.

14 (4) Rear Yard. The provisions of Section 134 shall not apply in this District.

15 (5) Ground Floor Ceiling Heights. Notwithstanding the provisions of section 145.1, ground  
16 floor non-residential uses in this District shall have a minimum floor-to-floor height of 8.5 feet.

17 (6) Exposure. The requirements of Section 140 shall not apply. Any dwelling unit shall  
18 either face onto a public street or a lightwell measuring at least 25 feet.

19 (7) Demolition. Notwithstanding any other provision in this Code, in this District, an  
20 application authorizing demolition of a building may be granted prior to final approval of a building  
21 permit for construction of a replacement building, as long as the replacement building has been  
22 conditionally authorized.

23 (8) Height and Bulk. The height and bulk applicable to this Special Use District shall be  
24 55-X, provided, however, that in no case shall the height of any new structure exceed the height of the  
25 existing Pagoda Palace structure. For purposes of measurement of height in this District, the height of

1 a projecting business sign shall be exempt, provided that such sign is the reconstruction or  
2 rehabilitation of an existing projecting movie theater blade sign as provided in Section 9 herein. Prior  
3 to demolition of the existing structure, the owner or owners authorized agent shall prepare and submit  
4 to the Planning Department a detailed survey, including elevations and sections, which accurately  
5 dimension the height of the existing theater building, including the heights of all rooftop features.

6 (9) Signage. The existing Pagoda Palace's projecting movie theater blade sign provided a  
7 prominent visual landmark within the North Beach Neighborhood Commercial District. In order to  
8 preserve this visual landmark, any new structure in the Special Use District shall include as an  
9 architectural element, a reconstructed projecting movie theater blade sign in general conformity with  
10 the overall design, scale and character of the existing movie theater sign.

11 (10) Streetscape and Pedestrian Improvements. The requirements of Section 138.1(c)(1)  
12 shall apply.

13 (c) Fees. The provisions of Section 352 shall apply to this District, provided however, that if  
14 the Planning Commission has approved a conditional use authorization for a substantially similar  
15 project within the previous 4 years of the effective date of this ordinance, such fees shall be waived.

16 (d) Sunset Provision. This Section 249.70 shall be repealed 5 years after its initial effective  
17 date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

18  
19 Section 4. The San Francisco Planning Code is hereby amended by amending  
20 Sectional Map HT01 of the Zoning Map of the City and County of San Francisco, as follows:  
21

<u>Description of Property</u>	<u>Height and Bulk</u> <u>Districts to be Superseded</u>	<u>Height and Bulk</u> <u>Districts Hereby Approved</u>
Assessor's Block/Lot 0101/04	40-X	55-X

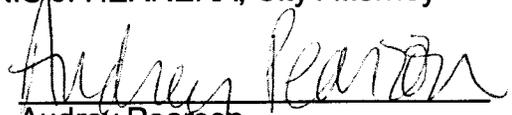
1 Section 5. The San Francisco Planning Code is hereby amended by amending  
2 Sectional Map SU01 of the Zoning Map of the City and County of San Francisco, as follows:  
3

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
Assessor's Block/Lot 0101/04	Central Subway Tunnel Boring Machine Extraction Site Special Use District

7  
8 Section 6. This section is uncodified. Effective Date and Operative Date. This  
9 ordinance shall become effective 30 days from the date of passage. This Ordinance shall  
10 become operative only upon the later of 30 days from the date of passage or the date that a  
11 lease authorized by SFMTA Resolution \_\_\_\_\_, regarding use of 1731 Powell for  
12 extraction of the tunnel boring machines for the Central Subway project, becomes effective. A  
13 copy of said Resolution is on file with the Board of Supervisors in Board File Number  
14 \_\_\_\_\_.

15 Section 7. This section is uncodified. In enacting this Ordinance, the Board intends  
16 to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
17 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
18 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
19 Board amendment deletions in accordance with the "Note" that appears under the official title  
20 of the legislation.

21  
22 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

23 By:   
24 Audrey Pearson  
25 Deputy City Attorney



# SAN FRANCISCO PLANNING DEPARTMENT

## ADDENDUM TO SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT/SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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Suite 400  
San Francisco,  
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Date: January 31, 2013  
Case No.: 1996.0281E  
Project Title: Central Subway  
Zoning: North Beach NCD (North Beach  
Neighborhood Commercial District) Zoning District  
40-X Height and Bulk District  
Block/Lot: 0101/004  
Lot Size: 15,320 square feet (1731 Powell St)  
Project Sponsor: San Francisco Municipal Transportation Agency (SFMTA)  
John Funghi – (415) 701-4299  
Lead Agency: San Francisco Planning Department  
Staff Contact: Sarah Jones – (415) 575-9034  
[Sarah.b.jones@sfgov.org](mailto:Sarah.b.jones@sfgov.org)

### INTRODUCTION AND PROJECT DESCRIPTION

This Addendum addresses the Central Subway project, as described in the 2008 Phase 2 Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report (2008 SEIS/SEIR) certified by the Planning Commission on August 7, 2008<sup>1</sup>.

California Environmental Quality Act (CEQA) allows for preparation of an addendum to a certified EIR when a change to a project is proposed that would not result in new or substantially more severe significant impacts. SFMTA has proposed a modification to the Central Subway project that would 1) change the location at which the tunnel boring machines (TBM) being used to excavate the subway tunnel are removed from the ground and 2) allow for redevelopment of the proposed new TBM retrieval shaft site, after the retrieval process is concluded.

As described in the 2008 SEIS/SEIR, as currently approved, the construction tunnel for the underground portion of the Central Subway would continue north from the Chinatown Station

<sup>1</sup> Federal Transit Administration and San Francisco Planning Department, *Final Central Subway Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report*, August 7, 2008. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 1996.281E.

(at Jackson and Stockton Streets) and extend under Columbus Avenue to a site north of Union Street, where the TBM would be extracted via a retrieval shaft located in the public right-of-way. The proposal analyzed in this Addendum would relocate this retrieval site to a privately-owned parcel at 1731 Powell Street (Assessor's Block 101, Lot 004), approximately 100 feet northwest of the original TBM extraction location. ("modified project"). The modified project would also involve redevelopment of the 1731 Powell Street site, currently occupied by a vacant, approximately 55-foot-tall structure formerly used as a theater ("Pagoda Theater").

The Pagoda Theater property is the site of an approved project (Planning Department Case File No. 2007.1117) (the "Pagoda Theater project") which would modify and convert the existing theater to a mixed-use building with 18 residential units and approximately 4,700 square feet (sf) of ground floor restaurant and retail use. Five stories (40,875 sf) of developed space over basement parking would be accommodated within the existing 56-foot high structure. The Planning Department issued a Certificate of Determination for a Class 32 Categorical Exemption for the Pagoda Theater project on January 6, 2009, and the Planning Commission adopted a conditional use authorization for the project in Motion 17797 on January 8, 2009. On October 28, 2010, the Planning Commission amended the Conditional Use Authorization, in Motion Number 18204, to allow the project sponsor to change the method by which the project sponsor complied with the City's affordable housing requirements.

Relocation of the TBM retrieval shaft site to 1731 Powell Street (hereinafter referred to as the "project site") as proposed in the modified project would require demolition of the Pagoda Theater building. In addition to TBM extraction at the project site, the modified project also would include the construction of a development substantially similar to the Pagoda Theater project. The new construction would include a building with substantially the same building envelope and development specifications as the Pagoda Theater project, with the exception of a different configuration of the ground floor commercial space as one 4,700 sf restaurant use.

## PROJECT BACKGROUND

SFMTA is constructing the Central Subway, a light-rail line that will operate independently from the Muni Market Street Metro as a new 1.7-mile cross town connector. The Central Subway is an extension of the existing 5.1-mile Phase 1 of the Third Street Light Rail Transit Program, which began service in April 2007.

The Central Subway will extend from the existing station at Fourth and King Streets as a surface line, transitioning to subway operation under the Interstate 80 Freeway, between Bryant and

Harrison Streets. The alignment will pass underneath the existing BART/Muni Market Street tube, and continue north under Stockton Street to the system terminus in Chinatown at Stockton and Jackson Streets. A double track, 200-foot tail track for storage will continue beyond the Chinatown station platform. Four stations will be located along the 1.7-mile alignment:

- A surface station on Fourth Street between Brannan and Bryant Streets;
- The Yerba Buena/Moscone (subway) Station at 4th and Folsom streets;
- Union Square/Market Street Station on Stockton Street at Union Square (subway) with a direct path linking to the Market Street Muni Metro and BART trains; and
- Chinatown Station at Stockton and Washington streets (subway).

North of the Chinatown Station, the project scope includes continuation of the twin tunnel excavation to the retrieval shaft site in North Beach. As described in this Addendum, SFMTA is currently proposing relocation of the approved TBM retrieval shaft site from Columbus Avenue to the property at 1731 Powell Street, affecting only the northernmost terminus of the Phase 2 alignment.

### *Central Subway EIS/EIR Timeline*

Milestones in the environmental review of the Central Subway project are summarized below:

**1998:** The *Third Street Light Rail Project Final Environmental Impact Study and Final Environmental Impact Report* (1998 FEIS/FEIR) is certified by the Planning Commission.

**1999:** The Federal Transit Administration (FTA) issues a Record of Decision (ROD) for Third Street Light Rail Project. The San Francisco Public Transportation Commission (predecessor to SFMTA) approves Third Street Light Rail Project.

**Spring 2007:** Third Street Light Rail opens for service.

**October 17 2007-December 10, 2007:** The *Central Subway Draft Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report*, addressing Phase 2, is circulated for a 55-day public review as part of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) processes.

**February 19, 2008:** SFMTA Board of Directors selects Central Subway Project Alternative 3B with the North Beach Construction Variant as the Locally Preferred Alternative.

**August 2008:** Planning Commission certifies the Final Supplemental EIS/EIR (2008 SEIS/SEIR). The SFMTA Board of Directors approves the 2008 SEIS/SEIR and (SFMTA Board Resolution 08-150) and adopts the Project CEQA Findings, the Mitigation Monitoring and Reporting Program (MMRP) and the Statement of Overriding Considerations.

**September 16, 2008:** On appeal, Board of Supervisors upholds Planning Commission's certification of 2008 SEIS/SEIR.

**November 2008:** The FTA issues an ROD, granting full environmental clearance to the project and directing implementation of the MMRP.

**March 2012:** Construction begins along alignment from Interstate 80 to Union Square to prepare for tunnel boring.

**December 4, 2012:** SFMTA Board of Directors instructs the Director of SFMTA to take actions necessary for implementation of TBM retrieval at 1731 Powell Street.

## SETTING

The project site is located on an irregularly-shaped block bounded by Powell Street on the east, Columbus Avenue on the northeast, Filbert Street on the north, Mason Street to the west, and Union Street to the south. The project site is located on the eastern portion of the block where Columbus Avenue and Powell Street intersect. Land uses adjacent to the project site include: a one-story restaurant ("Pellegrini") and surface parking on Lot 045 north of the site; a brick parking garage with second-story offices fronting on Filbert Street and abutting the rear of the project site (Lot 031); and 2-3 story residential over commercial buildings fronting on Powell Street south of the site. All other properties on the project block are developed with 2-4 story residential uses, including Lot 007 which abuts the western edge of the project site. Buildings of three or more stories are similar in height to the existing Pagoda Theater building, despite the differences in the number of stories, due to the prevailing construction practices at the time they were built. Other blocks in the vicinity have a similar development pattern, with mixed commercial and residential uses along Columbus Avenue and small scale multifamily residential uses elsewhere. Washington Square, an approximately 2.15-acre park, is located across Powell Street and Columbus Avenue from the project site.

The project site, and other properties along Columbus Avenue, are zoned North Beach Neighborhood Commercial District (NCD) and are in a 40-X height and bulk district. The project site is also within the North Beach Special Use District (SUD) and North Beach Limited Financial SUD. The residential portions of the project block and other nearby blocks are in the RM-2 (Residential Mixed etc.) zoning district. The project site is also within the North Beach historic resource survey area and the Washington Square Historic District.

## PROJECT SUMMARY

See Figures 1-12 for representations of the project site, proposed TBM retrieval shaft site, and proposed 1731 Powell Street Mixed Use Building.

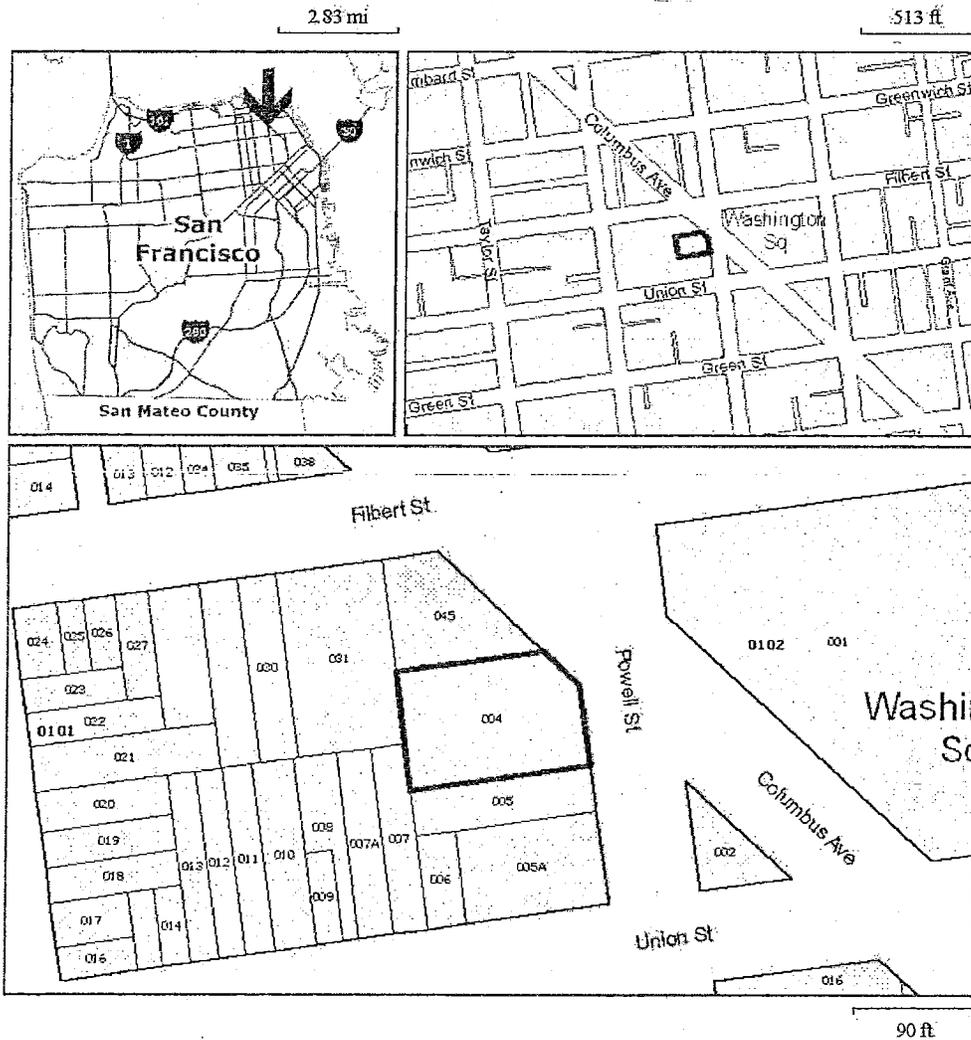
The modified project would include the following components:

- Relocation of the TBM retrieval shaft site 100 feet northwest of the approved location, from the Columbus Avenue right-of-way between Powell and Union Street to the project site;
- Demolition of the existing Pagoda Theater building on the project site; and
- Construction of a 56-foot tall mixed-use residential/retail building with 18 residential units, up to 4,700 square feet of restaurant use, and 27 basement parking spaces.

The project components are described in further detail below.



1741 Powell St. Project Location Map



**FIGURE 1: PROJECT LOCATION**

Source: San Francisco Planning Department, January 2013

Not to Scale

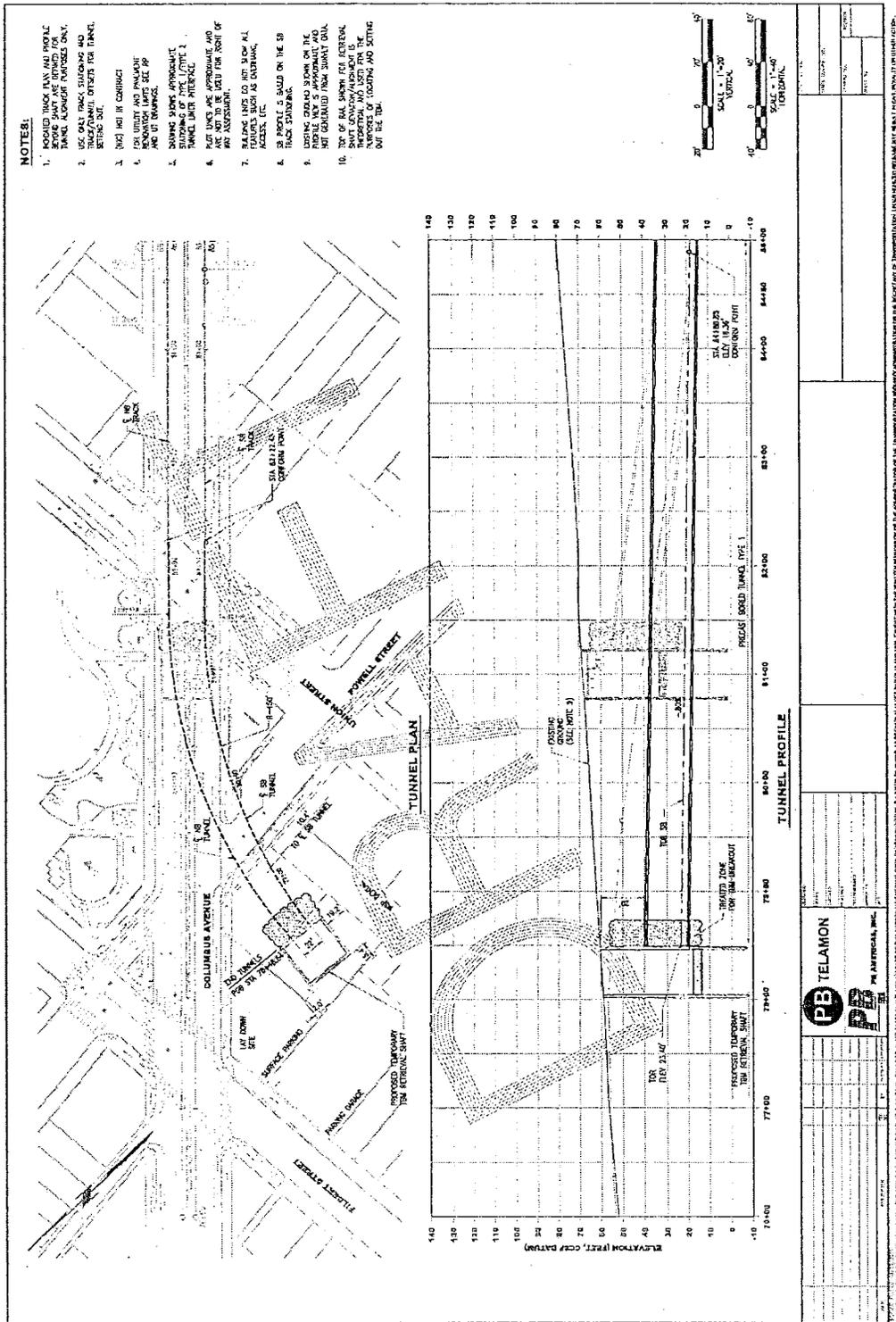


FIGURE 2: PROPOSED TBM RETRIEVAL SHAFT SITE  
 Source: SFMTA, January 2013

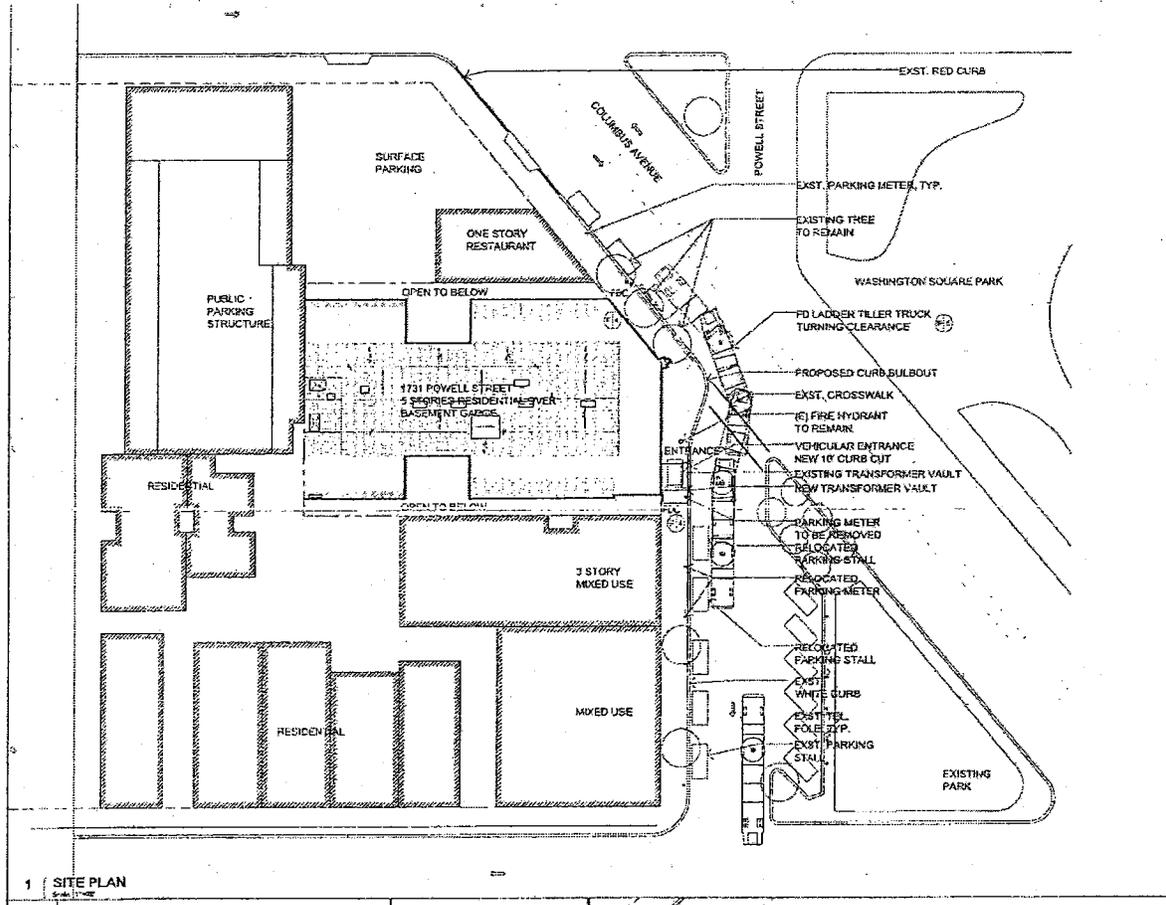
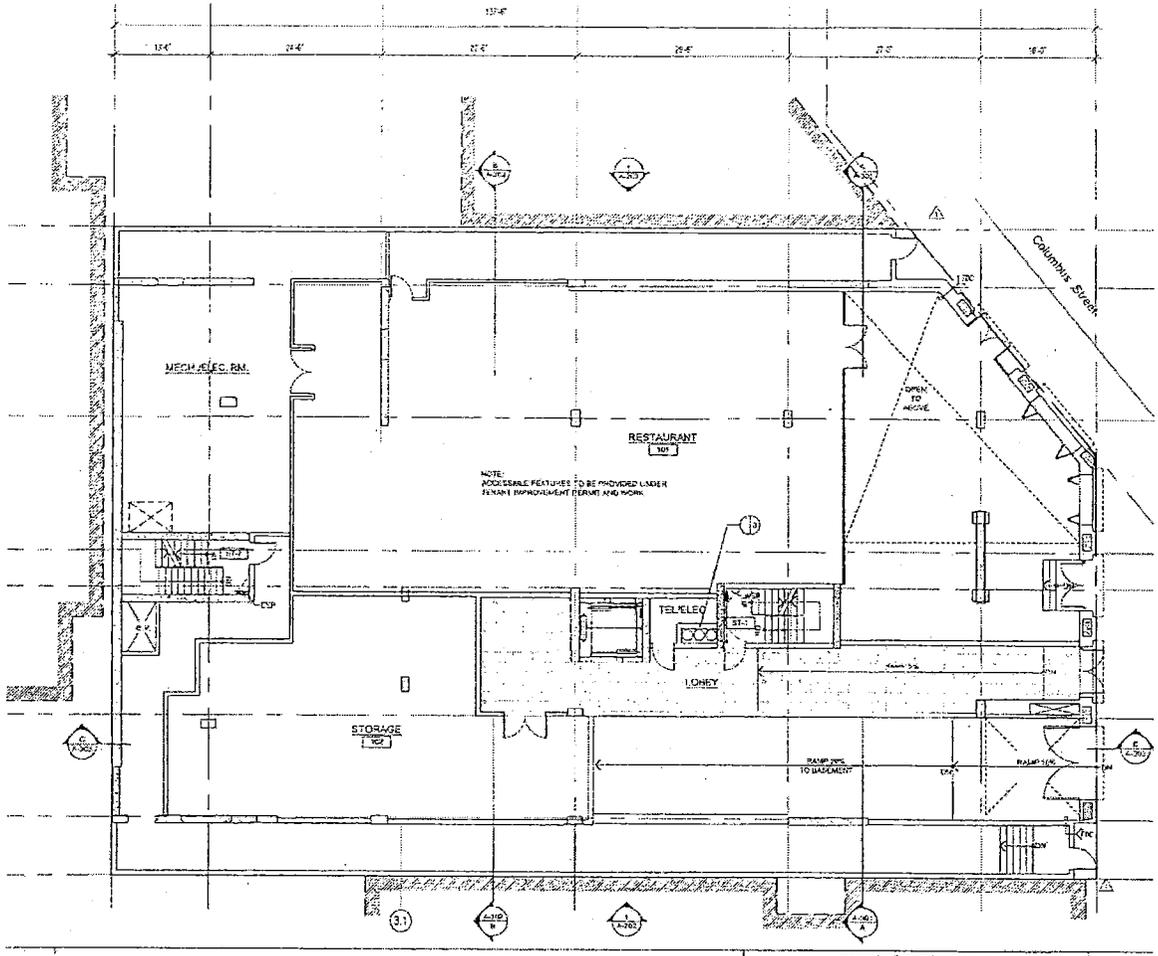


