



SAN FRANCISCO PLANNING DEPARTMENT

Received at HPC Hearing 3/6/19
V. Flores

Historic Preservation Commission Draft Motion

HEARING DATE MARCH 6, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

MOTION TO APPROVE ARCHITECTURAL REVIEW STANDARDS FOR “NO WAIVER” ACCESSORY DWELLING UNITS AND TO DELEGATE TO STAFF REVIEW OF PROJECTS FOR COMPLIANCE WITH THOSE STANDARDS IN PROPERTIES LISTED IN THE CALIFORNIA REGISTER OF HISTORIC PLACES, AND PROPERTIES DESIGNATED INDIVIDUALLY OR AS PART OF DISTRICTS PURSUANT TO ARTICLES 10 OR 11.

WHEREAS, the HPC has approved amendments to the Planning Code to require that Accessory Dwelling Units (ADUs) regulated pursuant to Planning Code Section 207(c)(6) under the “No Waiver” Program shall comply with any architectural review standards adopted by the HPC; and

WHEREAS, the HPC has identified Accessory Dwelling Unit Architectural Review Standards that, if complied with, would prevent adverse impacts to historic resources, including to properties listed on the California Register of Historic Places and properties designated individually or as part of a district pursuant to Article 10 or 11; and

WHEREAS, the HPC has ~~delegated review and approval of approved amendments to Planning Code Sections 1006.2 and 1111.3 to delegate review of~~ ADU projects in the “No Waiver” program to Planning Department ~~staff pursuant to Planning Code Sections 1006.2 and 1111.3~~; and

WHEREAS, the HPC 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 Department staff and other interested parties; and

MOVED, that the HPC hereby **adopts** the following Accessory Dwelling Unit Architectural Review Standards, compliance with which will prevent adverse impacts to historic resources, including properties listed on the California Register of Historic Places and properties designated individually or as part of a district pursuant to Article 10 or 11. An ADU project on any such property must comply with all of these Standards in order to be regulated pursuant to Section 207(c)(6) as a “No Waiver” project:

1. Infill material will match surrounding historic materials located at the base of the building in regards to material, installation, profiles and dimensions.
2. All new windows and openings will match the size, shape, material, and profile of existing historic windows and openings on the subject building.
 - a. Notwithstanding the above, the size and number of new windows and openings will not exceed the minimum required to meet Planning and Building Code requirements.

3. All new doors and openings will match the size, shape, material, and profile of existing historic doors and openings on the subject building.
 - a. Notwithstanding the above, the size and number of new doors and openings will not exceed the minimum required to meet Planning and Building Code requirements.
4. Character-defining features, as described and depicted in the corresponding designating ordinance and supporting case report for the individual property or district, as designated pursuant to Article 10 or 11, will be preserved.
5. Additions to accommodate ADUs will not be visible from surrounding public rights-of-way and will be limited to one-story above grade in height.
6. Standards described in Item No. 19 of the Historic Preservation Commission Motion No. 0349 adopted on October 3, 2018.

FURTHER MOVED, that the HPC hereby delegates to Planning Department staff the review of ADU projects that have applied for approval pursuant to the "No Waiver" Program set forth in Planning Code Section 207(c)(6), to determine compliance with these objective Standards. This delegation will remain effective until and unless it is revoked by further action of the Commission.

NOW THEREFORE BE IT RESOLVED that the HPC hereby ADOPTS the proposed Accessory Dwelling Unit Architectural Review Standards in this Motion.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on March 7, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: March 7, 2019



SAN FRANCISCO
PLANNING DEPARTMENT

Received at HPC Hearing 3/6/19
J. Vimr

Historic Preservation Commission

Motion No. #####

HEARING DATE: MARCH 6, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2015-016326COA
Project Address: SEAWALL LOTS 323 & 324
Historic Landmark: Northeast Waterfront Landmark District
Zoning: C-2 (Community Business)
Waterfront Special Use District No. 3
40-X Height and Bulk District
Block/Lot: 0138/001, 0139/002 (2 lots)
Applicant: Jay Wallace
TZK Broadway, LLC
(415) 955-1100 ext. 4007
Staff Contact: Jonathan Vimr - (415) 575-9109
jonathan.vimr@sfgov.org
Reviewed By: Tim Frye - (415) 575-6822
tim.frye@sfgov.org

ADOPTING FINDINGS FOR PROPOSED WORK DETERMINED TO BE CONSISTENT WITH THE PURPOSES OF ARTICLE 10, THE STANDARDS OF ARTICLE 10 AND THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 001 IN ASSESSOR'S BLOCK 0138 AND LOT 002 IN ASSESSOR'S BLOCK 0139, WITHIN THE C-2 (COMMUNITY BUSINESS) ZONING DISTRICT, THE WATERFRONT SPECIAL USE DISTRICT NO. 3, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

WHEREAS, on June 1, 2016 Jay Wallace of TZK Broadway, LLC ("Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for a Certificate of Appropriateness to demolish the existing parking lot at the subject property in order to construct a new mixed-use development consisting of three components: an approximately 26,100 gross-square-foot (gsf) entertainment venue; an approximately 112,700 gsf hotel that would accommodate a maximum of 192 guest rooms, and; an approximately 14,000 gsf privately finance and maintained public park.

WHEREAS, the Department found that the project could not have a significant on the environment pursuant to a final Mitigated Negative Declaration issued on December 21, 2018. The Historic Preservation Commission ("Commission") has reviewed and concurs with said determination.

WHEREAS, on March 6, 2019, the Commission conducted a duly noticed public hearing on the current project, Case No. 2018-003593COA (Project).

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby finds that the proposed Project is consistent with Article 10 of the Planning Code and the Secretary of the Interior's Standards for Rehabilitation in conformance with the architectural plans labeled Exhibit A on file in the docket for Case 2015-016326COA, subject to the following conditions and findings:

CONDITIONS

1. Prior to the issuance of the Port building permit, the Project Sponsor should provide final architectural plans to Planning Department preservation staff so that they may consult with Port preservation staff regarding Planning staff's recommendations. These plans should include additional, detailed sections for all window and storefront systems, including how they meet building reveals.
2. Prior to the issuance of the Port building permit, the Project Sponsor should coordinate with Planning Department preservation staff so that they may consult with Port preservation staff on the development of a comprehensive sign program for the project.
3. The Project Sponsor should continue to work with the Planning Department and the Port preservation staff on the building design. The final design, including but not limited to the final color, finishes, textures, glazing details and window and storefront systems should be reviewed by the Planning Department and approved by the Port preservation staff prior to the issuance of the Port building permit.
4. As part of the Port building permit, the project sponsor should include notes confirming that prior to the fabrication of brick cladding, Planning Department and Port preservation staff shall review an on-site mockup of potential brick cladding systems to ensure the material is consistent with the Historic Preservation Commission's findings.
5. As part of the Port building permit, the project sponsor should include notes confirming that prior to the fabrication of the bird safe glass utilized for the theater pavilion, Planning Department and Port preservation staff shall review an on-site mockup of potential glazing systems to ensure that the material is consistent with the Historic Preservation Commission's findings. Said mockup should include a joint to ensure that the built structure is appropriately transparent and visually light.
6. Consistent with Section 260(b) of the Planning Code, the highest point of mechanical penthouses shall extend no higher than 10' above the roof of the building.

7. Consistent with Section 260(b) of the Planning Code, the highest point of elevator penthouses shall extend no higher than 16' above the roof of the building.

FINDINGS

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

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 10:

The Historic Preservation Commission has determined that the proposed work is compatible with the character of the landmark district as described in the designation report and draft designation amendment report.

- The proposed Project would demolish and replace a surface parking lot, which is not characteristic of the District; therefore no historic materials or features the contribute to District would be removed or altered.
- The new construction is consistent with the character of the District in regards to historic materials, features, size, scale and proportion, and massing.
- Although contrasting and clearly contemporary in nature, the use of non-reflective glazing for the theater pavilion reflects the fact that no such structure is otherwise found within the District, and promotes high levels of transparency.
- The proposed Project is consistent with the requirements of Article 10 of the Planning Code.
- The proposed Project is consistent with the relevant, following *Secretary of Interior's Standards for Rehabilitation*:

Standard 1.

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2.

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3.

Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Standard 4.

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5.

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. **General Plan Consistency.** The proposed Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

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

POLICY 1.3

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

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.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The proposed Project furthers these policies and objectives by maintaining and preserving the character-defining features of the contributory property and landmark district for the future enjoyment and education of San Francisco residents and visitors.

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Project would demolish a surface parking lot and replace it with a mixed-use development that would include new retail uses on the ground floor, and would improve neighborhood connectivity through the creation of a pedestrian pathway through the Project site.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Project would strengthen neighborhood character by respecting the character-defining features of the landmark district in conformance with the Secretary of the Interior's Standards. The creation of a new, compatible building would help fill out the subject landmark district and would be replacing a surface parking lot that does not contribute to the character of the district and neighborhood.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Project would have no effect on the affordable housing supply.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Project would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Project would not have any effect on industrial and service sector jobs. The proposed project would demolish a surface parking lot and replace it with a mixed-use development that would include new retail uses on the ground floor, and would improve neighborhood connectivity through the creation of a pedestrian pathway through the project site.

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

The work would be executed in compliance with all applicable construction and safety measures. The proposed Project would not affect the property's ability to withstand an earthquake.

- G) That landmark and historic buildings will be preserved:

A landmark or historic building does not occupy the project site. The proposed project, which lies within the boundaries of the Northeast Waterfront Landmark District, is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Project would not affect access to sunlight or vistas for existing parks and open spaces, and would result in a new public park that would be privately financed and maintained.

5. For these reasons, the proposal overall is consistent with the purposes of Article 10, the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation, and the General Plan.

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 **finds that the project is consistent with Article 10 of the Planning Code and the Secretary of the Interior's Standards for Rehabilitation** for the property located at Lot 001 in Assessor's Block 0138 and Lot 002 in Assessor's Block 0139 for proposed work in conformance with the renderings and architectural sketches labeled Exhibit A on file in the docket for Case No. 2015-016326COA.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. APPROPRIATE PERMITS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on March 6, 2019.

Jonas P. Ionin
Commission Secretary

AYES: X

NAYS: X

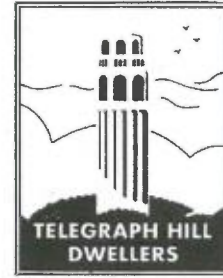
ABSENT: X

ADOPTED: March 6, 2019

Received at HPC Hearing 3/6/19
J. Vimr

March 4, 2019

Jonathan Vimr
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103
Via e-mail <jonathan.vimr@sfgov.org>



Re: **Seawall Lots 323 & 324 (Teatro ZinZanni)**
Case No. 2015-016326COA
Northeast Waterfront Historic District

Dear Mr. Vimr,

On behalf of the Telegraph Hill Dwellers (THD), we are pleased to submit the following comments on the above-referenced application for a Certificate of Appropriateness (COA) for the proposed Teatro ZinZanni theater/hotel project. These comments both complement and supplement previous written and verbal comments that THD has made to the Architectural Review Committee (ARC) of the Historic Preservation Commission (HPC), the Waterfront Design Advisory Committee (WDAC), project proponents, and others.

This project is proposed for a high-profile waterfront site that is literally at the gateway to the Broadway corridor to North Beach and Chinatown. Because of this and the sensitivity of its location within the Northeast Waterfront Historic District and across from the Port's National Register Embarcadero District, the success of the project's design and functioning is of especially high importance for all of us.

While we support a number of the design modifications that have been made to the hotel over this project's course of development, we offer the following comments on the concerns that remain:

Proposed Location of Theater Structure Conflicts With General Plan

We urge you to reexamine the design and location of the theater structure (particularly its glass enclosure), which would block the Vallejo Street view corridor and right-of-way, creating General Plan conflicts that include the following:

- **Conflict with the General Plan's protection of view corridors** by blocking the Vallejo Street view corridor to the pier bulkhead and bay, which is explicitly protected by the following policies of the General Plan's Northeastern Waterfront Area Plan (bolding and underlining added):

POLICY 10.2

Preserve and create view corridors which can link the City and the Bay.

POLICY 10.11

*Maintain and enhance existing grade level view corridors to the Bay particularly from Kearny, Broadway, Howard, Folsom, and Beale Streets, and to the bulkhead buildings, significant architectural features, or waterfront views from Bay, Front, Green, **Vallejo**, Market, Mission, Harrison, Steuart, Bryant, Brannan, and Townsend Streets. Create new view corridors at Pacific and Greenwich Street.*

- **Conflict with the General Plan's strong presumption against vacating street areas**, which is stated in the following policy of the Urban Design Element:

POLICY 2.8

Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

- **Conflict with the General Plan's limit on the extent and permanence of street releases**, which is stated in the following policy of the Urban Design Element:

POLICY 2.10

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

In its recitations about General Plan compliance, the draft approval motion prepared by staff does not identify and discuss the above conflicts. Until it does, the motion is flawed and incomplete, and should not be adopted as written.

In any event, to avoid the General Plan conflicts mentioned above, we urge that the theater structure be relocated out of the Vallejo Street right-of-way, and by a sufficient margin to avoid blocking or impeding the General Plan-protected Vallejo Street view corridor. If the theater structure is permitted to remain in its proposed location and thus requires vacation of public rights-of-way in conflict with General Plan Policy 2.8, pursuant to Policy 2.10, Vallejo Street vacation should be temporary, requiring it to revert back to the City, if and when Teatro ZinZanni ends or exits the space.

Glass Enclosure Is Too Large

The extent of the above conflicts is made more severe by the large and unnecessary size of the glass enclosure relative to the Spiegeltent, which contains the actual theater performance area. As can be seen in project renderings, the glass enclosure is materially larger than the Spiegeltent that it is intended to protect. The extent of the General Plan conflicts is made still larger by the significant size of theater accessory structures, particularly those in the backstage area.

The volume of the glass enclosure is more than three times larger than that of the Spiegeltent. This size seems larger than necessary and creates a more severe conflict with the General Plan, and thus should be reduced or eliminated.

Glass Enclosure Is Incompatible With Historic District

The theater glass enclosure is not like any other structure in the Northeast Waterfront Historic District. As currently proposed, it is not sufficiently compatible to "maintain the scale and basic character of the Northeast Waterfront Historic District" (Planning Code, Article 10, Appendix D, Section 1). This compatibility is particularly important given the project's prominent location at the edge of the historic district and as seen from the heavily-traveled Embarcadero. An alternative, more appropriate design is needed.

March 4, 2019

Page 3

A Sufficiently Large Sample of Materials Should be Inspected

Prior to approval of a COA, the HPC should ensure that its review of proposed exterior materials is based upon an inspection of a sufficiently large sampling of actual materials to provide an accurate sense of their in-place appearance. Given their prominence, this is particularly important for the materials to be used in the theater glass enclosure and other theater backstage structures that intrude into the Vallejo Street view corridor and right of way.

* * *

We look forward to further discussions with the HPC, Planning staff, and the project team about these and other issues that may arise as the planning process continues.

