

# SAN FRANCISCO PLANNING DEPARTMENT

# **Executive Summary** Conditional Use and Office Allocation

HEARING DATE: NOVEMBER 19, 2015

Date:	November 10, 2015
Case No.:	2005.0911CV
Project Address:	616 DIVISADERO STREET & 1282 HAYES STREET
Zoning:	Divisadero Street NCT (Neighborhood Commercial Transit)
	65-A Height and Bulk District
Block/Lot:	1202/002J
Project Sponsor:	Divisadero Hayes, LLC
	1812 Noriega Street
	San Francisco, CA 94122
Staff Contact:	Chris May – (415) 575-9087
	christopher.may@sfgov.org
Recommendation:	Approval with Conditions

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## **PROJECT DESCRIPTION**

The proposal would repurpose the former Harding Theater building (most recently used as a church) for use as a bar, amusement game arcade, other entertainment uses and movie uses (d.b.a. Emporium), while retaining and restoring the Divisadero Street facade. Two small general retail sales spaces, totaling approximately 875 square feet, are proposed along the Divisadero Street facade, flanking the main entrance to the Emporium, which would occupy approximately 14,618 square feet of the existing building.

Proposed alterations to the building include upgrading the restrooms, mechanical, electrical, and plumbing systems; restoration of the former storefronts; and restoration of the auditorium and marquee canopy at the front facade. Future tenant improvements to the interior spaces include creating level floor areas on top of the existing sloped auditorium and stepped balcony floors for arcade games and billiard tables and the addition of two bars on the ground floor and a third bar on the balcony level.

The Project Sponsor proposes approximately 5-10 deliveries per week clustered on two primary delivery days. On-street loading deliveries would occur through the front in coordination with the Independent music venue next door (Divisadero Street).

Four long-term bicycle parking spaces for employee use are proposed on site, and eight short-term bicycle parking spaces for patrons are proposed along the Divisadero Street sidewalk in front of the subject building. The Emporium aspect of the project does not require or propose any vehicular parking spaces.

The proposal also includes the construction of a new 5-story residential building on the vacant portion of the lot fronting Hayes Street. A small 11-foot by 17-foot one-story mechanical room appendage on the south side of the Emporium building, near the rear, would be removed to accommodate its construction. The new residential building will contain seven units with five one-bedroom units that range in size from 705 square feet to 755 square feet and two three-bedroom units of approximately 1,784 square feet.

Seven bicycle parking spaces would be provided in the basement with ramp access to Hayes Street. Although no vehicular parking is required, the project proposes two parking spaces on the ground floor of the residential building.

## SITE DESCRIPTION AND PRESENT USE

The project is located on an L-shaped parcel with 80 feet of frontage on the east side of Divisadero Street and 45 feet of frontage on the north side of Hayes Street, Block 1202, Lot 002J. The property is located within the NCT (Divisadero Street Neighborhood Commercial Transit) Zoning District, the Fringe Financial Services RUD and a 65-A Height and Bulk District. The 13,285 square-foot parcel is occupied by the approximately 35-foot high, 15,493 square foot former Harding Theater building, originally constructed circa 1926 and most recently used as a church. The rear stage/fly-loft portion of the building rises to approximately 55 feet in height. The building occupies the majority of the lot, with the remainder of the lot fronting Hayes Street used as a surface parking lot.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in a neighborhood commercial district with a variety of neighborhood-serving commercial uses, mixed use buildings and larger commercial and residential buildings within the Western Addition neighborhood. Generally, the commercial establishments characterizing the neighborhood include a mixture of retail stores, personal services uses, restaurants, auto repair uses, and entertainment uses. The Independent concert hall is located immediately to the north of the subject building. The majority of lots are fully covered by buildings. Directly across Divisadero Street from the subject property are several 2- and 3-story mixed-use (residential over ground floor commercial) buildings. Directly across Hayes Street from the subject property is a one-story building most recently used as the Divisadero Street Farmer's Market, a grocery store. The lot on the northeast corner of Divisadero and Hayes Streets, around which the subject property wraps, is occupied by a 3-story building with two floors of residential uses over ground floor commercial uses. Immediately to the east of the vacant portion of the subject property fronting Hayes Street is a one-story elderly care home facility and across the street are 2- and 4-story residential buildings.

## ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.

## HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 30, 2015	October 29, 2015	20 days
Posted Notice	20 days	October 30, 2015	October 30, 2015	21 days
Mailed Notice	20 days	October 30, 2015	October 29, 2015	20 days

## BACKGROUND

On July 13, 2004, the Project Sponsor filed Conditional Use Application No. 2004.0807C with the Planning Department to demolish the Harding Theater building (last used as a church) and construct two mixeduse buildings on Divisadero Street and one all-residential building on Hayes Street within the then-zoned NC-2 (Small Scale Neighborhood Commercial) District and 65-A Height and Bulk District. The project proposed 18 dwelling units (including two affordable units), 18 off-street parking spaces, and approximately 5,000 square feet of commercial space fronting Divisadero Street. On December 9, 2004, the Commission approved the application per Motion No. 16921.

On January 11, 2005, the Department received notice from the Clerk of the Board of Supervisors that an appeal to the project had been filed. The hearing before the Board of Supervisors to uphold or overturn the Commission's action was initially scheduled for February 1, 2005. The appeal case was continued on several occasions, and, on April 19, 2005, the appeal was tabled to allow additional time for Department staff to re-evaluate the Environmental Review and for the Project Sponsor to modify the proposed project.

The Project Sponsor filed an application with the Department for Environmental Evaluation of a revised project under a new Case No. 2005.0911E on September 21, 2005, and an associated Conditional Use Application (2005.0911C) on June 2, 2008. The revised Project proposed the alteration and re-use of the former Harding Theater building into four commercial spaces and for the construction of a five-story, eight-unit residential building fronting Hayes Street within the then-zoned NC-2 District, the Divisadero Street Alcohol Restricted Use District and a 65-A Height and Bulk District.

Conditional Use Application No. 2005.0911C was scheduled to be heard by the Commission on November 6, 2008 but was continued to the following meeting on November 13, 2008 where the Commission did not uphold the Preliminary Mitigated Negative Declaration and instead, required a full Environmental Impact Report.

The 2008 project was ultimately abandoned and the current project was submitted to the Department in 2015.

On July 14, 2015, the Board of Supervisors passed Ordinance No. 127-15 which amended the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit (NCT) District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial (NC) District. Key changes to zoning requirements in the new NCT district, as they relate to this application include the removal of housing unit density limits and the addition of dwelling unit mix provisions.

## PUBLIC COMMENT

As of November 10, 2015, the Department has received 1 telephone call requesting additional information related to the proposed amusement game arcade use and 1 letter in support of both the proposed entertainment use and new residential building.

## ISSUES AND OTHER CONSIDERATIONS

- <u>Development of Large Lots.</u> The Project proposes the development of a 13,285 square foot lot. The development of lots in excess of 10,000 square feet requires a Conditional Use Authorization in the Divisadero Street NCT Zoning District. While technically on one large lot, the proposed Emporium building and residential building would function as two smaller developments on separate street frontages.
- <u>Amusement Game Arcade Use.</u> The proposed general retail sales, bar, other entertainment, movie uses and residential uses are permitted as of right within the Divisadero Street Neighborhood Commercial Transit (NCT) Zoning District. A Conditional Use Authorization is required for the proposed Amusement Game Arcade use.
- <u>Rear Yard.</u> The unique dimensions of the vacant portion of the lot create a situation where a variance to the rear yard requirements of the Planning Code are required in order to permit the construction of the proposed residential building fronting Hayes Street. The Zoning Administrator will consider this Variance application concurrent with the Planning Commission hearing for this Conditional Use authorization request (2005.0911C).
- <u>Non-Residential Off-Street Freight Loading.</u> The Emporium bar, amusement game arcade, other entertainment uses and retail sales uses would generate demand for one (1) off-street loading space. The Project Sponsor is requesting a Variance from this requirement, to allow no off-street load space and to permit on-street loading to occur in front of the Emporium, in coordination with the adjacent Independent music hall. The Zoning Administrator will consider this Variance application concurrent with the Planning Commission hearing for this Conditional Use authorization request (2005.0911C).
- Street Frontage in Neighborhood Commercial Districts. The proposed residential building has approximately 45 feet of frontage on Hayes Street with only one-third of the façade devoted to the active uses such as the residential lobby entrance and the ground floor dwelling unit. The remaining two-thirds of the façade would be comprised of the doorways leading to the side and rear of the Emporium building as well as the garage entrance to two off-street parking spaces within the ground floor of the residential building. These are not active uses, and the location of the two parking spaces would require a Variance for being located within 25 feet of the main front wall. Planning Department staff does not support this Variance, as residential off-street parking is not required in the Divisadero Street (NCT) Zoning District, and does not contribute to an active streetscape at ground level. The Zoning Administrator will consider this Variance application concurrent with the Planning Commission hearing for this Conditional Use authorization request (2005.0911C).