FIGURE 3: PROPOSED 1731 POWELL ST SITE PLAN

Source: SWS 1/7/13



**FIGURE 4: PROPOSED 1731 POWELL ST GROUND FLOOR PLAN**  
 Source: SWS 1/7/13

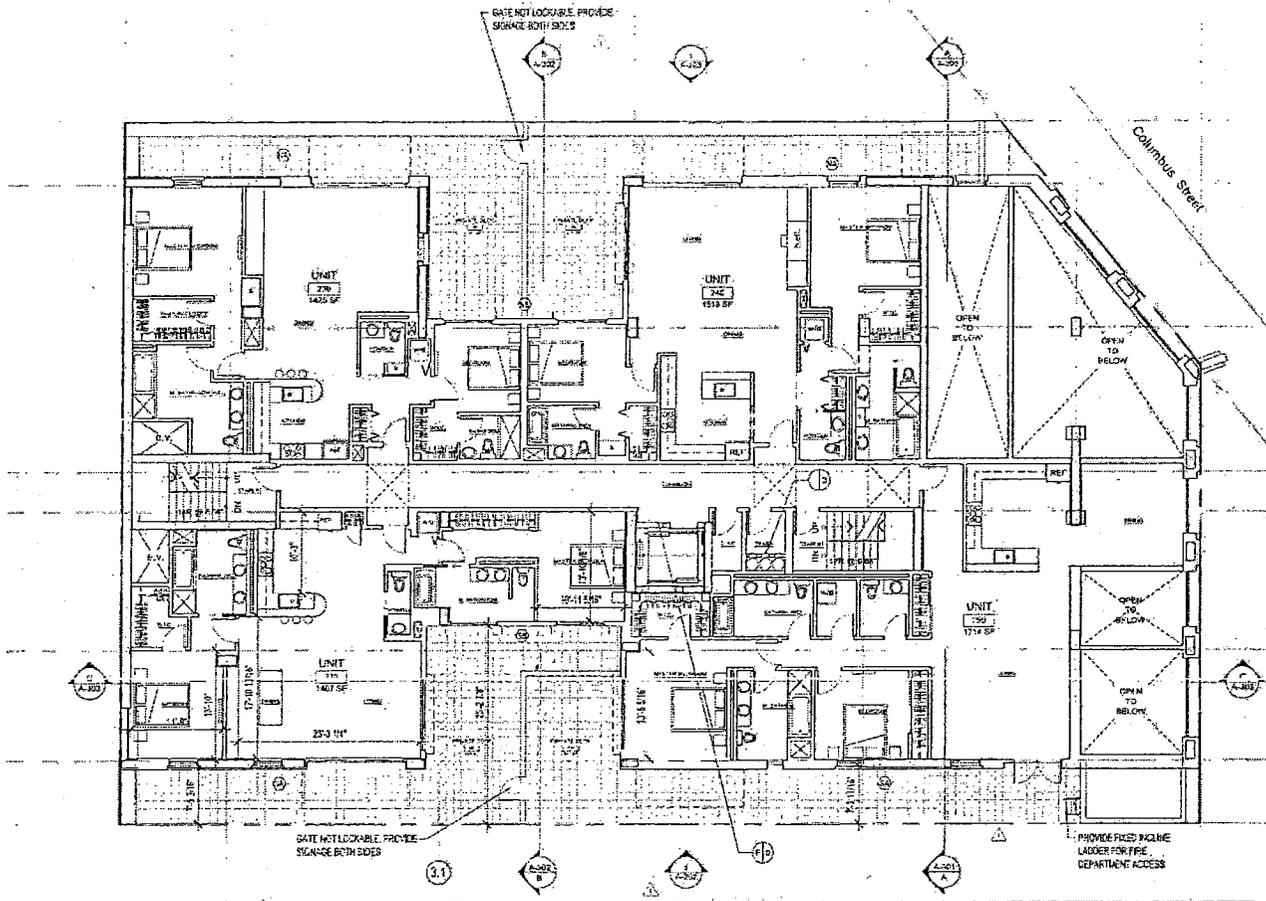


FIGURE 5: PROPOSED 1731 POWELL ST SECOND LEVEL PLAN

Source: SWS 1/7/13

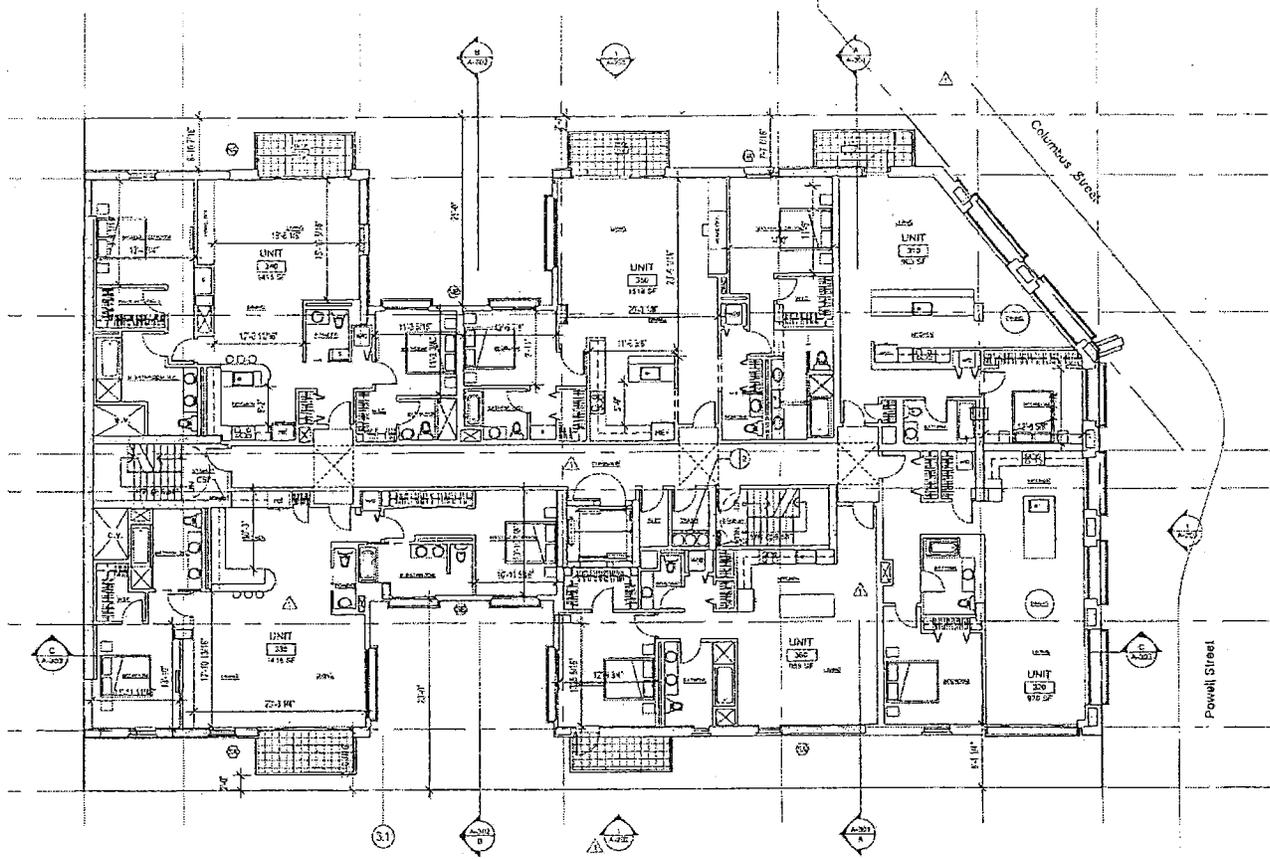
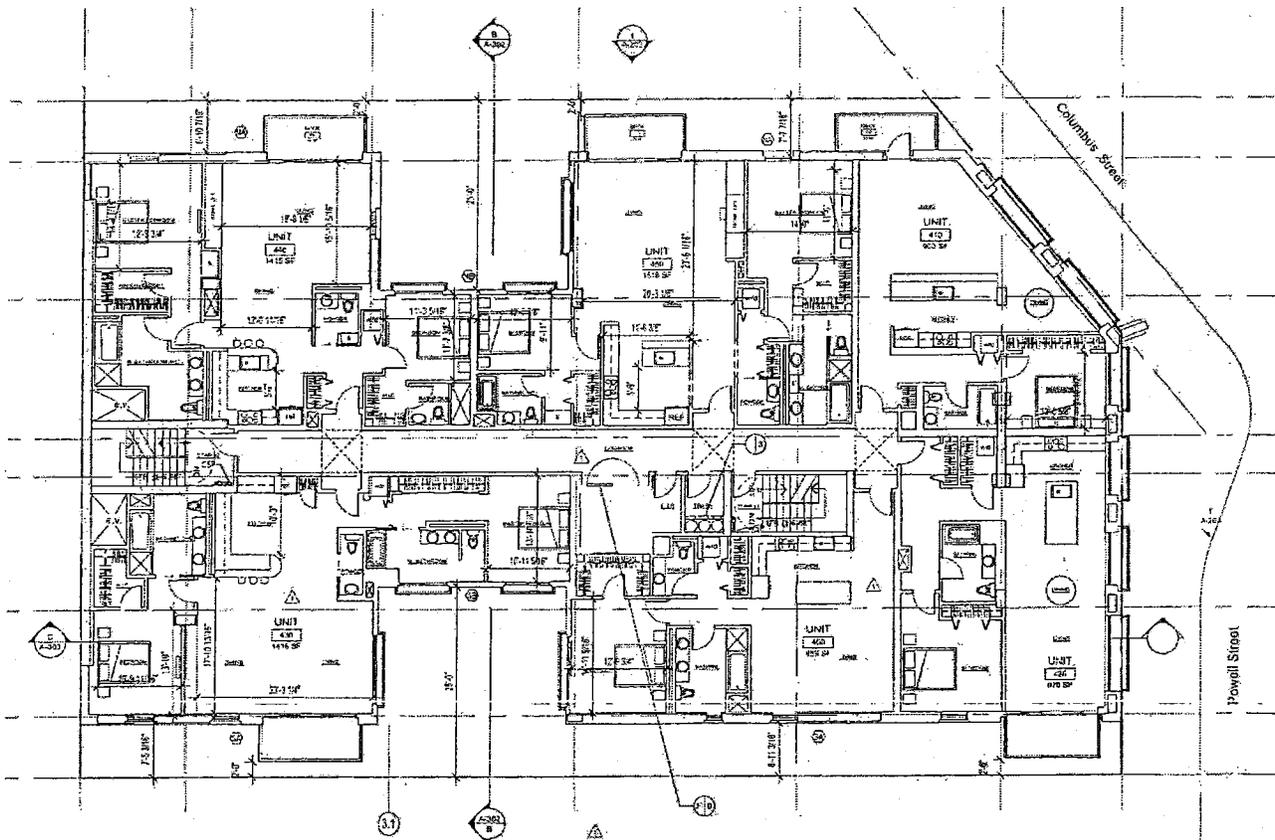
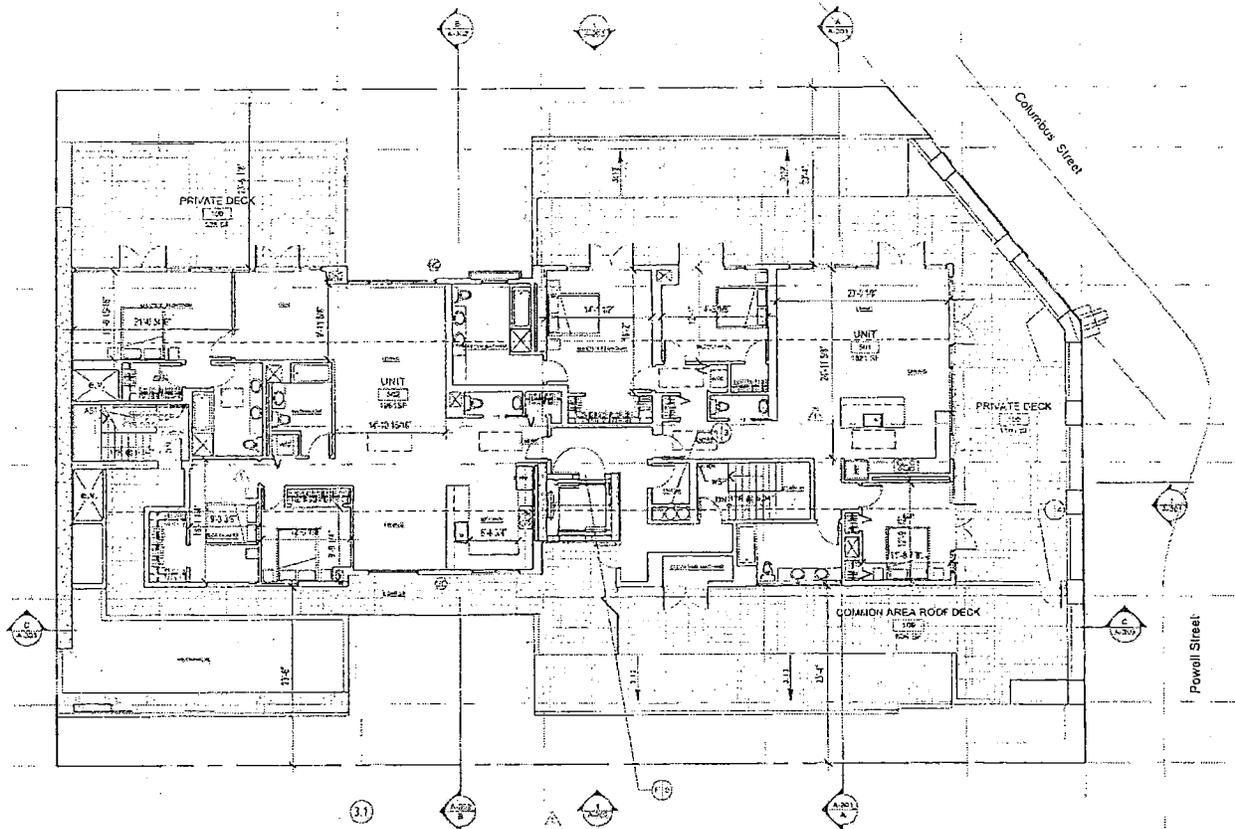


FIGURE 6: PROPOSED 1731 POWELL ST THIRD LEVEL PLAN

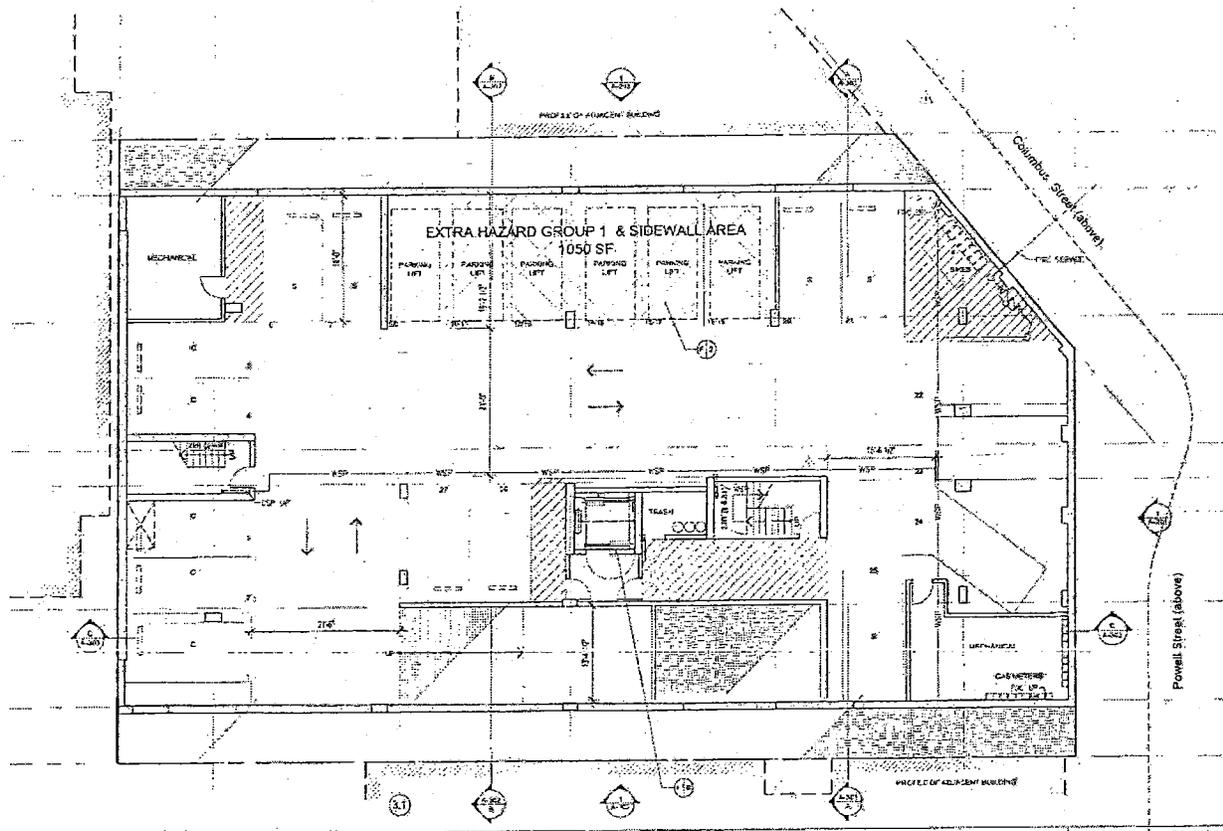
Source: SWS 117/13



**FIGURE 7: PROPOSED 1731 POWELL ST FOURTH LEVEL PLAN**  
**Source: SWS 1/7/13**



**FIGURE 8: PROPOSED 1731 POWELL ST FIFTH LEVEL PLAN**  
 Source: SWS 1/7/13



**FIGURE 9: PROPOSED 1731 POWELL ST BASEMENT LEVEL PLAN**  
 Source: SWS 1/7/13

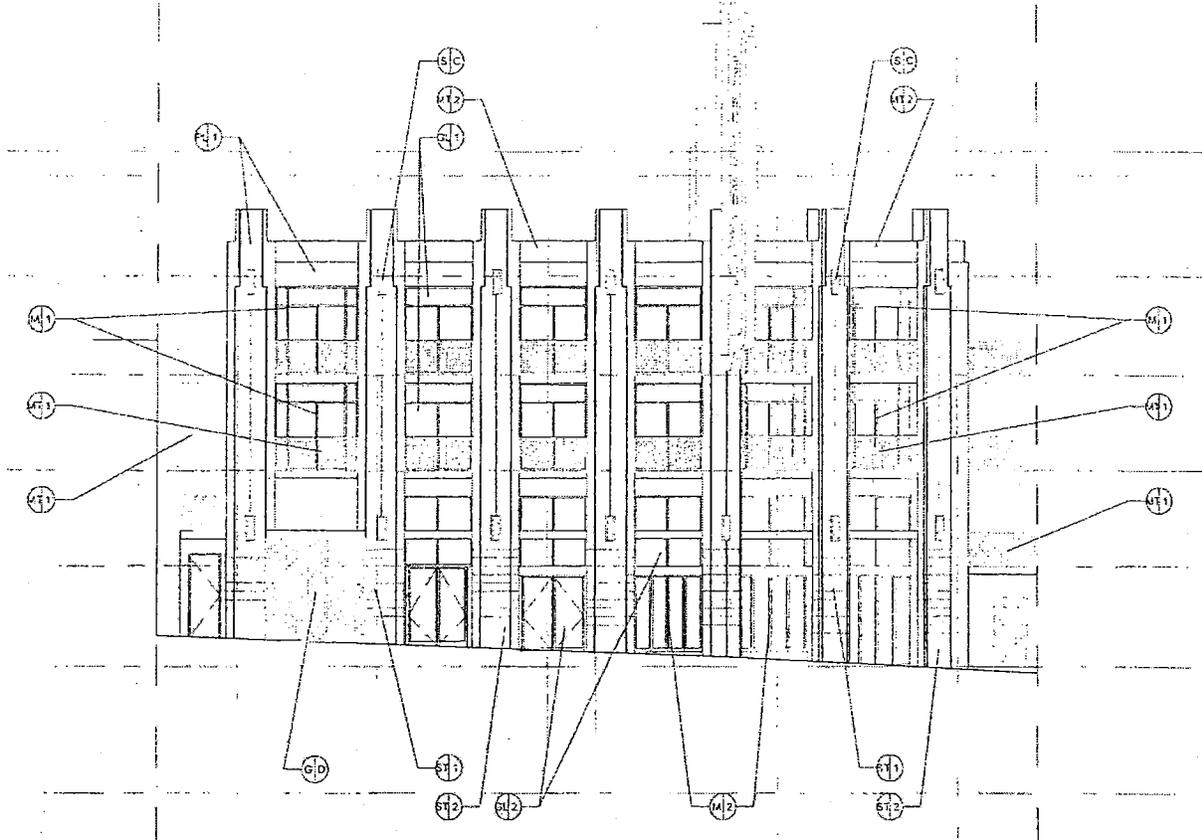


FIGURE 10: PROPOSED 1731 POWELL ST EAST (COLUMBUS AVENUE) ELEVATION

Source: SWS 1/7/13

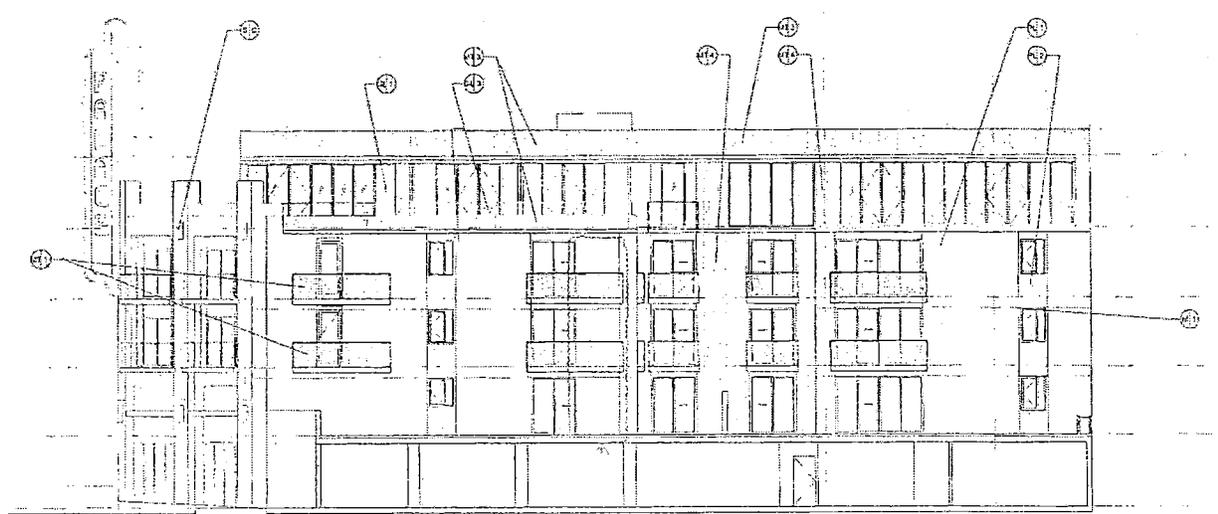


FIGURE 11: PROPOSED 1731 POWELL ST NORTH (FILBERT STREET) ELEVATION

Source: SWS 1/7/13

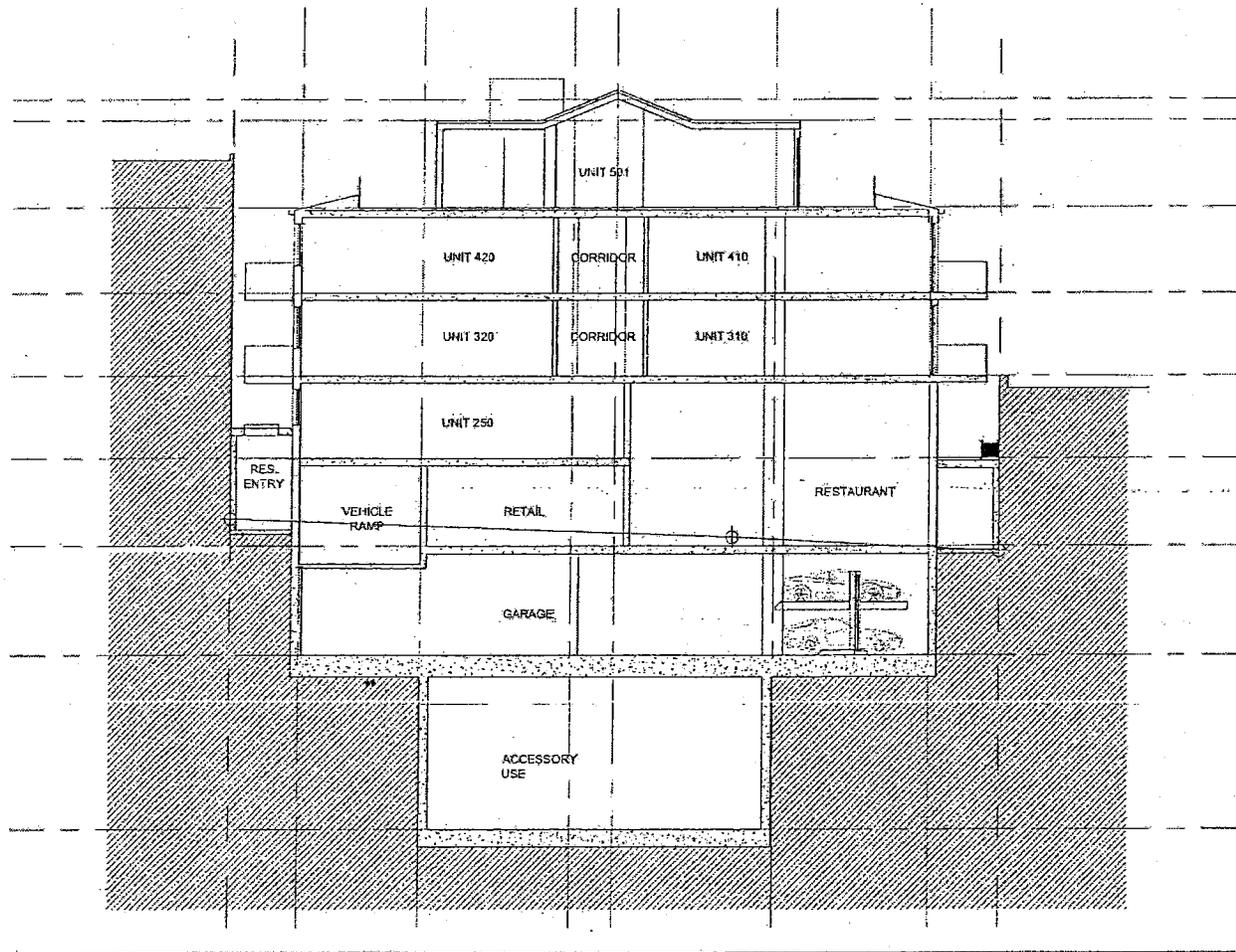


FIGURE 12: PROPOSED 1731 POWELL ST NORTH-SOUTH SECTION

Source: SWS 1/7/13

### *TBM Retrieval Shaft Relocation*

Currently, and as described in the 2008 SEIS/SEIR, the Central Subway Project includes TBM retrieval within the Columbus Avenue right-of-way, between Union and Powell Streets. The grade level at the current TBM extraction site on Columbus Avenue is at an elevation of approximately 70 feet SF Datum. As currently planned, the bored tunnel will rise gradually underground from 20 feet SF Datum to 30 feet SF Datum, with the depth change occurring over a distance of approximately 130 feet. A concrete shaft with a 1,600 sf footprint (40 feet by 40 feet) would be constructed and TBM retrieval would occur 40 feet below grade level (30 feet SF Datum). The retrieval shaft would essentially be a large concrete box, and would allow for access to the TBM and removal of the TBM via a crane. A treated zone, measuring 20 feet by 40 feet and 40 feet in depth, would be located immediately adjacent to the retrieval shaft at the point where the TBM would enter, and would consist of injected grouted columns within the soil that create a stable ground water barrier at the interface of the tunnel with the retrieval shaft. At the end of the TBM extraction process, the retrieval shaft would be covered with a hatch roof and the Columbus Avenue street surface would be restored.