Sincerely,



Stan Hayes
Chair, Planning & Zoning Committee
Telegraph Hill Dwellers

cc: President, Aaron Hyland aaron.hyland.hpc@gmail.com
Vice-President, Diane Matsuda dianematsuda@hotmail.com
Commissioner Kate Black kate.black@sfgov.org
Commissioner Ellen Johnck ellen.hpc@ellenjohnckconsulting.com
Commissioner Richard Johns [RSE\[ohns@yahoo.com](mailto:RSE[ohns@yahoo.com)
Commissioner Jonathan Pearlman Jonathan.pearlman.hpc@gmail.com
Commissioner Andrew Wolfram andrew@tefarch.com
Commission Secretary Commissions.Secretary@sfgov.org
Tim Frye tim.frye@sfgov.gov
Jay Wallace jwallace@jaywallaceassociates.com
Supervisor Aaron Peskin, District 3 aaron.peskin@sfgov.org

TZK Broadway, LLC

March 4, 2019

Via Email: jonathan.vimr@sfgov.org
commissions.secretary@sfgov.org

Jonathan Vimr and Jonas Ionin
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

RE: Seawall Lots 323 & 324/2015-016326COA

Dear Jon and Jonas:

TZK Broadway, LLC would like to respond to the Telegraph Hill Dwellers' (THD) March 4, 2019 letter.

We would like to begin by stating that we are pleased to have worked with THD over the last three years on the project's design, and believe that the limited number of concerns expressed by THD represents our shared good faith discussions during that time. While we do not agree on all issues, we believe THD's concerns can be or have been ameliorated by steps already made by the project or endorsed by the Planning Department. With that said, we'd like to address THD's concerns.

THD's first concern involves the placement of the spiegel tent in the right-of-way and how that interplays with the City's General Plan. The General Plan, however, is only a framework and no project is required to comply with all General Plan policies. In fact, as the Mitigated Negative Declaration ("MND") states, "achieving complete consistency with the general plan is not always possible".¹

That said, the spiegel tent's location on the site was confirmed after discussions with the Planning Director Rahaim and his staff, and was required due to height limitations on the site (40X), which the project has fully adhered to, and the need to seamlessly integrate the two uses—hotel and theater—into a single building design to ensure the continuation of the theater activity on the site.

Moreover, there are hundreds of General Plan Policies and Objectives that the project complies with, including the Urban Design Element policies that address views, Arts Element, Recreation and Open Space Element, Transportation Element, and the Port of San Francisco's Waterfront Land Use Plan and its Waterfront Design

¹ See Pages 37-44 of the MND, attached hereto as Exhibit 1, for General Plan consistency findings.

and Access Plan², the Planning Department's Northeastern Waterfront Area Plan, and the State of California's Public Trust Doctrine. Compliance with these policies and plans ensures that the project is legally consistent with the City's General Plan.³

Moreover, the mitigation that THD proposes, returning the site to the Port at the end of the use, is imbedded in the proposed transaction with the Port, given that there is no automatic extension on the term of the lease, and the property will revert back to and is always held by the Port at the conclusion of the lease term.

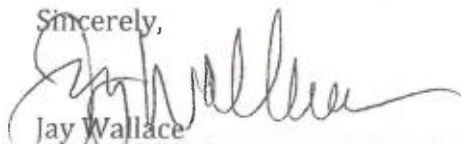
Second, we have had several conversations with THD regarding the glass gazebo, the historic spiegeltent and the integration of those elements with the hotel. What allows for the theater's return to San Francisco is its integration with the hotel, as noted above. We have re-analyzed the size of the glass gazebo and the spiegeltent and according to our design architect, Hornberger + Worstell, the glass gazebo is only approximately 20% larger than the spiegeltent, not 3 times larger as claimed.

The size of the glass gazebo is designed to be the minimum necessary for performers and wait staff to move around the tent, an active feature that will add to the site's potential along the waterfront, for sound attenuation in the neighborhood, and to provide the minimum headroom necessary to keep the tent and glass gazebo clean. Again, while we respectfully disagree with THD on this issue, we are in agreement that the glass gazebo should be consistent with the Historic District, a finding confirmed by the Planning Department in its HRE, Part 2 finding.

Third, we agree with THD that materials should be inspected to provide an accurate sense of their in-place appearance, and we think that the Department's Condition requiring an on-site mock-up covers the request made.

Thank you for your consideration of our views and we look forward to discussing the project with you and the community.

Sincerely,



Jay Wallace
TZK Broadway, LLC

CC: Historic Preservation Commissioners (through Commission Secretary)
Supervisor Aaron Peskin
Stan Hayes/Telegraph Hill Dwellers

² Significantly, Vallejo Street is not designated as a street with a view in multiple sections of the Port's Design and Access Plan. See Page 39, footnote 23, of the MND. Moreover, the view from Vallejo Street is not impacted at all from Battery Street westward up towards Telegraph Hill.

³ The proposed project also meets the eight priority policies of Section 101.1(b) of the San Francisco Planning Code. See Page 44 of the MND, attached as part of Exhibit 1.



SAN FRANCISCO PLANNING DEPARTMENT

Initial Study

Preliminary Mitigated Negative Declaration

Date: October 17, 2018
Case No.: 2015-016326ENV
Project Title: Seawall Lots 323 and 324 – Hotel and Theater Project
Zoning: C-2 (Community Business) Use District
 Waterfront 3, Special Use District
 40-x Height and Bulk District
Block/Lot: 0138/001
 0139/002
Lot Size: 59,750 square feet
Project Sponsor: Jay Wallace
 TZK Broadway, LLC
 (415) 955-1100 ext. 4007
Lead Agency: San Francisco Planning Department
Staff Contact: Laura Lynch (415) 575-9045
 Laura.Lynch@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
 Information:
415.558.6377

PROJECT DESCRIPTION:

The project site includes two Port of San Francisco (Port) assessor's parcels, Assessor's Block 0138, Lot 001 and Assessor's Block 0139, Lot 002, and two Port right-of-way parcels. These parcels compose approximately 59,750 square feet (1.37-acre) of Port property, with primary frontages along The Embarcadero, Broadway, and Davis Street. The Port currently leases the project site to a parking operator.

The project sponsor, TZK Broadway LLC, proposes to demolish the existing 250 space parking lot and construct a mixed-use development consisting of three components: an approximately 29,570-gross-square-foot (gsf) entertainment venue that would house Teatro ZinZanni's historic *spiegelent*¹ and 285-seat dinner-theater-entertainment venue and program; an approximately 118,000-square-foot, four-story hotel with 192 rooms; and an approximately 14,000 gsf, privately financed and maintained public park, all built to conform with the 40-X height and bulk district.

¹ The Zinzanni spiegelent, the Paliats Nostalgique, is a 100+ year old European cabaret tent constructed of wood, stained glass, red velvet and gold fabric. The spiegelent was constructed by renowned craftsman Willem Klessens. The tent is 29 feet tall with a circumference of 211 feet. It has historically been used to host a variety of entertainment uses such as dances, wine tastings, cabarets, and celebrations.

No off-street parking is proposed at the project site. Parking would occur through valet services and offsite parking at existing nearby facilities. Approximately 20 class I bicycle parking spaces and 28 class II bicycle parking spaces are proposed. Construction on the project site is estimated to take up to approximately 22 months.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See section F, Mitigation Measures and Improvement Measures on page 169.

and in three locations along the project frontage (see Figure 4). The proposed building would include 20 class I and 43 class II bicycle parking spaces (28 new class II spaces are proposed). The class I bicycle parking spaces would be provided for use by hotel employees and commercial tenant employees only, and would be located on the ground floor along Davis Street and accessed via a locked door at that location. The 43 class II bicycle parking spaces would be located on sidewalks in front of the project site (14 new spaces along Davis Street, 10 new spaces along The Embarcadero, and four new spaces in the park, in addition to 15 existing spaces located on The Embarcadero). The location of bicycle parking spaces within the public ROW would be subject to review and approval by the Port.

- **Article 10 Historic District/Special Use District.** The project site is a noncontributing property within the Northeast Waterfront Landmark District, a designated historic district per Planning Code article 10. As described in Appendix D of article 10, this historic district is maintained as an architecturally historic and aesthetically historic significant area. Appendix D establishes the location and boundaries of the historic district, outlines the character-defining features of the district and criteria for reviewing alterations and new construction within the district. Because of the location of the project site, the proposed project is subject to the review and approval of a Certificate of Appropriateness application by the Historic Preservation Commission for compatibility with the Northeast Waterfront Landmark District, pursuant to article 10 and Appendix D.

The project is also within Waterfront Special Use District No. 3, and is subject to the requirements outlined in Planning Code section 240.3. Section 240 sets forth regulations to preserve the unique characteristics of waterfront *special use districts*, requiring developments to undergo a waterfront design review process. Section 240.3 discusses the specific design, land use, scale, and other factors for development within Waterfront Special Use District No. 3.

The proposed project would generally be consistent with provisions of the San Francisco Planning Code. As stated above, potential inconsistencies of the proposed project with applicable plans, policies, and regulations do not, by themselves, indicate a significant environmental effect. To the extent that physical environmental impacts may result from such conflicts, these impacts are discussed in Section E, Evaluation of Environmental Effects. Any inconsistencies between the proposed project plans, policies, and planning code land use controls that do not relate to physical environmental issues or result in physical environmental effects will be considered by City decision-makers as part of their determination on whether to approve, modify, or disapprove the proposed project.

C.2. LOCAL PLANS AND POLICIES

San Francisco General Plan

In addition to the San Francisco Planning Code, the proposed project is subject to the San Francisco General Plan. The general plan provides general policies and objectives to guide land use decisions. The general plan provides the City's vision for the future of San Francisco. The general plan is divided into 10 elements that apply citywide policies and objectives into the following topical areas: Air Quality, Arts, Commerce and Industry, Community Facilities, Community Safety, Environmental Protection, Housing, Recreation and Open Space, Transportation, and Urban Design. In addition, the proposed project is governed by the Northeastern Waterfront Area Plan, a specific area plan of the City's General Plan, which is discussed more below. Development in San Francisco is subject to the general plan, which provides objectives and policies to guide land use decisions, and contains some policies that relate to physical environmental issues, some of which may conflict with each other. Achieving complete consistency with the general plan is not always possible for a proposed project. CEQA does not require an analysis of a proposed project in relation to all general plan policies; it asks whether a proposed project would conflict with any plans or policies adopted to protect the environment. The General Plan's Northeastern Waterfront Area Plan recognizes that the proposed project is also subject to the Port of San Francisco's Waterfront Land Use Plan and its Design and Access Element, as well as the requirements of the Burton Act governing Port properties.

Achieving complete consistency with the general plan is not always possible for a proposed project. CEQA does not require an analysis of a proposed project in relation to all general plan policies; it asks whether a proposed project would conflict with any plans or policies adopted to protect the environment. Elements of the San Francisco General Plan that are particularly applicable to planning considerations associated with the proposed project are the Urban Design, Arts, Recreation and Open Space, and Transportation elements, in addition to the Northeastern Waterfront Area Plan.

The Urban Design Element is concerned both with development and with preservation, recognizing that enhancement and conservation of the positive attributes of the city are necessary to meet human needs. Of these positive attributes, the city's characteristic city pattern is integral to maintaining "an image, a sense of purpose, and a means of orientation." Views, topography, streets, building form and major landscaping are of particular importance to the city's pattern. The Urban Design Element indicates that preservation of landmark buildings and districts contributes to the sense of permanence and continuity in the urban fabric of the city. The proposed project is within a designated landmark district under article 10 of the San Francisco Planning Code. As such, the proposed project is subject to the approval of a Certificate of Appropriateness from the Historic Preservation Commission for new construction in the Northeast Waterfront Landmark District, which would review the project for compatibility with the surrounding development.

In addition, the following Urban Design Element policies under Objective 2, Conservation of Resources, include policies that provide for a sense of nature, continuity with the past, and freedom from overcrowding. Specifically, policies 2.8, 2.9 and 2.10 are relevant to the project as they relate to use of street areas. Policy 2.9 states that there is a rebuttable presumption that street space should be retained as valuable public open space in the tight-knit fabric of the city.

The proposed project meets Policy 2.8: Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings. No active or planned street areas are being given up for private ownership or use, or for the construction of public buildings. The proposed project includes the vacation of a ROW parcel that is between Seawall Lots 323 and 324 and which currently crosses through the existing parking plot from Davis Street to The Embarcadero. The ROW parcel is an unmapped, undeveloped, paper street, under the Port's jurisdiction which is not currently used as a street. The Port would remain the owner of the ROW with implementation of the proposed project. The proposed project would build on top of the existing ROW, but the development would be offset by the construction of a new public park that would allow public access through the site and would also provide a dedicated easement for San Francisco Fire Department access through the site. The public park would include passive recreational areas, pathways and benches which would enhance the pedestrian experience, while maintaining a new easement for access by emergency vehicles. A curb cut on Davis Street would allow circulation through to The Embarcadero on a paved pathway, secured by movable bollards. The proposed project meets Policy 2.9: Review proposals for the giving up of street areas in terms of all the public values those streets afford. The proposed project would repurpose the ROW parcel that is currently occupied by a surface parking lot and is not used as a street area. The proposed project would develop the site to include a new hotel, entertainment venue, restaurant and a public park, uses which are consistent with the General Plan, Waterfront Land Use Plan and the Burton Act. Currently the ROW parcel is an unmapped, undeveloped, paper street, not used or planned for use as a street. The proposed project would not cause any detriment to vehicular or pedestrian circulation but would allow for designated pedestrian circulation through the site along with emergency vehicular access with two curb cuts connecting from Davis Street to The Embarcadero and the new public park that would allow emergency vehicles to pass through the site. The proposed project would not interfere with utility lines or services. The proposed project does not contain any natural features nor does it cause any detriment to the scale and character of the surrounding area because it is being designed to conform to the existing character, height and bulk limits for the area and in accordance with the City's Planning Code Article 10, the Northeastern Waterfront Area Plan and the Waterfront Land Use Plan and Access and Design Element. The proposed project would not

obstruct, diminish or eliminate a significant view.²³ The public walkways and open space around and through the project site would provide new view corridors that would link Vallejo Street to the Embarcadero and would provide new public open space amenities in the neighborhood. Policy 2.9 outlines 12 conditions that would discourage approval of a proposed street vacation and none of these conditions are present under the proposed project. The proposed project would facilitate a public serving, Public Trust consistent project (hotel and entertainment venue) and would create a public space that would allow public access use of the site including a new privately owned public open space (POPO) in the form of a new public park.

The proposed project meets Policy 2.10: Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case. The proposed project would be constructed pursuant to a Port ground lease, and the Port would always retain the interest in the site which permits the Port to recapture the proposed project site's occupied ROW parcel should that be warranted following lease termination, thereby ensuring that the release is not permanent. The proposed project would release the unused ROW parcel in a manner that the public values and purpose of streets as expressed in the Urban Design Element and elsewhere in the General Plan would be consistent with the preferred uses for the project site as set forth in the Port's Waterfront Land Use Plan. The effects of the proposed street vacation or use of the ROW parcel is minimized because the public access through the site by people and emergency vehicles is still maintained. The vacation of the ROW would enhance the pedestrian experience and public life and would create a new POPO and would involve Trust consistent uses (hotel and entertainment venue).