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization pursuant to Planning Code Sections 303, 746.11 and 746.69B to permit the repurposing of the existing Harding Theater building (last used as a church) for use as a bar, amusement game arcade, retail, other entertainment and movie uses and general retail sales uses (d.b.a. Emporium) and the construction of a 7-unit, 5-story residential building fronting Hayes Street within the NCT (Divisadero Street Neighborhood Commercial Transit) District, Fringe Financial Services Restricted Use District and a 65-A Height and Bulk District.

## BASIS FOR RECOMMENDATION

- The project allows for the adaptive reuse of the former Harding Theater building, a historic resource
- The proposed tenant is a family-run business and is not a Formula Retail use.
- The proposed new business would provide goods and services to the immediate neighborhood and would create approximately 25 jobs for local residents.
- Other than those requirements for which Variances are sought, the project meets all applicable requirements of the Planning Code and proposes land uses that are overall in greater conformity with the Planning Code.
- The residential building represents the sensitive infill of a vacant parcel of land and is desirable for, and compatible with the character of the surrounding neighborhood.

## **RECOMMENDATION:** Approval with Conditions

#### Attachments:

Block Book Map Sanborn Map Aerial Photographs Public Correspondence (see also Project Sponsor Submittal) Project Sponsor Submittal Reduced Plans

## Executive Summary Hearing Date: November 19, 2015

### CASE NO. 2005.0911C 616 Divisadero Street & 1282 Hayes Street

Attachment Checklist

$\ge$	Executive Summary	$\square$	Project sponsor submittal
$\boxtimes$	Draft Motion		Drawings: Existing Conditions
$\boxtimes$	Environmental Determination		Check for legibility
$\boxtimes$	Zoning District Map		Drawings: Proposed Project
$\square$	Height & Bulk Map		Check for legibility
$\square$	Parcel Map		3-D Renderings (new construction or significant addition)
$\boxtimes$	Sanborn Map		Check for legibility
$\ge$	Aerial Photo		Wireless Telecommunications Materials
$\boxtimes$	Context Photos		Health Dept. review of RF levels
$\square$	Site Photos		RF Report
			Community Meeting Notice
			Housing Documents
			Inclusionary Affordable Housing Program: Affidavit for Compliance

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

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# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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<b>Draft Planning Comn</b>	nission	Motion	No.	XXXXX	
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Zoning:	NCT (Divisadero Street Neighborhood Commercial Transit) District
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Block/Lot:	1202/002J
Project Sponsor &	Divisadero Hayes, LLC
Owner	1812 Noriega Street
	San Francisco, CA 94122
Staff Contact:	Chris May – (415) 575-9087
	christopher.may@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 746.11, AND 746.69B OF THE PLANNING CODE TO REPURPOSE THE EXISTING HARDING THEATER (LAST USED AS A CHURCH) FOR USE AS A BAR, AMUSEMENT GAME ARCADE, RETAIL, OTHER ENTERTAINMENT AND MOVIE USES (D.B.A. EMPORIUM) AND THE CONSTRUCTION OF A 7-UNIT, 5-STORY RESIDENTIAL BUILDING FRONTING HAYES STREET WITH A ROOFTOP DECK, TWO OFF-STREET PARKING SPACES AND 7 BICYCLE STORAGE SPACES WITHIN THE NCT (DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT) DISTRICT, FRINGE FINANCIAL SERVICES RESTRICTED USE DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

## PREAMBLE

On October 5, 2015 Mark Topetcher, on behalf of Divisadero Hayes, LLC (hereinafter "Project Sponsor") submitted a revised application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 746.11, and 746.69B to permit the repurposing of the existing Harding Theater building (last used as a church) for use as a bar, amusement game arcade, retail, other entertainment and movie uses and general retail sales uses (d.b.a. Emporium) and the construction of a 7-unit, 5-story residential building fronting Hayes Street within the NCT

(Divisadero Street Neighborhood Commercial Transit) District, Fringe Financial Services Restricted Use District and a 65-A Height and Bulk District.