Under the modified project, the TBM extraction would occur at the project site, rather than the Columbus Avenue right-of-way. This change, involving an additional 100 feet of tunneling, would entail excavation of 530 additional cubic yards of soil.

In the modified project, there would be no grade change for the tunnel work. The bottom of the tunnel alignment would remain at an elevation of approximately 20 feet SF Datum over the length of the proposed extension. There is an existing downward-sloping grade over the length of the proposed extended tunnel alignment, so at the point of retrieval the bottom of the tunnel would be approximately 40 feet below the grade level of 60 feet SF Datum; in addition, the retrieval shaft structure would extend approximately 25 feet further below ground, to -10 feet SF Datum, 70 feet below grade level. A treated zone equivalent in size to the one currently planned would be located adjacent to the retrieval shaft at the point where the TBM would enter the shaft.

Construction and TBM retrieval equipment would be positioned on the project site, and may also require use of an existing surface parking lot abutting the project site to the west. TBM extraction activity would occur over a period of 15 months, including 4 months of building demolition, 6 months of shaft construction, and 5 months of TBM removal and shaft closing.

### *1731 Powell Street Mixed-Use Project*

A building permit (BPA 200908124636) for modifications to the existing building at the Pagoda Theater project site was approved by the Planning Department on November 2, 2012. The Pagoda Theater project as approved would convert the 56-foot high vacant structure to a mixed-use building with 18 residential units, two retail commercial spaces – including an approximately 3,875 square foot restaurant and a 1,000 square foot retail space – and 27 independently accessible parking spaces in a below-grade garage.

The proposed TBM retrieval would require demolition of the Pagoda Theater building, eliminating the possibility of alteration of the existing building as approved. After the retrieval work is completed, the property owner would construct a mixed-use building substantially similar to the approved project. In addition to the tunnel extension and TBM retrieval, this Addendum considers the demolition and construction of a new mixed-use building with up to 18 residential units, a 4,700 square foot restaurant, and 27 independently accessible parking spaces in a below-grade garage on the project site, following completion of the TBM retrieval. Total developed, usable space would be 40,875 sf. The TBM retrieval shaft would be converted to storage for residential use. The height of the new building would be approximately 55 feet, consistent with the height of the existing building. The roof line of the new building would be consistent with the roof line of the existing building. The existing building has a blade sign on its western façade; a blade sign with generally the same position and dimensions as the existing blade sign would be included in the new building design (see Figures 10 and 11).

The existing height limit on the project site is 40 feet. Built prior to the implementation of the 40-X height district, the current building, at approximately 55 feet, is a non-complying structure. Because the Pagoda Theater project involved modification of an existing, non-complying structure, the existing building height could be retained. However, because the project as proposed now involves demolition of the existing building and construction of a new building, a Special Use District (SUD) is proposed as part of the modified project to allow construction to a height of approximately 55 feet as measured under the Planning Code, maintaining the same roof line at the same height as the existing building. In addition, since the time of the approval of the Pagoda Palace project, the Planning Code has been amended several times in ways which would otherwise impede the construction of the Pagoda Palace project, if the project were to move forward under current code. The SUD would allow modifications to these otherwise applicable Planning Code provisions related to off-street parking, rear yard, ground floor ceiling heights, dwelling unit exposure, signage, establishment of a restaurant use, and maximum non-residential use size.

### *Approvals Required*

The modified project would require the following approvals:

- Conditional Use authorization (Planning Commission);
- Special Use District approval (Board of Supervisors);
- Height Reclassification from the 40-X Height and Bulk District to the 55-X Height and Bulk District (Board of Supervisors);
- Authorization of lease of 1731 Powell Street and authorization of Central Subway tunnel contract modification (SFMTA Board of Directors); and
- Approval of a building permit for 1731 Powell Street building (Department of Building Inspection).

### **CEQA REVIEW OF THE PROPOSED PROJECT**

Based on the application submitted to the Planning Department by SFMTA (for the proposed project), the Department must determine what level of environmental review is required to comply with CEQA. An Addendum may be prepared if (1) the proposed project is not substantially revised so as to result in new significant impacts or a worsening of significant impacts identified in the previously certified EIR; (2) the background conditions under which the proposed project would be constructed have not changed substantively from those conditions described in the previously certified EIR; and (3) new information of substantial importance has not surfaced (see California Public Resources Code Section 21081 and Section 15162 of the *CEQA Guidelines* for a detailed description of the conditions that trigger preparation of a subsequent EIR). The proposed project would not result in any new significant impacts compared to those identified in the 2008 SEIS/SEIR for the Third Street Light Rail/Central Subway project. Therefore, under Section 21081 and Section 15162 of the *CEQA Guidelines*, a subsequent EIR does not need to be prepared. This Addendum conforms to the requirements of CEQA Guidelines Section 15164 and discloses potential changes in physical effects relating to project modifications.

As described above, when compared to the approved Central Subway project, the currently proposed project would alter the location of the TBM retrieval shaft site by approximately 100

feet to the northwest, from the Columbus Avenue right-of-way to the privately-owned parcel at 1731 Powell Street. The project would also alter the existing approvals for the conversion of the Pagoda Theater building from a theater to a mixed-use residential and commercial building, instead providing for demolition of the existing building and construction of a new mixed-use project.

The project site and its surroundings have remained largely the same as when they were analyzed within the 2008 SEIS/SEIR. New significant effects or increases in the severity of previously identified significant effects are not expected to result from the proposed project, and a subsequent or supplemental EIR is, therefore, not necessary. Accordingly, an Addendum provides an appropriate level of CEQA analysis for the modified project.

## **ENVIRONMENTAL ANALYSIS**

### **LAND USE, PLANS, AND ZONING**

The existing building on the 15,320 square foot project site was used as a film and live performance theater from its construction in 1908 until 1985. The project site is located on the southwest corner of Powell Street and Columbus Avenue across Columbus Avenue from Washington Square. The surrounding North Beach neighborhood is characterized by a mix of small commercial uses and single and small-scale multifamily residential uses, and has experienced relatively little new development. Aside from the approved Pagoda Theater conversion, the North Beach Library project one block northwest of the project site on Columbus Avenue is the only major new development pending in the area. Predominant building heights are 2-4 stories.

The modified project introduces a new component of the Central Subway project, redevelopment of the project site with residential and commercial uses. The environmental impacts of the uses proposed on the site were analyzed in a Class 32 Categorical Exemption for the Pagoda Theater conversion project, issued on January 6, 2009. In that determination, the Planning Department concluded that the addition of 18 units and 3,875 sf of restaurant use would not create any significant impacts, including significant land use impacts, because the proposed project would be consistent with the type of uses in the area and would not disrupt or divide the existing community. At the time that the Pagoda Theater project was considered for approvals, it was consistent with then-applicable Planning Code requirements.

The proposed project includes the adoption of a special use district. With the adoption of the SUD, the modified project would be consistent with the San Francisco Planning Code. There have been no major changes in the vicinity since that determination that would alter this conclusion with regard to land use, and the proposed residential and restaurant uses, residential density, and building height continue to be consistent with buildings and activities in the surrounding neighborhood. Although commercial uses would exceed those analyzed in the categorical exemption by approximately 800 sf, the proposed building on the project site would contain substantially the same uses as the previously approved Pagoda Theater project.

Relocation of the TBM retrieval shaft site from Columbus Avenue to the project site would reduce disruption of vehicular and pedestrian traffic on Columbus Avenue, potentially reducing the less-than-significant effects on neighboring commercial and residential uses. Although no significant land use impact associated with this activity was identified in the 2008 SEIS/SEIR, the modified project would reduce any such impact on the viability of Columbus Avenue commercial uses.

The modified project would have less-than-significant land use impacts.

### *Compatibility with Existing Zoning and Plans*

#### *Planning Code*

At approximately 55 feet in height, the existing Pagoda Theater building is a nonconforming structure within the 40-X Height and Bulk district. The building was constructed in 1908, prior to the creation of the height and bulk district. Numerous buildings on the project block and in the surrounding area similarly exceed the 40-foot height limit.

The approved Pagoda Theater project involved modification of the extant structure, allowing for retention of the existing building height. The modified project involves demolition of the building to enable excavation and operation of the TBM retrieval shaft, and construction of a new approximately 55-foot-high building. This new building is not consistent with the 40-X Height and Bulk District. The modified project includes a proposed Central Subway Tunnel Boring Machine Extraction Site Special Use District (SUD), applying the provisions of the 55-X Height and Bulk District to the site.

The SUD also exempts the proposed new building from recently amended Planning Code provisions that otherwise would preclude the construction of the existing entitled building program. In contrast with the existing zoning on the site, the SUD as proposed would allow:

- Use of the ground floor commercial space as a restaurant;
- Nonresidential use exceeding 4,000 sf in size;
- Provision of a maximum of 27 vehicle parking spaces;
- Minimum ceiling height of 8.5 feet for ground floor nonresidential uses;
- Modification of the rear yard requirements;
- Modification of the dwelling unit exposure requirement; and
- Exemption the proposed blade sign from height limitation.

Other provisions of the SUD address administrative and permitting requirements and would not affect the physical environment.

The SUD as proposed would allow construction of a building with the same overall specifications as the approved Pagoda Theater project. Potential physical environmental impacts of the demolition, excavation, and new construction that would be permitted under the SUD are addressed in this Addendum.

#### *General Plan*

The City's *General Plan*, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. *General Plan* policies pertaining to other issues but not affecting the physical environment are not discussed in this document, but will be considered by decision makers as part of their decision whether to approve or disapprove the proposed project. No substantial conflict with any environmental objective or policy within the *General Plan* was identified in the 2008 SEIS/SEIR for the project. Similarly, the proposed project would not result in substantial conflict with any environmental *General Plan* objective or policy. The issue of *General Plan* conformity will be reconsidered by the Planning Commission during their deliberations over the proposed project. Any potential conflicts with the *General Plan* identified as part of that process would not alter the physical and environmental effects of the proposed project. Further, the conclusions reached in the 2008 SEIS/SEIR that the original project would not conflict with relevant plans would remain

applicable to the proposed project. Thus, the modified project would have similar less-than-significant land use impacts, as was identified in the 2008 SEIS/SEIR.

## VISUAL QUALITY

Equipment used for construction and operation of the TBM retrieval shaft will be visible from the surrounding area, including Washington Square. Relocation of the TBM extraction site by 100 feet will not substantially change this impact. Moreover, the impact is temporary and was not considered significant in the 2008 SEIS/SEIR; an improvement measure requiring screening of construction areas was included in the 2008 SEIS/SEIR (See Mitigation Measures p. 57).

The modified project would involve redevelopment of the Pagoda Theater site with a new structure equal in size to the existing vacant building. Because the new structure would not exceed the existing structure in size, any change resulting from the modified project in views from publicly-accessible vantage points would be minimal. The project site is not considered a scenic resource, and construction of a new building on the site would not have a substantial, demonstrable negative effect on the visual character of the project site or its surroundings. The project would be subject to restrictions on the use of reflective or mirrored glass, and night lighting would be at a level consistent with the proposed uses and other lighting in the area.

The above analysis indicates that the modified project would not degrade the visual character of this urbanized portion of San Francisco; would not have a demonstrable adverse aesthetic effect; and would not result in substantial light or glare. Therefore, the proposed modification to the Central Subway project would not have significant aesthetic impacts.

## CULTURAL RESOURCES

### *Archeological Resources*

The Planning Department reviewed the Pagoda Theater project for impacts to CEQA-significant archeological resources.<sup>2</sup> The existing basement slabs extend to a depth of 7 to 15 feet below grade, and the Pagoda Theater project involved a further 7 feet of excavation.

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<sup>2</sup> Archeological Response for 1735-1741 Powell Street, Memorandum from Don Lewis, Major Environmental Analysis, January 5, 2009. This document is on file and available for public review at the Planning Department, 1650 Mission Street, 4<sup>th</sup> Floor, as part of Case File No. 1996.281E and Case File No 2007.1117E.

By the mid-1860s, the project site was occupied by San Francisco's only Eastern Orthodox church, which was destroyed in the 1906 earthquake and fire. The site contains deposits indicating significant fill episodes dating from prior to the construction of the Orthodox church, and again from the time period between 1906 and the construction of the theater in 1908. The Department concluded that any historical remains were likely removed at the time that the basement of the Pagoda Theater was constructed, and the Pagoda Theater project would not affect CEQA-significant archeological resources.

According to the geotechnical report prepared for the site, the project site soils may contain alluvial deposits, which have a moderate sensitivity for prehistory remains. The Colma Formation may also be present under the site, the upper 3-5 feet of which is considered sensitive for prehistoric deposits of the Middle and Late Holocene era.<sup>3</sup>

While it is not expected that the redevelopment of the project site with the 1731 Powell Street mixed-use building would result in any greater impact to CEQA-significant archeological resources than the Pagoda Theater project, the modified project would increase the depth of excavation on the project site at the tunnel and TBM retrieval shaft locations. If archeological resources are present at greater depths than previously considered for the Pagoda Theater proposal, they could be affected by construction of the tunnel, treated zone, and/or TBM retrieval shaft.

Potential archeological resource impacts of the Central Subway project are described in Section 4.4, 6.7, and 7.3.3 of the 2008 SEIS/SEIR. The analysis identified two known prehistoric and five known historic archeological sites within the Area of Potential Effect (APE) for the Central Subway alignment alternatives. Columbus Avenue and the TBM retrieval shaft site were identified as potential historic archeological resource sites because the roadway cut through multiple city lots that were already developed at the time of roadway construction in the 1870s, and because of the early use of Washington Square as a public space. As a project subject to Section 106 of the National Historic Preservation Act of 1966, the project was subject to a Programmatic Agreement (PA) and further mitigation as part of the 2008 SEIS/SEIR process. Extension of the excavation to 1731 Powell Street as proposed would require further consultation with SHPO to make modifications to the APE and develop an Archeological Monitoring Plan for the newly affected area.

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<sup>3</sup> Memorandum from Randall Dean, San Francisco Planning Department to Sarah Jones, San Francisco Planning Department, January 18, 2013. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 1996.281E.

An archeological mitigation measure was applied to the Central Subway project, requiring limited testing along the selected alignment, monitoring during construction in sections of the alignment determined to have moderate to high sensitivity for significant archeological resources, completion of a technical report following assessment, and requirements associated with discovery of any unexpected resources during construction (see Mitigation Measures, p. 57). This mitigation measure would continue to be implemented for the project as modified.

The modified project would not result in any new significant impacts or require mitigation beyond that identified in the 2008 SEIS/SEIR.

### *Historical Architectural Resources*

#### *TBM Retrieval Shaft Relocation*

The 1731 Powell Street site is located within the Washington Square Historic District. The TBM retrieval shaft would not result in any permanent physical change; therefore, with regard to the TBM retrieval shaft compatibility with the surrounding district, impacts would be similar to the approved project, would not affect the use or historic character of Washington Square, and would be temporary and less than significant.

The 2008 SEIS/SEIR analyzed the impacts of project construction on historic buildings and concluded that vibration from tunnel and station construction, and ground settlement near cut-and-cover construction locations, could result in minor architectural or structural damage. Accordingly, construction mitigation measures were identified to reduce impacts to a less than significant level, including vibration monitoring and adjustments in construction methods if warranted to ensure that vibration remains below 0.12 inches/second peak particle vibration (PPV).<sup>4</sup> The mitigation measures were included in the mitigation monitoring and reporting program (MMRP) adopted for the project (see Mitigation Measures, p. 57).

The TBM retrieval shaft relocation would increase the potential for construction activities to affect the building at 721 Filbert Street, which abuts the project site to the west. 721 Filbert Street is a two-story masonry garage building constructed in 1907. It is included in the UMB (Unreinforced Masonry Building) Survey and was rated "1" (on a scale of -2 to 5, with 5 being the most important) in the 1976 Architectural Survey. It is considered a potential historic resource by the Planning Department and is a historic resource for the purposes of CEQA. The

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<sup>4</sup> 2008 SEIS/SEIR pp. 6-72-6-82.

proposed retrieval shaft site is also adjacent to a potential historic resource at 1717-1719 Powell Street to the south of the project site, a three-story frame building constructed in 1914 with a survey rating of "2" on the North Beach Survey and a National Register historic status code of "6L."

Mitigation measures adopted for the Central Subway project to reduce construction vibration impacts on historic buildings to less-than-significant levels would be applied to the extension of the tunnel and construction of the TBM retrieval shaft. As with the approved project, impacts associated with historical architectural resources from the proposed TBM retrieval shaft relocation would be less than significant with mitigation.

### *1731 Powell Redevelopment*

Because the Pagoda Theater project proposed substantial alteration to the Pagoda Theater Building, the Planning Department required preparation of a Supplemental Information Form for Historical Resource Evaluation<sup>5</sup> and completed a Historic Resource Evaluation Response (HRER).<sup>6</sup> The HRER concluded that the building is located in the Washington Square Historic District, but due to removal of the marquee and all interior partitions and finishes, and creation of new openings on the primary building elevation, the building lacks the necessary integrity to be considered eligible individually or as a contributor to the district for the California Register of Historic Resources (CRHR). Therefore, no resource is present on the site. The determination that the proposed alterations would not have an adverse effect on the Washington Square Historic District was based on the Pagoda Theater project's maintenance of the overall size, massing, and architectural features such as the blade sign.

The modified project would result in demolition of the Pagoda Theater building. This would not result in a significant impact as the existing building is not a historical resource. The Planning Department considered the effect of the proposed new mixed-use development on the Washington Square Historic District, and concluded that the modified project would be a

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<sup>5</sup> Page & Turnbull, Inc, *Supplemental Information Form, Pagoda Theatre, 1731-1741 Powell Street, San Francisco CA*, 14 June 2007. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.1117E and Case File No. 1996.281E.

<sup>6</sup> Historic Resource Evaluation Response prepared by Tim Frye, San Francisco Planning Department, December 24, 2008. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.1117E and Case File No. 1996.281E.

compatible infill development due to the replication of similar size, scale, and detailing, with inclusion of the blade sign.<sup>7</sup>

### *Summary*

The adopted mitigation measures for Central Subway construction impacts on cultural resources would effectively reduce impacts from the modified project to less than significant. The modified project would not result in significant impacts on cultural resources beyond those addressed in the 2008 SEIS/SEIR.

## **TRANSPORTATION**

### *TBM Retrieval Site Relocation*

The 2008 SEIS/SEIR acknowledged that there would be temporary, less than significant traffic and transit impacts on Columbus Avenue during construction and operation of the TBM retrieval shaft. Columbus Avenue is a four-lane, two-way major arterial with multiple transit lines and sidewalks and on-street parking on both sides of the street. The modified project would avoid these less than significant impacts.

As currently proposed under the modified project, the project site (and potentially the neighboring surface parking lot) would accommodate most work areas for TBM retrieval shaft construction and operation. However, periodic lane and street closure of Powell Street between Columbus Avenue and Union Street may be required. The tunnel contractor and SFMTA would maintain all current and approved practices for traffic control and loading zone relocation, and no new significant impacts would occur. It is expected that the transportation impacts of TBM retrieval shaft relocation would be less substantial than those of the approved project, as Powell Street in this location accommodates less traffic than Columbus Avenue, and no relocation of overhead bus lines for the 30-Stockton bus would be required.

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<sup>7</sup> Historic Resource Evaluation Response (revised Part II) prepared by Rich Sucre, San Francisco Planning Department, January 18, 2013. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 1996.281E.

## 1731 Powell Street

This section provides an updated assessment of the trip generation associated with the proposed 1731 Powell Street redevelopment.<sup>8</sup>

Trip generation was conducted to estimate the total trips from the 1731 Powell Street project and assess the impact of the net new trips on the surrounding roadway network. Trip generation calculations and assumptions were based on the 2002 San Francisco Transportation Impact Analysis Guidelines for Environmental Review (*SF Guidelines*) and assumed a daily trip rate of 10 trips for every residential unit, and 150 trips per 1,000 gross square feet of retail space. Trip generation calculations also assumed that 17.3 percent of the daily residential trips, and 9 percent of the retail trips, would occur during the PM peak hour. Average vehicle occupancy factors obtained from the *SF Guidelines* were applied to the auto mode split to obtain the vehicle trips due to the proposed project. Resultant vehicle trips are shown in Table 3 along with the person trips for other modes of travel. Mode split and vehicle occupancy information for the proposed project land uses was based on the *SF Guidelines*.<sup>9</sup> Residential mode split data were obtained from the 2000 Census for Census Tract 107. Table 1, below, summarizes expected trips.

As shown in Table 1, the modified project would result in 17 peak hour vehicle trips and 21 peak hour transit trips attributable to the redevelopment of 1731 Powell Street. Seventeen vehicle trips distributed to local intersections would not have the potential to contribute substantially to traffic levels, and the modified project would not create new significant traffic impacts.

The project site is served by eight MUNI lines with stops within two blocks of the site. The projected 21 peak hour transit trips would be distributed over those lines, and the project would not have the potential to increase transit ridership beyond capacity levels.

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<sup>8</sup> San Francisco Planning Department, *Transportation Calculations for 1741 Powell Street*, January 15, 2013. These calculations are on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 1996.281E.

<sup>9</sup> San Francisco Planning Department, *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002. This document is also known as *SF Guidelines*.

TABLE 1

## TRIP GENERATION AND PARKING DEMAND – 1731 POWELL STREET

	Residential Component		Commercial Component		Total	
	Daily	Peak Hour	Daily	Peak Hour	Daily	Peak Hour
<b>Auto</b>						
Person Trips	47	8	253	23	300	31
Vehicle trips	41	7	107	10	148	17
Transit	59	10	119	11	178	21
Pedestrian	67	12	246	22	313	34
Other	7	1	87	8	94	9
Parking Space Demand	27		9 short term/3 long term		39	
Loading trips	.06 average/.07 peak		.05 average/.06 peak		.11 average/.13 peak	

The proposed building would be accessed via a single driveway entrance/egress on Powell Street, near the intersection with Columbus Avenue to the north. There is adequate space for queuing of vehicles within the garage and vehicles entering the site would not be expected to result in traffic flow impacts on Powell Street or Columbus Avenue.

The proposed project is expected to generate 34 peak-hour pedestrian trips. This increase in pedestrian trips would not be substantial, and the project would not result in pedestrian impacts. Bicycle Route #11, a Class III Bicycle route, runs along Columbus Avenue but, because the project's driveway would be located off the bicycle route on Powell Street, conflicts between vehicle and bicycle traffic would not be expected to occur.

### *Parking*

The proposed project includes 27 parking spaces. This proposal is consistent with the amount of parking approved for the site in 2009. One off-street loading space would be provided in the underground garage; no off-street loading is required under Planning Code Section 155 for a project of this size.

Based on *SF Guidelines* estimates, the proposed project would generate demand for 39 parking spaces, resulting in a demand-based parking deficit of 12 spaces. San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies over time. Hence, the availability of parking space is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

The modified project would not result in any temporary or permanent new significant transportation impacts not identified in the 2008 SEIS/SEIR.

## NOISE AND VIBRATION

### *TBM Retrieval Shaft Site Relocation*

The 2008 SEIS/SEIR identified mitigation measures for the impacts of construction vibration on historic buildings, and improvement measures to further reduce the less-than-significant impacts of construction noise. With TBM retrieval shaft relocation, noise from shaft construction and operation would occur at closer proximity to sensitive receptors (residences) surrounding the project site. Although residents surrounding the project site would experience greater noise levels than under the approved project, the impacts would be similar to those analyzed in the 2008 SEIS/SEIR for other residences proximate to the TBM retrieval shaft location on Columbus Avenue or other aboveground construction areas for the Central Subway project. TBM retrieval would use similar equipment to construction activities, and the operation of the shaft would likewise have similar noise impacts as construction. The adopted construction vibration mitigation measures and noise improvement measures would be applied to the modified project (see Mitigation Measures p. 57 and Improvement Measures p. 59), and noise and vibration impacts from TBM retrieval shaft relocation would remain less than significant.