The Arts Element is intended to "validate and increase the role of the arts as a major economic force in the region." The importance of the arts to the cultural identity and economic prosperity of San Francisco is underscored in a number of policies seeking to support local artists and artwork. Objective I-2 seeks to increase the contribution of the arts to the economy of San Francisco, including the continued support and increased promotion of arts and arts activities throughout the city for the benefit of visitors, tourists, and residents (policy I-2.2). Policy VI-1.9 supports the creation of opportunities for private developers to include arts spaces in private developments citywide. The proposed project would comply with the Arts Element by providing permanent arts and entertainment space at the proposed entertainment venue, which would host the 100-year-old spiegel tent. The proposed building would provide support space for performers and producers. The design of the proposed building would allow passersby along The Embarcadero to see "behind the scenes" during performances. The proposed project would also include a public park and outdoor stage that could potentially host community performances and public gatherings such as neighborhood exercise classes, a children's dance or singing performance, or lunchtime music or lecture session.

The Recreation and Open Space Element is intended to improve the quality of life in San Francisco communities by providing places for "recreation, activity and engagement, for peace and enjoyment, and for freedom and relief from the built world." Among its objectives is increasing recreation and open space to meet the long-term needs of the city and bay region. Objective 2, policy 2.12 of the Recreation and Open Space Element encourages the expansion of the *privately owned public open spaces* requirement to new mixed-use development areas, ensuring that spaces are truly accessible, functional, and activated. Objective 3 promotes improved access and connectivity to open space within the city. The proposed project would comply with the Recreation and Open Space Element by providing the POPO as an additional public recreational area in the vicinity of other popular recreational facilities, such as The Embarcadero Promenade.

²³ The Design and Access Element provides that Vallejo is not designated as: (1) a street that has "planned public access and open space" (Public Access and Open Space Map, Exhibit B); (2) a street with Major Views of the Bay and Across Water or a street that involves "hilltop views of the waterfront" (Page 44); (3) a street that is designated for "new views of the Bay and across water" (Page 45) or an existing or proposed street that connects to the Bay, historic structures or architecture" (Page 46); (4) a street that has a view to the Bay or a view to a historic building (Page 80) or a street where it is deemed necessary to preserve or create views of historic buildings or architecture (Page 83); or (5) a street that needs to maintain Bay views (Page 87) or a street with a "street corridor with an unobstructed view of the Bay", a street with a "proposed view to the Bay", a street with a "view to historic structures", "a street with views of historic structures" or "a street with a proposed view to architecture with a waterfront identity" (Pages 126-127, Appendix A).

The Transportation Element includes discussions about pedestrian issues and provides direction and policies to encourage safe, convenient and pleasant pedestrian movement as part of the transportation system. Objective 24 is focused on the design of every street for safe and convenient walking with corresponding policies. Objective 25, Improve the ambience of the pedestrian environment, contains a relevant policy to the proposed project, Policy 25.5: Where consistent with transportation needs, transform streets and alleys into neighborhood-serving open spaces or “living streets” by adding pocket parks in sidewalks or medians, especially in neighborhoods deficient in open space. This policy encourages excess paved areas to be converted to pocket parks on widened sidewalks, curb extensions or new medians in appropriate circumstances. This policy defines pocket parks as small, active public spaces created in the existing public right-of-way. In addition to landscaping, pocket parks may include features such as seating areas, play areas, community garden space, or other elements to encourage active use of the public open space. The proposed public park for the proposed project replaces the parking lot currently located on the ROW parcel with similar park features as suggested in Policy 25.5. The compatibility of the proposed project with General Plan goals, policies, and objectives that do not relate to physical environmental issues would be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project.

The General Plan also requires compliance with the Port of San Francisco’s Waterfront Land Use Plan and its Waterfront Design and Access Plan, and the State of California’s Public Trust doctrine. The proposed project also satisfies all of the key provisions of those governing documents. The Waterfront Land Use Plan provides that Seawall Lots 323 and 324 are principally permitted for hotel, entertainment and open space uses. The proposed project proposes to construct a new hotel, entertainment venue and POPO, consistent with the Waterfront Land Use Plan.

The Design and Access Plan provides that Seawall Lots 323 and 324 are prime sites for infill development and that new uses should take advantage of the major public access amenities of Pier 7 and provide a focal point for the area where Broadway meets The Embarcadero. The proposed project would use the Seawall Lots in a manner that meets those primary policies for the project site. The Design and Access Plan also provides that development on Seawall Lots should:

- Respect City form by stepping new buildings down toward The Embarcadero
- Use strong and bold building forms and detailing on new buildings to reinforce the large scale of The Embarcadero
- New buildings should respect the scale and architectural character of adjacent neighborhoods
- Maintain City street corridor views shown on the City Street View map in chapter 3.

The proposed project meets all of the aforementioned policies in that it: (1) would be constructed to comply with the areas 40-foot height limit, (2) the building has continuous massing along The Embarcadero that reinforces the street wall and large scale of The Embarcadero, (3) uses strong and bold building forms and detailing to reinforce the large scale of The Embarcadero by construction to the property line, (4) uses materials that are consistent with the area, and incorporates many other design details that are consistent with the district (5) respects the scale and architectural character of the adjacent Northeast Waterfront Historic District insofar as it has been designed to comply with Article 10, Appendix D Guidelines for building form, massing fenestration and materiality in the historic district and conforming with Secretary of the Interior Standards-Standard 9, Additions to Historic Districts (6) maintains the designated street corridor views as described in the Design and Access Plan (Chapter 3, Map B, Open Spaces and Access), insofar as the project does not have any impact on Broadway or Davis Street, and Vallejo Street is not mentioned as an existing open space and public access area, or a planned open space and public access area or a view corridor

The General Plan also requires compliance with the Burton Act and the California Public Trust doctrine. The proposed project fully complies with the Burton Act Public Trust doctrine insofar as it involves three trust consistent, public assembly and Port commercial uses—hotel, entertainment venue and public park—and supports the other requirements of the Burton Act such as promoting access to and along the waterfront and will pay fair market rent and contribute to the general fund for public trust uses.

*Northeastern Waterfront Area Plan*²⁴

The Northeast Waterfront Area Plan, part of the San Francisco General Plan, includes goals, policies, and objectives to maintain, expand, and allow new shipping, commercial, and recreational maritime operations that provide improved and expanded commercial and recreational maritime facilities, open spaces, and public access along the waterfront. This *area plan*, last amended by the San Francisco Planning Commission in 2003, includes the area along San Francisco Bay from Fisherman's Wharf to China Basin. The area plan includes land under Port jurisdiction and the areas of the city adjacent to the Port area. Although the area's role in San Francisco's maritime shipping industry has declined over time, the Port remains responsible for ensuring the continuation of maritime commerce, navigation, and fisheries within the Northeastern Waterfront. The Northeastern Waterfront Area Plan envisions the addition of hotel, restaurant, and retail uses in this area to promote increased access and enjoyment of the waterfront.

The project site is within the area plan's Base of Telegraph Hill Subarea, which contains a mix of maritime, residential, and commercial uses. A variety of land uses are designated appropriate on inland sites, including hotel, residential, office, and other commercial activities. The open space policy for this subarea also encourages the provision of landscaping and publicly accessible open space in the development. The area plan indicates that new development on these parcels shall be designed to "preserve and enhance the rich historic character of the subarea, and, as appropriate, highlight access points to the nearby North Beach, Chinatown and Fisherman's Wharf districts."

The following areawide objectives and policies of the Northeastern Waterfront Area Plan relate to the proposed project:

- **Objective 1:** To develop and maintain activities that will contribute significantly to the City's economic vitality and provide additional activities which strengthen the predominant uses in each subarea of the northeastern waterfront, while limiting their concentration to preserve the environmental quality of the area.
- **Objective 2:** To diversify uses in the northeastern waterfront, to expand the period of use of each subarea and to promote maximum public use of the waterfront while enhancing its environmental quality.
- **Objective 7:** To strengthen and expand the recreation character of the northeastern waterfront and to develop a system of public open spaces and recreation facilities that recognizes its recreational potential, provides unity and identity to the urban area, and establishes an overall waterfront character of openness of views, water and sky and public accessibility to the water's edge.
- **Policy 8.2:** Limit additional parking facilities in the Northeastern Waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit. Restrict additional parking to: (a) Short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) Long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.
- **Policy 8.5:** Base the determination of the amount of parking allowed for permitted uses on the desirability of reducing automobiles along the waterfront and, to the maximum extent feasible, consider the use of existing public transit and inland parking, as well as public transit and inland parking which could reasonably be provided in the future.

²⁴ San Francisco Planning Department, *Northeastern Waterfront Area Plan*, 1998 and Amendments by Resolution 16626 on July 31, 2003, http://www.sf-planning.org/ftp/General_Plan/NE_Waterfront.htm.

- **Policy 8.6:** Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.
- **Policy 10.5:** Permit nonmaritime development bayward of the sea wall only if the following qualifications are met:
 - a. Maximum feasible public access is provided to the water's edge.
 - b. Important Bay and waterfront views along The Embarcadero and level inland streets are preserved and improved. Minor encroachment into the view corridors from level inland streets may be permitted: (1) Where the encroaching element has a distinct maritime character and adds variety to the views along the waterfront; (2) Where minor structures (such as kiosks) are desirable to provide public amenities contributing to a continuity of interest and activity along the waterfront; (3) Where essential maritime facilities cannot reasonably be located and designed to avoid view blockage; and (4) Where the public enjoyment of the Bay will be enhanced by providing a place of public assembly and recreation which allows unique vistas and overviews that include portions that are publicly accessible during daytime and evenings consistent with ensuring public safety,
- **Policy 10.6:** Retain older buildings of architectural merit or historical significance to preserve the architectural and historical character of the waterfront and ensure the compatibility of new development.

The following policies and objective of the Northeastern Waterfront Area Plan specific to the Base of Telegraph Hill Subarea relate to the proposed project:

- **Policy 18.3:** Encourage moderate development of uses such as shops, restaurants, entertainment and hotels which activate the waterfront during evenings and weekends, but to a lesser overall intensity and concentration than present in the adjacent downtown and Fisherman's Wharf areas.
- **Policy 18.4:** Design new development on Seawall Lots 323 and 324 as an orientation point for the waterfront which also highlights the intersection of Broadway and The Embarcadero.
- **Policy 19.3:** Design transportation access to new developments on seawall lots to minimize congestion on Bay Street, Broadway, and The Embarcadero.
- **Objective 20:** To develop the area in such a way as to preserve and enhance the physical form of the waterfront and Telegraph Hill, and to preserve views from the hill.

The proposed project would convert an existing surface parking lot along The Embarcadero to a hotel, entertainment venue, and public park. The addition of the proposed project to the site would better define the intersection of The Embarcadero and Broadway for all roadway users, marking the importance of the intersection as a gateway point. Rather than creating new parking facilities in an area well served by existing transit, the proposed project would enhance the pedestrian experience on and around the site, promoting recreation along The Embarcadero. Although the proposed project would add new entertainment uses to the site, the intensity of use would be consistent with immediately surrounding uses along the waterfront, which generally are less intense in use than destinations located downtown or in Fisherman's Wharf. The Historic Preservation Commission and Architectural Review Committee must review the project design to ensure consistency with the historic district in which the project is located. The proposed project would not conflict with any goals, objectives, or policies of the Northeastern Waterfront Area Plan. The proposed project is compatible with the heights of the surrounding buildings and would provide appropriate streetscape for pedestrians, accommodate pedestrians and bicyclists, create open space connections, and make sure that the new development would fit into the context of historic properties in the area.

The project site is within the boundary of the *Northeast Embarcadero Study: An Urban Design Analysis for the Northeast Embarcadero Area* (Northeast Embarcadero Study), prepared by the San Francisco Planning Department. This study was conducted to assess empty surface parking lots, including the project site, along the western side of The Embarcadero for

future infill development. The study was adopted on July 8, 2010, and its guidelines were incorporated into the Northeast Waterfront Area Plan. The objectives of the Northeast Embarcadero Study are to create site guidelines that are beneficial to the pedestrian realm, establish east-west connections between the city and the Bay, establish an appropriate streetscape for pedestrians, create open space connections, and make sure that new development fits into context of historic properties. The proposed project is compatible with the heights of the surrounding buildings and provides accessible open space in the form of a new public park that would allow for passage of pedestrians from Davis Street through to The Embarcadero.

Waterfront Land Use Plan

Land use and development on properties within Port jurisdiction, including the project site, are guided by the Waterfront Land Use Plan.²⁵ The lands within the Port's jurisdiction are held in public trust and managed by the Port. The Port, as trustee of these public lands, is required to promote maritime commerce, navigation, and fisheries, and to protect natural resources and develop recreational facilities for public use. The Waterfront Land Use Plan is intended to designate lands to meet these objectives and to serve the intensified demand for residential and commercial development on appropriate inland parcels. Providing improved access to the waterfront is among the plan's primary objectives.

The Waterfront Land Use Plan designates the project site as a Mixed Use Opportunity Area anticipated to include a new open space component. The plan notes that the project site (encompassing Seawall Lots 323 and 324) is currently underused and recommends that it be developed with uses that activate the waterfront and are integrated with adjacent uses. Suggested uses include support space and ancillary parking for pier activities or mixed-use hotel, office, or residential developments with ground-floor retail uses. The plan indicates that these lots should provide a smooth transition from inland neighborhood uses to shoreline improvements, making the area inviting to local residents. The plan also notes that the project site is within the Northeast Waterfront Historic District and that the design of new development must respect and enhance the historic and architectural character of adjacent development.

In 2015, the Port completed the *Waterfront Land Use Plan 1997–2014 Review*.²⁶ The review documents land use changes at the Port over an 18-year period and identifies recommendations for a targeted update of the Waterfront Land Use Plan, which is currently underway. The review identified goals for the project area similar to those identified in the 2009 Waterfront Land Use Plan, including the development of a boutique hotel at the intersection of Broadway and Embarcadero (on Seawall Lot 324). The current review of the Waterfront Land Use Plan continues to make the same finding. Such a development would need to be designed to be compatible with existing land uses and to define the intersection's role as an area gateway. Seawall Lot 323 is identified as an opportunity to reconnect adjacent neighborhoods with the waterfront and improve the public realm.

The Accountable Planning Initiative

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added section 101.1 to the planning code and established the following priority policies, set forth in section 101.1(b):

- (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in, and ownership of, such businesses be enhanced
- (2) That existing housing and neighborhood character be conserved and protected to preserve the cultural and economic diversity of our neighborhoods

²⁵ Port of San Francisco, *Waterfront Land Use Plan*, June 2004; Revised October 2009, <http://sfport.com/waterfront-land-use-plan-0>., accessed May 22, 2016.

²⁶ Port of San Francisco, *Waterfront Land Use Plan 1997–2014 Review*, 2015, http://sfport.com/sites/default/files/FileCenter/Documents/10303-WLUP_Review_Chapter1_July2015_reduced%20size.pdf, accessed May 22, 2016.

- (3) That the City's supply of affordable housing be preserved and enhanced
- (4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking
- (5) That a diverse economic base be maintained by protecting the City's 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
- (6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake
- (7) That landmarks and historic buildings be preserved
- (8) That our parks and open space and their access to sunlight and vistas be protected from development

Policies 1, 2, and 5 are addressed in the initial study checklist in Section E.1, Land Use and Planning. Policy 3 is addressed in Section E.2, Population and Housing. Policy 4 is addressed in Section E.4, Transportation and Circulation. Policy 6 is addressed in Section E.13, Geology and Soils. Policy 7 is addressed in Section E.3, Cultural Resources. Policy 8 is addressed in Section E.8, Wind and Shadow.