On November 19, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.0911C.

On November 10, 2015 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2005.0911C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

- **1.** The above recitals are accurate and constitute findings of this Commission.
- 2. Site Description and Present Use. The project is located on an L-shaped parcel with 80 feet of frontage on the east side of Divisadero Street and 45 feet of frontage on the north side of Hayes Street, Block 1202, Lot 002J. The property is located within the NCT (Divisadero Street Neighborhood Commercial Transit) Zoning District, the Fringe Financial Services RUD and a 65-A Height and Bulk District. The 13,285 square-foot parcel is occupied by the approximately 35-foot high, 15,493 square foot former Harding Theater building, originally constructed circa 1926 and most recently used as a church. The rear stage/fly-loft portion of the building rises to approximately 55 feet in height. The building occupies the majority of the lot, with the remainder of the lot fronting Hayes Street used as a surface parking lot.
- **3. Surrounding Properties and Neighborhood.** The project site is located in a neighborhood commercial district with a variety of neighborhood-serving commercial uses, mixed use buildings and larger commercial and residential buildings within the Western Addition neighborhood. Generally, the commercial establishments characterizing the neighborhood include a mixture of retail stores, personal services uses, restaurants, auto repair uses, and entertainment uses. The Independent concert hall is located immediately to the north of the subject building. The majority of lots are fully covered by buildings. Directly across Divisadero Street from the subject property are several 2- and 3-story mixed-use (residential over ground floor commercial) buildings. Directly across Hayes Street from the subject property is a one-story

building most recently used as the Divisadero Street Farmer's Market, a grocery store. The lot on the northeast corner of Divisadero and Hayes Streets, around which the subject property wraps, is occupied by a 3-story building with two floors of residential uses over ground floor commercial uses. Immediately to the east of the vacant portion of the subject property fronting Hayes Street is a one-story elderly care home facility and across the street are 2- and 4-story residential buildings.

4. Project Description. The former Harding Theater building has been vacant for several years. Its most recent use was as a church. The current proposal would repurpose the building for use as a bar, amusement game arcade and entertainment uses, while retaining and restoring the Divisadero Street facade. Two small general retail spaces are proposed along the Divisadero Street façade, flanking the main entrance to the Emporium. The theater structure, inclusive of the rear stage and fly loft will remain in place. All significant character-defining spaces and details will remain.

Proposed alterations to the building include upgrading the restrooms, mechanical, electrical, and plumbing systems; restoration of the former storefronts; restoration of damaged plaster grillwork in the auditorium; and restoration and reconstruction of the marquee canopy at the front facade. Future tenant improvements will supplement the interior spaces to accommodate a bar and amusement game arcade uses. These improvements include creating level floor areas on top of the existing sloped auditorium and stepped balcony floors; restoring the proscenium stage opening to the auditorium; and the addition of a main bar in the auditorium on the ground floor, a smaller bar in the front lobby area and a third bar on the balcony level. The general interior finishes will also be refurbished throughout and support spaces would be created in the basement.

The Emporium is a combination of a bar, game arcade featuring classic video games, pinball machines, pool, foosball, air hockey, shuffleboard and new games designed by local indie game developers. The project also proposes restoring and utilizing the original stage for live music, comedy and theater performances., and installing a large screen to show independent film screenings, interesting background video, game tournaments and large presentations.

The proposed business is family-owned, which is encouraged throughout San Francisco. With only three other locations – all in the greater Chicago area - the proposed Emporium is not considered a Formula Retail use. The proposal is considered a change of use and Section 312-neighborhood notification was conducted in conjunction with the Conditional Use Authorization process. The proposed use is a neighborhood-serving use.

The proposed operation anticipates approximately 25 employees including on-site managers at all times, as well as bartenders, security and bar support staff. Anticipated hours of operation would be from 5pm - 2am on weekdays and from 12pm - 2am on weekends.