### *1731 Powell Street Mixed-Use Building*

Noise levels on Columbus Avenue exceed 75 Ldn (level day-night weighted decibels) and are in the range of 65-70 Ldn on Powell Street, Union Street, and Filbert Street<sup>10</sup>. The addition of 18 units and 4,700 sf of restaurant use from redevelopment of the 1741 Powell Street site would not create a sufficient increase in vehicle trips to result in substantial increases to existing noise levels in the vicinity of the project site. Other operational noise, such as restaurant ventilation systems, would be at levels typically present in an urban area. Operational and building construction noise would be regulated under the City's Noise Ordinance (Article 29 of the Police Code).

The modified project would add sensitive receptors to the project site due to the residential component of the project. The project site frontages on Columbus Avenue and Powell Street are subject to noise levels in excess of the recommended noise levels for residential use identified in the General Plan's Land Use Compatibility Guidelines for Community Noise<sup>11</sup>; a small portion

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<sup>10</sup> San Francisco Planning Department Geographic Information System, accessed January 22, 2013.

<sup>11</sup> San Francisco General Plan, Environmental Protection Element, Policy 11.1.

of the project site closest to Columbus Avenue is subject to noise levels exceeding 75 Ldn, the level at which noise analysis prior to building permit issuance is required per the mitigation measures adopted for the 2009 Housing Element. The building would be subject to detailed noise analysis as part of the building permit process, and would be required to meet the California Noise Insulation Standards in Title 24 of the California Code of Regulations, and no significant impacts would occur from this component of the modified project.

## **AIR QUALITY**

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) has established thresholds of significance to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. To assist lead agencies, the BAAQMD, in their CEQA Air Quality Guidelines (May 2011), has developed screening criteria. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project would not exceed criteria air pollutant screening levels for operation or construction.

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed "air pollution hot spots," were identified based on two health-protective criteria: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per one million population, and/or (2) cumulative PM<sub>2.5</sub> concentrations greater than 10 micrograms per cubic meter. Land use

projects within these air pollution hot spots require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations.

The 1731 Powell Street project site is not within an air pollution hot spot. Therefore, the proposed project would result in a less than significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Prior to the finalization of the current BAAQMD screening criteria, the 2008 SEIS/SEIR analyzed construction and operational emissions associated with the Central Subway project and concluded that dust and emission control measures would be incorporated into the project in compliance with BAAQMD requirements, and construction impacts would be less than significant. As noted on page 6-113 of the SEIS/SEIR, the TBM retrieval shaft in proximity to Washington Square would not result in substantial adverse impacts because "the exposed area is relatively small and control measures are being included in the Project to reduce dust emissions." The proposed new location for the TBM retrieval shaft would be in closer proximity to the residences on the project block than the original location, but the project would continue to be subject to required dust and emission control measures and no new significant impacts would occur.

Construction of both the TBM retrieval shaft construction and the proposed 1731 Powell Street building would be subject to the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). The Construction Dust Control Ordinance was adopted with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

The San Francisco Building Code Section 106A.3.2.6.3 requires a "no visible dust" requirement with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI).

The Building Code requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI.

Below are the following regulations and procedures set forth in Section 106A.3.2.6.3 of the San Francisco Building Code's General Dust Control Requirements:

- Water all active construction areas sufficiently to prevent dust from becoming airborne. Increased watering frequency may be necessary whenever wind speeds exceed 15 mile per hour. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible;
- Provide as much water as necessary to control dust (without creating run-off) in an area of land clearing, earth movement, excavation, drillings, and other dust-generating activity;
- During excavation and dirt-moving activities, wet sweep or vacuum the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday;
- Cover any inactive (no disturbance for more than seven days) stockpiles greater than ten cubic yards or 500 square feet of excavated materials, backfill material, import material, gravel, sand, road base, and soil with a 10 mil (0.01 inch) polyethylene plastic or equivalent tarp and brace it down or use other equivalent soil stabilization techniques; and
- Use dust enclosures, curtains, and dust collectors as necessary to control dust in the excavation area.

Compliance with the San Francisco Building Code's General Dust Control Requirements would ensure that the project's fugitive dust impacts would be less than significant.

Article 38 was added to the San Francisco Health Code to require that all newly constructed buildings containing ten or more units within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether the PM 2.5 concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m<sup>3</sup>).<sup>13</sup> Sponsors of projects on sites where the PM 2.5 concentration exceeds the 0.2 ug/m<sup>3</sup> action level are required to install ventilation systems or otherwise redesign the project to reduce PM 2.5 concentrations for habitable areas of dwelling units by a performance standard of 80 percent. The Class 32 categorical exemption prepared for the Pagoda Theater project indicates that the project site is not within the Potential

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<sup>12</sup> PM 2.5 is a measure of smaller particles in the air that are 2.5 microns or less in diameter. PM 10 (10 microns or greater in diameter) has been the pollutant particulate level standard against which EPA has been measuring Clean Air Act compliance. On the basis of newer scientific findings, the Agency is considering regulations that will make PM 2.5 the new "standard".

<sup>13</sup> See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

Roadway Expose Zone, and therefore the project would not expose new project residents to substantial concentrations of air pollutants.<sup>14</sup>

The 1731 Powell Street project would result in further construction activities subsequent to the closure of the TBM retrieval shaft. However, construction emissions would be temporary and variable in nature and, because the project site is not within a hot spot, would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes, which would further reduce nearby sensitive receptors exposure to temporary and variable TAC emissions; in addition, the project would be subject to applicable building permit requirements at the time of building permit issuance and as stipulated by the Department of Building Inspection. Therefore, construction period TAC emissions would result in a less than significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

The modified project would not result in new significant impacts related to air quality.

## GREENHOUSE GASES

Current requirements related to greenhouse gas (GHG) analysis were established in 2010, subsequent to the certification of the 2008 SEIS/SEIR. Therefore, GHGs are discussed below consistent with current procedures and requirements.

Gases that trap heat in the atmosphere are referred to as GHGs because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHG's has been implicated as the driving force for global climate change. The primary GHGs are carbon dioxide, methane, nitrous oxide, ozone, and water vapor.

While the presence of the primary GHGs in the atmosphere are naturally occurring, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) are largely emitted from human activities, accelerating the rate at which these compounds occur within earth's atmosphere. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs

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<sup>14</sup> San Francisco Planning Department Certificate of Determination, Exemption from Environmental Review, 1735-1741 Powell Street, January 6, 2009. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007, 1117E and Case File No. 1996.281E.

include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. Greenhouse gases are typically reported in “carbon dioxide-equivalent” measures (CO<sub>2</sub>E).<sup>15</sup>

There is international scientific consensus that human-caused increases in GHGs have and will continue to contribute to global warming. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity.<sup>16</sup>

The Air Resources Board (ARB) estimated that in 2006 California produced about 484 million gross metric tons of CO<sub>2</sub>E (MMT<sub>CO2E</sub>), or about 535 million U.S. tons.<sup>17</sup> The ARB found that transportation is the source of 38 percent of the State’s GHG emissions, followed by electricity generation (both in-state and out-of-state) at 22 percent and industrial sources at 20 percent. Commercial and residential fuel use (primarily for heating) accounted for 9 percent of GHG emissions.<sup>18</sup> In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) and the industrial and commercial sectors are the two largest sources of GHG emissions, each accounting for approximately 36% of the Bay Area’s 95.8 MMT<sub>CO2E</sub> emitted in 2007.<sup>19</sup> Electricity generation accounts for approximately 16% of the Bay Area’s GHG emissions followed by residential fuel usage at 7%, off-road equipment at 3% and agriculture at 1%.<sup>20</sup>

In 2006, the California legislature passed Assembly Bill No. 32 (California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), also known as the Global Warming Solutions Act. AB 32 requires ARB to design and implement emission limits, regulations, and

<sup>15</sup> Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in “carbon dioxide-equivalents,” which present a weighted average based on each gas’s heat absorption (or “global warming”) potential.

<sup>16</sup> California Climate Change Portal. Frequently Asked Questions About Global Climate Change. Available online at: <http://www.climatechange.ca.gov/publications/faqs.html>. Accessed November 8, 2010.

<sup>17</sup> California Air Resources Board (ARB), “California Greenhouse Gas Inventory for 2000-2006 – by Category as Defined in the Scoping Plan.” [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_scopingplan\\_2009-03-13.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_scopingplan_2009-03-13.pdf). Accessed March 2, 2010.

<sup>18</sup> Ibid.

<sup>19</sup> Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2007, Updated: February 2010. Available online at: [http://www.baaqmd.gov/-/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007\\_2\\_10.ashx](http://www.baaqmd.gov/-/media/Files/Planning%20and%20Research/Emission%20Inventory/regionalinventory2007_2_10.ashx). Accessed March 2, 2010.

<sup>20</sup> Ibid.

other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020 (representing a 25 percent reduction in emissions).

Pursuant to AB 32, ARB adopted a Scoping Plan in December 2008, outlining measures to meet the 2020 GHG reduction limits. In order to meet these goals, California must reduce its GHG emissions by 30 percent below projected 2020 business as usual emissions levels, or about 15 percent from today's levels.<sup>21</sup> The Scoping Plan estimates a reduction of 174 million metric tons of CO<sub>2</sub>E (MMTCO<sub>2</sub>E) (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high global warming potential sectors, see Table 5, below. ARB has identified an implementation timeline for the GHG reduction strategies in the Scoping Plan.<sup>22</sup> Some measures may require new legislation to implement, some will require subsidies, some have already been developed, and some will require additional effort to evaluate and quantify. Additionally, some emissions reductions strategies may require their own environmental review under CEQA or the National Environmental Policy Act (NEPA).

AB 32 also anticipates that local government actions will result in reduced GHG emissions. ARB has identified a GHG reduction target of 15 percent from current levels for local governments themselves and notes that successful implementation of the plan relies on local governments' land use planning and urban growth decisions because local governments have primary authority to plan, zone, approve, and permit land development to accommodate population growth and the changing needs of their jurisdictions.

The Scoping Plan relies on the requirements of Senate Bill 375 (SB 375) to implement the carbon emission reductions anticipated from land use decisions. SB 375 was enacted to align local land use and transportation planning to further achieve the State's GHG reduction goals. SB 375 requires regional transportation plans, developed by Metropolitan Planning Organizations (MPOs), to incorporate a "sustainable communities strategy" in their regional transportation plans (RTPs) that would achieve GHG emission reduction targets set by ARB. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. SB 375 would be implemented over the next several years and the Metropolitan Transportation Commission's 2013 RTP would be its first plan subject to SB 375.

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<sup>21</sup> California Air Resources Board, California's Climate Plan: Fact Sheet. Available online at: [http://www.arb.ca.gov/cc/facts/scoping\\_plan\\_fs.pdf](http://www.arb.ca.gov/cc/facts/scoping_plan_fs.pdf). Accessed March 4, 2010.

<sup>22</sup> California Air Resources Board. AB 32 Scoping Plan. Available Online at: [http://www.arb.ca.gov/cc/scopingplan/sp\\_measures\\_implementation\\_timeline.pdf](http://www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf). Accessed March 2, 2010.

**Table 2. GHG Reductions from the AB 32 Scoping Plan Sectors<sup>23</sup>**

GHG Reduction Measures By Sector	GHG Reductions (MMT CO <sub>2</sub> E)
Transportation Sector	62.3
Electricity and Natural Gas	49.7
Industry	1.4
Landfill Methane Control Measure (Discrete Early Action)	1
Forestry	5
High Global Warming Potential GHGs	20.2
Additional Reductions Needed to Achieve the GHG Cap	34.4
<b>Total</b>	<b>174</b>
<b>Other Recommended Measures</b>	
Government Operations	1-2
Agriculture- Methane Capture at Large Dairies	1
Methane Capture at Large Dairies	1
Additional GHG Reduction Measures	
Water	4.8
Green Buildings	26
High Recycling/ Zero Waste	
• Commercial Recycling	
• Composting	
• Anaerobic Digestion	9
• Extended Producer Responsibility	
• Environmentally Preferable Purchasing	
<b>Total</b>	<b>42.8-43.8</b>

Senate Bill 97 (SB 97) required the Office of Planning and Research (OPR) to amend the state CEQA guidelines to address the feasible mitigation of GHG emissions or the effects of GHGs. In response, OPR amended the CEQA guidelines to provide guidance for analyzing GHG emissions. Among other changes to the CEQA Guidelines, the amendments add a new section to the CEQA Checklist (CEQA Guidelines Appendix G) to address questions regarding the project's potential to emit GHGs.

BAAQMD is the primary agency responsible for air quality regulation in the nine county San Francisco Bay Area Air Basin (SFBAAB). As part of their role in air quality regulation, BAAQMD has prepared the CEQA air quality guidelines to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements. On June 2, 2010, the BAAQMD adopted new and revised CEQA air quality thresholds of significance and issued revised guidelines that supersede the 1999 air quality guidelines. The 2010 CEQA Air Quality Guidelines provide for the first time CEQA thresholds of significance for greenhouse gas emissions. OPR's

<sup>23</sup> Ibid.

amendments to the CEQA Guidelines as well as BAAQMD's 2010 CEQA Air Quality Guidelines and thresholds of significance have been incorporated into this analysis accordingly.

The most common GHGs resulting from human activity are CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O.<sup>24</sup> State law defines GHGs to also include hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. These latter GHG compounds are usually emitted in industrial processes, and therefore not applicable to the proposed project. Individual projects contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operational phases. Direct operational emissions include GHG emissions from new vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations.

The proposed project would increase the activity onsite through 1) construction and operation of the TBM retrieval shaft, and 2) demolition of the Pagoda Theater building and redevelopment of the site with a mixed use building containing 18 units and 4,700 sf of restaurant use. The TBM retrieval and new development could result in an incremental increase in overall energy and also water usage which generates indirect emissions from the energy required to pump, treat and convey water. The demolition and construction could also result in an increase in discarded landfill materials. Therefore, the proposed project would contribute to annual long-term increases in GHGs as a result of increased vehicle trips (mobile sources) and operations associated with energy use, water use and wastewater treatment, and solid waste disposal.

As discussed above, the BAAQMD has adopted CEQA thresholds of significance for projects that emit GHGs, one of which is a determination of whether the proposed project is consistent with a Qualified Greenhouse Gas Reduction Strategy, as defined in the 2010 CEQA Air Quality Guidelines. On August 12, 2010, the San Francisco Planning Department submitted a draft of the City and County of San Francisco's Strategies to Address Greenhouse Gas Emissions to the BAAQMD.<sup>25</sup> This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction

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<sup>24</sup> Governor's Office of Planning and Research. *Technical Advisory- CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*. June 19, 2008. Available at the Office of Planning and Research's website at: <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. <http://www.opr.ca.gov/ceqa/pdfs/june08-ceqa.pdf>. Accessed March 3, 2010.

<sup>25</sup> San Francisco Planning Department. *Strategies to Address Greenhouse Gas Emissions in San Francisco*. 2010. The final document is available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

Strategy in compliance with the BAAQMD's 2010 CEQA Air Quality Guidelines and thresholds of significance.

San Francisco's GHG reduction strategy identifies a number of mandatory requirements and incentives that have measurably reduced greenhouse gas emissions including, but not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of a green building strategy, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City's transportation fleet (including buses and taxis) and a mandatory composting ordinance. The strategy also identifies 42 specific regulations for new development that would reduce a project's GHG emissions.

San Francisco's climate change goals as are identified in the 2008 Greenhouse Gas Reduction Ordinance as follows:

- By 2008, determine the City's 1990 GHG emissions, the baseline level with reference to which target reductions are set;
- Reduce GHG emissions by 25 percent below 1990 levels by 2017;
- Reduce GHG emissions by 40 percent below 1990 levels by 2025; and
- Reduce GHG emissions by 80 percent below 1990 levels by 2050.

The City's 2017 and 2025 GHG reduction goals are more aggressive than the State's GHG reduction goals as outlined in AB 32, and consistent with the State's long-term (2050) GHG reduction goals. San Francisco's Strategies to Address Greenhouse Gas Emissions identifies the City's actions to pursue cleaner energy, energy conservation, alternative transportation and solid waste policies, and concludes that San Francisco's policies have resulted in a reduction in greenhouse gas emissions below 1990 levels, meeting statewide AB 32 GHG reduction goals. As reported, San Francisco's 1990 GHG emissions were approximately 8.26 million metric tons (MMT) CO<sub>2</sub>E and 2005 GHG emissions are estimated at 7.82 MMT CO<sub>2</sub>E, representing an approximately 5.3 percent reduction in GHG emissions below 1990 levels.

The BAAQMD reviewed San Francisco's Strategies to Address Greenhouse Gas Emissions and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010) and stated that San Francisco's "aggressive

GHG reduction targets and comprehensive strategies help the Bay Area move toward reaching the State's AB 32 goals, and also serve as a model from which other communities can learn."<sup>26</sup>

Based on the BAAQMD's 2010 CEQA Air Quality Guidelines, projects that are consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions would result in a less than significant impact with respect to GHG emissions. Furthermore, because San Francisco's strategy is consistent with AB 32 goals, projects that are consistent with San Francisco's strategy would also not conflict with the State's plan for reducing GHG emissions. As discussed in San Francisco's Strategies to Address Greenhouse Gas Emissions, new development and renovations/alterations for private projects and municipal projects are required to comply with San Francisco's ordinances that reduce greenhouse gas emissions. Applicable requirements are shown below in Table 3 (TBM retrieval) and Table 4 (1731 Powell Street mixed use building.)

TABLE 3.

**GHG REGULATIONS APPLICABLE TO MODIFIED PROJECT – TBM RETRIEVAL**

Regulation	Requirement	Project Compliance	Discussion
<b>Transportation sector</b>			
Clean Construction Ordinance (San Francisco Administrative Code, Section 6.25)	Effective March 2009, all contracts for large (20+ day) City projects are required to: <ul style="list-style-type: none"> <li>•Fuel diesel vehicles with B20 biodiesel, and</li> <li>•Use construction equipment that meet USEPA Tier 2 standards or best available control technologies for equipment over 25 hp.</li> </ul>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Tunnel Contract Section 01 57 19 Part 1.06 requires compliance with Admin. Code Section 6.25: Contractors shall adopt clean construction practices including biodiesel fuel and 5 emissions controls.
<b>Waste Reduction Sector</b>			
Resource Efficiency and Green Building Ordinance (San Francisco Environment Code, Chapter 7)	The ordinance requires all demolition (and new construction) projects to prepare a Construction and Demolition Debris Management Plan designed to recycle construction and demolition materials to the maximum extent feasible, with a goal of 75%	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Tunnel Contract Section 01 35 36 Conformed June 8, 2011 edition.  See sub section 1.07.

<sup>26</sup> Letter from Jean Roggenkamp, BAAQMD, to Bill Wycko, San Francisco Planning Department. October 28, 2010. This letter is available online at: <http://www.sfplanning.org/index.aspx?page=1570>.  
<http://www.sfplanning.org/index.aspx?page=1570>. Accessed November 12, 2010.

Regulation	Requirement	Project Compliance	Discussion
	<p>diversion.</p> <p>The ordinance specifies requires for all city buildings to provide adequate recycling space</p>		
<p>Resource Conservation Ordinance (San Francisco Environment Code, Chapter 5)</p>	<p>This ordinance establishes a goal for each City department to (i) maximize purchases of recycled products and (ii) divert from disposal as much solid waste as possible so that the City can meet the state-mandated 50% diversion requirement. Each City department shall prepare a Waste Assessment. The ordinance also requires the Department of the Environment to prepare a Resource Conservation Plan that facilitates waste reduction and recycling. The ordinance requires janitorial contracts to consolidate recyclable materials for pick up. Lastly, the ordinance specifies purchasing requirements for paper products.</p>	<p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>Tunnel Contract Section 01 35 36 Conformed June 8, 2011 edition.</p>
<p>Mandatory Recycling and Composting Ordinance (San Francisco Environment Code, Chapter 19)</p>	<p>The mandatory recycling and composting ordinance requires all persons in San Francisco to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.</p>	<p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>Tunnel Contract Section 01 35 36 Conformed June 8, 2011 edition.</p> <p>See subsection 1.01 E</p>
<p>Construction Recycled Content Ordinance (San Francisco Administrative Code, Section 6.4)</p>	<p>Ordinance requires the use of recycled content material in public works projects to the maximum extent feasible and gives preference to local manufacturers and industry.</p>	<p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>Tunnel Contract Section 01 35 36 Conformed June 8, 2011 edition.</p> <p>See subsection 1.08.</p>
<p><b>Environment/Conservation Sector</b></p>			

Regulation	Requirement	Project Compliance	Discussion
Tropical Hardwood and Virgin Redwood Ban (San Francisco Environment Code, Chapter 8)	The ordinance prohibits City departments from procuring, or engaging in contracts that would use the ordinance-listed tropical hardwoods and virgin redwood.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Tunnel Contract General Provisions GP 15.09 Section 802 with references to City Ordinance.
Regulation of Diesel Backup Generators (San Francisco Health Code, Article 30)	Requires:- All diesel generators to be registered with the Department of Public Health All new diesel generators must be equipped with the best available air emissions control technology.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	CCR Article 4.8 Section 2449 General Requirements for In-Use of Road Diesel fueled fleets, ARB AB 1085. ( <a href="http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm">http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm</a> )

TABLE 4.

**GHG REGULATIONS APPLICABLE TO MODIFIED PROJECT – 1731 POWELL REDEVELOPMENT**

Regulation	Requirements	Project Compliance	Discussion
<b>Transportation Sector</b>			
Car Sharing Requirements (San Francisco Planning Code, Section 166)	New residential projects or renovation of buildings being converted to residential uses within most of the City's mixed-use and transit-oriented residential districts are required to provide car share parking spaces.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Project will have one car share parking space.
<b>Energy Efficiency Sector</b>			
San Francisco Green Building Requirements for Energy Efficiency (San Francisco	Under the Green Point Rated system and in compliance with the Green Building Ordinance, all new residential buildings will be required to be at a minimum 15% more	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable	

Regulation	Requirements	Project Compliance	Discussion
Building Code, Chapter 13C)	energy efficient than Title 24 energy efficiency requirements.	<input type="checkbox"/> Project Does Not Comply	
San Francisco Green Building Requirements for Stormwater Management (San Francisco Building Code, Chapter 13C) Or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Requires all new development or redevelopment disturbing more than 5,000 square feet of ground surface to manage stormwater on-site using low impact design. Projects subject to the Green Building Ordinance Requirements must comply with either LEED® Sustainable Sites Credits 6.1 and 6.2, or with the City's Stormwater Management Ordinance and stormwater design guidelines.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Project site is greater than 5000 sf, and shall comply.
Indoor Water Efficiency  (San Francisco Building Code, Chapter 13C sections 13C.5.103.1.2, 13C.4.103.2.2, 13C.303.2.)	<b>If meeting a GreenPoint Rated Standard:</b>  Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets and urinals.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Residential Water Conservation Ordinance (San Francisco Building Code, Housing Code, Chapter 12A)	Requires all residential properties (existing and new), prior to sale, to upgrade to the following minimum standards:  1. All showerheads have a maximum flow of 2.5 gallons per minute (gpm) 2. All showers have no more than one showerhead per valve 3. All faucets and faucet aerators have a maximum flow rate of 2.2	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	

Regulation	Requirements	Project Compliance	Discussion
	<p>gpm</p> <p>4. All Water Closets (toilets) have a maximum rated water consumption of 1.6 gallons per flush (gpf)</p> <p>5. All urinals have a maximum flow rate of 1.0 gpf</p> <p>6. All water leaks have been repaired.</p> <p>Although these requirements apply to existing buildings, compliance must be completed through the Department of Building Inspection, for which a discretionary permit (subject to CEQA) would be issued.</p>		
<p>Residential Energy Conservation Ordinance (San Francisco Building Code, San Francisco Housing Code, Chapter 12)</p>	<p>Requires all residential properties to provide, prior to sale of property, certain energy and water conservation measures for their buildings: attic insulation; weather-stripping all doors leading from heated to unheated areas; insulating hot water heaters and insulating hot water pipes; installing low-flow showerheads; caulking and sealing any openings or cracks in the building's exterior; insulating accessible heating and cooling ducts; installing low-flow water-tap aerators; and installing or retrofitting toilets to make them low-flush. Apartment buildings and hotels are also required to insulate steam and hot water pipes and tanks, clean and tune their boilers, repair boiler leaks, and install a time-clock on the burner.</p> <p>Although these requirements apply to-existing buildings, compliance must be completed through the Department of Building Inspection,</p>	<p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	

Regulation	Requirements	Project Compliance	Discussion
	for which a discretionary permit (subject to CEQA) would be issued.		
<b>Waste Reduction Sector</b>			
Mandatory Recycling and Composting Ordinance (San Francisco Environment Code, Chapter 19) and San Francisco Green Building Requirements for solid waste (San Francisco Building Code, Chapter 13C)	<p>All persons in San Francisco are required to separate their refuse into recyclables, compostables and trash, and place each type of refuse in a separate container designated for disposal of that type of refuse.</p> <p>Pursuant to Section 1304C.0.4 of the Green Building Ordinance, all new construction, renovation and alterations subject to the ordinance are required to provide recycling, composting and trash storage, collection, and loading that is convenient for all users of the building.</p>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Project will have waste chutes for each separate waste stream, leading to a trash collection area with containers dedicated to each chute.
San Francisco Green Building Requirements for construction and demolition debris recycling (San Francisco Building Code, Chapter 13C)	Projects proposing demolition are required to divert at least 75% of the project's construction and demolition debris to recycling.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
San Francisco Construction and Demolition Debris Recovery Ordinance (San Francisco Environment Code, Chapter 14)	Requires that a person conducting full demolition of an existing structure to submit a waste diversion plan to the Director of the Environment which provides for a minimum of 65% diversion from landfill of construction and demolition debris, including materials source separated for	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	

Regulation	Requirements	Project Compliance	Discussion
	reuse or recycling.		
<b>Environment/Conservation Sector</b>			
Street Tree Planting Requirements for New Construction (San Francisco Planning Code Section 138.1)	Planning Code Section 138.1 requires new construction, significant alterations or relocation of buildings within many of San Francisco's zoning districts to plant on 24-inch box tree for every 20 feet along the property street frontage.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Light Pollution Reduction (San Francisco Building Code, Chapter 13C5.106.8)	For nonresidential projects, comply with lighting power requirements in CA Energy Code, CCR Part 6. Requires that lighting be contained within each source. No more than .01 horizontal lumen footcandles 15 feet beyond site, or meet LEED credit SSc8.	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	
Construction Site Runoff Pollution Prevention for New Construction (San Francisco Building Code, Chapter 13C)	<p>Construction Site Runoff Pollution Prevention requirements depend upon project size, occupancy, and the location in areas served by combined or separate sewer systems.</p> <p>Projects meeting a LEED® standard must prepare an erosion and sediment control plan (LEED® prerequisite SSP1).</p> <p>Other local requirements may apply regardless of whether or not LEED® is applied such as a stormwater soil loss prevention plan or a Stormwater Pollution Prevention Plan (SWPPP).</p> <p>See the SFPUC Web site for more information:</p>	<input checked="" type="checkbox"/> Project Complies <input type="checkbox"/> Not Applicable <input type="checkbox"/> Project Does Not Comply	Project is not subject to LEED but will have construction site runoff pollution plan.