The proposed project would not conflict with any of the eight priority policies of section 101.1(b). Because the project site is located within a designated landmark district under article 10 of the San Francisco Planning Code, the Historic Preservation Commission will review and issue a decision on a certificate of appropriateness provided for the project. The San Francisco Planning Commission and Board of Supervisors will review the proposed project for consistency with the priority policies during the public hearing on the proposed project before acting on the conditional approval for the hotel use. The case report and approval motions for the proposed project that are presented to the planning commission will contain the planning department's comprehensive project analysis and findings regarding the proposed project's consistency with the priority policies, plans, policies, and planning code provisions that do not relate to physical environmental issues. The planning commission and board of supervisors will also consider the information in this initial study when they determine whether to approve, modify, or disapprove the proposed project.

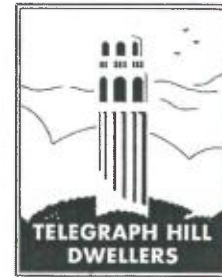
Other Local Plans and Policies

In addition to the San Francisco General Plan, the Northeast Waterfront Area Plan, the Waterfront Land Use Plan, the Northeast Embarcadero Study, the planning code and zoning maps, and the Accountable Planning Initiative, other local plans and policies that are relevant to the proposed project are discussed below.

- **San Francisco Transit First Policy** is a set of principles that emphasize the City's commitment that the use of public ROWs by pedestrians, bicyclists, and public transit be given priority over the private automobile. These principles are embodied in the policies and objectives of the Transportation Element of the San Francisco General Plan. All City boards, commissions, and departments are required by law to implement the City's Transit First Policy principles in conducting the City's affairs.
- **San Francisco Bicycle Plan** is a citywide bicycle transportation plan that identifies short-term, long-term, and other minor improvements to San Francisco's bicycle route network. The overall goal of the San Francisco Bicycle Plan is to make bicycling an integral part of daily life in San Francisco.
- **San Francisco Better Streets Plan** classifies the City's public streets and ROW, and creates a unified set of standards, guidelines, and implementation strategies that guide how the City designs, builds, and maintains its public streets and ROW to enhance the livability of the City's streets.

March 4, 2019

Jonathan Vimr
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103
Via e-mail <jonathan.vimr@sfgov.org>



Re: **Seawall Lots 323 & 324 (Teatro ZinZanni)**
Case No. 2015-016326COA
Northeast Waterfront Historic District

Dear Mr. Vimr,

On behalf of the Telegraph Hill Dwellers (THD), we are pleased to submit the following comments on the above-referenced application for a Certificate of Appropriateness (COA) for the proposed Teatro ZinZanni theater/hotel project. These comments both complement and supplement previous written and verbal comments that THD has made to the Architectural Review Committee (ARC) of the Historic Preservation Commission (HPC), the Waterfront Design Advisory Committee (WDAC), project proponents, and others.

This project is proposed for a high-profile waterfront site that is literally at the gateway to the Broadway corridor to North Beach and Chinatown. Because of this and the sensitivity of its location within the Northeast Waterfront Historic District and across from the Port's National Register Embarcadero District, the success of the project's design and functioning is of especially high importance for all of us.

While we support a number of the design modifications that have been made to the hotel over this project's course of development, we offer the following comments on the concerns that remain:

Proposed Location of Theater Structure Conflicts With General Plan

We urge you to reexamine the design and location of the theater structure (particularly its glass enclosure), which would block the Vallejo Street view corridor and right-of-way, creating General Plan conflicts that include the following:

- **Conflict with the General Plan's protection of view corridors** by blocking the Vallejo Street view corridor to the pier bulkhead and bay, which is explicitly protected by the following policies of the General Plan's Northeastern Waterfront Area Plan (bolding and underlining added):

POLICY 10.2

Preserve and create view corridors which can link the City and the Bay.

POLICY 10.11

Maintain and enhance existing grade level view corridors to the Bay particularly from Kearny, Broadway, Howard, Folsom, and Beale Streets, and to the bulkhead buildings, significant architectural features, or waterfront views from Bay, Front, Green, Vallejo, Market, Mission, Harrison, Steuart, Bryant, Brannan, and Townsend Streets. Create new view corridors at Pacific and Greenwich Street.

March 4, 2019

Page 2

- **Conflict with the General Plan's strong presumption against vacating street areas**, which is stated in the following policy of the Urban Design Element:

POLICY 2.8

Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

- **Conflict with the General Plan's limit on the extent and permanence of street releases**, which is stated in the following policy of the Urban Design Element:

POLICY 2.10

Permit release of street areas, where such release is warranted, only in the least extensive and least permanent manner appropriate to each case.

In its recitations about General Plan compliance, the draft approval motion prepared by staff does not identify and discuss the above conflicts. Until it does, the motion is flawed and incomplete, and should not be adopted as written.

In any event, to avoid the General Plan conflicts mentioned above, we urge that the theater structure be relocated out of the Vallejo Street right-of-way, and by a sufficient margin to avoid blocking or impeding the General Plan-protected Vallejo Street view corridor. If the theater structure is permitted to remain in its proposed location and thus requires vacation of public rights-of-way in conflict with General Plan Policy 2.8, pursuant to Policy 2.10, Vallejo Street vacation should be temporary, requiring it to revert back to the City, if and when Teatro ZinZanni ends or exits the space.

Glass Enclosure Is Too Large

The extent of the above conflicts is made more severe by the large and unnecessary size of the glass enclosure relative to the Spiegeltent, which contains the actual theater performance area. As can be seen in project renderings, the glass enclosure is materially larger than the Spiegeltent that it is intended to protect. The extent of the General Plan conflicts is made still larger by the significant size of theater accessory structures, particularly those in the backstage area.

The volume of the glass enclosure is more than three times larger than that of the Spiegeltent. This size seems larger than necessary and creates a more severe conflict with the General Plan, and thus should be reduced or eliminated.

Glass Enclosure Is Incompatible With Historic District

The theater glass enclosure is not like any other structure in the Northeast Waterfront Historic District. As currently proposed, it is not sufficiently compatible to "maintain the scale and basic character of the Northeast Waterfront Historic District" (Planning Code, Article 10, Appendix D, Section 1). This compatibility is particularly important given the project's prominent location at the edge of the historic district and as seen from the heavily-traveled Embarcadero. An alternative, more appropriate design is needed.

March 4, 2019

Page 3

A Sufficiently Large Sample of Materials Should be Inspected

Prior to approval of a COA, the HPC should ensure that its review of proposed exterior materials is based upon on inspection of a sufficiently large sampling of actual materials to provide an accurate sense of their in-place appearance. Given their prominence, this is particularly important for the materials to be used in the theater glass enclosure and other theater backstage structures that intrude into the Vallejo Street view corridor and right of way.

* * *

We look forward to further discussions with the HPC, Planning staff, and the project team about these and other issues that may arise as the planning process continues.

Sincerely,



Stan Hayes
Chair, Planning & Zoning Committee
Telegraph Hill Dwellers

- cc: President, Aaron Hyland aaron.hyland.hpc@gmail.com
Vice-President, Diane Matsuda dianematsuda@hotmail.com
Commissioner Kate Black kate.black@sfgov.org
Commissioner Ellen Johnck ellen.hpc@ellenjohnckconsulting.com
Commissioner Richard Johns RSEJohns@yahoo.com
Commissioner Jonathan Pearlman Johnathan.perlman.hpc@gmail.com
Commissioner Andrew Wolfram andrew@tefarch.com
Commission Secretary Commissions.Secretary@sfgov.org
Tim Frye tim.frye@sfgov.gov
Jay Wallace jwallace@jaywallaceassociates.com
Supervisor Aaron Peskin, District 3 aaron.peskin@sfgov.org

Received at HPC Hearing 3/6/19
D. Vior

TZK Broadway, LLC
1215 K Street, Suite 1150
Sacramento, CA 95814

February 25, 2019

Via Email:
All HPC Members at
commissions.secretary@sfgov.org
and through Planning Staff

RE: Case No. 2015-016326-COA
Hotel and Theater at Seawall Lots 323 & 324/Port Property
SUPPORT FOR PROJECT

Dear Historic Preservation Commissioners:

On behalf of TZK Broadway, LLC, comprised of Teatro Zinzanni, Kenwood Investments and Presidio Hotel Group, we are pleased to provide you with additional information regarding our proposed hotel and theater project to be located on Seawall Lots 323 and 324 in the Northeast Waterfront Historic District and to respectfully request your approval for the Certificate of Appropriateness when it comes before you on March 6, 2019.

As you will hear during the hearing, the proposed project complies with the Secretary of the Interiors Standards for the Treatment of Historic Properties, Standards 9 and 10, San Francisco Planning Code Article 10, Appendix D, and has received Planning staff's Historic Resources Evaluation (HRE), Part 2 Compatibility Analysis approval based upon the work of two leading San Francisco historic architectural firms, Carey & Co. and ARG. A copy of the Department staff's HRE Part 2 is attached as **Exhibit 1**.

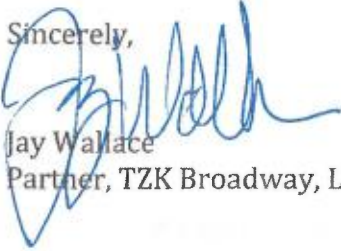
In addition, Planning staff has determined that the project is subject to a mitigated negative declaration and has concluded that the proposed project will not have a significant impact on the environment if certain mitigation measures are complied with. Included in the mitigation measures are a series of measures to address historic concerns should they arise during construction. A copy of the Department's conclusion and applicable mitigation measures is attached as **Exhibit 2**.

The proposed project has also been the subject of over 20 public meetings and many more informal community meetings. As a result of that outreach, the project has been endorsed by 19 community groups and Citywide organizations. A copy of the 19 letters of support is attached as **Exhibit 3**. One of the public meetings was the September 21, 2016 Architectural Review Committee (ARC) hearing, attended by President Hyland and Commissioner Pearlman (and former member Wolfram).

Following that meeting, TZK Broadway, LLC modified the proposed project to address the ARC comments as will be discussed during the March 6th meeting.

We look forward to discussing our project with you on March 6th and respectfully request your support for approval of the Certificate of Appropriateness for the project. Please feel free to contact me at 415-601-2081 if you have any questions.

Sincerely,



Jay Wallace
Partner, TZK Broadway, LLC

For Distribution to:

President Aaron Hyland
Vice President Diane Matsuda
Commissioner Kate Black
Commissioner Ellen Johnck
Commissioner Richard Johns
Commissioner Jonathan Pearlman

CC: Jonathan Vimr/SF Planning Department (jonathan.vimr@sfgov.org)

EXHIBIT 1

**HISTORIC RESOURCES EVALUATION, PART 2:
COMPATABILITY ANALYSIS**



SAN FRANCISCO PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

| | | | |
|---------------------------------|--|-------------------------|-----------|
| Preservation Team Meeting Date: | | Date of Form Completion | 3/23/2018 |
|---------------------------------|--|-------------------------|-----------|

| | | | |
|-----------------------------|--|----------------|--|
| PROJECT INFORMATION: | | | |
| Planner: | Address: | | |
| E. Tuffy | Seawall Lots 323 and 324 | | |
| Block/Lot: | Cross Streets: | | |
| 0138/001 and 0139/002 | Embarcadero, Broadway, Davis and Vallejo | | |
| CEQA Category: | Art. 10/11: | BPA/Case No.: | |
| A | Northeast Waterfront District | 2015-016326ENV | |

| | | | | |
|---------------------------------------|-------------------------------------|---------------------------------------|----------------------------------|---|
| PURPOSE OF REVIEW: | | | PROJECT DESCRIPTION: | |
| <input checked="" type="radio"/> CEQA | <input type="radio"/> Article 10/11 | <input type="radio"/> Preliminary/PIC | <input type="radio"/> Alteration | <input type="radio"/> Demo/New Construction |

| | |
|------------------------------------|------------|
| DATE OF PLANS UNDER REVIEW: | March 2017 |
|------------------------------------|------------|

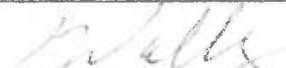
| | |
|---|--|
| PROJECT ISSUES: | |
| <input checked="" type="checkbox"/> | Is the subject Property an eligible historic resource? |
| <input type="checkbox"/> | If so, are the proposed changes a significant impact? |
| Additional Notes: | |
| Proposal is for the demolition of an existing surface parking lot and construction of a new 4-story hotel with an attached live performance theater. A new publicly-accessible open space is included in the project. The subject property is located within the Northeast Waterfront Landmark District. An Historic Resource Evaluation: Part 2 Compatibility Analysis (dated February 26, 2018) was prepared by historic preservation consultants, Carey & Company. | |

| | | | | |
|---|---|---|---|---------------------------|
| PRESERVATION TEAM REVIEW: | | | | |
| Historic Resource Present | | <input checked="" type="radio"/> Yes | <input type="radio"/> No * | <input type="radio"/> N/A |
| Individual | | Historic District/Context | | |
| Property is individually eligible for inclusion in a California Register under one or more of the following Criteria: | | Property is in an eligible California Register Historic District/Context under one or more of the following Criteria: | | |
| Criterion 1 - Event: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 1 - Event: | <input type="radio"/> Yes <input checked="" type="radio"/> No | |
| Criterion 2 - Persons: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 2 - Persons: | <input type="radio"/> Yes <input checked="" type="radio"/> No | |
| Criterion 3 - Architecture: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 3 - Architecture: | <input checked="" type="radio"/> Yes <input type="radio"/> No | |
| Criterion 4 - Info. Potential: | <input type="radio"/> Yes <input checked="" type="radio"/> No | Criterion 4 - Info. Potential: | <input type="radio"/> Yes <input checked="" type="radio"/> No | |
| Period of Significance: | n/a | Period of Significance: | ca.1850-1960 | |
| | | <input type="radio"/> Contributor <input checked="" type="radio"/> Non-Contributor | | |

| | | | |
|--|--------------------------------------|-------------------------------------|---------------------------|
| Complies with the Secretary's Standards/Art 10/Art 11: | <input checked="" type="radio"/> Yes | <input type="radio"/> No | <input type="radio"/> N/A |
| CEQA Material Impairment: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| Needs More Information: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| Requires Design Revisions: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |
| Defer to Residential Design Team: | <input type="radio"/> Yes | <input checked="" type="radio"/> No | |

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

| |
|---|
| PRESERVATION TEAM COMMENTS: |
| <p>The project site is located at the northwest corner of Broadway and the Embarcadero in the North Beach neighborhood. Although historically the site of waterfront storage sheds and a commercial rail yard, the project site has been used for automobile parking for over 35 years. It was included within the boundaries of the Northeast Waterfront Landmark District at the time of its designation in 1983 under Article 10 of the Planning Code.</p> <p>The undeveloped project site is considered non-contributory to the landmark district, therefore the demolition of the existing surface parking lot would not involve demolition of an historic resource.</p> <p>The designating ordinance, in its findings and purposes, encourages development of vacant and incompatibly developed properties in accordance with the character of the area. In their "Historic Resource Evaluation, Part 2: Compatibility Analysis", Carey & Company assessed the Project, as presented in drawings revised to May 2017, for its compatibility with the character-defining features of the Northeast Waterfront Landmark District. The report (dated February 26, 2018) found the proposed new construction to be compatible with historic buildings in the district in its Overall Form, Scale and Proportion, Fenestration, Materials, Color, Texture and Detail. These categories for evaluation are detailed in Section 6 of the designating ordinance.</p> <p>Staff has reviewed the consultant's compatibility analysis and concurs with its findings. While minor refinements in the detailing of the architectural design may be required by the Historic Preservation Commission, these would only make the proposal more compatible with the features of the district. Therefore, the Project would not affect the integrity of the existing historic district and is determined to be compatible new construction that will result in a less than significant impact to historic resources.</p> |

| | |
|---|---------|
| Signature of a Senior Preservation Planner / Preservation Coordinator: | Date: |
|  | 3/26/18 |



February 26, 2018

Kenwood Investments/Teatro ZinZanni
Hotel and Entertainment and Theater Venue
San Francisco, California

HISTORIC RESOURCE EVALUATION

PART 2: COMPATIBILITY ANALYSIS

INTRODUCTION

This report evaluates the proposed design for Kenwood Investments' and Teatro ZinZanni's proposed hotel and entertainment/theater venue within the Northeast Waterfront Historic District. The project site, Assessor's Parcels 0138/001 and 0139/002 (also identified by the Port of San Francisco as Sea Wall Lots 323 and 324) in zoning district C-2 is bounded by the Embarcadero, Broadway, Davis, and Vallejo Streets and currently contains a parking lot. The current height and bulk requirements are 40-X.