The tenant proposes approximately 5-10 deliveries per week clustered on two primary delivery days. On-street loading deliveries would occur through the front with in coordination with the

Independent venue next door (Divisadero Street). It is anticipated that the Emporium and the Independent would have similar distributors and would receive deliveries primarily in the early afternoon to reduce traffic-related impacts on the community.

Four long-term bicycle parking spaces for employee use are proposed on site, and eight shortterm bicycle parking spaces for patrons are proposed along the Divisadero Street sidewalk in front of the subject building. The Planning Code does not require vehicular parking spaces for the proposed bar, amusement game arcade and entertainment uses, and the project therefore does not propose any vehicular parking spaces.

The proposal also includes the construction of a new 5-story residential building on the vacant portion of the lot fronting Hayes Street. A small 11 foot by 17 foot one-story mechanical room appendage on the south side of the Emporium building, near the rear, would be removed to accommodate its construction. The new residential building will contain seven units with five one-bedroom units that range in size from 705 square feet to 755 square feet and two three-bedroom units of approximately 1,784 square feet.

The ground floor will accommodate two egress passageways from the side and rear of the Emporium structure through to the Hayes Street public right-of-way for emergency purposes, a private lobby area servicing the residential units, along with one residential unit. Floors two and three will each contain two one-bedroom units and floors four and five will each have one three bedroom unit. A common shared outdoor roof deck will occupy the roof area above the top floor and will have elevator and stair access. Seven bicycle parking spaces would be provided in the basement with ramp access to Hayes Street. Although no vehicular parking is required, the project proposes two parking spaces on the ground floor of the residential building.

There will be special attention to sound isolation and noise insulation for the new residential building including a compliance review conducted by an acoustical consultant, and a written disclosure will be made to future residential occupants of the existing proximity of nearby entertainment venues and the potential for noise generation by their operation.

- **5. Public Comment**. As of November 10, 2015, the Department has received 1 telephone call requesting additional information related to the proposed amusement game arcade use and 1 letter in support of both the proposed entertainment use and the new residential building.
- **6. Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Neighborhood Notification.** Planning Code Section 312 requires notification to all owners and occupants within 150-feet of the subject property if the property converts from one land use category to another and is located in Neighborhood Commercial District.

The proposal is located in the Divisadero Street Neighborhood Commercial Transit (NCT) District which is considered a Neighborhood Commercial District pursuant to Planning Code Section 702.1.

The project proposes the conversion of a building most recently used as a church for use as a bar, amusement game arcade, other entertainment uses and general retail uses. These changes of use require Neighborhood Notification per Planning Code Section 312. Accordingly, notification was conducted in conjunction with the noticing for the Conditional Use Authorization. The applicant also conducted a pre-application meeting prior to submission on October 8, 2015.

B. Development of Large Lots. Planning Code Sections 121.1 and 746.11 state that in order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots in excess of 10,000 square feet in the Divisadero Street Neighborhood Commercial Transit (NCT) District shall be permitted only as conditional uses.

The Project proposes the development of a 13,285 square foot lot. While technically on one large lot, the proposed Emporium building and residential building would function as two smaller developments on separate street frontages. The additional required findings are listed below under Subsection 8.

C. Use Size Limits. Per Planning Code Sections 121.2 and 746.21, non-residential uses greater than 4,000 gross square feet require Conditional Use Authorization. A conforming use which is above the threshold but which predates the use size limit requirement may change to a different use occupying the same floor area without a Conditional Use Authorization as long as there is no significant increase in the floor area.

The Project proposes one tenant space (d.b.a. Emporium) with a floor area of approximately 15,493 square feet. The two proposed general retail sales spaces would occupy approximately 875 square feet. Since the most recent use of the building as a church was above the use size limit threshold but predated Planning Code Section 121.2, Conditional Use Authorization is not required for the proposed change of use, as it would occupy the same floor area.

D. **Permitted Uses.** Planning Code Sections 746.40, 746.41, 746.48 and 746.90 state that retail, bar, other entertainment and residential uses are permitted as of right within the Divisadero Street Neighborhood Commercial Transit (NCT) Zoning District. Planning Code Section 746.69B states that a Conditional Use Authorization is required for an Amusement Game Arcade use, as defined by Planning Code Section 790.4.

The proposed other entertainment would include live music and possible dramatic performances. The live music would be restricted to the inside area and the sound equipment must be inspected and permitted by the Entertainment Commission prior to operation.