Regulation	Requirements	Project Compliance	Discussion
	www.sfwater.org/CleanWater		
<p>Low-emitting Adhesives, Sealants, and Caulks (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.2.1)</p>	<p><b>If meeting a GreenPoint Rated Standard:</b></p> <p>Adhesives and sealants (VOCs) must meet SCAQMD Rule 1168.</p>	<p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>Project will meet Green Point rating standards.</p>
<p>Low-emitting materials (San Francisco Building Code, Chapters 13C.4. 103.2.2,</p>	<p>For Small and Medium-sized Residential Buildings - Effective January 1, 2011 meet GreenPoint Rated designation with a minimum of 75 points.</p> <p>For New High-Rise Residential Buildings - Effective January 1, 2011 meet LEED Silver Rating or GreenPoint Rated designation with a minimum of 75 points.</p> <p>For Alterations to residential buildings submit documentation regarding the use of low-emitting materials.</p> <p><b>If meeting a GreenPoint Rated Standard:</b></p> <p>Meet the GreenPoint Rated Multifamily New Home Measures for low-emitting adhesives and sealants, paints and coatings, and carpet systems,</p>	<p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Project Does Not Comply</p>	<p>Project will meet Green Point rating standards.</p>
<p>Low-emitting Paints and Coatings (San Francisco Building</p>	<p><b>If meeting a GreenPoint Rated Standard:</b></p> <p>Interior wall and ceiling paints must</p>	<p><input checked="" type="checkbox"/> Project Complies</p> <p><input type="checkbox"/> Not</p>	<p>Project will meet Green Point rating standards.</p>

Regulation	Requirements	Project Compliance	Discussion
Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 13C.504.2.2 through 2.4)	meet <50 grams per liter VOCs regardless of sheen. VOC Coatings must meet SCAQMD Rule 1113.	Applicable <input type="checkbox"/> Project Does Not Comply	
Low-emitting Flooring, including carpet (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2, 13C.504.3 and 13C.4.504.4)	<b>If meeting a GreenPoint Rated Standard:</b>  All carpet systems, carpet cushions, carpet adhesives, and at least 50% of resilient flooring must be low-emitting.	X Project Complies  <input type="checkbox"/> Not Applicable  <input type="checkbox"/> Project Does Not Comply	Project will meet Green Point rating standards.
Low-emitting Composite Wood (San Francisco Building Code, Chapters 13C.5.103.1.9, 13C.5.103.4.2, 13C.5.103.3.2, 13C.5.103.2.2 and 13C.4.504.5)	<b>If meeting a GreenPoint Rated Standard:</b>  Must meet applicable CARB Air Toxics Control Measure formaldehyde limits for composite wood.	X Project Complies  <input type="checkbox"/> Not Applicable  <input type="checkbox"/> Project Does Not Comply	Project will meet Green Point rating standards.
Wood Burning Fireplace Ordinance (San Francisco Building Code, Chapter 31, Section 3102.8)	Bans the installation of wood burning fire places except for the following: <ul style="list-style-type: none"><li>o Pellet-fueled wood heater</li><li>o EPA approved wood heater</li><li>o Wood heater approved by the Northern Sonoma Air Pollution Control District</li></ul>	X Project Complies  <input type="checkbox"/> Not Applicable  <input type="checkbox"/> Project Does Not Comply	There are no wood burning fire places in the project.

Depending on a proposed project's size, use, and location, a variety of controls are in place to ensure that a proposed project would not impair the State's ability to meet statewide GHG reduction targets outlined in AB 32, nor impact the City's ability to meet San Francisco's local GHG reduction targets. Given that: (1) San Francisco has implemented regulations to reduce greenhouse gas emissions specific to new construction and renovations of private developments and municipal projects; (2) San Francisco's sustainable policies have resulted in the measured success of reduced greenhouse gas emissions levels; (3) San Francisco has met and exceeded AB 32 greenhouse gas reduction goals for the year 2020; (4) current and probable future state and local greenhouse gas reduction measures will continue to reduce a project's contribution to climate change; and (5) San Francisco's Strategies to Address Greenhouse Gas Emissions meet BAAQMD's requirements for a Qualified GHG Reduction Strategy, projects that are consistent with San Francisco's regulations would not contribute significantly to global climate change. The proposed project would be required to comply with these requirements, and was determined to be consistent with San Francisco's Strategies to Address Greenhouse Gas Emissions.<sup>27</sup> As such, the modified project would result in a less than significant impact with respect to GHG emissions.

## SHADOW

No significant shadow impacts were identified in the 2008 SEIS/SEIR. Relocation of the TBM retrieval shaft site would not create any new shadow impacts compared to the approved Central Subway project.

The existing Pagoda Theater building is located directly west of Washington Square across Columbus Avenue. The modified project proposes an SUD on the project site increasing the height limit from 40-X to 55-X, and Conditional Use approval for construction of a building up to approximately 55 feet in height as measured by the Planning Code, with a roof line consistent with the roof line of the existing building, and with a blade sign extending beyond the roof of the building. Section 295 of the Planning Code describing height restrictions on structures shadowing property under the jurisdiction of the Recreation and Park Commission would normally be applicable to the construction of any building exceeding 40 feet in height. However, as specified the Conditional Use application, neither the roof nor the blade sign of the

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<sup>27</sup> Greenhouse Gas Analysis: Compliance Checklist. April, 2012. This document is on file in Case File No. 2011.1043E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

new building would exceed the height of the corresponding component of the existing building. Section 295(a)(4) specifies that structures of the same height and in the same location as structures in place on June 6, 1984 are not subject to the provisions of Section 295. Moreover, CEQA requires analysis of the environmental impacts resulting from physical changes to the existing setting. The modified project would not increase shadow on Washington Square compared to current conditions, and therefore there would be no impacts from shadow from approval of the modified project.

## GEOLOGY AND SOILS

### *TBM Retrieval Site Relocation*

A geotechnical investigation for the Pagoda Theater project was prepared on December 1, 2008.<sup>28</sup> The report found that the project site is underlain by fill consisting of medium dense sand and stiff clay to a depth of up to 15 feet, below which is medium-very stiff sandy clay and dense-very dense silty sand. It is expected that weathered sandstone of the Franciscan formation may be found to a depth of 40-50 feet below ground surface (bgs), where the tunnel would be constructed. Shallow groundwater at a depth of eight feet bgs was encountered.

The 2008 SEIS/SEIR recognized the potential for settlement of geologic materials during construction of the Central Subway. Design-level geotechnical analysis conducted as part of the project considers the potential for settlement and identifies construction methods to minimize it as appropriate given the soil conditions in applicable locations along the alignment. The 2008 SEIS/SEIR includes mitigation to minimize settlement through monitoring of movement and sequential support for excavation as necessary (through use of ground improvement techniques such as jet grouting or underpinning) (see Mitigation Measures, p. 57). This mitigation measure would be applicable to the proposed extension of the tunnel and construction of the retrieval shaft, and no new significant impact would occur.

### *1731 Powell Street Mixed-Use Building*

The geotechnical report for the Pagoda Theater project recommended that the following features be incorporated into the project design: use of a foundation that can withstand

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<sup>28</sup> Treadwell & Rollo, *Draft Geotechnical Investigation, 1731-1741 Powell Street, La Corneta Palace*, 1 December 2008. This document is on file and available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.1117E and Case File No. 1996.281E.

hydrostatic uplift; waterproofing of below-grade walls and slabs; use of tiedown anchors; underpinning, shoring, waterproofing, dewatering, and monitoring during construction. The 2008 SEIS/SEIR addresses dewatering in the topic of Hazardous Materials; accordingly, dewatering is addressed in the Hazards and Hazardous Materials discussion below. Geotechnical issues are addressed through the Department of Building Inspection's building permit review process, and necessary measures are taken to ensure that the project meets all applicable codes and requirements. The proposed 1731 Powell Street project would be required to undergo this review as part of the building permit process. Therefore, no significant impacts would occur from this aspect of the project and no mitigation is required.

## HAZARDS AND HAZARDOUS MATERIALS

Article 20 of the San Francisco Municipal Code (also known as the Maher Ordinance) requires oversight by the Department of Public Health (DPH) for excavation on properties located bayward of the 1851 high tide line (the "Maher Zone"). The 2008 SEIS/SEIR imposed requirements similar to the Article 20 provisions as mitigation for hazardous materials for those sites affected by the Central Subway project that are not within the Maher Zone. The mitigation requires establishment of a groundwater monitoring protocol to avoid exposure to groundwater containing hazardous materials (p. 6-107). The project site is outside the Maher Zone, and therefore the mitigation established through the 2008 SEIS/SEIR, including the requirements associated with dewatering, would be applicable to the tunnel extension and TBM retrieval shaft construction (see Mitigation Measures, p. 57). No further mitigation is required.

The 1731 Powell Street project site is not included on any database of hazardous materials sites. The site contained a leaking underground storage tank (LUST) containing fuel oil, which was cleaned up and closed through the DPH Cleanup Program.<sup>29</sup>

No new significant impacts with respect to hazardous materials would occur as a result of the modified project.

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<sup>29</sup> San Francisco Planning Department Geographic Information System, accessed on January 22, 2013.

## OTHER ENVIRONMENTAL EFFECTS

This section addresses the remaining topic areas for environmental review included in San Francisco's Initial Study checklist. Modified project impacts would be minimal, as described below.

### Population and Housing

Relocation of the TBM retrieval shaft would not result in any change in impacts associated with population and housing.

Redevelopment of the 1731 Powell Street site as proposed would result in construction of 18 new residential units, resulting in a population increase of approximately 42 persons based on San Francisco's average household size of 2.30 persons per household. No existing housing would be removed, and the addition of 4,700 sf of commercial space (with an estimated 13 employees) would not create a substantial demand for new housing. Development of 18 units at this site first received Planning Department authorization in 2009, indicating that the incremental increase in population in the vicinity is consistent with projected growth. The modified project would not result in new significant impacts related to population and housing.

### Recreation

The project site is located directly west of Washington Square, across Columbus Avenue, and is less than two blocks (approximately 500 feet) south of Joe DiMaggio Playground. Other nearby parks include Ina Coolbrith Park (1,600 feet to the southwest) and Woh Hei Yuen Park (1,800 feet to the south). Addition of 18 units on the project site would have a less-than-significant impact on recreation, because it would not substantially increase demand for or use of neighborhood parks or citywide facilities, such as Golden Gate Park, in a manner that would cause substantial physical deterioration of these facilities. Relocation of the TBM retrieval shaft site would have similar less than significant impacts on Washington Square as the approved project.

### Wind

Relocation of the TBM extraction site 100 feet to the northwest would not change the wind impacts of the project, which were determined to be less than significant in the 2008 SEIR/SEIS.

At 56 feet, the existing building on the project site is similar in size to many neighboring structures. Redevelopment at 1731 Powell Street as proposed in the modified project would result in a building with substantially the same height and massing as the existing structure on the project site.

Substantial increases in pedestrian-level winds can result from the construction of new building of substantial height (generally exceeding 85-100 feet) protruding above surrounding buildings. No such height increase would occur under the modified project, and therefore the modified project does not have the potential to create new significant impacts relative to wind not addressed in the 2008 SEIR/SEIS.

### **Utilities and Public Services**

The 2008 SEIS/SEIR states that the TBM construction method would not require relocation of utilities above TBM tunnels (p. 6-86). Diversion of utilities would occur for construction of the TBM retrieval shaft at the approved site on Columbus Avenue. The modified project would not result in any more utility diversion than the approved project, and may require less diversion as the TBM shaft would be located on private property rather than in the public right-of-way.

The addition of 18 units and 4,700 sf of restaurant use would be incremental infill development in a location well served by existing urban utilities and public services (e.g. police, fire, libraries, schools). This development has been foreseeable at this site since 2007 and was granted authorization in 2009, and is within projected growth in the area.

The modified project would not create any new significant impacts associated with utilities or public services.

### **Biological Resources**

According to the Tree Disclosure Form submitted by the 1741 Powell Street property owner, there are three existing street trees on the project site frontage and one additional street tree would be required to meet current standards. Street trees may be used by nesting birds, which are fully protected under Fish and Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act (MBTA). As mitigation for any tree removal or damage associated with the Central Subway project, the 2008 SEIS/SEIR requires that any street trees affected by the project be replaced at a 1:1 ratio, and a certified arborist be present during TBM retrieval shaft construction to avoid any tree roots (p. 6-99) (see Mitigation Measures, p. 57). There are no adopted habitat conservation plans applicable to the project site, nor does the site include any riparian habitat or other significant biological resources.

In September 2011, the Board of Supervisors approved *Planning Code* Section 139, Standards for Bird-Safe Buildings. The standards apply to buildings located within 300 feet of, and having a direct line of sight to, an urban bird refuge. As an open space larger than 2 acres dominated by vegetation, Washington Square is considered an urban bird refuge and the proposed 1731 Powell Street building would be subject to the requirements of *Planning Code* Section 139. Bird-safe elements would be required to be incorporated into the building design, and no significant impact would occur.

### **Hydrology and Water Quality**

The Central Subway project is subject to San Francisco Public Utilities Commission (SFPUC) requirements, which mandate preparation of a Storm Water Pollution Prevention Plan (SWPPP) specifying construction storm water management controls, and erosion and sediment control (p. 6-96-97). Construction of the TBM retrieval site in the proposed location would be subject to the SWPPP. No significant impacts would occur, and no mitigation is required. The 1741 Powell Street building would not have the potential to result in significant impacts associated with hydrology and water quality; issues associated with dewatering have been addressed above in the discussions of geology and hazardous materials.

### **Mineral and Energy Resources**

Relocation of the TBM retrieval shaft would have no effect on energy use during project construction or operation. There are no mineral resources within the area that would be affected by extension of the TBM tunnel to the project site.

The proposed 1741 Powell Street project would meet current State and local codes concerning energy consumption, including Title 24 of the California Code of Regulations, enforced by the Department of Building Inspection. Impacts to mineral and energy resources from the modified project would be less than significant.

### **Agricultural Resources**

The modified project would have no impacts associated with agricultural resources. No such resources are located on or in proximity to the project site.

## **GROWTH INDUCEMENT**

Growth inducement under CEQA considers the ways in which proposed projects could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Projects that are traditionally or most commonly

considered growth inducing are those that would remove obstacles to population growth (for example, a major expansion of a wastewater treatment plant may allow more construction in its service area, or a new freeway may allow growth at freeway exits).

Growth-inducing impacts of the Central Subway project were discussed in the 2008 SEIS/SEIR at 7-51, and found to be less than significant. The modified project would extend the Central Subway tunnel an additional 100 feet beyond the approved terminus, and locate the TBM retrieval shaft on private property rather than in the Columbus Avenue right-of-way. SFMTA is seeking a limited-term lease from the 1731 Powell Street property owner to use the site for TBM retrieval, after which SFMTA would vacate the property and it would be available for redevelopment. Like the approved project, the modified project would not be expected to have significant growth-inducing impacts.

As a separate project, SFMTA could consider extension of the Central Subway further north and/or construction of a subway station in North Beach. Neither the Columbus Avenue retrieval shaft site nor the proposed 1731 Powell Street site would preclude either of these additions to the system. Any such proposal is not part of the current effort and would be subject to additional environmental review.

The proposed height reclassification and granting of approvals to allow construction of 18 units and 4,700 square feet of restaurant use would not enable substantial additional growth beyond the amount of development already approved on the project site.

The modified project would not result in significant growth-inducing impacts.

## **MITIGATION AND IMPROVEMENT MEASURES**

This section presents those mitigation measures that address significant environmental impacts identified in the 2008 SEIS/SEIR that are relevant to the portion of the Central Subway project currently proposed for modification. It also includes relevant improvement measures, which are not necessary to avoid significant environmental impacts but were included in the 2008 SEIS/SEIR to further reduce impacts that were less than significant. As noted throughout this document, the modified project would not result in any new significant impacts, compared to those identified in the 2008 SEIS/SEIR.

## MITIGATION MEASURES

### *Cultural Resources*

**M CNPRE-1a:** Consistent with the SHPO MOA with the City, FTA, and SFMTA shall work with a qualified archaeologist to ensure that all state and federal regulations regarding cultural resources and Native American concerns are enforced.

**MM CNPRE-1b:** Limited subsurface testing in identified archaeologically sensitive areas shall be conducted once an alignment has been selected.

**MM CNPRE-1c:** During construction, archaeological monitoring shall be conducted in those sections of the alignment identified in the completed HCASR and through pre-construction testing as moderately to highly sensitive for prehistoric and historic-era archaeological deposits.

**MM CNPRE-1d:** Upon completion of archaeological field investigations, a comprehensive technical report shall be prepared for approval by the San Francisco Environmental Review Officer that describes the archaeological findings and interpretations in accordance with state and federal guidelines.

**MM CNPRE-1e:** If unanticipated cultural deposits are found during subsurface construction, soil disturbing activities in the vicinity of the find shall be halted until a qualified archaeologist can assess the discovery and make recommendations for evaluation and appropriate treatment to the ERO for approval in keeping with adopted regulations and policies.

**MM CNHARC-2A:** Pre-drilling for pile installation in areas that would employ secant piles with ground-supporting walls in the cut-and-cover areas would reduce the potential effects of vibration.

**MM CNHARC-2b:** Vibration monitoring of historic structures adjacent to tunnels and portals will be specified in the construction documents to ensure that historic properties do not sustain damage during construction. Vibration impacts would be mitigated to a less-than-significant level. If a mitigation monitoring plan provides the following:

- The contractor will be responsible for the protection of vibration-sensitive historic building structures that are within 200 feet of any construction activity.
- The maximum peak particle vibration (PPV) velocity level, in any direction, at any of these historic structures should not exceed 0.12 inches/second for any length of time.

- The Contractor will be required to perform periodic vibration monitoring at the closest structure to ground disturbing construction activities, such as tunneling and station excavation, using approved seismographs.
- If at any time the construction activity exceeds this level, that activity will immediately be halted until such time as an alternative construction method can be identified that would result in lower vibration levels.

### *Geology and Soils*

**MM CNSET-1a:** Provisions such as concrete diaphragm walls to support the excavation and instrumentation to monitor settlement and deformation would be used to ensure that structures adjacent to tunnel alignments are not affected by excavations.

**MM CNSET-1b:** Tunnel construction methods that minimize ground movement, such as pressure-faced TBMs, Sequential Excavation Method, and ground improvement techniques such as compensation grouting, jet grouting or underpinning will be used.

**MM CNSET-1c:** Rigorous geomechanical instrumentation would be used to monitor underground excavation and grouting or underpinning will be employed to avoid displacement of structures.

### *Hazardous Materials*

**MM CNHAZ-1a:** Implementation of mitigation measures similar to those required for properties under the jurisdiction of Article 20: preparation of a Site History Report; Soil Quality Investigation, including a Soils Analysis Report and a Site Mitigation Report (SMR); description of Environmental Conditions; Health and Safety Plan (HSP); Guidelines for the Management and Disposal of Excavated Soils; and a Certification Statement that confirms that no mitigation is required or the SMR would mitigate the risks to the environment of human health and safety. This measure would ensure that the project impacts are mitigated to a less-than-significant level.

### *Noise and Vibration*

**MM CNNV-1a:** The Contractor shall be required to perform periodic vibration monitoring using approved seismographs at the historic structure closest to the construction activity. If the construction activity exceeds a 0.12 inches/second level, the construction activity shall be

immediately halted until an alternative construction method that would result in lower vibration levels can be identified.

MM CNNV-1b: During construction, an acoustical consultant will be retained by the contractor to prepare a more detailed construction noise and vibration analysis to address construction staging areas, tunnel portals, cut-and-cover construction, and underground mining and excavation operations.

## IMPROVEMENT MEASURES

### *Visual Resources*

IM CNVAES-1a: Construction staging areas and excavation sites in these areas may be screened from view during construction to minimize potential visual impacts.

### *Biological Resources*

IM CNBIO-1a: Any street trees removed or damaged as part of construction would be replaced along the street at a 1:1 ratio.

IM CNBIO-2a: A certified arborist would be present as needed during excavation of the Columbus Avenue TBM retrieval shaft to monitor protection of tree roots.

### *Noise and Vibration*

IM CNNV-2a: The incorporation of noise control measures would minimize noise impacts during construction: noise control devices such as equipment mufflers, enclosures, and barriers; stage construction as far away from sensitive receptors as possible; maintain sound reducing devices and restrictions throughout construction period; replace noisy with quieter equipment; schedule the noisiest construction activities to avoid sensitive times of the day.

The contractor will hire an acoustical consultant to oversee the implementation of the Noise Control and Monitoring Plans; prepare a Noise Control Plan; and comply with the nighttime noise variance provisions.

The consultant will conduct and report on periodic noise measurements to ensure compliance with the Noise Monitoring Plan using up to date equipment certified to meet specified lower noise level limits during nighttime hours.

## CEQA CONCLUSION

Based on the analysis and discussion presented in this document, no supplemental or subsequent environmental analysis is needed pursuant to the *CEQA Guidelines*, Sections 15162, 15163, and 15164. It is concluded that the analyses conducted and the conclusions reached in the SEIS/SEIR, certified August 7, 2008 remain valid. The modified proposed project would not cause new significant impacts not identified in the 2008 SEIS/SEIR or result in a substantial increase in the severity of previously identified significant impacts, and no new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the project that would cause significant environmental impacts to which the modified project would contribute considerably, and no new information has become available that shows that the approved or modified project would cause significant environmental impacts. Therefore, no supplemental environmental review is required beyond this Addendum.

January 31, 2013

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

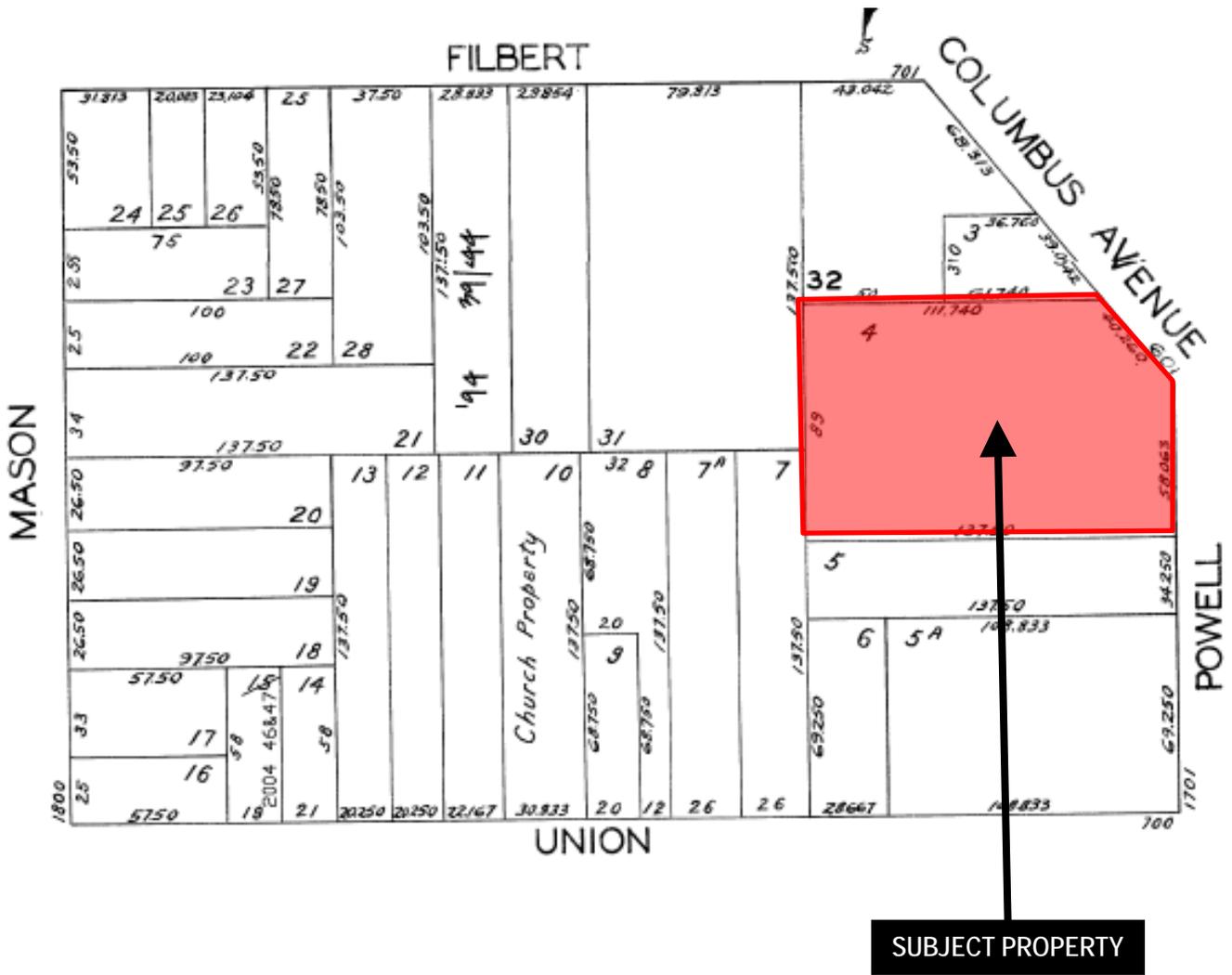


Bill Wycko

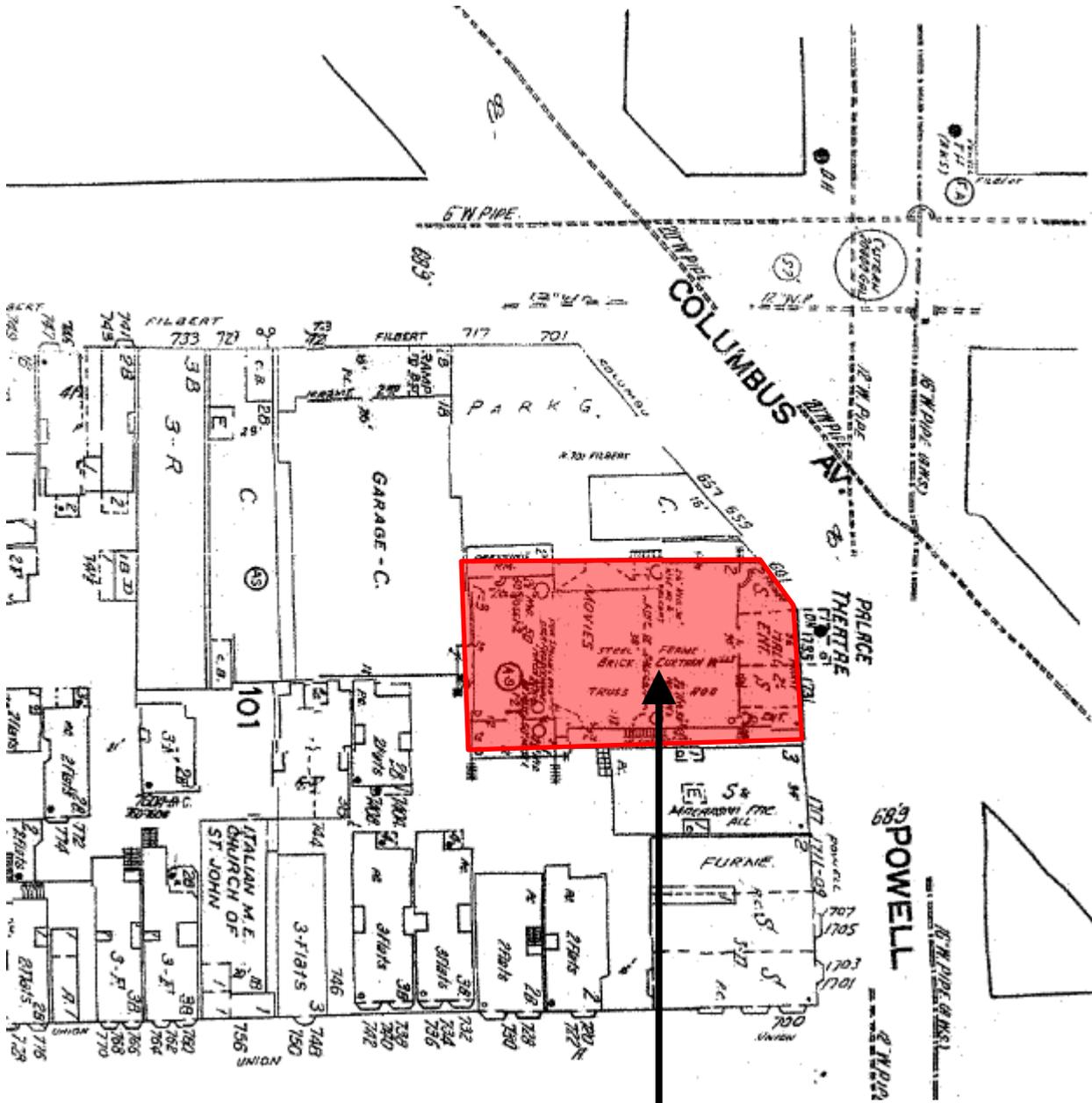
Environmental Review Officer

Cc: Project Sponsor; Supervisor Chiu, District 3; Distribution List; Bulletin Board