The proposal is to construct a new four-story, approximately 187,800 square-foot hotel and entertainment/theater building to house the historic Teatro ZinZanni Spiegel tent, and an approximately 14,000 square-foot public park.

The site is an undeveloped surface parking lot that is a non-contributing property within the Historic District. The design, therefore, will be reviewed for its compatibility with the character of the Northeast Waterfront Historic District, and the adjacent resources within the district. Documents reviewed include design studies prepared by Hornberger + Worstell Architects (September 2016, December 2016 and March 2017), the *San Francisco Planning Code Article 10 Appendix D Northeast Waterfront Historic District*, and the *Preliminary Project Assessment* by the Planning Department (March 15, 2016). We have also reviewed a memo from Eilish Tuffy, dated November 15, 2016, which summarizes the Planning Department Recommendations and Architectural Review Committee (ARC) comments. Finally, we reviewed the Waterfront Design Advisory Committee Draft Meeting Minutes of November 1, 2016.

Copies of the amended, March 2017 Hornberger and Worstell design study and May 2017 colored elevations are attached as Exhibit A.

SIGNIFICANCE SUMMARY¹

Designated under Article 10 of the San Francisco Planning Code in 1983, the Northeast Waterfront Historic District (Historic District) is located at the southeast corner of the North Beach neighborhood and is bounded roughly by Union Street to the north, the Embarcadero to the east, Broadway to the south, and Sansome Street to the west (Figure 1).

¹ This section is summarized from City of San Francisco Planning Department, San Francisco Planning Code: Appendix D to Article 10 – Northeast Waterfront Historic District, Section 5, April 8, 1983.

The Historic District is significant for its collection of commercial masonry warehouse structures from the late 19th and early 20th centuries that reflect San Francisco's waterfront storage and maritime activities. The warehouse facilities were historically in continuous industrial use from the Gold Rush to the mid-1960s. The Historic District is significant for its architecture as a representation of warehouse and industrial buildings, from the brick structures of the Gold Rush era to the reinforced concrete buildings introduced after the turn of the 20th century. Some of the extant buildings date from well before the turn of the century, though they were rebuilt after the 1906 fire. Since warehouse architecture did not undergo profound stylistic changes until the introduction of reinforced concrete, the pre- and post-fire brick warehouses embody the original appearance and spirit of the early warehouse district. Additionally, cobblestone paving and the standard and narrow gauge belt railroad track that served the district are visible at John Maher Street (previously known as Commerce Street). The area serves as a visual reminder of San Francisco's earlier maritime-warehousing commerce. The period of significance is from the 1850s into the 1960s.



Figure 1. Northeast Waterfront Historic District; subject property indicated by an arrow.²

Character-Defining Features

- Building height within a six-story range; the taller structures closer to the base of Telegraph Hill and lower buildings near the Embarcadero and the Bay. (The site itself has a 40-foot height limit per the San Francisco Planning Code.)

² Edited from San Francisco Property Information Map, <http://propertymap.sfpplanning.org/?dept=planning> (retrieved May 6, 2016).

- Typical warehouse design, large in bulk, often with large openings at the ground floor previously used for loading access
- Earlier buildings feature deeply recessed fenestration with minimal glazing that is varied in size; and typically rhythmically spaced; larger industrial sash windows from the 1920s onward
- Brick masonry and reinforced concrete
- Red brick is typical with some yellow and painted brick; muted earth tones predominate in shades of red, brown, green, gray, and blue
- Rough-grained façades
- Arched rough openings appear on the ground floor, frequently repeated on upper floors; flattened arches for windows
- Minimal use of decoration; plain and simple surfaces
- Simple, brick or cast-concrete cornices and sometimes low-relief pilasters in earlier brick buildings

Integrity

Despite the alteration of some buildings that were constructed within the period of significance (i.e. 850 Battery Street, 1010 Battery Street) and the infill of new buildings to the area after the district designation (55 Green Street, 69 Green Street, and 825 Front Street) the overall character and feeling of the Historic District maintains integrity.³ Both 55 and 69 Green Street were constructed shortly after the creation of the district in 1983, respectively in 1984 and 1986, while 825 Front Street was built more recently in 2008. The scale, massing, design, and materials of the buildings are generally cohesive, and communicate the turn of the century and 20th century warehouse development. Therefore, the Historic District retains integrity of location, design, materials, workmanship, feeling, setting, and association.

PROJECT DESCRIPTION

The proposal is to develop a surface parking lot by constructing a new four-story, approximately 183,780 square-foot hotel and entertainment venue building on the project site, and a 14,000 square-foot public park at the northern end of the project site. The entertainment venue structure will house the historic Teatro ZinZanni Spiegeltent.

The four-story hotel building and entertainment venue structure would be a permanent addition to the district and would occupy the trapezoid-shaped south lot (Seawall Lot 323). This proposed development along with the anticipated development of the adjacent 88 Broadway site (Seawall Lot 322-1) would result in the build-out of all vacant undeveloped parcels within the district. The building height would be 40 feet; mechanical penthouse overrides, including an elevator penthouse override would rise approximately 15 feet more as permitted by the Planning Code. The proposed hotel building would be trapezoidal in plan with a central opening to allow light into the hotel building and would be capped by a flat roof.

The project sponsor is proposing elevations that would be rough textured red brick veneer, consistent with the Historic District (and the adjacent building to the west, the proposed 88 Broadway project), broken up into repetitive bays with metal industrial sash and glass window units. The ground level would feature rectangular openings with recessed multi-lite assemblies;

³ Construction dates and addresses of the new buildings from the San Francisco Property Map, <http://propertymap.sfpplanning.org/> (accessed May 24, 2016).

the second, third and fourth floors would feature flush rectangular windows with divided lights. All windows and storefronts will feature simple finished dark metal sash with non-reflective clear glass. The building would terminate with a simple, 44-inch tall metal cornice. Metal canopies, which have been reduced in size from earlier iterations of the project, would shelter the rectilinear main entry openings on Broadway and The Embarcadero. The mechanical/elevator penthouse will be wrapped in simple matte-finished dark metal panels consistent with the district with a centerpiece of a green screen for visual protection for neighbors to the south. A mechanical zone at the southeast rooftop will be concealed behind an opaque fritted glass screen.

The horizontal mass of the building is broken up by recessed vertical breaks in the masonry. These setbacks will feature matte-finished dark metal industrial sash with non-reflective clear glazing to differentiate the building as new construction while remaining compatible with the heavy masonry walls that define the district.

The historic theater tent would be surrounded by a glazed structure, using the same materials as found in the hotel window openings. The roof over this structure would be either non-reflective fritted bird-safe clear glass, providing maximum visibility of the Spiegel tent. The one-story backstage structure will also be surrounded by matte-finished dark metal industrial sash. This structure attaches to the north side of the tent pavilion, facing the new park.

ANALYSIS - Secretary of the Interior's Standards

New buildings within a historic district must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. In this case, the historic resource is the entire district. Standards 9 and 10 are especially relevant to an examination of Compatibility.

Standard 9

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The proposed buildings will replace a non-contributing surface parking lot. Therefore, the project will not destroy historic materials, features, and spatial relationships. The following evaluates the compatibility of the proposed building in relation to the character defining features listed above for the Historic District.

Overall Form: The proposed hotel building has a simple massing with its trapezoidal plan, four-story height, and flat roof; the form of the building is consistent with the Historic District.

The circular permanent tent structure with a conical roof is unique for the Historic District; however, the structure is attached to the hotel building on the south end of the project site and to the one-story rectangular structure (backstage) on the north end, both of which have regular forms balancing the tent and reflecting the character of the district. It should also be noted that the Historic District has had a pedigree of railroad and roundhouse features dating back to the State Belt railroad line including the roundhouse at The Embarcadero and Sansome Street, and the permanent tent structure is evocative of that prior era. Incorporating the tent into the

proposed building makes it a permanent addition to the district. The new tent is clearly differentiated through its design and massing but the masonry and fenestration details and the expression and overall form of the proposed project is consistent with the Historic District and relates to the proposed park by creating a stepped down transition from the 40 foot height of the hotel and the open space.

Scale and Proportion: The proposed hotel is four-stories high, and the proposed theater pavilion reaches approximately 40 feet at its tallest point, both of which are consistent with the Historic District and the zoning for the site.

The hotel building has mostly symmetrical elevations broken up into repetitive sections. The unique tent enclosure is lower than the hotel building's parapet line, and has a smaller footprint, so it does not dominate the proposed development. The attached backstage structure is one-story high. The overall design steps down from south to north, as it approaches the park on the northern end of the project site. The scale and proportion of the proposed development is consistent with the Historic District.

Fenestration: Windows in the Historic District are "deeply recessed, varied in size, often rhythmically spaced, and relate in shape and proportion to those in nearby buildings." The proposed fenestration includes multi-lite recessed windows on the ground level, and flush fixed windows on the second, third and fourth levels with divided lights. All proposed windows have dark metal framing and dividers reminiscent of the industrial steel sash windows of the district, and are regularly spaced along Broadway, The Embarcadero, and Davis Street.

Materials: The project proposes a brick exterior cladding of the hotel, which is typical of the Historic District. Although the brick or cast-concrete cornices are typical of the district, the proposed metal cornice is a contemporary application compatible with the industrial character of the Historic District. Non-reflective clear or fritted glass and matte-finished metal are the other proposed materials to be used on the elevations and both reflect those found throughout the district. Therefore, the proposed project materials would be compatible with the Historic District.

Color: Red brick is typical of the Historic District, with some yellow, buff and painted brick. The project proposes red brick veneer for the exterior, which is compatible with the Historic District. The proposed matte-finished dark metal accents (cornice, window-sashes etc.) are also consistent with the color palette of the Historic District.

Texture: Most of the exterior would be clad in rough textured brick which is consistent with the rough-grained façades typical of the Historic District. The first floor of the building would have horizontal bands of recessed brick veneer that would differentiate the ground level from the rest. The ground levels of the buildings in the district are occasionally defined by simple or corbelled belt courses, and recessed bands of brick or stucco on the first floor (i.e. 1050 Battery and 99 Green), so the proposed treatment would be compatible with the Historic District.

Detail: The ground floor openings of the hotel building are rectangular. Large arches and rectangular openings (originally for loading docks and bays) are both common at the ground floors in the district, so these are compatible with the Historic District.

The buildings in the Historic District are simple forms with minimal decoration. The decorative

elements can be found at entryway surrounds or in the form of highly abstracted cornices and pilasters. The proposed metal building gables have decorative gable forms, panels of windows, well as a simple cornice and canopies, all of which are consistent with and reflect the character-defining features of the district.

The mechanical zone at the southeast rooftop is concealed behind an opaque fritted glass screen. The screen would be visible from The Embarcadero and Broadway; however, due to the combination of its low height and lightweight cladding, the feature would not distract from the visual character of the Historic District.

The circular glass tent pavilion with its conical glass roof is unique within the Historic District; however, it will enhance the visibility of the Teatro ZinZanni's historic Spiegel tent from The Embarcadero and Vallejo Street. This structure is attached to the four-story hotel building to the south and to the one-story backstage structure to the north, both of which have regular forms and simple, minimally decorative expressions balancing the tent and reflecting the character of the district. The new tent pavilion is clearly differentiated through its design and massing, but the simple rectangular expression of the overall form of the project is consistent with the Historic District.

Standard 10. New additions and adjacent or related new constructions will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Clearly, any future removal of this new building would not have an impact on the Historic District. According to the aerial photographs and Sanborn maps of the area, the site was vacant as early as 1938. It was used for storing shipping containers from the 1930s through the 1950s, and for parking after construction of the freeway in 1959.⁴ On the southern section of the lot, at 50 Broadway underneath the Embarcadero Freeway, a restaurant called Victoria Station operated from 1969 until 1987, and later California Café until 1990. Built of boxcars and cabooses, the restaurant structure was temporary in nature.⁵ At the time of the 1983 Historic District designation, most of the site was used as a parking lot with the Embarcadero Freeway running above the southern portion.

DESIGN RECOMMENDATIONS

Following the Planning Department's and Carey & Co.'s suggestions, the reduction of the projecting glass and metal bays was studied by Hornberger + Worstell Architects and the projection was eliminated. The Planning Department and the Architectural Review Committee of the Historic Resource Commission also made a number of other important recommendations following Carey & Co.'s June 2016 submittal and those recommendations are also included in the project sponsor's design proposal. These recommendations include the following:

1. Main Building: Eliminated arcade at Davis and Broadway; pulled the ground level glass out to the back of the ground level opening

⁴ 1938 San Francisco Aerial Views, David Rumsey Map Collection, Historic Aerials by NETR Online; 1950 and the mid-1990s Sanborn maps of San Francisco.

⁵ "The rewards of authenticity," *San Francisco Chronicle*, December 5, 1971; "Victorian Station, Inc.," *The Corriell H.R.A. Quarterly*, November 1, 1970; "Money talks, restaurant reunion," *San Francisco Chronicle*, March 8, 1987; "Amy restaurants in a pickle," *San Francisco Chronicle*, April 2, 1990.

2. Main Building: All openings along Davis, The Embarcadero and Broadway will be rectilinear rather than arched.
3. Main Building: Windows will have more divided lites to relate to the glazing proportions of historic industrial sash windows in the District.
4. Tent: Both the cylindrical enclosure and the back-of-house areas will be glazed.
5. Tent: The roof will be a fritted, non-reflective glass.
6. Brick material will be red, rather than buff.
7. Rooftop mechanical equipment will be wrapped in matte-finished dark metal panel screen walls with a central planted green screen wall along Broadway and an additional green screen wall facing west at the corner of Broadway and Davis Street.