E. Entertainment Commission Outreach. Planning Code Section 314 requires that the Planning Department and Planning Commission consider the compatibility of uses when approving residential uses adjacent to or near existing permitted Places of Entertainment and shall take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential development project takes into account the

needs and interests of both the Places of Entertainment and the future residents of the new development.

The Project Sponsor has provided documentation to the Entertainment Commission outlining the noise insulation materials to be incorporated into the proposed residential building fronting Hayes Street.

F. **Rear Yard Requirement in the NCT District.** Planning Code Section 134 requires that the project provide a rear yard equal to 25 percent of the total lot depth at the lowest level containing a residential unit, and at each succeeding level or story of the building, but in no case less than 15 feet. Alternatively, the rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, provided that residential uses are included in the new development and a comparable amount of usable open space is provided elsewhere within the development where it is more accessible to the residents of the development, and that the proposed new structure will not significantly impede the access of light and air to and views or adversely affect the interior block open space formed by the rear yards of from adjacent properties.

As the L-shaped lot has its frontage along Divisadero Street, the rear lot line is the lot line that would separate the proposed residential building from the adjacent elderly care facility at 1250 Hayes Street. The depth of the vacant portion of the subject property in this location is 45 feet, and therefore the minimum required rear yard setback would be 15 feet, leaving only 30 feet of developable area. The unique dimensions of the vacant portion of the lot fronting Hayes Street create a situation where it could not be reasonably developed for residential use in the absence of a variance to the rear yard requirements of the Planning Code. The Zoning Administrator will consider the Variance to the rear yard concurrent with the Planning Commission hearing for this Conditional Use Authorization request.

G. **Residential Usable Open Space.** Planning Code Section 135 requires that the project provide a minimum of 100 square feet of open space per dwelling unit, if not publically accessible. Further, any private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Alternatively, common useable open space, at a rate of 133 square feet per dwelling unit, shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 square feet.

While each proposed dwelling unit would have at least one private balcony, all of the proposed balconies would have a horizontal dimension of four feet and therefore would not count toward the private open space requirement. As such, the Project proposes a common rooftop deck comprising 931 square feet, for an amount equal to 133 square feet per dwelling unit. The proposed rooftop deck satisfies the Planning Code requirements for common usable open space.

H. **Dwelling Unit Mix.** In order to ensure an adequate supply of family-sized units in existing and new housing stock, new residential construction must include a minimum percentage of units of at least 2 bedrooms. Planning Code Sections 207.6 and 746.91 require that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

For the 7 proposed dwelling units, the Project is required to provide at least 3 two-bedroom units or 2 three-bedroom units. The Project provides 5 one-bedroom units and 2 three-bedroom units. Therefore, the Project meets the requirements for dwelling unit mix.

I. **Streetscape and Pedestrian Improvements.** Planning Code Sections 138.1 and 746.17 require one street tree for each 20 feet of street frontage of the property containing the development project, with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

The subject property occupies a total frontage of 125 feet along both Divisadero Street and Hayes Street. There are two existing street trees within the right-of-way in front of the proposed Emporium building and the Project proposes four new street trees along the Hayes Street right-of-way in front of the proposed new residential building.

J. **Non-Residential Off-Street Parking**. Planning Code Sections 151.1 and 746.22 state that no parking is required for non-residential uses in an NCT Zoning District, but permits off-street parking to a maximum of 1 space per 1,500 square feet of occupied floor area.

*The proposed Emporium use does not require nor propose any off-street parking, and therefore complies with the Planning Code.* 

K. **Residential Off-Street Parking**. Planning Code Sections 151.1 and 746.94 state that no parking is required for residential uses in an NCT Zoning District, although residential of-street parking may be provided at a rate not exceeding 0.5 spaces per dwelling unit.

Although the proposed residential building does not require any off-street parking, 2 parking spaces are proposed on the ground floor. The proposed off-street parking does not exceed the maximum permitted by the Planning Code, and therefore complies.

L. **Non-Residential Bicycle Parking.** Planning Code Sections 155.2 and 746.22 require the provision of Class 1 and Class 2 bicycle parking spaces, unless a change of occupancy or increase in intensity of use is proposed which would increase the number of total required bicycle parking spaces (inclusive of Class 1 and 2 spaces in aggregate) by 15 percent.