# Parcel Map



# Sanborn Map\*



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

**SUBJECT PROPERTY**



Conditional Use/Zoning Amendment  
Case Number 2013.0050CTZ  
1731 Powell Street



# Aerial Photo



**SUBJECT PROPERTY**



Conditional Use/Zoning Amendment  
Case Number 2013.0050CTZ  
1731 Powell Street

# Site Photo



Conditional Use/Zoning Amendment  
Case Number 2013.0050CTZ  
1731 Powell Street

# Site Photo



Conditional Use/Zoning Amendment  
Case Number 2013.0050CTZ  
1731 Powell Street

## Central Subway

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**From:** algreening <algreening@mac.com>  
**Sent:** Tuesday, November 20, 2012 2:14 PM  
**To:** Chiu, David; Central Subway  
**Cc:** Sarah Taber; Tina Moylan  
**Subject:** Central Subway - Boring Machine Removal

Dear David and Edward,

Thanks for arranging last night's meeting on removal of the Central Subway boring machines.

I am in favor of either alt 2 or 4 and opposed to alt 1.

I would like to suggest the following change to alt 2. At the end of boring, angle the boring machine off of Stockton. This would take the buried head of the machine out of the way of a possible future extension to North Beach and the Wharf area down Stockton. It should improve the evaluation of Alt 2. I am also in favor of reducing the project cost, even if it means returning so money to the Fed. Gov.

Al Greening

## Central Subway

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**From:** tyler young <tread.lightly@hotmail.com>  
**Sent:** Monday, November 26, 2012 4:50 PM  
**To:** Central Subway  
**Subject:** Central Subway

Hello,

I would just like to quickly state my support for the Central Subway extending to North Beach and eventually Fisherman's Wharf. Many I have spoken to in the North Beach community support the idea of having a station here, and we feel that it is vital to the functionality of this line. It would be very unfortunate to abandon this plan just because of a short period of construction in the area.

Thank You,

Tyler Young.

## Central Subway

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**From:** Holly Stevens <hollyestevens@gmail.com>  
**Sent:** Monday, December 03, 2012 2:06 PM  
**To:** Central Subway  
**Subject:** OPTION 4--YES!

I am a twenty-five year resident of North Beach. I live and teach (Instructor at CCSF 808 Kearny) in the neighborhood. I want to express my support and excitement for the possibility of bring a station to NB, with a stop at the Pagoda Theater. Option 4 is the best option!

Holly Stevens

## Central Subway

---

**From:** Fay Darmawi <fdarmawi@yahoo.com>  
**Sent:** Monday, December 03, 2012 6:02 PM  
**To:** Central Subway  
**Subject:** North Beach - Central Subway

Dear Mr. Ed Reskin,

I am a long time resident of North Beach and raising two young boys here, without a car. We support your plan to extend the Central Subway tunnel to North Beach and create a station here.

Thank you for your consideration.

Sincerely,

Fay Darmawi  
Chestnut St.  
SF, CA

January 15, 2013

SFMTA Board of Directors  
San Francisco Municipal Transportation Agency (SFMTA)  
1 South Van Ness Avenue, Floor 7  
San Francisco, CA 94103

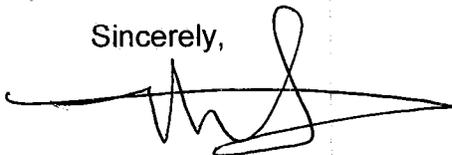
Dear SFMTA Board of Directors,

As the owner of 721-725 Filbert, a property in North Beach adjacent to the Pagoda Palace (1731-1741 Powell Street), I strongly support the proposed plan to remove the Central Subway Project's tunnel boring machines (TBMs) at the Pagoda Palace site. This plan will minimize construction impacts, including traffic disruptions and impacts to local businesses, within the North Beach community. In addition, by removing the TBMs from the ground, this plan, in contrast to the other options under consideration, will not create a physical impediment to a potential future extension of the T Third Line to North Beach and Fisherman's Wharf.

I understand that removing the TBMs at the Pagoda Palace site would involve construction impacts, such as noise and dust, and that these impacts will be mitigated. Therefore, I support the Pagoda Palace option because it represents a significant overall reduction in construction impacts and a significant improvement over the existing plan. The current plan to remove the TBMs on Columbus Avenue between Union and Filbert would result in significantly more traffic disruption and construction impacts to the businesses, residents and visitors to this vibrant neighborhood.

My children are third generation Italians. All of my family have been raised with North Beach as a significant influence of our heritage and family values. I encourage you to move forward with the steps required to realize the Pagoda Palace option so we can minimize the construction impacts to the North Beach community while avoiding impediments to a future extension of the T Third Line.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Boschetto". The signature is stylized with a large loop at the end and a horizontal line extending to the left.

Mike Boschetto  
The Boschetto Family Partnership  
721-725 Filbert Street, San Francisco  
Office-650-873-2121.

**MACCHIARINI CREATIVE DESIGN**

**1544 Grant Ave.**

**San Francisco, Calif.**

**(415)982-2229**

[www.macchiarinirecreations.com](http://www.macchiarinirecreations.com)

[Danny1Mac@sbcglobal.net](mailto:Danny1Mac@sbcglobal.net)

***MODERNIST DESIGN SINCE 1948***

01/23/2013

SFMTA Board of Directors  
San Francisco Municipal Transportation Agency (SFMTA)  
1 South Van Ness Avenue, Floor 7  
San Francisco, CA 94103

Dear SFMTA Board of Directors,

As the long time merchant in North Beach I strongly support the proposed plan to remove the Central Subway Project's tunnel boring machines (TBMs) at the Pagoda Palace site or leaving them in the ground if a lease can't be achieved with the existing owner of that property. Either of these plans will minimize construction impacts, including traffic disruptions and impacts to local businesses, within the North Beach community.

Of the two possibilities, the Pagoda site is preferable. Removing the TBMs from the ground there through this plan would best facilitate potential future T-line extension and stations. We all know that if the T Third Line is to be a true viable subway line it must be extended and include stations both in North Beach and Fisherman's Wharf and efficiently link with other mass transit systems in our city. Both from an engineering and community consensus point of view, the Pagoda site offers better opportunities for creating a culturally meaningful as well as useful public transit extension for our city.

Further, while It is understand that removing the TBMs at the Pagoda Palace site would involve some construction impacts, such as noise and dust, these impacts will be mitigated by MTA and SF DBI management oversight of contractor demolition and construction activity. Therefore, I support the Pagoda Palace option because it potentially represents a significant overall reduction in these construction impacts and a significant improvement over the existing plan. The current plan to remove the TBMs on Columbus Avenue between Union and Filbert is absolutely unacceptable. It would result in significantly more traffic disruption and construction impacts destroying many small businesses, disturbing residential domestic peace and driving away visitors to our vibrant neighborhood. Its very concept represents years of poor planning, arrogance in

bureaucratic hieratical decision making on the part of past MTA Boards and Staff and other City officials having conceitedly conceived it without North Beach merchant and community impute.

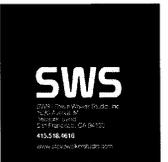
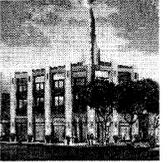
It is now encouraging that your MTA board and staff as well as other city officials who support the central subway project have eliminated this horrible "option".

I encourage the MTA Board and Staff to continue to pursue the Pagoda Site option or leave the TBMs in the ground so as not to negatively impact our historic and vibrant North Beach neighborhood. Please move forward with the steps in this matter in this way!

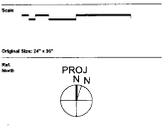
Sincerely,  
Dan Macchiarini  
Merchant  
Board Member  
North Beach Business Association

7 JANUARY 2013

**THE PALACE**  
**AT WASHINGTON** SQUARE



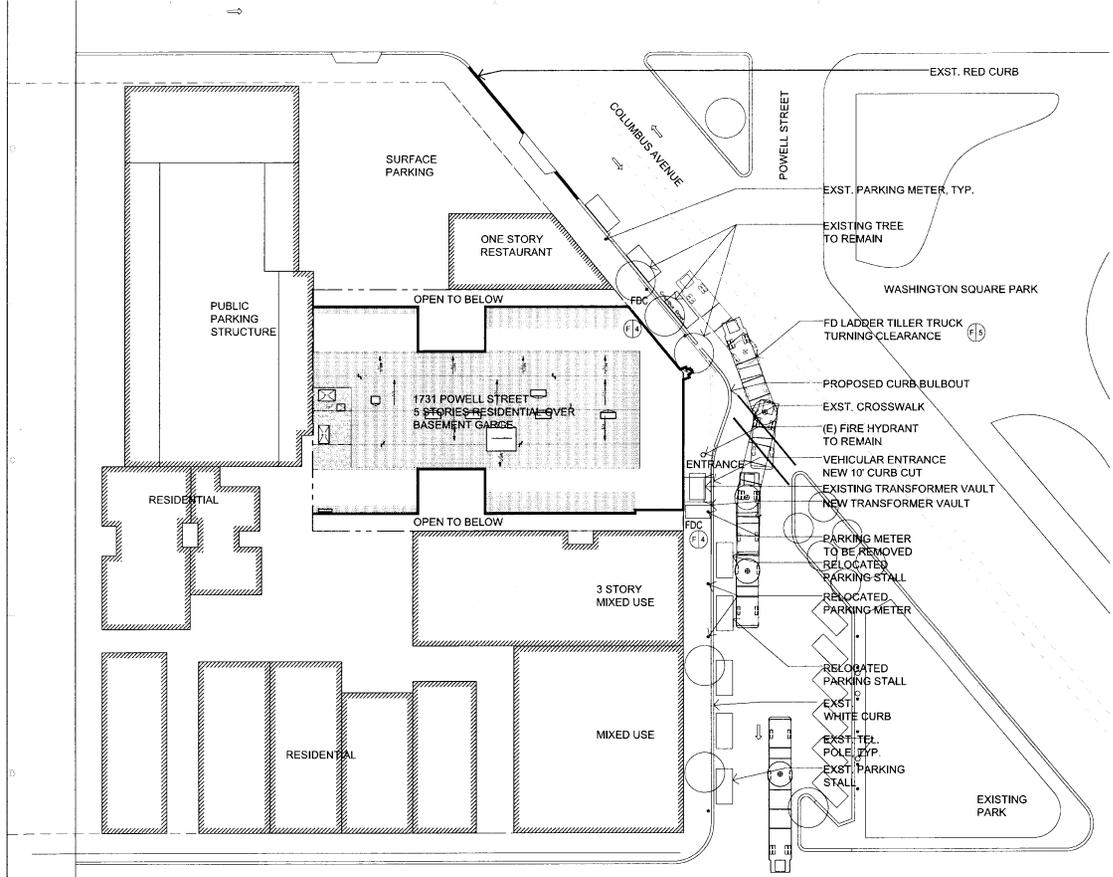
No.	Date	Revised and Marked	By
DESIGN BUILD BID SET	11/2/10		
SITE PERMIT RESUBMITTAL	11/23/10		
SITE PERMIT REVISION LOGS	03/25/11		
SITE PERMIT REVISION (SFFD)	6/18/12		
CONDITIONAL USE PERMIT RESUBMITTAL	1/17/13		



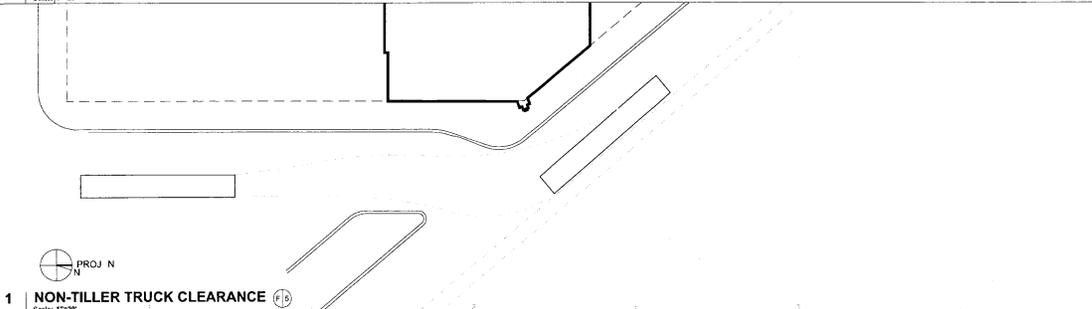
Project Name  
**THE PALACE AT WASHINGTON SQ**  
 1731-1741 Powell Street  
 San Francisco, CA 94133

Site Plan  
 Date  
**A-100**  
 Project Plan

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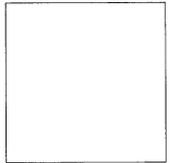
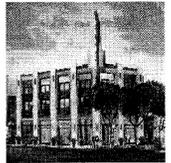


**1 SITE PLAN**  
 Scale: 1"=20'



**1 NON-TILLER TRUCK CLEARANCE**  
 Scale: 1"=20'

- PLAN KEY NOTES**
- (E) BRICK WALLS & COLUMNS TO REMAIN
  - (E) TRUSSES TO REMAIN, MODIFY AS NECESSARY FOR REQUIRED CLEARANCES
  - (S) PROVIDE ADEQUATE CLEARANCE IN TRASH SHAFT TO ACCOMMODATE SPRINKLERS
  - (F-4) SFFD - 4: FIRE DEPARTMENT CONNECTION LOCATIONS
  - (F-5) SFFD - 5: FIRE DEPARTMENT LADDER TILLER TRUCK ANALYSIS @ PLANNING DEPT REQUESTED BULB OUT



No.	Date	Issue and Revision	By
		DESIGN/BUILD SET	11/20/16
		DIFF PERMIT RESUBMITTAL	11/29/16
		SITE PERMIT REVISION (DN)	5/8/17
		DIFF PERMIT REVISION (DN)	6/19/17
		CONDITIONAL USE PERMIT RESUBMITTAL	1/17/18

Original Size: 11" x 17"  
 Plot Name: \_\_\_\_\_  
 Plot No: \_\_\_\_\_



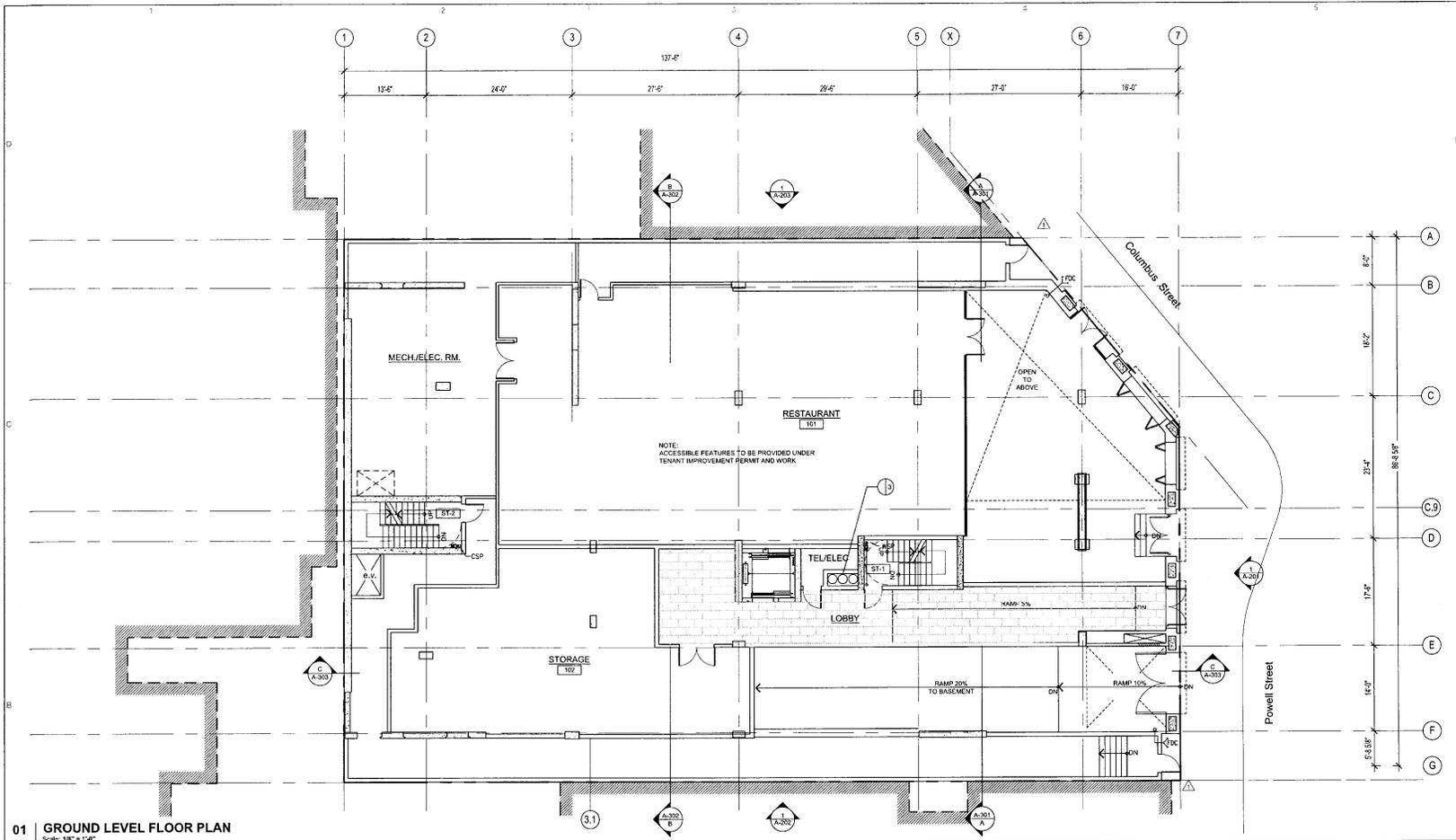
Project Name:  
**THE PALACE AT WASHINGTON SQ**

1731-1741 Powell Street  
 San Francisco, CA 94133

Sheet Name:  
 Ground Level Floor Plan

Sheet:  
**A-101**

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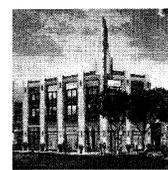
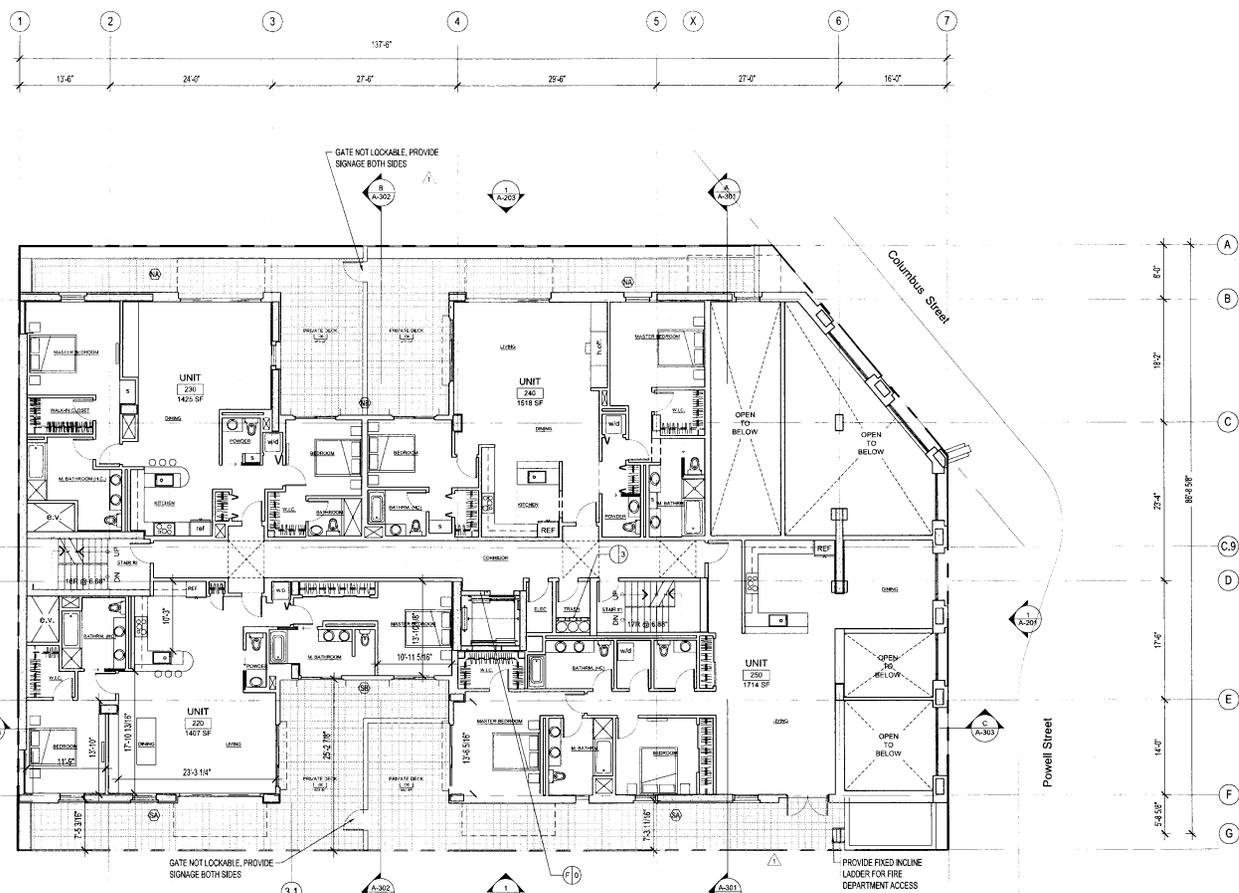


**01 | GROUND LEVEL FLOOR PLAN**  
 Scale: 1/8" = 1'-0"

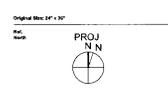
SHEET LEGEND	
	F FIRE SPRINKLER PIPING
	CSP COMBINATION STANDPIPE
	DSP DRY STANDPIPE
	WSP WET STANDPIPE
	IGV INDICATING GATE VALVE
	GV GATE VALVE
	CV CHECK VALVE
	FDC FIRE DEPT CONNECTION
	WSP WET STANDPIPE
	SP STANDPIPE RISER

PLAN SHEET NOTES	
(1)	NOT USED
(2)	NOT USED
(3)	PROVIDE ADEQUATE CLEARANCE IN TRASH SHAFT TO ACCOMMODATE SPRINKLERS
(4)	SFFD - 3: STANDPIPE LOCATIONS
(5)	SFFD - 4: FIRE DEPARTMENT CONNECTION LOCATIONS

PLAN KEY NOTES	
(1)	NOT USED
(2)	NOT USED
(3)	PROVIDE ADEQUATE CLEARANCE IN TRASH SHAFT TO ACCOMMODATE SPRINKLERS
(4)	SFFD - 3: STANDPIPE LOCATIONS
(5)	SFFD - 4: FIRE DEPARTMENT CONNECTION LOCATIONS