CONCLUSION

The proposed theater and hotel development project, which is to be constructed on an existing vacant lot, will not destroy historic materials, features, or spatial relationships that characterize the Historic District. The design does not include or incorporate any false-historic features. The proposed buildings will be compatible with, and will not adversely affect, the surrounding Northeast Waterfront Historic District. In addition, the project completes the southeast edge of the District through the construction of a compatible corner building.

EXHIBIT 2

**MITIGATED NEGATIVE DECLARATION AND
MITIGATION MEASURES**

**CERTIFICATION FROM ENVIRONMENTAL REVIEW OFFICER
OCTOBER 17, 2018**



SAN FRANCISCO PLANNING DEPARTMENT

Initial Study

Preliminary Mitigated Negative Declaration

Date: October 17, 2018
Case No.: 2015-016326ENV
Project Title: Seawall Lots 323 and 324 – Hotel and Theater Project
Zoning: C-2 (Community Business) Use District
Waterfront 3, Special Use District
40-x Height and Bulk District
Block/Lot: 0138/001
0139/002
Lot Size: 59,750 square feet
Project Sponsor: Jay Wallace
TZK Broadway, LLC
(415) 955-1100 ext. 4007
Lead Agency: San Francisco Planning Department
Staff Contact: Laura Lynch (415) 575-9045
Laura.Lynch@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The project site includes two Port of San Francisco (Port) assessor's parcels, Assessor's Block 0138, Lot 001 and Assessor's Block 0139, Lot 002, and two Port right-of-way parcels. These parcels compose approximately 59,750 square feet (1.37-acre) of Port property, with primary frontages along The Embarcadero, Broadway, and Davis Street. The Port currently leases the project site to a parking operator.

The project sponsor, TZK Broadway LLC, proposes to demolish the existing 250 space parking lot and construct a mixed-use development consisting of three components: an approximately 29,570-gross-square-foot (gsf) entertainment venue that would house Teatro ZinZanni's historic *spiegelten*¹ and 285-seat dinner-theater-entertainment venue and program; an approximately 118,000-square-foot, four-story hotel with 192 rooms; and an approximately 14,000 gsf, privately financed and maintained public park, all built to conform with the 40-X height and bulk district.

¹ The Zinzanni spiegelten, the Palais Nostalgique, is a 100+ year old European cabaret tent constructed of wood, stained glass, red velvet and gold fabric. The spiegelten was constructed by renowned craftsman Willem Klessens. The tent is 29 feet tall with a circumference of 211 feet. It has historically been used to host a variety of entertainment uses such as dances, wine tastings, cabarets, and celebrations.

No off-street parking is proposed at the project site. Parking would occur through valet services and offsite parking at existing nearby facilities. Approximately 20 class I bicycle parking spaces and 28 class II bicycle parking spaces are proposed. Construction on the project site is estimated to take up to approximately 22 months.

FINDING:

This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects. See section F, Mitigation Measures and Improvement Measures on page 169.

F. MITIGATION MEASURES AND IMPROVEMENT MEASURES

The following mitigation measures have been identified to reduce potentially significant impacts resulting from the proposed project to a less-than-significant level. Improvement measures recommended to reduce or avoid less-than-significant impacts are also identified below. Accordingly, the project sponsor has agreed to implement the mitigation measures and improvement measures described below.

F.1. MITIGATION MEASURES

Mitigation Measure M-CR-2: Archeological Testing

Based on a reasonable presumption that archeological resources may be present on the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.

The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archaeological Consultants List maintained by the San Francisco Planning Department's archeologist. The project sponsor shall contact the department's archeologist to obtain the names and contact information for the next three archeological consultants on the list. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the environmental review officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to 4 weeks. At the direction of the ERO, the suspension of construction can be extended beyond 4 weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines sections 15064.5(a) and 15064.5(c).

Consultation with Descendant Communities: On discovery of an archeological site¹⁹¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative¹⁹² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and if applicable, any interpretative treatment of the associated archeological site. A copy of the final archeological resources report shall be provided to the representative of the descendant group.

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan. The archeological testing program shall be conducted in accordance with the approved testing plan. The archeological testing plan shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent

¹⁹¹ The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

¹⁹² An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

possible the presence or absence of archeological resources and to identify and evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine whether additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the San Francisco Planning Department's archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- (A) The proposed project shall be redesigned to avoid any adverse effect on the significant archeological resource. OR
- (B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program. If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the archeological monitoring program a reasonably prior to any project-related soil-disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (e.g., foundation, shoring), and site remediation, shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context.
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), how to identify the evidence of the expected resource(s) and the appropriate protocol in the event of apparent discovery of an archeological resource.
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project's archeological consultant, determined that project construction activities could have no effects on significant archeological deposits.
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.
- If an intact archeological deposit is encountered, all soil-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving or deep foundation activities (e.g., foundation, shoring), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of the

resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accordance with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the plan's scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of the selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an onsite/offsite public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and unintentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity shall comply with applicable state and federal laws, including immediate notification of the Office of the Chief Medical Examiner of the City and County of San Francisco and, in the event of the medical examiner's determination that the human remains are Native American, notification of the Native American Heritage Commission, which shall appoint a Most Likely Descendant (MLD) (PRC section 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond 6 days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and

associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines, section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept the recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement, if such an agreement has been made, or otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached, state regulations shall be followed, including the reburial of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (PRC section 5097.98).

Final Archeological Resources Report. The archeological consultant shall submit a draft final archeological resources report to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the draft final archeological resources report shall be distributed as follows: The California Archaeological Site Survey Northwest Information Center shall receive one copy and the ERO shall receive a copy of the transmittal of the report to the Northwest Information Center. The Environmental Planning Division of the San Francisco Planning Department shall receive one bound, one unbound, and one unlocked, searchable PDF copy on CD of the report, along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the NRHP/CRHR. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program

If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned to avoid any adverse effect on the significant tribal cultural resource, if feasible.

If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation in place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifact displays and interpretation, and educational panels or other informational displays.

Mitigation Measure M-AQ-2: Construction Air Quality

The project sponsor or the project sponsor's contractor shall comply with the following:

A. Engine Requirements. Where access to alternative sources of power is available, portable diesel engines shall be prohibited. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than 2

H. DETERMINATION

On the basis of this Initial Study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

DATE 10/17/18

for 
Lisa Gibson
Environmental Review Officer
for
John Rahaim
Director of Planning

EXHIBIT 3
LETTERS OF SUPPORT



Chinatown Community
Development Center

華協中心

1525 Grant Avenue
San Francisco, CA 94133
TEL 415.984.1450
FAX 415.362.7992
TTY 415.984.9910
www.chinatowncdc.org

San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103
Attention: Laura Lynch

RE: **Support for Teatro Zinzanni and Kenwood Investments
Hotel & Theater Project**
Seawall Lots 323 & 324/Broadway and The Embarcadero
Case No. 2015-016326ENV

On behalf of the Chinatown Community Development Center (CCDC), I am writing to express our support for the Teatro Zinzanni/Kenwood Investments hotel and theater project and the Planning Department's decision that the project qualifies for a Mitigated Negative Declaration.

For over 30 years, Chinatown CDC has been dedicated to the pursuit of our mission to build community and enhance the quality of life for San Francisco's residents. We are a place-based community development organization that strives to empower low-income residents by providing advocacy, planning, organizing, housing development and property management for neighborhood across the City. As you know, we are particularly attentive to protecting Chinatown and thus are pleased to report that Chinatown CDC wholeheartedly supports the Zinzanni/Kenwood hotel and theater project at Broadway and The Embarcadero, the gateway to Chinatown and North Beach.

We have participated in numerous meetings with the Project Sponsor and we are fully aware of the hotel and theater project's uses, design and scope, and we support the project wholeheartedly!

The hotel and theater will support the Arts, create a new public park in our neighborhood, is designed to fit into the historic district, will be sustainably built, and respects the 40-X height and bulk limit for the site.

Chinatown CDC strongly believes that the Zinzanni/Kenwood hotel and theater project should be approved, and we urge you to support the issuance of the Mitigated Negative Declaration for the project. Thank you for your anticipated support for the Kenwood/Zinzanni hotel and theater project.

Sincerely,

Malcolm Yeung
Chinatown Community Development Center



Properties professionally managed by Chinatown Community Development Center do not discriminate based on race, color, creed, religion, sex, national origin, age, familial status, handicap, ancestry, medical condition, physical handicap, veteran status, sexual orientation, AIDS, AIDS related condition (ARC), mental disability, marital status, source of income, or any other arbitrary status.



John K. Stewart
285 Telegraph Hill Blvd.
San Francisco, CA 94133

Via Email: laura.lynch@sfgov.org

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

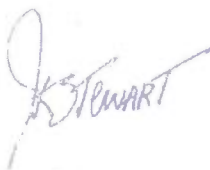
Dear Ms. Lynch:

Gussie and I are long-time North Beach residents and we are writing to express our support for the Kenwood Investments-Teatro Zinzanni hotel and theater project, and the Planning Department's decision that the project qualifies for a Mitigated Negative Declaration. As you know, my company, The John Stewart Company, and Bridge Housing are developing the new affordable housing project at 88 Broadway, which is directly across the street from the Kenwood-Zinzanni hotel and theater. I am writing to let you know that we have worked with Kenwood-Zinzanni on a number of design issues and are currently cooperating with them on a number of off-site utility issues that we share in common, and that we too endorse the Kenwood-Zinzanni project.

I have watched the Kenwood-Zinzanni project from its inception. To its credit, the project promised that it would comply, and to this day, has complied with the site's 40-foot height limit. Once built, the project will support a new 192-room, an entertainment venue featuring Teatro Zinzanni, and a new public park in the neighborhood. The project is designed to fit into the historic district, will be sustainably built, and respects the height and bulk limit and the neighborhood character surrounding the project. Finally, the under-used and undeveloped surface parking lot will become a vibrant public serving venue, hosting Trust consistent uses on the site and creating a long missing gateway to North Beach and Chinatown.

I believe that the Kenwood-Zinzanni project should be approved when it comes before the various approving agencies in the near future and urge your support for that outcome and the issuance of the Mitigated Negative Declaration.

Sincerely,



John Stewart



**BARBARY COAST
NEIGHBORHOOD
ASSOCIATION**

BCNA
550 Davis Street, Box 6
San Francisco, CA 94111

BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

David Albert
Bill Hannan
Karen Scarr
Diana Taylor

MEMBERS AT LARGE

Morton Beebe
Adam Bergman
Bob Harrer
Michele Hennessey
Mary Lou Licwinko
Lee Robbins
James Seff

November 12, 2018

via email to Laura.Lynch@sfgov.org and by U.S. Mail

Laura Lynch, Staff Contact
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 2015-016326ENV
Seawall Lots SWL 323 and 324
Hotel and Theater Project

Dear Ms. Lynch:

Please be advised that the Barbary Coast Neighborhood Association ("BCNA") supports the determination by the Planning Department that a Mitigated Negative Declaration will be issued for the Teatro ZinZanni-Kenwood Investments (TZK) hotel and theater project, and that no Environmental Impact Report will be required.

We have completed our review of the Initial Study and want to emphasize a few remaining concerns. They are:

- 1) The loss of 250 parking spaces at the existing parking lot, and the loss of 35 existing street parking spaces, which will require some workers, shoppers and visitors to find other parking accommodations;
- 2) The effect of traffic using the 80-foot Broadway passenger loading zone on drivers exiting from the parking garage immediately across the street at 25 Broadway; and,
- 3) Construction noise from impact tools and other construction equipment not subject to the San Francisco Noise Ordinance, especially during the demolition and foundational work phases.

We suggest that permanent signage at or near the site should be installed to direct motorists to nearby parking locations. We have had a discussion with the Project Sponsor who has agreed to work cooperatively with BCNA and the Port to address parking signage and availability measures on both the Embarcadero and the SWL intersections to help direct motorists to nearby parking locations.

Second, we believe that hotel management should open and maintain communications with the property managers representing the co-owners of the properties across Broadway from the TZK development (Golden Gateway Commons II & III HOA/Downtown Properties) to minimize traffic hazards. Again, we have had a discussion with the Project Sponsor who has agreed to work cooperatively with BCNA and the property managers to address this issue. We also want to note,

Ms. Elaine Forbes
Page 2

affirmatively, that the Project Sponsor has already agreed to Improvement Measures I-TR-2a and I-TR-2b, which specifically addresses monitoring and abatement of queues and active valet parking management.

Finally, we believe that construction managers should take action to minimize noise, especially during the demolition and foundational work phases. We see in the Initial Study that the Project Developer will be required to comply with the City's Noise Ordinance, Police Code Article 29, section 2907 which we endorse. We note that section 2907(b) requires that pavement breakers and jackhammers shall be equipped with acoustically attenuating shields or shrouds to maximize noise attenuation. We have discussed this issue with the Project Sponsor as well and are pleased to report that the Project Sponsor has agreed to work with us on this request, by implementing the use of mufflers or other noise screening measures to maximize noise attenuation from pavement breakers and jackhammers consistent with the ordinance.

We continue to support the Teatro ZinZanni-Kenwood Investments hotel and theater project and are very pleased with the relationship the Project Sponsor has developed with BCNA and other affected neighbors by addressing our concerns during the design and pre-development phases. Please feel free to contact me with any questions.

Sincerely,

Diana Taylor, President
Barbary Coast Neighborhood Association

cc: Jay Wallace, Kenwood Investments, LLC jwallace@jwallaceassociates.com
Ricky Tijani (ricky.tijani@sfgov.org)
Supervisor Aaron Peskin (aaron.peskin@sfgov.org)
Adele Laurence Adele@laurencemanagement.com (Property Manager GG Commons I/III)*
Miguel Ordeñana Miguel@terrenosf.com (Property Manager GGII Commons HOA; 640 Davis St)*

*Contact Adele Laurence or Miguel Ordeñana for contact information of the Property Manager of the Commercial owner of the properties that are owned in common with the GGI-III residential units HOA (they manage the garage and commercial units across Broadway from the TZK development). The current owner (Downtown Properties) is in process of selling their commercial portion.

GOLDEN GATEWAY TENANTS ASSOCIATION
P.O. BOX 2134
SAN FRANCISCO, CA 94126
goldengatewaytenants.org

November 7, 2018

Via email to Laura.Lynch@sfgov.org and by US Mail

Laura Lynch, Staff Contact
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Case No. 2015-016326ENV
Seawall Lots 323 and 324
Teatro ZinZanni and Kenwood Investments hotel and dinner theater

Dear Ms. Lynch:

The Golden Gateway Tenants Association represents occupants of the Gateway, a residential complex bounded by Battery, Jackson, Drumm and Washington Streets located two blocks from the Teatro ZinZanni project site. GGTA supports the decision by the Planning Department that no Environmental Impact Report is required, and that a Mitigated Negative Declaration will be sufficient.

We have been assured that the Project Sponsor will cooperate with the Port to post signs or otherwise direct motorists to nearby parking locations; will actively monitor the Broadway passenger loading zone to control traffic congestion; and will provide sound mufflers and other acoustic devices to minimize construction noise, especially during the demolition phase.

