

## LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Central Subway Tunnel Boring Machine Extraction Site Special Use District]

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

### Existing Law

The Planning Code contains several provisions which regulate the development of new buildings in the North Beach Neighborhood Commercial District and North Beach Special Use District. Section 780.3 allows new restaurants in limited locations in the North Beach Special Use District. Section 260 limits the height of new buildings to 40 feet. Section 722.94 regulates parking for new dwelling units. Section 134 sets forth requirements for open rear yard space. Section 145.1(c)(4)(C) requires that the ceilings of ground-floor non-residential uses have a minimum floor-to-ceiling height of 10 feet in 40-50 foot height districts. Section 140 requires all dwelling units to face a street, a code-complying rear yard, or another type of open area that meets certain dimensional requirements. Various sections regulate signage, demolition, and streetscape and pedestrian improvements. Finally, Section 352 requires project applicants submit a certain fee for conditional use applications.

### Amendments to Current Law

This ordinance would amend the Planning Code to create the Central Subway Tunnel Boring Machine Extraction Site Special Use District for Assessor's Block No. 0101, Lot No. 004, also known as 1731-1741 Powell Street. The controls in the Special Use District would be those otherwise applicable in the Planning Code, with several exceptions; the height limit for the site would be increased to 50-X; the SUD would also allow exceptions to certain restaurant use restrictions; parking requirements; rear yard requirements; ground floor ceiling requirements; exposure requirements; demolition restrictions; signage requirements; streetscape and pedestrian improvements; and would waive the conditional use application fee if a substantially similar project had been approved within the Special Use District within the last four years.

The Ordinance also makes conforming changes to the San Francisco Zoning Maps.

### Background Information

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 Streets to an underground station in Chinatown (the "Project") to create a critical transportation improvement linking neighborhoods in the southeastern portion of the City and County of San Francisco (the "City") with the retail and employment centers in the City's downtown and Chinatown neighborhoods.

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 1731-1741 Powell Street.

The proposed new location for the removal of the machines is currently occupied by the former Pagoda Palace, or Pagoda Theater. The Pagoda Palace was a movie and live performance theater built around 1908, but is currently vacant. The building is approximately 56 feet tall, which is above the current 40-foot height limit in the area.

The Planning Commission approved a conditional use application for the Pagoda Theater site in January 2009 (amended in October 2010). The conditional use authorization would allow the Pagoda Theater to be converted from a movie theater use to a mixed-use residential, and ground floor retail project, with basement parking. As a re-use of the building, and not a demolition, the mixed-use project was allowed under the Planning Code to remain at the non-complying 56 feet. In addition, the project was approved under the Planning Code as written in 2009.

This ordinance would enable the construction of the same mixed-use residential, parking and ground floor retail project as approved in Motion numbers 17797 and 18204, but without the need to reuse (and not demolish) the theater. Thus, the ordinance would allow the Central Subway to demolish the theater, use the site for the extraction of the tunnel boring machines, and later allow the construction of the previously approved mixed-use residential/retail use at the previously existing height, and in accordance with previous Code provisions.