Rev.	Date	Revised and Approved	By
		DESIGN/BUILD BID SET	11/21/10
		SITE PERMIT SUBMITTAL	11/31/10
		SITE PERMIT REVISION (DOB)	5/5/11
		SITE PERMIT REVISION (SFFD)	6/18/12
		CONDITIONAL USE PERMIT SUBMITTAL	9/11/12



Project Name  
**THE PALACE AT WASHINGTON SQ**  
 1731-1741 Powell Street  
 San Francisco, CA 94133  
 Drawing  
 Second Level Floor Plan

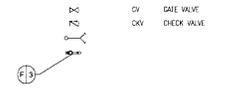
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## 01 SECOND LEVEL FLOOR PLAN

Scale: 1/8" = 1'-4"

### SHEET LEGEND



### PROTECTED OPENING INFORMATION

WALL	WALL AREA (sf)	OPENING AREA (sf)	% OPENING	FIRE SEPARATION DISTANCE (feet)	% OPENING ALLOWED (UNPROTECTED, SPRINKLERED)
NA	892.5	181	20%	7'-1"	25%
NB	237.5	96	40%	25'-7"	NO LIMIT
SA	1050	215	20%	7'-3"	25%
SB	237.5	96	40%	25'-0"	NO LIMIT

### SYMBOLS LEGEND

1E	1 HOUR FIRE RATED ENCLOSURE	RE	BUILDING EGRESS	WD	WALL DESIGNATION
2E	2 HOUR FIRE RATED ENCLOSURE	FCP	FIRE CONTROL PANEL	AR	ACCESSIBLE ROUTE
2S	2 HOUR FIRE RATED SHAFT	SP	STAND PIPE	EP	EXIT PATH OF TRAVEL
SA	SLEEPING AREA	FE	PORTABLE FIRE EXTINGUISHER	KB	KNOX BOX
PO	PROTECTED OPENING				
EW	ESCAPE WINDOW				

### PLAN SHEET NOTES

- 1 NOT USED
- 2 NOT USED
- 3 PROVIDE ADEQUATE CLEARANCE IN TRASH SHAFT TO ACCOMMODATE SPRINKLERS
- 3 SFFD - 3: STANDPIPE LOCATIONS
- 6 SFFD - 6: ALLOWABLE OPENING AREA TABLE
- 0: SFFD - 0: PROVIDE RATED HOISTWAY DOOR AND SMOKE CONTAINMENT SYSTEM PER: CBC SEC 708.14.1 EX 8





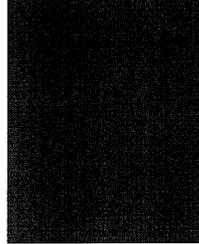




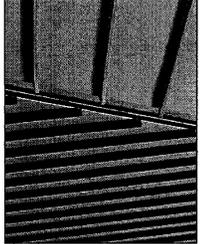
Ⓢ10 EXTERIOR WALL SCIENCE  
674-WP IN METALLIC  
- COOPER LIGHTING  
BRONZE FINISH



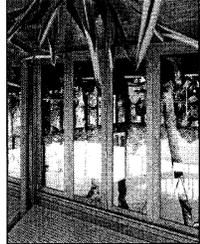
Ⓢ11 ALUMINUM WINDOW MULLION, ANODIZED FINISH  
Ⓢ12 ARCHITECTURAL METAL SCREEN & BALCONY RAIL  
FINISH  
METAL ACCENTS - BRONZE METALLIC



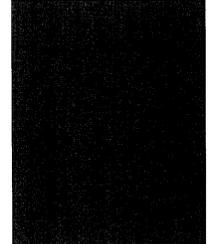
Ⓢ13 STANDING SEAM METAL ROOF -  
SILVER METALLIC FINISH  
Ⓢ14 METAL CLADDING



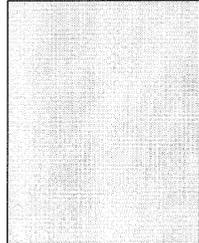
Ⓢ15 WOOD CLAD BI-FOLD DOOR  
MULLION - NATURAL CHERRY  
FINISH



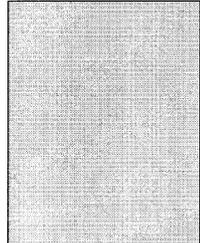
Ⓢ16 WOOD CLAD WINDOW MULLION -  
NATURAL CHERRY FINISH



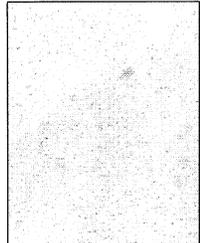
Ⓢ17 CEMENT PLASTER, LIGHT COLOR, FINE SAND  
SW 6098 - PACEW WHITE (TO MATCH COLOR OF ST-1)



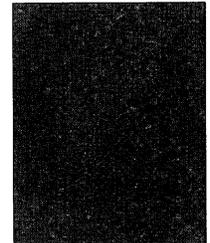
Ⓢ18 DASH FINISH - COLOR - SW 6101 - SANDS OF TIME



Ⓢ19 LIMESTONE - INTERTILE SIMBNA



Ⓢ20 LEATHER BASE - INTERTILE ST. MARC  
STONE BASE - INTERTILE LIMESTONE

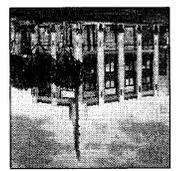


**MATERIALS KEY**

Project Name: **THE PALACE AT WASHINGTON SQ**  
 Address: 1731-1741 Powell Street  
 City: San Francisco, CA 94133  
 Materials Key  
 M-001  
 Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Drawing No.: \_\_\_\_\_  
 Revision: \_\_\_\_\_  
 Prepared by: \_\_\_\_\_  
 Checked by: \_\_\_\_\_  
 Date: \_\_\_\_\_

Project Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Materials Key  
 M-001  
 Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Drawing No.: \_\_\_\_\_  
 Revision: \_\_\_\_\_  
 Prepared by: \_\_\_\_\_  
 Checked by: \_\_\_\_\_  
 Date: \_\_\_\_\_

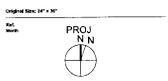
**Holt LHM Hinshaw**  
 SAN FRANCISCO  
 1112 MARKET STREET  
 SUITE 200  
 SAN FRANCISCO, CA 94102  
 TEL: 415.398.1100  
 FAX: 415.398.1101  
 WWW.HOLTLMHINSHAW.COM







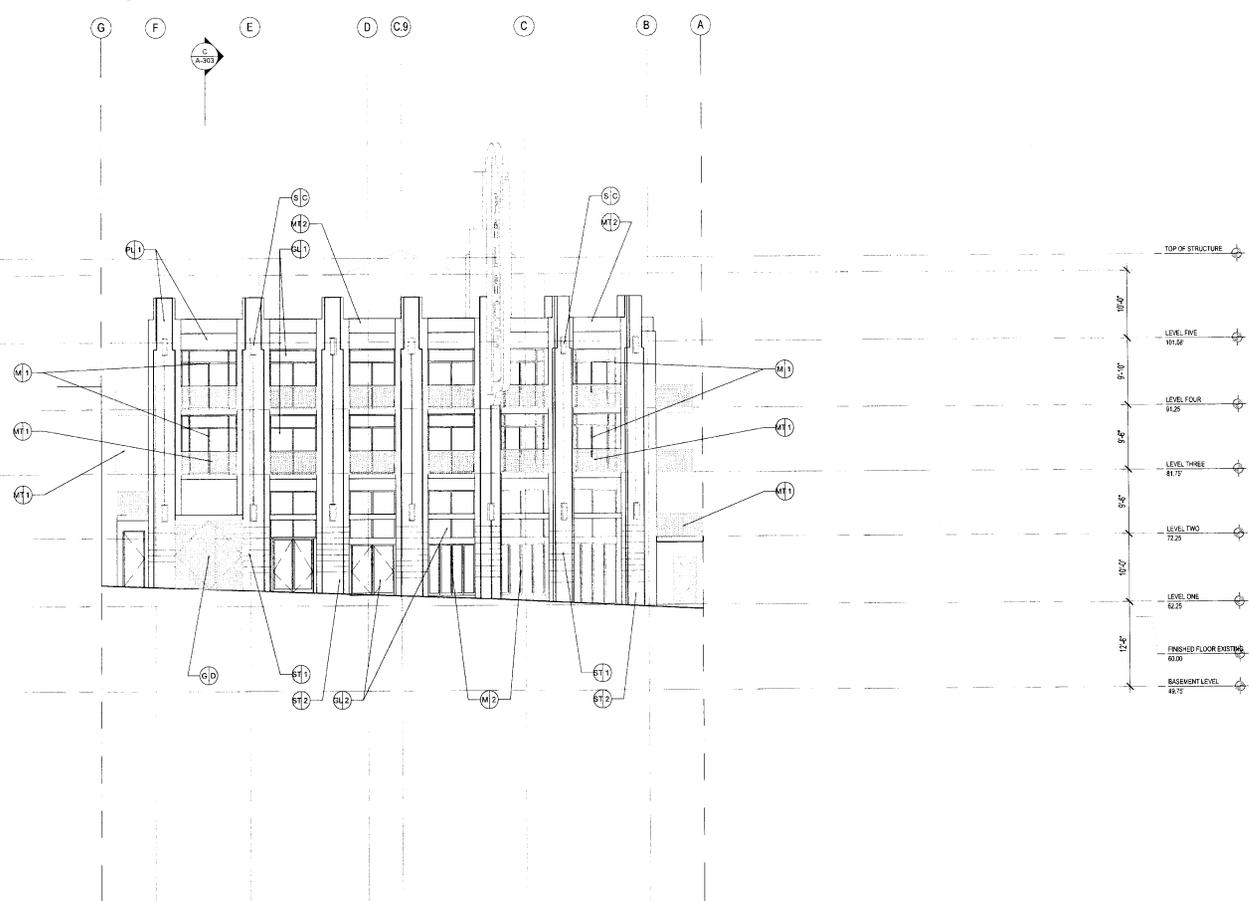
No.	Date	Revised and For Release	By
		DESIGN/BUILD BID SET	11/01/10
		PERMIT REVISION (M)	11/01/10
		PERMIT REVISION (DR)	05/01/11
		PERMIT REVISION (SFT)	01/12/12
		CONDITIONAL USE PERMIT REVISION (M)	11/13/13



Project Name  
**THE PALACE AT WASHINGTON SQ**  
 1731-1741 Powell Street  
 San Francisco, CA 94133  
 Drawing  
**EAST ELEVATION**

Sheet  
**A-201**  
 FIGURE PAGE

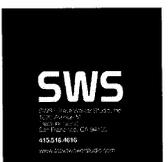
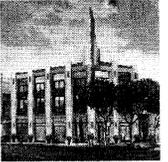
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**01 BUILDING ELEVATION - EAST**  
 Scale: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE		EXTERIOR FINISH SCHEDULE	
M11	CEMENT PLASTER, LIGHT COLOR, FINE SAND FLOAT FINISH	M13	STANDING SEAM METAL ROOF
M10	CEMENT PLASTER, MEDIUM COLOR, KNOCKDOWN DASH FINISH	M14	METAL CLADDING
M9	LIMESTONE	M15	METAL GARAGE DOOR
M8	GRANITE BASE	M16	SOLAR PANEL
M7	LOW-E CLEAR GLASS		
M6	STOREFRONT GLASS		
M5	GLASS GUARDRAIL		
M4	ALUMINUM WINDOW MULLION, ANODIZED FINISH		
M3	WOOD CLAD WINDOW MULLION		
M2	ARCHITECTURAL METAL SCREEN & BALCONY RAIL		
M1	METAL ACCENTS		





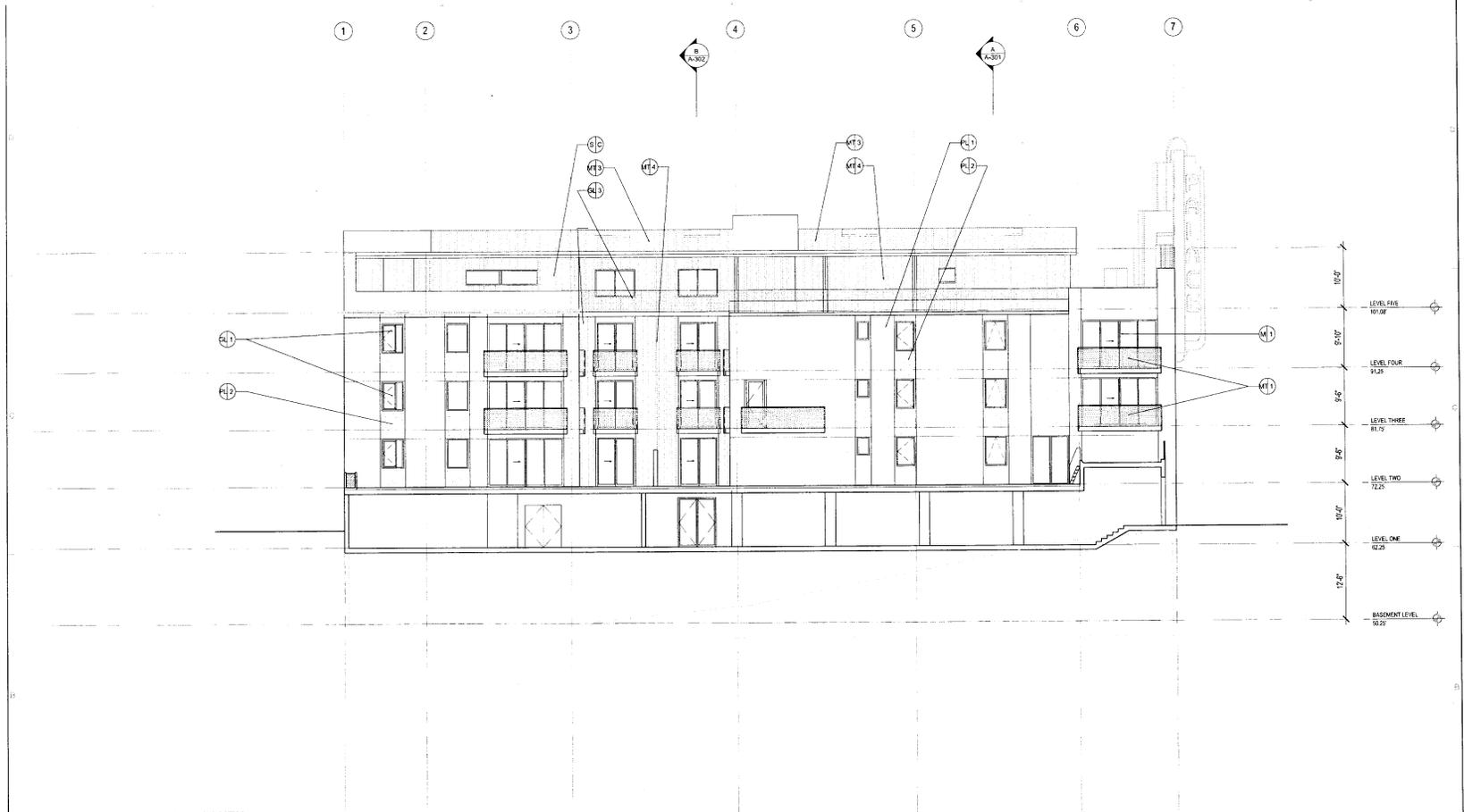
No.	Date	Issued and Revisions	By
		DESIGN/NOID BID SET	11/20/16
		SITE PERMIT RESUBMITTAL	11/31/16
		SITE PERMIT REVISION (DR)	5/5/17
		SITE PERMIT REVISION (SFD)	6/18/17
		CONDITIONAL USE PERMIT RESUBMITTAL	6/19/17



Project Name  
**THE PALACE AT WASHINGTON SQ**  
 1731-1741 Powell Street  
 San Francisco, CA 94133  
 Orientation  
**SOUTH ELEVATION**

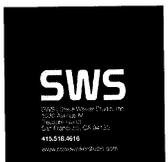
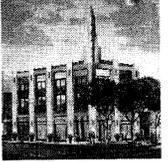
Sheet  
**A-202**  
 Project Name

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**01 BUILDING ELEVATION - SOUTH**  
 Scale: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE		EXTERIOR FINISH SCHEDULE	
(S11) CEMENT PLASTER, LIGHT COLOR, FINE SAND FLOAT FINISH	(M11) STANDING SEAM METAL ROOF	(S12) CEMENT PLASTER, MEDIUM COLOR, KNOCKDOWN DASH FINISH	(M12) METAL CLADDING
(S12) LIMESTONE	(M13) METAL GARAGE DOOR	(S13) GRANITE BASE	(S10) EXTERIOR WALL SCONCE
(S14) LOW-E CLEAR GLASS	(S1P) SOLAR PANEL	(S15) STOREFRONT GLASS	
(S16) GLASS GUARDRAIL		(M14) ALUMINUM WINDOW MULLION, ANODIZED FINISH	
(M15) WOOD CLAD WINDOW MULLION		(M16) ARCHITECTURAL METAL SCREEN & BALCONY RAIL	
(M17) METAL ACCENTS			



No.	Date	Issue and Revisions	By
		DESIGN/ALD BID SET	11/21/16
		SITE PERMIT RESUBMITTAL	11/31/16
		SITE PERMIT REVISION (LH)	5/25/17
		SITE PERMIT REVISION (OFF)	6/16/17
		CONVENTIONAL USE PERMIT RESUBMITTAL	6/17/17

Original Size 34" x 36"



Project Name  
**THE PALACE AT WASHINGTON SQ**

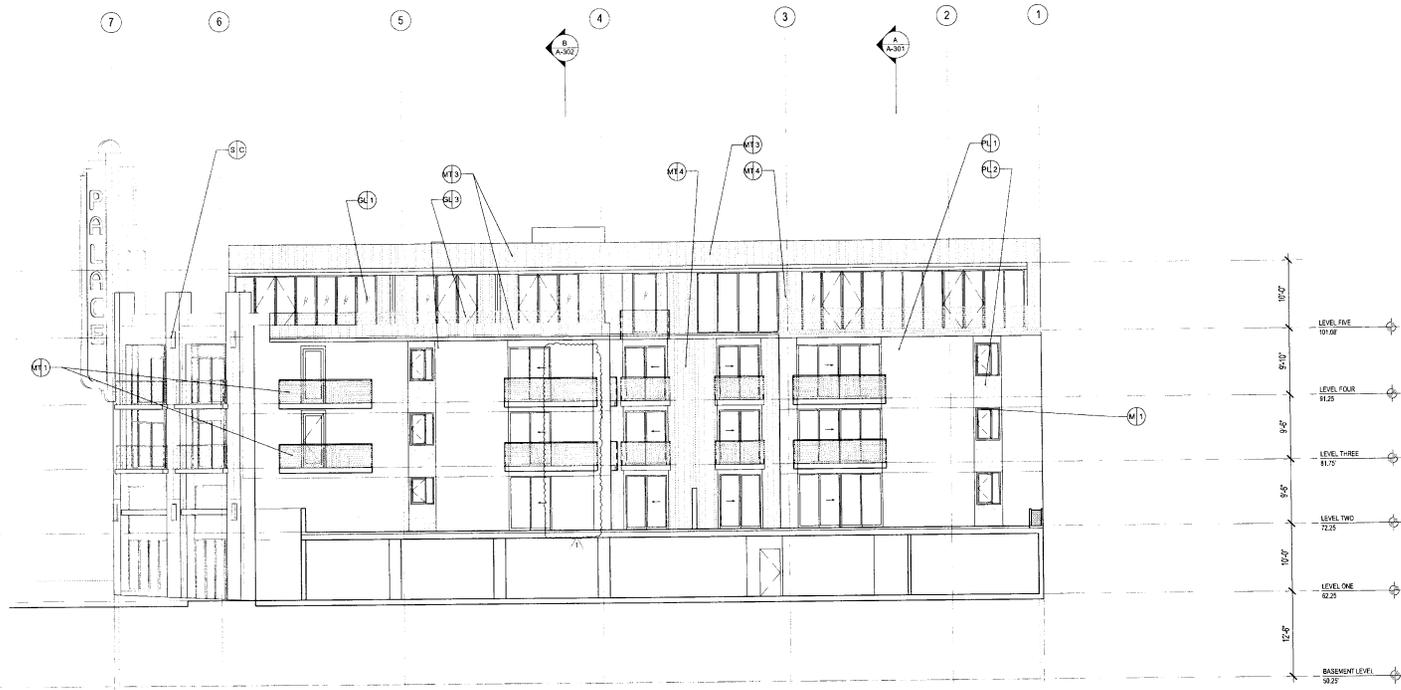
1731-1741 Powell Street  
San Francisco, CA 94133

Description  
**NORTH ELEVATION**

Sheet  
**A-203**

Project Name  
**THE PALACE AT WASHINGTON SQ**

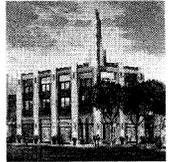
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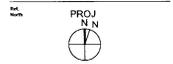
**01 BUILDING ELEVATION - NORTH**  
Scale: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE	
M1	CEMENT PLASTER, LIGHT COLOR, FINE SAND FLOAT FINISH
M2	CEMENT PLASTER, MEDIUM COLOR, KNOCKDOWN DASH FINISH
M3	LIMESTONE
M4	GRANITE BASE
M5	LOW-E CLEAR GLASS
M6	STOREFRONT GLASS
M7	GLASS GUARDRAIL
M8	ALUMINUM WINDOW MULLION, ANODIZED FINISH
M9	WOOD CLAD WINDOW MULLION
M10	ARCHITECTURAL METAL SCREEN & BALCONY RAIL
M11	METAL ACCENTS

EXTERIOR FINISH SCHEDULE	
M12	STANDING SEAM METAL ROOF
M13	METAL CLADDING
M14	METAL GARAGE DOOR
M15	EXTERIOR WALL SCOFF
M16	SOLAR PANEL

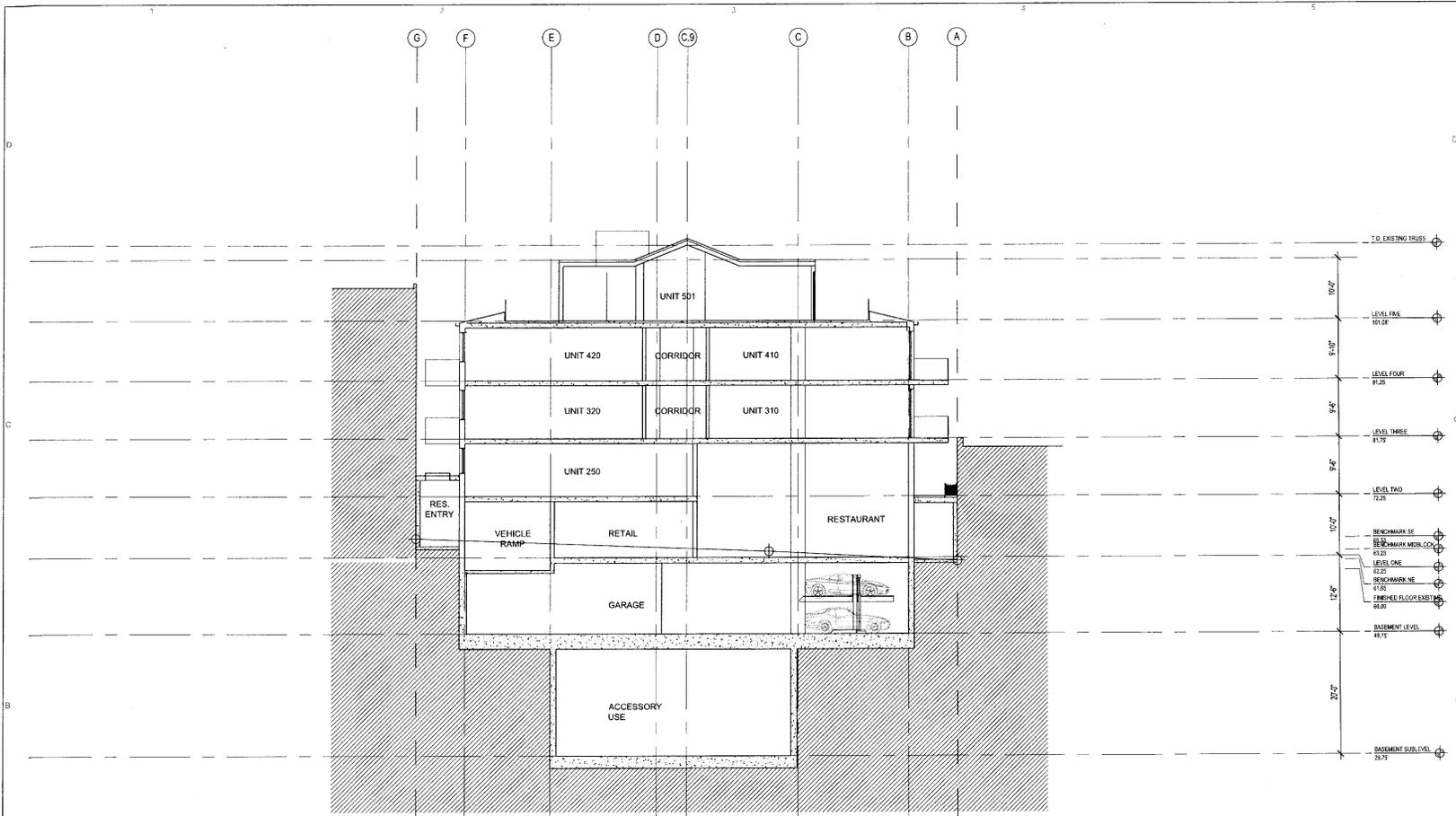


No.	Date	Revisions and Remarks	By
		DESIGN/BUILD RD SET	11/10/10
		SITE PERMIT RE/SUBMITTAL	11/23/10
		LIFE PERMIT REVISION (DR)	5/25/11
		SITE PERMIT REVISION (SPE)	6/19/12
		CONDITIONAL USE PERMIT RE/SUBMITTAL	12/13



Project Name  
**THE PALACE AT WASHINGTON SQ**  
 1731-1741 Powell Street  
 San Francisco, CA 94133  
 Description  
**BUILDING SECTION A-A**  
 Date  
**A-301**  
 Project Name