We continue to welcome the Teatro ZinZanni project, and very much appreciate the excellent community outreach the Project Sponsor has pursued for several years. Please feel free to contact us with any questions.

Sincerely,


Tatjana Eggert-Reich, President
Golden Gateway Tenants Association
tatereich@gmail.com


Bill Hannan, Vice President
Golden Gateway Tenants Association
whann@att.net

cc: Jay Wallace, Kenwood Investments, LLC
jwallace@wallaceassociates.com



UNITE HERE!

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

Via Email: laura.lynych@sfgov.org

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of UNITE HERE Local 2 which represents 9,000 hospitality industry workers in San Francisco.

We are writing to inform you that Local 2 strongly supports the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324. The developer of this project, Kenwood Investments, contacted our Union early in the process and entered into a Card Check Neutrality Agreement (CCNA) that meets all of Local 2's conditions for operations of the new hotel and theater as they pertain to front desk personnel. We also want to acknowledge approvingly that our CCNA is a companion CCNA to the one that the developer signed with Teamsters Local 856, a measure that we applaud.

We were proud to stand with the Kenwood-Zinzanni hotel and theater project when it came before the Board of Supervisors in July 2016 when the project was endorsed by a vote of 11-0, and we will do so again as this project moves through the entitlement process. Towards that end, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

We also want to note for the record that this project, in addition to entering into the CCNA, has also maintained the 40-foot height limit on the site and has been designed to meet the requirements of the Planning Code provisions concerning development in historic districts. Projects that can do all of those things should be approved to keep our City strong. Accordingly, Local 2 wants you to know that we strongly support the Kenwood-Zinzanni hotel and theater project and urge you to move the project forward as quickly as possible.

Sincerely,

A handwritten signature in blue ink that reads "I. D. Lewis".

Ian Lewis
Research Director

Anand Singh
President

Chito Cuéllar
Vice-President

Tina Chen
Secretary-Treasurer

209 Golden Gate Ave., San Francisco, CA 94102 • phone: 415.864.8770 • fax: 415.864.4158
209 Highland Ave., Burlingame, CA, 94010 • phone: 650.344.6827 • fax: 650.344.9406





Via Email: laura.lynch@sfgov.org

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

On behalf of the Hotel Council of San Francisco and our Board of Directors I am writing in support of the Kenwood-Zinzanni Hotel and Theater Project at Seawall Lost 323 and 324. Our organization is proud to represent the hotel industry in San Francisco, which is part of our city's largest industry, tourism.

This project will provide more hotel and lodging options for our City's tourism and visitor base, and will provide good jobs for our residents. The hotel and visitor-serving industry is San Francisco's most important industry base and projects like the Kenwood-Zinzanni hotel and theater project should be supported for that reason alone. Accordingly, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

Our support for the project is due not only to the commitments made and kept by the Project Sponsor during the review period to further the hotel industry, but also by the fact that this project has complied with the 40 foot height limit on the site and the requirements of all Planning Code provisions. Projects that can do all of those things should be approved to keep our City strong.

We urge you to move the Kenwood-Zinzanni hotel and theater project forward as quickly as possible. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Carroll".

Kevin Carroll
Executive Director

323 Geary Street Suite 405 - San Francisco, CA 94102



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

LOCAL UNION NO. 261

November 14, 2018

Via Email: laura.lynch@sfgov.org

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RAMON HERNANDEZ
Business Manager

DAVID DE LA TORRE
Secretary-Treasurer

JESUS VILLALOBOS
President

JAVIER FLORES
Vice President

VINCE COURTNEY
Recording Secretary

OSCAR DE LA TORRE
Executive Board

JOSE DE LA MORA
Executive Board

SAN FRANCISCO

271 18th Street
San Francisco, CA 94110
Phone (415) 826-4550
Fax (415) 826-1948

SAN MATEO COUNTY

100 7th Avenue
San Mateo, CA 94401
Phone (650) 344-7168
Fax (650) 344-5357

MARIN COUNTY

74 Redwood Highway
Sausalito, CA 94913
Phone (415) 492-0936
Fax (415) 492-8233

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of the Laborers' International Union of Northern America, Local 261, which represents over 5,000 residents in San Francisco. Our Union is a proud member of the San Francisco community and we take our responsibilities to our community seriously.

It is in that regard that we are writing to inform you of our strong support for the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324. The developer of this project contacted our Union early in the process and agreed to construct the project with union labor. This strong commitment for our community, and the working men and women of our City should be acknowledged and rewarded by the City and its decision makers. We were proud to stand with the Kenwood-Zinzanni hotel and theater project when it came before the Board of Supervisors in July 2016 and the project was endorsed by a vote of 11-0, and we will do so again as this project moves through the entitlement process. Towards that end, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

Our support for the project is due not only to the commitments made and kept by the Project Sponsor regarding employment and worker's rights, but also by the fact that this project has consistently and without waiver complied with the 40 foot height limit on the site and the requirements of all Planning Code provisions. Projects that can do all of those things should be approved to keep our City strong.

We urge you to move the Kenwood-Zinzanni hotel and theater project forward as quickly as possible. Thank you.

Sincerely,

VINCE COURTNEY
Recording Secretary



October 11, 2018

Re: **Support for Teatro Zinzanni/Kenwood Investments Hotel Project**
Seawall Lots 323 & 324/Broadway and The Embarcadero

Dear Members:

Livable City is a San Francisco based non-profit whose mission is to create a San Francisco of great streets and complete neighborhoods, where walking, bicycling, and transit are the best choices for most trips, where public spaces are beautiful, well-designed, and well-maintained, and where housing is more plentiful and more affordable.

On behalf of Livable City, I am writing to express our strong support for the Teatro Zinzanni/Kenwood Investments, LLC hotel and theater project, located on Seawall Lots 323 & 324 at the intersection of Broadway and The Embarcadero, and encourage you to support it when it comes before you for approval.

Teatro Zinzanni and Kenwood Investments are rooted here in San Francisco. The project sponsor reached out to us, and have thoroughly reviewed the proposal and met with the project sponsor to better understand aspects of the project and its public benefits.

The hotel and theater project will provide an active and engaging set of uses and public spaces where Broadway meets the Embarcadero. The building has been thoughtfully designed to enhance its urban context, engage and activate adjacent streets, and to be a respectful neighbor to nearby historic buildings. The building will be built to a minimum LEED Gold standard. It contains no parking, which is both green and appropriate to the setting. The sponsors intend to rely on the rich transit service near the project site (Muni, BART, ferries) and the site's excellent walking and cycling access, supplemented with off-site parking.

The project will build and maintain a new public park and improve pedestrian access with new landscaped sidewalks. The theater, restaurant, bar, and meeting rooms will activate this stretch of the waterfront in the evening hours, making this stretch of the waterfront safer, livelier, more diverse, and more inviting.

Lease revenues from the project will help the Port sustain critical public infrastructure, including the seawall and historic piers, and support public access and desirable maritime activities on the waterfront. The project will generate millions of dollars in property, sales, and hotel taxes to sustain the City's General Fund, transportation, and the arts. A new performing arts venue supports San Francisco's arts and performance communities, and during both construction and operation the theater and hotel will provide hundreds of unionized jobs.

Livable City strongly believes that the Zinzanni/Kenwood hotel and theater project will be fine asset to our waterfront, and we urge you to support the project when it comes before you in the future. Thank you in advance for your consideration and support for this project.

Sincerely,

Tom Radulovich
Executive Director

**North Beach/Chinatown Neighbors and Friends
Supporting Kenwood-Zinzanni Hotel and Theater**

Via Email: laura.lynch@sfgov.org

Ms. Laura Lynch
San Francisco Planning Department
San Francisco, CA 94103

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project/Seawall Lots 323 & 324
Support for Project

Dear Ms. Lynch:

We are long-time North Beach and Chinatown community activists, supporters and neighbors and we are writing to express our support for the Kenwood Investments-Teatro Zinzanni hotel and theater project, and the Planning Department's decision that the project qualifies for a Mitigated Negative Declaration.

The project complies with the site's 40 foot height limit and once built will support a new entertainment venue and a new public park in our neighborhood. The project is designed to fit into the historic district and has received endorsement from the Department's historic office. After participating in numerous meetings with the project sponsor, we find that the project meet with the requirements of the Waterfront Land Use Plan and all other planning requirements, and at the same time, brings desirable community benefits as well as positive economic impact to the neighborhood as well as the City as a whole.

When the project is approved, San Francisco, in addition to receiving the benefits described above, will also receive millions of dollars in General Fund and TOT dollars, new Port lease revenues that can be used to fulfill its Trust obligations, a new entertainment venue to enhance the City's artist communities, and hundreds of jobs during construction and operation of the hotel and theater. For these reasons, we strongly support the Kenwood-Zinzanni hotel and theater project and urge the City to approve the project as soon as possible.

*Bob Harrer Diana Taylor Bill Hannan Stewart Morton Joe Carouba
Janet Clyde Brad Paul Chris Martin Anne Halsted John Stewart Dick Grosboll
Rod Freebairn-Smith Claudine Cheng Malcolm Yeung Wells Whitney
Bruno Kanter Danny Sauter Marv Kasoff Jeannette Etheridge Dave Ho
Leslie Kay Michael DeWees Larry Zintarski Bobby Winston Mort Beebe
Pat Franks Bob Mittlestadt Cathy Merrill Susan Heller Irene Tibitts
Rev. Norman Fong Tom McCarthy Gussie Stewart Denise McCarthy Patricia Neel*



North Beach Neighbors
P.O. Box 330115
San Francisco, CA 94133
northbeachneighbors.org

November 15, 2018

San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103
Attn: Laura Lynch, laura.lynch@sfgov.org

**RE: Support Letter: Teatro Zinzanni-Kenwood Investments Hotel & Theater Project,
Seawall Lots 323 and 324, Case No. 2015-016326ENV.**

Dear Planning Department,

North Beach Neighbors (NBN) is a San Francisco non-profit organization comprised of North Beach residents, local businesses, and civic leaders. Since 1981, we have advocated on behalf of neighbors to create a vibrant and inclusive neighborhood.

With these goals in mind, we write to you today in support of the Teatro Zinzanni-Kenwood Investments Hotel & Theater Project and the Planning Department's determination that the project qualifies for a Mitigated Negative Declaration. We were impressed by the community outreach of the developer from early conception of the project through numerous meetings these past several years. We have seen broad community input and concerns addressed with changes to the project resulting in an appropriately scaled and mature building design. Not only does the project comply with the Port's Waterfront Land Use Plan, it also seems to fit properly within the context of the historic district. We see this project as well suited to act as a "gateway" to North Beach at this prominent intersection of Broadway Street and the Embarcadero.

North Beach will be a stronger and more vibrant community when the arts are supported in our area. Teatro Zinzanni has become woven into the fabric of our neighborhood and we are grateful that the hotel project offers a sustainable home for the facility. The community will also be well served by the public park to be constructed as a part of the project. North Beach Neighbors offers our strong support and asks that you please see that the hotel and theater project moves forward.

Daniel J. Sauter

Danny Sauter, President

Bruno Kanter

Bruno Kanter, V.P. / Chair P&Z

CC: Jay Wallace - jwallace@jaywallaceassociates.com



UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES
OF THE PLUMBING AND PIPE FITTING INDUSTRY

LOCAL UNION NO. 38

1621 MARKET STREET • SAN FRANCISCO, CA 94103

November 7, 2018

Via Email: laura.lynch@sfgov.org

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of Local Union 38, which represents over 2500 residents in San Francisco. Our Union is a proud member of the San Francisco community and we take our responsibilities to our community seriously.

It is in that regard that we are writing to inform you of our strong support for the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324. The developer of this project contacted our Union early in the process and agreed to construct the project with union labor. This strong commitment for our community, and the working men and women of our City should be acknowledged and rewarded by the City and its decision makers. We were proud to stand with the Kenwood-Zinzanni hotel and theater project when it came before the Board of Supervisors in July 2016 and the project was endorsed by a vote of 11-0, and we will do so again as this project moves through the entitlement process. Towards that end, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

Our support for the project is due not only to the commitments made and kept by the Project Sponsor regarding employment and worker's rights, but also by the fact that this project has consistently and without waiver complied with the 40-foot height limit on the site and the requirements of all Planning Code provisions. Projects that can do all of those things should be approved to keep our City strong.

We urge you to move the Kenwood-Zinzanni hotel and theater project forward as quickly as possible. Thank you.

Sincerely,

LARRY MAZZOLA, JR
Bus.Mgr. & Fin.Secty-Treas.

San Francisco Building and

1188 FRANKLIN STREET • SUITE 203
SAN FRANCISCO, CA 94109
EMAIL: tim@sfbuildingtradescouncil.org



Construction Trades Council

TEL. (415) 345-9333

www.sfbuildingtradescouncil.org

*A Century of Excellence
in Craftsmanship*

LARRY MAZZOLA, JR.
President

TIM PAULSON
Secretary - Treasurer

JOHN DOHERTY
VINCE COURTNEY, JR.
Vice Presidents

Via Email:

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of the San Francisco Building and Construction Trades Council, which represents 36 Unions in San Francisco.

I am writing to inform you of the Building and Construction Trades Council's strong support for the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324. The developer of this project contacted our Union early in the process and agreed to construct the project with union labor. We are proud to support this project given its strong commitment for our community, and the working men and women of our City. We were proud to stand with the Kenwood-Zinzanni hotel and theater project when it came before the Board of Supervisors in July 2016 and the project was endorsed by a vote of 11-0, and we will do so again as this project moves through the entitlement process. Towards that end, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

Our support for the project is due not only to the commitments made and kept by the Project Sponsor regarding employment and worker's rights, but also by the fact that this project has consistently and without waiver complied with the 40 foot height limit on the site and the requirements of all Planning Code provisions. Projects that can do all of those things should be approved to keep our City strong.

We urge you to move the Kenwood-Zinzanni hotel and theater project forward as quickly as possible. Thank you.

Sincerely,

Tim Paulson



235 Montgomery St., Ste. 760, San Francisco, CA 94104
tel: 415.352.4520 • fax: 415.392.0485
sfchamber.com • twitter: @sf_chamber

November 1, 2018

John Rahaim
Planning Director
San Francisco Planning Commission
1660 Mission Street, Suite 400
San Francisco, CA 94103

Elaine Forbes
Executive Director
Port of San Francisco
Pier 1, The Embarcadero
San Francisco CA 94111

Re: SUPPORT Teatro Zinzanni-Kenwood Investments Hotel and Theater Project

Dear Director Rahaim and Executive Director Forbes,

The San Francisco Chamber of Commerce, representing thousands of local businesses and their employees is pleased to express our support of the Teatro Zinzanni-Kenwood Investments Hotel and Theater Project on Seawall Lots 323 and 324.