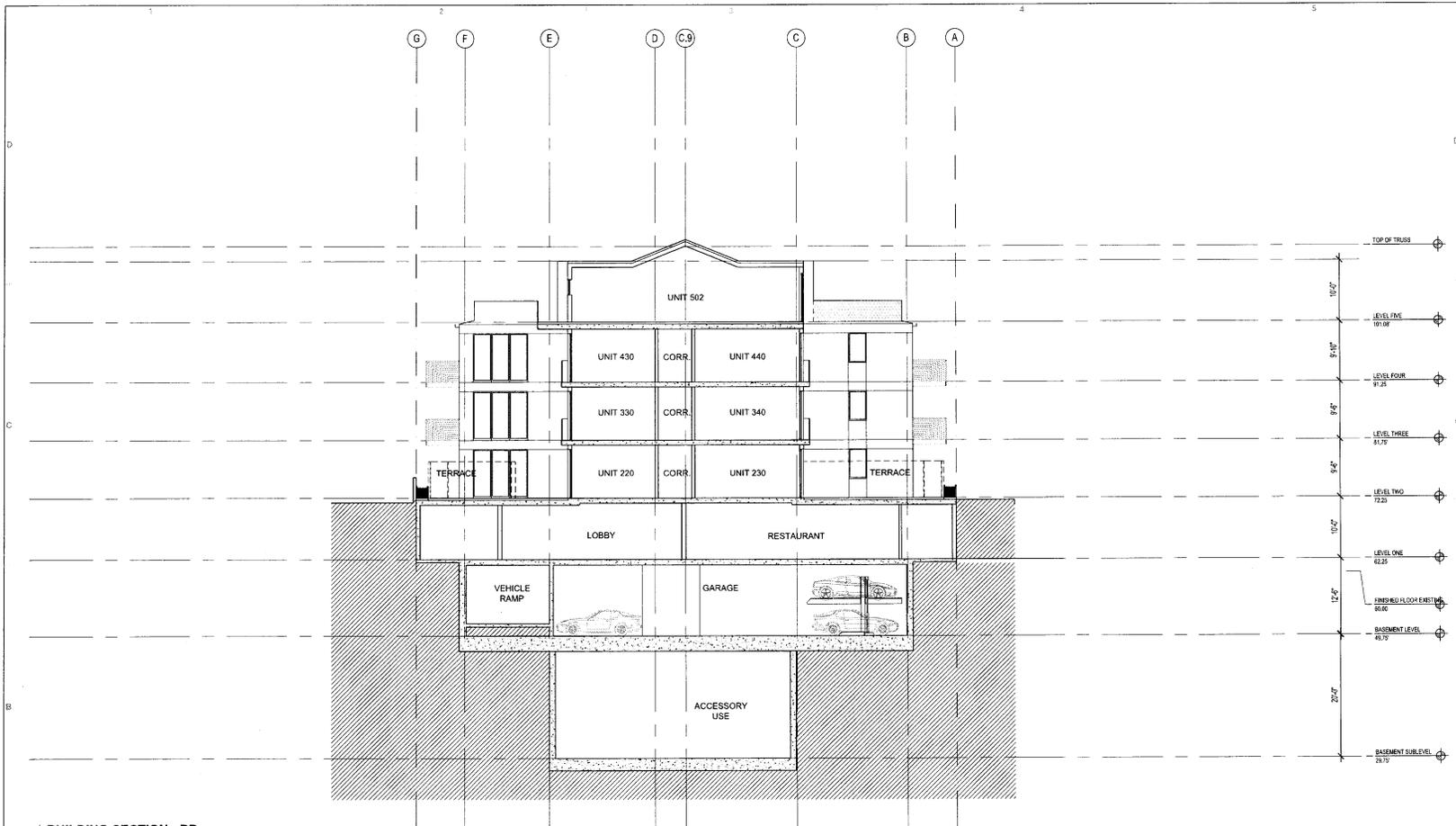
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**01 BUILDING SECTION - AA**  
 Scale: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE	
(11)	CEMENT PLASTER, LIGHT COLOR, FINE SAND FLOAT FINISH
(12)	CEMENT PLASTER, MEDIUM COLOR, KNOCKDOWN DASH FINISH
(13)	LIMESTONE
(14)	GRANITE BASE
(15)	LOW-E CLEAR GLASS
(16)	STOREFRONT GLASS
(17)	GLASS GUARDRAIL
(18)	ALUMINUM WINDOW MULLION, ANODIZED FINISH
(19)	WOOD CLAD WINDOW MULLION
(20)	ARCHITECTURAL METAL SCREEN & BALCONY RAIL
(21)	METAL ACCENTS

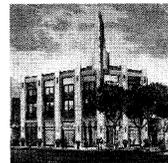
EXTERIOR FINISH SCHEDULE	
(22)	STANDING SEAM METAL ROOF
(23)	METAL CLADDING
(24)	ROLL DOWN DOOR
(25)	EXTERIOR WALL SCIENCE
(26)	SOLAR PANEL



**01 BUILDING SECTION - BB**  
Scale: 1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE	
(1)	CEMENT PLASTER, LIGHT COLOR, FINE SAND FLOAT FINISH
(2)	CEMENT PLASTER, MEDIUM COLOR, KNOCKDOWN DASH FINISH
(3)	LIMESTONE
(4)	GRANITE BASE
(5)	LOW-E CLEAR GLASS
(6)	STOREFRONT GLASS
(7)	GLASS GUARDRAIL
(8)	ALUMINUM WINDOW MULLION, ANODIZED FINISH
(9)	WOOD CLAD WINDOW MULLION
(10)	ARCHITECTURAL METAL SCREEN & BALCONY RAIL
(11)	METAL ACCENTS

EXTERIOR FINISH SCHEDULE	
(12)	STANDING SEAM METAL ROOF
(13)	METAL CLADDING
(14)	ROLL DOWN DOOR
(15)	EXTERIOR WALL SCONCE
(16)	SOLAR PANEL



No.	Date	Issue and Revision	By
		DESIGN/PERMITS SUBMITTAL	11/2/19
		PERMITS RESUBMITTAL	11/28/19
		PERMITS RESUBMITTAL	02/01/20
		PERMITS RESUBMITTAL	02/19/20
		PERMITS RESUBMITTAL	02/27/20
		PERMITS RESUBMITTAL	03/11/20
		PERMITS RESUBMITTAL	03/18/20
		PERMITS RESUBMITTAL	03/25/20
		PERMITS RESUBMITTAL	04/01/20
		PERMITS RESUBMITTAL	04/08/20
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		PERMITS RESUBMITTAL	04/22/20
		PERMITS RESUBMITTAL	04/29/20
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		PERMITS RESUBMITTAL	06/17/20
		PERMITS RESUBMITTAL	06/24/20
		PERMITS RESUBMITTAL	07/01/20
		PERMITS RESUBMITTAL	07/08/20
		PERMITS RESUBMITTAL	07/15/20

No.	Date	Issue and Revision	By
		DESIGN/PERMITS SUBMITTAL	11/2/19
		PERMITS RESUBMITTAL	11/28/19
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		PERMITS RESUBMITTAL	07/01/20
		PERMITS RESUBMITTAL	07/08/20
		PERMITS RESUBMITTAL	07/15/20



Project Name  
**THE PALACE AT WASHINGTON SQ**

1731-1741 Powell Street  
San Francisco, CA 94133

Description  
**BUILDING SECTION B-B**

Sheet  
**A-302**

Project Name

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### SYMBOLS LEGEND

PROJ NORTH  
NORTH ARROW

**B3** VIEW NAME  
Scale: 1/8" = 1'-0"

DRAWING TITLE

BUILDING SECTION  
DRAWING SHEET NO

SECTION VIEW  
DRAWING SHEET NO

EXTERIOR ELEVATION  
DRAWING SHEET NO

INTERIOR ELEVATION  
DRAWING SHEET NO

INTERIOR ELEVATION  
MULTIPLE VIEWS  
DRAWING SHEET NO

DETAIL INDICATORS  
DRAWING SHEET NO

DETAIL INDICATORS  
DRAWING SHEET NO

DETAIL INDICATOR  
SMALL CONDITIONS  
DRAWING SHEET NO

ROOM NUMBER

WINDOW TYPE

DOOR NUMBER

LOUVER TYPE

KEY NOTE  
GENERAL

KEY NOTE  
REFERENCED

REVISION INDICATOR  
W REVISION CLOUD

WALL TYPE

FURNITURE, FIXTURE  
EQUIPMENT INDICATOR

ELEVATION MARKER

### BUILDING AREA GSF

	S-2	A-2	M	R-2	TOTAL
SUB BASEMENT				3302 SF	3302 SF
BASEMENT LEVEL	9,989 SF				9,989 SF
GROUND LEVEL		4483 SF		6998 SF	11481 SF
SECOND LEVEL				8040 SF	8040 SF
THIRD LEVEL				9090 SF	9090 SF
FOURTH LEVEL				9090 SF	9090 SF
FIFTH LEVEL				4959 SF	4959 SF
TOTAL	9,989 SF	4483 SF		41,419 SF	55,951 SF

### BUILDING CODE SUMMARY

302.1	OCCUPANCY	R-2, S-2, A-2, M	
903.2	SPRINKLERS	PROVIDED	
CHP 6	TYPE OF CONSTRUCTION	R-2, A-2, M	TYPE II A
		S-2	TYPE I A
		TYPE II A / R-2	24,000 SF
TABLE 503, 502, 506, 406	ALLOWABLE AREA PER STORY	TYPE I A / S-2	UNLIMITED
		TYPE II A / A-2	15,500 SF
TABLE 503, 504	ALLOWABLE HEIGHT AND STORIES ABOVE GRADE	TYPE II A	85 FEET AND 5 STORIES PER TABLE 503 AND EXCEPTION 504.2
TABLE 601	FIRE RESISTANCE OF MAJOR BUILDING ELEMENTS	TYPE I A	UNLIMITED
TABLE 602	FIRE RATING OF EXTERIOR WALLS	SEE G-021 THROUGH G-024	
705.8	EXTERIOR OPENING PROTECTION REQUIREMENTS	SEE A-1B1 THROUGH A-105	
509.2, 406	SEPARATION OF OCCUPANCIES	3 HOUR SEPERATION BETWEEN S-2 (ENCLOSED PARKING GARAGE), AND R-2 OCCUPANCIES, SHAFT AND STAIRWAY ENCLOSURES THROUGH THE ASSEMBLY HAVE A 2 HOUR RATING, SEE G-021 THROUGH G-023	
CHP 10	OCCUPANT LOAD AND EGRESS	SEE G-021 THROUGH G-024	

### TABLE 601 FIRE-RESISTANCE REQUIREMENTS FOR BUILDING ELEMENTS

BUILDING ELEMENT	TYPE I		TYPE II	
	A	A	A	A
Structural Frame	3	1		
Bearing walls				
Exterior	3	1		
Interior	3	1		
Nonbearing walls & partitions				
Exterior	See Table 602	See Table 602		
Interior	0	0		
Floor construction including supporting beams & joists	2	1		
Roof construction including supporting beams & joists	1 1/2	1		

### AB-009

COLLECTION AND STORAGE OF TRASH, RECYCLING, AND COMPOSTABLE MATERIALS. THIS PROJECT SHALL COMPLY WITH THE CONDITIONS AND REQUIREMENTS OF SFCB AB-009

### APPLICABLE CODES

2010 California Administrative Code  
Title 24, Part 1

ADMINISTRATIVE

BUILDING: 2010 CALIFORNIA BUILDING CODE TITLE 24, PART 2, VOL. 1 & 2  
W/ CITY OF SAN FRANCISCO AMENDMENTS

ELECTRICAL: 2010 CALIFORNIA ELECTRICAL CODE TITLE 24, PART 3  
W/ CITY OF SAN FRANCISCO AMENDMENTS

MECHANICAL: 2010 CALIFORNIA MECHANICAL CODE TITLE 24, PART 4  
W/ CITY OF SAN FRANCISCO AMENDMENTS

PLUMBING: 2010 CALIFORNIA PLUMBING CODE TITLE 24, PART 5  
W/ CITY OF SAN FRANCISCO AMENDMENTS

ENERGY: 2010 CALIFORNIA ENERGY CODE TITLE 24, PART 6  
W/ CITY OF SAN FRANCISCO AMENDMENTS

ELEVATOR: CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE TITLE 24, PART 7  
W/ CITY OF SAN FRANCISCO AMENDMENTS

HISTORICAL: CALIFORNIA HISTORICAL BUILDING CODE TITLE 24, PART 8  
W/ CITY OF SAN FRANCISCO AMENDMENTS

FIRE: 2010 CALIFORNIA FIRE CODE TITLE 24, PART 9  
W/ CITY OF SAN FRANCISCO AMENDMENTS  
2010 (CBC) CHAPTERS 10, 11B, 30; Sec. 403, 905, 1005.3.3.7 & 7.1 (Title 24)

ACCESSIBILITY: ADA ACCESSIBILITY GUIDELINES ADAAG

PLANNING: CITY OF SAN FRANCISCO PLANNING CODE

HEALTH: 2010 STATE OF CALIFORNIA HEALTH & SAFETY CODE  
2010 CITY AND COUNTY OF SAN FRANCISCO HEALTH CODE

OTHER: PG&E GREEN BOOK

### TABLE 503 ALLOWABLE HEIGHT AND BUILDING AREAS

GROUP	HEIGHT (FEET)	TYPE OF CONSTRUCTION	
		TYPE I	TYPE II
		A	A
R-2	S	-	4
	A	-	24,000
S-2	S	UL	-
	A	UL	-
A-2	S	-	3
	A	-	15,500
M	S	-	4
	A	-	21,500

504.2 Where a building is equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1 the value specified in Table 503 for maximum height is increased by 20 feet and the maximum number of stories is increased by one.

### TABLE 602 FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE<sup>a,b</sup>

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP A, B, E, F-2, R, S-2, U <sup>c</sup>	
		IA	IB, VB
X < 5	All	1	1
5 ≤ X < 10	IA, IB, VB, Others	1 <sub>a</sub>	1 <sub>a</sub>
10 ≤ X < 30	IA, IB, VB, Others	0	0
X ≥ 30	All	0	0

### NOTES LEGEND

a Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.

b For special requirements for Group U occupancies see Section 406.1.2.

c See Section 705.1.1 for party walls.

d Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.

e The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.

f Group R-3, and Group U when used as accessory to Group R-3, shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet or more.

### PROJECT SUMMARY

DEMOLITION OF AN EXISTING MOVIE THEATER. CONSTRUCTION OF A 5 STORY, 18 UNIT RESIDENTIAL BUILDING WITH FULL SERVICE GROUND FLOOR RESTAURANT OVER 2 BASEMENT LEVELS.

### ZONING SUMMARY

ITEM	DATA
PROJECT ADDRESS	1731 POWELL STREET, SAN FRANCISCO, CA
BLOCK	0101
LOT	004
LOT AREA	11,840 SF
ZONING DISTRICT	NORTH BEACH, NCD
HEIGHT DISTRICT	40-X
CONSTRUCTION TYPE	TYPE IA, IIA
ALLOWABLE / REQUIRED	ACTUAL / PROVIDED
USE	SINGLE, MULTIPLE FAMILY DWELLING
HEIGHT	40X DISTRICT EXISTING BUILDING IS 52' IN HEIGHT
STORIES	5
OUTDOOR LIVING SPACE	960 SF PRIVATE OPEN SPACE
RESIDENTIAL PARKING	16
VARIANCE	CASE # 2007.1117CEV
AUTOMATIC SPRINKLER SYSTEM	REQUIRED PER CBC 903.2

### UNIT AND OPEN SPACE COUNT

	UNIT	SF	PRIVATE OPEN SPACE SF	COMMON OPEN SPACE SF	BEDROOMS
SECOND LEVEL	220	1407	522		2
	230	1425	459		2
	240	1518	470		2
	250	1714	476		2
THIRD LEVEL	310	903	69		1
	320	970			1
	330	1416			2
	340	1415	78		2
	350	1518	78		2
	360	989	78		1
	410	908	69		1
	420	970	78		1
FOURTH LEVEL	430	1416			2
	440	1415	78		2
	450	1518	78		2
	460	989			1
FIFTH LEVEL	501	1821	1100	606	3
	502	1961	528		3
TOTAL	18	24,430	4005	606	33

### PROJECT DIRECTORY

CLIENT: Palace LLC - Joel Campos  
2731 Mission Street  
San Francisco, CA 94110

Owner's Representative: Jorge Montenegro  
P: (415) 948-7727

ARCHITECT: Steve Walker  
Studio, Inc.  
1080 Avenue M, Building 670,  
Treasure Island, SF, 94130  
P: 415 518 4616  
steve@stevewalkerstudio.com

### INDEX OF DRAWINGS

DWG #	DRAWING SHEET TITLE
G-001	GENERAL - PROJECT INFORMATION / CODE SUMMARIES
G-053	HISTORIC SIGN DOCUMENTS
D-101	GROUND LEVEL DEMOLITION PLAN
A-100	SITE PLAN
A-1B2	BASEMENT SUBLEVEL PLAN
A-1B1	BASEMENT LEVEL PLAN
A-101	GROUND LEVEL PLAN
A-102	SECOND LEVEL PLAN
A-103	THIRD LEVEL PLAN
A-104	FOURTH LEVEL PLAN
A-105	FIFTH LEVEL PLAN
A-106	ROOF LEVEL PLAN
A-201	BUILDING ELEVATIONS
A-202	BUILDING ELEVATIONS
A-203	BUILDING ELEVATIONS
A-301	BUILDING SECTIONS
A-302	BUILDING SECTIONS
A-303	BUILDING SECTIONS
M-001	MATERIALS BOARD

### VICINITY MAP

No.	Date	Revised and Rechecked	By
DESIGN/BUILD 903 SET			11/20/10
SITE PERMIT RESUBMITTAL			11/20/10
SITE PERMIT REVISION (DB)			05/01/11
SITE PERMIT REVISION (SFFD)			05/01/11
CONDITIONAL USE PERMIT RESUBMITTAL			10/19/11

Scale: 1" = 100'

Original Date: 04/14/10

THE PALACE AT WASHINGTON SQ  
1731-1741 Powell Street  
San Francisco, CA 94133

GENERAL PROJECT INFORMATION

**G-001**

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# HISTORIC SIGN DOCUMENTS

## MEMORANDUM

DATE: 23 October 2009 PROJECT NO.: 090201  
 TO: Joel Campos, PROJECT OWNER, Pagoda Theatre  
 FROM: Rebecca Fogel, Cultural Resource Specialist  
 140 George Avenue, San Francisco, CA 94112, joel@pagoda.com  
 RE: Page Turnbull, VLL, Email

### REVISIONS: PROJECT: PAVILION REPAIRS, PAVILION REPAIRS, ASSESSMENT

This memorandum provides a preliminary assessment of the historic blade sign at the Pagoda Theatre. Rehabilitation of the historic blade sign according to the Secretary of the Interior's Standards for Rehabilitation Standards was found to be a condition of approval at the Planning Commission Resolution #1777 (8 January 2009). However, the project sponsor's insurance company views the blade sign as a liability, and will not insure the building with the blade sign in place. In a letter dated June 19, 2009, the insurance company states that the Pagoda Theatre "has no such sign that is separately very covered, and that such to be removed before the landscaping department would replace the insurance in effect, the sign is potentially hanging and could come down at any moment."

Additionally, an analysis completed by structural engineer Simon & Umata on September 11, 2009, concluded that the work treatment of the steel due to the mass and height and weight of the blade sign on the historic-wooded building could pose a structural liability. Simon & Umata thus recommended that "the blade sign be removed to remove such threat to the general public in case of structural or wind load failure."

After a preliminary visual assessment of the historic blade sign, Page & Turnbull concurs that removing the sign structure is a necessary and acceptable, provided that the blade sign is adequately documented during the removal process using a method that complies with the Standards. This document is for use by both the Planning Department's condition of approval and the safety concerns of the insurance company and the structural engineer. However, the blade sign should not be disposed of, but rather dismantled and stored. Once the blade sign is removed, a detailed analysis of the existing conditions of the sign materials must be completed to determine if there are any components that can be reused, and detailed "as-built" drawings must be completed to guide the replacement of any deteriorated features.

### Preliminary Conditions Assessment

Photographs and measurements of the blade sign were taken on a site visit on September 11, 2009. From this visual assessment, we observed that the sign is comprised of two separate elements: a multi-piece structural frame, comprised of painted steel structural angle supports an entire cladding system comprised of laminated light gauge sheet and panels. The cladding appears to be attached to the structure by a combination of iron wire and riveted fasteners. The steel angle structure appears to be in good condition and does not appear to have signs of deterioration. The sheet steel cladding largely appears to be in good condition, although it does exhibit corrosion at the lower portions of several panels. To ensure maximum visual and physical access to the sign and the sign is kept at scale and a completed design, we were not able to fully document the dimensions of the sign or the supporting structure of the sign.

## MEMORANDUM

In order to meet the Standards, the existing roof portions of the existing cladding and structure should be removed, and only the dimensional portions of the sign should be retained. It would be necessary to perform further analysis on the sign is dismantled in order to determine the specific conditions of each existing piece, as well as the thickness and makeup of the pieces. Page & Turnbull would be willing to assist in the further documentation of the existing sign as requested.

### Guidelines for Blade Sign Removal

In order to ensure that the proposed project at the Pagoda Theatre complies with the Standards and all remains feasible for the project sponsor, Page & Turnbull recommends carefully dismantling and documenting the blade sign prior to construction, completing a detailed analysis of the existing condition of each existing piece, and reinstalling the sign on the new building using a strategy of repair over replacement. Guidelines for the treatment are detailed as follows:

- Carefully dismantle the blade sign in an orderly process:
  - Remove the cladding system first in either a top-down or bottom-up sequence.
  - Sequentially number the cladding pieces as they are removed from the sign, and produce a drawing of the existing configuration and overall dimensions of the sign.
  - Photograph steel angle structure from multiple angles and record overall plan and elevation measurements on a drawing, at the completion of the piece's removal, and
  - Dismantle and number the steel angle structure - with paper from a structural engineer - per the requests described above for the cladding pieces.
- Store dismantled blade sign in a dry, secure location.
- Conduct a detailed existing conditions assessment of historic, structural and complete details at initial drawings. It is our preliminary opinion that the steel angle structure does not exhibit signs of deterioration, and that a majority of the sheet steel cladding appears to be in good condition. This task would accurately identify exactly which pieces can be salvaged, and which pieces need to be replaced or built.
- Conduct a detailed structural analysis of the blade sign's current conditions and the structural requirements of the new building. We understand that the blade sign has structural weaknesses which are outside our area of expertise, and thus the feasibility of possible reuse during the blade sign should be thoroughly documented by a structural engineer as part of the detailed conditions assessment phase. Only if a structural engineer deems the existing sign frame to be a hazard would we consider recommending the replacement of the sign's structural elements.

### Secretary of the Interior's Standards for Rehabilitation

As detailed in Planning Commission Resolution #1797 (8 January 2009), the treatment of the historic blade sign must comply with the Secretary of the Interior's Standards for Rehabilitation in order for the project to move forward. Rehabilitation Standard 6 is particularly relevant to the proposed treatment of the blade sign:

*"Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a historic feature, the new feature shall match the historic form, finish, texture, and other physical attributes. Replacement of missing elements shall be conducted by the Secretary and physical evidence."*

## MEMORANDUM

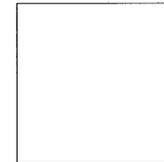
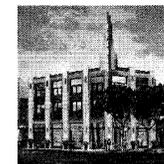
In order to comply with this Standard, the proposed treatment of the historic blade sign at the Pagoda Theatre must feature a strategy of repair over replacement. Careful removal of the blade sign according to the project outlined above is consistent with this Standard, since it will facilitate further study of the sign materials to determine if there are any components that can be reused. Once the blade sign has been carefully removed from the building, the condition of each cladding panel and structural element will be assessed in detail. This information is essential, as well as being used to estimate the amount of historic fabric which can be salvaged and reinstalled.

However, a preliminary assessment by structural engineers Simon & Umata (dated September 11, 2009) concluded that a removal of the sign would be a burden to the proposed concrete structure, and thus recommended that a new structural design for the blade sign should be utilized. While we understand that there are structural concerns that may prohibit a removal of the blade sign, additional documentation of the structural requirements of the blade sign, including a thorough analysis of the existing conditions to determine if there are any components that can be reused, and a detailed analysis of the sign materials and previous details as-built drawings to ensure that the project complies with the Standards. Additionally, the proposed project's structural engineer should continue to be involved in the assessment of the blade sign, and should verify that the sign installation on the new building will be structurally sound.

### Conclusion & Next Steps

Page & Turnbull's preliminary assessment shows that a majority of the historic blade sign appears to be in good condition, and could be repaired. However, we recognize that there are hidden issues surrounding the current condition of the blade sign, and thus recommend removing the sign prior to construction of the proposed project using methods that comply with the Secretary of the Interior's Standards for Rehabilitation. Once the blade sign has been removed from the Pagoda Theatre and stored during construction, Page & Turnbull will complete a thorough analysis of the existing conditions of the sign materials and previous details as-built drawings to ensure that the project complies with the Standards. Additionally, the proposed project's structural engineer should continue to be involved in the assessment of the blade sign, and should verify that the sign installation on the new building will be structurally sound.

The removal of the Pagoda Theatre's historic blade sign for future study is only the first step in its treatment, and a more detailed plan for the installation of the sign on the new building will be developed once the additional studies have been completed. In order to comply with the Standards and meet the Planning Department condition of approval as detailed in Planning Commission Resolution #1777 (8 January 2009), the future treatment of the historic blade sign requires a strategy of repair over replacement. The Planning Department should be consulted on the proposed treatment in a development, and must approve the work as part of the proposed project prior to construction.



No.	Date	Issue and Resolution	By
DESIGN/BUILD 001 SET	11/20/10		
SITE PERMIT REVISION/1	11/20/10		
SITE PERMIT REVISION/001	06/01/11		
SITE PERMIT REVISION/002	04/18/12		
CONDITIONAL USE PERMIT REVISION/1	10/12		

Original Size: 11" x 17"

Scale:

Date:

Sheet:

Project Name:

THE PALACE AT WASHINGTON SQ

1731-1741 Powell Street

San Francisco, CA 94133

Description:

HISTORIC SIGN DOCUMENTS

Sheet:

G-053

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