The Chamber supports this project for the following reasons:

- a. The Project fully complies with the requirements set forth by the City codes, regulations and policies, including maintaining the 40-foot height limit and the City's historic preservation codes that govern the project site.
- b. The theater created by the Project will establish a new, permanent home for entertainment of all varieties, featuring Teatro Zinzanni's world-renowned entertainment performances. The addition of this space will allow the continued growth of vibrant cultural life in our City, a true pillar of what makes San Francisco special.
- c. This Project will create hundreds of temporary union construction jobs and approximately 85 permanent jobs in the arts, hotel and hospitality industry fields – all of which are critical for the economic well-being of the City.
- d. The Project also re-purposes the Port's notoriously hard-to-develop and currently under-utilized surface parking lot and will allow the private sector to build a world class project, capable of generating millions of dollars in new tax revenues and rent payments for the City and the Port, thus contributing to our City's resiliency and fiscal responsibility.
- e. Finally, the Project is in line with the City's General Plan, Northeastern Waterfront Area Plan, and the Waterfront Land Use Plan. This is good for the City, its residents and its businesses.

We thank you in advance for your anticipated support of the Teatro Zinzanni-Kenwood Investments Hotel and Theater Project. If you have any questions regarding the Chamber's support, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Jim Lazarus".

Jim Lazarus
SVP Public Policy
San Francisco Chamber of Commerce

cc: Clerk of the Board, to be distributed to all Supervisors

THOMAS P. O'CONNOR JR.
PRESIDENT

DANIEL A. GRACIA
VICE PRESIDENT

FLOYD K. ROLLINS II
SECRETARY

SHON M. BUFORD
TREASURER



DIRECTORS
STEPHEN V. GIACALONE
THOMAS A. FOGLE
ADAM H. WOOD
ADRIENNE R. SIMS
DANIEL V. CASEY

SAN FRANCISCO FIRE FIGHTERS
- Local 798 -

1139 MISSION STREET, SAN FRANCISCO, CA 94103-1514
TELEPHONE (415) 621-7103 • FAX (415) 621-1578
WWW.SFFDLOCAL798.ORG

November 12, 2018

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of the San Francisco Fire Firefighters Union, Local 798 which represents over 1500 workers in San Francisco, to inform you that we strongly support of the Planning Department's Mitigated Negative Declaration for the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324.

First, the developer of this project, Kenwood Investments, worked closely with our Union to determine what the Fire Department's needs where as they pertain to the Project. Towards that end, the Project has been designed to improve fire department access from Davis Street through the undeveloped surface parking lot, and to The Embarcadero, which makes a major improvement for life safety and fire fighting purpose, as part of the Project's overall site improvement and public park construction plans. As the Battalion Chief for the area surrounding the project, I am particularly pleased with this outcome.

Second, the Project adheres to all of the dictates of the City's Planning Code, including the 40-foot height limit, the requirements of the City's Article 10, and compliance with development in the Northeastern Historic Waterfront District.

Thirdly, this Project has earned the support of our brothers and sisters in organized labor. Accordingly, we are proud to stand with the Kenwood-Zinzanni hotel and theater project as the project moves through the entitlement process. Towards that end, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom O'Connor'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom O'Connor



Via Email: laura.lynch@sfgov.org

November 9, 2018

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of the San Francisco Travel Association, which represents over 1,300 Bay Area businesses partners involved in the travel and hospitality sectors. San Francisco welcomes over 25 million visitors per year who spend over \$9 billion during their visit. Our organization is proud to lead the travel industry in San Francisco, the city's largest and most important economic driver.

I am writing today to express our strong support for the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324. This project will provide more lodging, cultural and entertainment options for visitors to enjoy, and will provide good jobs for our community.

Our support for the project is due not only to the commitments made and kept by the project sponsor during the review period, but also by the fact that this project has complied with the 40-foot height limit on the site and the requirements of all Planning Code provisions. This project will be a true treasure in the City and County of San Francisco and we are thrilled about the thoughtful planning that the project sponsor has exhibited.

We urge you to move the Kenwood-Zinzanni hotel and theater project forward as quickly as possible. Thank you.

Sincerely,

Joe D'Alessandro
President and CEO

INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS
SHEET METAL WORKERS' LOCAL UNION No. 104
WEST BAY DISPATCH OFFICE

PHONE (415) 621-2930



FAX (415) 621-2554

1939 MARKET STREET, SUITE A, SAN FRANCISCO, CA 94103

November 8, 2018

Via Email: laura.lynch@sfgov.org

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of the Sheet Metal Workers' Local Union No. 104. Our Union is a proud member of the San Francisco community and we take our responsibilities to our community seriously.

It is in that regard that we are writing to inform you of our strong support for the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324. The developer of this project contacted our Union early in the process and agreed to construct the project with union labor. This strong commitment for our community, and the working men and women of our City should be acknowledged and rewarded by the City and its decision makers. We were proud to stand with the Kenwood-Zinzanni hotel and theater project when it came before the Board of Supervisors in July 2016 and the project was endorsed by a vote of 11-0, and we will do so again as this project moves through the entitlement process. Towards that end, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

Our support for the project is due not only to the commitments made and kept by the Project Sponsor regarding employment and worker's rights, but also by the fact that this project has consistently and without waiver complied with the 40 foot height limit on the site and the requirements of all Planning Code provisions. Projects that can do all of those things should be approved to keep our City strong.

We urge you to move the Kenwood-Zinzanni hotel and theater project forward as quickly as possible. Thank you.

Sincerely,

Danny Campbell
Business Representative
DC:lr opelu29



Stewart Morton
1730 Kearny Street
San Francisco, CA 94133
mr.stewartmorton@gmail.com

October 31, 2018

Re: Project Name: Teatro Zinzanni-Kenwood Investments Hotel & Theater Project
Location: Seawall Lots 323 and 324
Project Sponsor: TZK Broadway, LLC

LETTER OF SUPPORT

Dear Members:

I am writing to inform you that I am in support of the Teatro Zinzanni-Kenwood Investments hotel and theater project located at Seawall Lots 323 and 324 and I am urging you to support the project when it comes before you for approval.

I have reviewed the project several times as a member of NEWAG, The Telegraph Hill Dwellers, and in private discussions with the project sponsor and have found the developer to be most responsive to the communities concerns.

The project has complied with the 40-foot height limit for the site, is designed to be consistent with the City's Article 10 and the Secretary of the Interior's Standards for Construction in historic districts, has implemented many of the suggestions offered by the community, including the use of red-brick for its exterior veneer consistent with other buildings in the area, and will construct a new, approximate 14,000 sq. ft. public park on the site.

In conclusion, I want to let you know that I am in support of the Teatro Zinzanni-Kenwood Investments hotel and theater project, and urge you to support the project when it comes before you for approval. Thank you for your consideration of this letter.

Sincerely,



Stewart Morton
Member, NEWAG
Member, SF Port, Waterfront Plan Working Group
Past Board Member, Telegraph Hill Dwellers
Founding Board Member, San Francisco Heritage



TEAMSTERS LOCAL UNION No. 856

453 San Mateo Avenue • San Bruno • California 94066
Telephone: (650) 635-0111 • Fax Number (650) 635-1632 • 1(800) 758-TEAM (8326)

November 14, 2018

Via Email: laura.lynch@sfgov.org
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
Attn: Laura Lynch

RE: Case No. 2015-016326ENV
Kenwood-Zinzanni Hotel and Theater Project
Seawall Lots 323 & 324
Support for Project

I am writing on behalf of the Teamsters International Union, Local 856 which represents over 1,000 workers in San Francisco, including hotel front desk personnel at union hotels throughout the Bay Area.

We are writing to inform you that Teamsters International Union, Local 856 strongly supports the Kenwood-Zinzanni hotel and theater project at Seawall Lots 323 and 324. The developer of this project, Kenwood Investments, contacted our Union early in the process and entered into a Card Check Neutrality Agreement (CCNA) that meets all of the Teamsters International Union, Local 856 conditions for operations of the new hotel and theater as they pertain to front desk personnel. We also want to acknowledge approvingly that our CCNA is a companion CCNA to the one that the developer signed with H.E.R.E., Local 2, a measure that we applaud.

We were proud to stand with the Kenwood-Zinzanni hotel and theater project when it came before the Board of Supervisors in July 2016 when the project was endorsed by a vote of 11-0, and we will do so again as this project moves through the entitlement process. Towards that end, we strongly support the Planning Department's decision to publish a Mitigated Negative Declaration for the project.

We also want to note for the record that this project, in addition to entering into the CCNA, has also maintained the 40-foot height limit on the site and has been designed to meet the requirements of the Planning Code provisions concerning development in historic districts. Projects that can do all of those things should be approved to keep our City strong. Accordingly, Teamsters Local 856 urges you to move the Kenwood-Zinzanni hotel and theater project forward as quickly as possible.

Sincerely,

Mike Lagomarsino
President
ML/lh

T O P O F
BROADWAY
COMMUNITY BENEFIT DISTRICT

RE: Support for Teatro/Kenwood Hotel Project

Seawall Lots 323 & 324/Broadway and The Embarcadero

Case No. 2015-016326 ENV

On behalf of the Top of Broadway CBD, an organization that represents over 100 businesses in North Beach, I am writing to express our strong support for the Teatro Zinzanni/Kenwood Investments hotel and theater and to urge support for the Planning Department's decision that the Project qualifies for a Mitigated Negative Declaration.

The Top of Broadway CBD and I personally have participated in numerous meetings with the Project Sponsor and we are fully aware of the hotel and theater project's uses, design and scope, and we support the project wholeheartedly.

The hotel and theater project will enhance the Arts and cultural aspects of our city, create a gateway to North Beach and Chinatown and create a new public park in our neighborhood, and it is designed to fit into the historic district, will be sustainably built, and respects the 40-X height and bulk limit for the site. This last feature is truly important for our neighborhood as we have fought hard to maintain the 40 foot height limit and this project should be congratulated, and supported, for its adherence to that height limit.

Additionally, with the approval of the hotel and theater project, San Francisco will receive millions of dollars in General Fund fees, TOT dollars and Port lease revenues that will help the Port with its ongoing infrastructure and seawall needs; create a new performing arts and arts institution that will further the City's artist communities and the entertainment aspects of North Beach; employ hundreds of Union workers both during construction and during operation of the hotel; construct a new public park and a sustainable new building that will fit into the historic district; and repurpose an under-utilized parking lot that has been slated for development for years into a vibrant new public serving use along the waterfront.

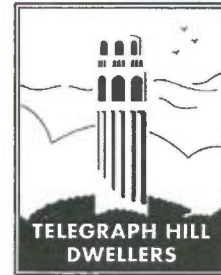
Top of Broadway strongly believes that the Zinzanni/Kenwood hotel and theater project should be approved and thank you for your anticipated support for the Kenwood/Zinzanni hotel and theater project.

Sincerely,



Joe Caruba
Vice President
Top of Broadway CBD

Received at HPC Hearing 3/6/19
R. Salgado



March 3, 2019

Daniel Ralls, Principal
Olson Kundig
c/o Elisa Skaggs
Page & Turnbull
417 Montgomery Street, 8th Floor,
San Francisco, California 94104
Via email: <skaggs@page-turnbull.com>

Re: **809 Montgomery Street**
Case No. 2017-003843COA
Jackson Square Historic District

Dear Mr. Ralls,

On behalf of the Planning & Zoning Committee of the Telegraph Hill Dwellers (THD), we thank you and your project team for presenting the updated proposal for the building at 809 Montgomery to our committee on February 25, 2019.

We particularly appreciate the proposed revisions to the design that the project team has made in response to the concerns listed in THD's letter of September 21, 2018. With the incorporation of these changes, which are set forth below, THD is pleased to offer its support for approval by the Historic Preservation Commission of a Certificate of Appropriateness for the project.

Reducing the Third Floor Addition/Roof Deck

In the revised plan, the proposed third floor addition is lowered by 2'-10" from the previous design and the "wall" of the addition is faced with unpainted brick to complement the texture and color of that found in the Jackson Square Historic District. Although THD would prefer that no volumetric expansions be made to this historic building, we agree that these changes will help to reduce its overall visual mass, giving deference to the original historic resource.

Regarding the previously proposed plant material on the roof deck – around the edges and parapet, we appreciate the design team's agreement that foliage should not be visible from the street given the commercial character of the Historic District. We address the proposals to add plant material to the north facing "wall" of the addition below.

Retaining Heavy Timber Construction

As proposed in the revised plan, the heavy timber columns will be retained and the secondary timber framing will be exposed at the gallery level to express the historic character of the structure.

March 3, 2019

Page 2

Enhancing the Pedestrian View of Main Level Art Gallery

We again commend the project team on the treatment proposed for reducing the visibility of the existing stairway down to the basement. In response to the committee's concern that the proposed illumination and bright white paint on the gallery walls would appear highly reflective to the pedestrian, the design team agreed to select a palette to highlight the historic character of the building. Further, as explained by the design team at our meeting, the existing timber framing will be retained and supplemented in areas where it had been removed with reclaimed lumber to match as closely as possible the existing conditions and a transparent stain will allow the natural grain to show through.

Consultation with Neighbors at 845 Montgomery

Thank you for engaging in a dialogue with the neighbors at 845 Montgomery regarding their concerns that the new third floor addition would impair the light and air from their residential units. As you acknowledged at our meeting, while they would prefer that no addition be made to the 809 Montgomery building, we understand from your presentation that most seem satisfied with the reduced massing resulting from lowering the additional floor by 2'-10".

It is also our understanding, however, that the 845 Montgomery residents would like the north facing "wall" of the addition to be covered with plant material. In response, the design team presented three proposals to our committee for consideration: 1) planted with a green wall, 2) with ivy-covered wall, and 3) without plant material. While the committee would prefer that the wall not be covered with plant material, it was the consensus that the ivy-covered wall would be the least visually obtrusive from the public right of way, provided it would not damage the original brick of the historic building.

Compatibility of Replacement Windows and Storefront System

The committee fully supports the proposed changes to the windows and doors as presented by the project team and shown on the revised plans, including 1) the replacement of the existing non-historic windows at the second floor with double hung wood windows with ogee lugs; 2) the painted divided-lite glazing systems for the entry and storefront, which are in keeping with the historic storefronts found in the Jackson Square Historic District; and 3) the painted divided-lite glazing system proposed for the new addition that will ensure compatibility with the historic building.

March 3, 2019
Page 3

* * *

On behalf of THD's Planning & Zoning Committee, we appreciate the opportunity to work with the project team to make design changes that will help to maintain the historic integrity and character of the Jackson Square Historic District and the contributing status of 809 Montgomery to the City's first historic district.

Sincerely,



Stan Hayes
Chair, Planning & Zoning Committee
Telegraph Hill Dwellers

cc: President, Aaron Hyland aaron.hyland.hpc@gmail.com
Vice-President, Diane Matsuda dianematsuda@hotmail.com
Commissioner Kate Black kate.black@sfgov.org
Commissioner Ellen Johnck ellen.hpc@ellenjohnckconsulting.com
Commissioner Richard Johns RSEJohns@yahoo.com
Commissioner Jonathan Pearlman Jonathan.pearlman.hpc@gmail.com
Commissioner Andrew Wolfram andrew@tefarch.com
Commission Secretary Commissions.Secretary@sfgov.org
Carolyn Kiernat kiernat@page-turnbull.com
Rebecca Salgado, Preservation Planner rebecca.salgado@sfgov.org
Tim Frye, Historic Preservation Officer tim.frye@sfgov.org
Supervisor Aaron Peskin, District 3 aaron.peskin@sfgov.org
THD Planning & Zoning Committee