The former Harding Theater building was most recently used as a church, which would have required ten (10) Class 2 bicycle parking spaces and sixteen (16) Class 2 bicycle parking spaces, based on its occupancy load. The proposed bar, amusement game arcade, other entertainment uses and retail sales uses would require seven (7) Class 1 bicycle parking spaces and eleven (11) Class 2 bicycle parking spaces, representing a decrease in the number of total required bicycle parking spaces, thereby exempting the Emporium from having to provide off-street bicycle parking for employees and patrons. Despite this, the Project would provide four (4) Class 1 bicycle parking spaces and eight (8) Class 2 bicycle parking spaces.

M. **Residential Bicycle Parking.** Planning Code Sections 155.2 and 746.94 require one Class 1 bicycle parking space per dwelling unit, one Class 2 bicycle parking spaces for every 20 dwelling units.

The proposed residential building would provide seven (7) Class 1 bicycle parking spaces – 1 per dwelling unit - within the basement level, with ramp access to street level along the Hayes Street frontage. Because there would be only 7 dwelling units, no Class 2 bicycle parking spaces are required nor are any proposed.

N. Non-Residential Off-Street Loading. Planning Code Sections 152 and 746.23 require 1 offstreet loading space for non-residential uses with a gross floor area between 10,001 square feet and 60,000 square feet.

The Emporium bar, amusement game arcade, other entertainment uses and retail sales uses would occupy approximately 15,493 square feet, and would therefore generate demand for one (1) off-street loading space. The Project Sponsor is requesting a Variance from this requirement, per Section 161 of the Planning Code, to permit on-street loading to occur in front of the Emporium in coordination with the adjacent Independent music hall and to provide no off-street loading space.

O. Street Frontage in Neighborhood Commercial Districts. Sections 145.1 and 746.13 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width.

The proposed residential building has approximately 45 feet of frontage on Hayes Street with approximately 15 feet, or one-third of the façade, devoted to either the residential lobby entrance or the ground floor dwelling unit, which are considered active uses. The remaining 30 feet, or two-thirds of the façade, would be comprised of the doorways leading to two emergency egress corridors linking the side and rear of the Emporium building as well as the garage entrance to the two proposed off-street parking spaces within the ground floor of the residential building. These are not active uses, and the

location of the two proposed off-street parking spaces on the ground floor of the residential building would require a Variance, as they do not comply with the Planning Code. Planning Department staff does not support this Variance, as residential off-street parking is not required in the Divisadero Street Neighborhood Commercial Transit (NCT) Zoning District, and does not contribute to an active streetscape at ground level. This space, if dedicated to more active uses such as an enlarged lobby or ground floor dwelling unit, would contribute more positively to the public realm along the Hayes Street frontage.

P. **Shadow.** Planning Code Section 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

Based upon a detailed shadow analysis, the Project does not cast any net new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

Q. **Transit Impact Development Fees.** Planning Code Section 411 is applicable to any new construction, or addition to or conversion of an existing structure under one or more building or site permits issued on or after February 1, 2013 that cumulatively result in 800 gross square feet or more of a use covered by the Transit Impact Development Fee (TIDF).

The Project includes 15,493 gross square feet of new retail and entertainment uses. These uses are subject to Transit Impact Development Fees, as outlined in Planning Code Section 411. These fees must be paid prior to the issuance of the building permit application.

R. **Inclusionary Affordable Housing.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units.

The Project proposes only seven (7) dwelling units and therefore is exempt from the requirements of Inclusionary Affordable Housing Program.

S. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- **7. Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
  - A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The adaptive reuse of the former Harding Theater building would preserves a historic building that has been identified by neighborhood residents as being an integral part of the urban fabric along the Divisadero Street corridor. The proposed retail, bar, amusement game arcade, other entertainment and movie uses are desirable and compatible with the community as they would provide goods and services to neighborhood residents and would activate a long-vacant commercial storefront.

The proposed residential use is desirable in that it will provide high-density infill housing on a vacant portion of a lot on an established residential street without the displacement of any existing residents or businesses. The proposed residential building, with its high quality building materials and architectural details such as projecting bay windows, is compatible with the surrounding neighborhood.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
  - i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The existing building on the site, formerly the Harding Theater, lends itself to be reconfigured as a bar, amusement game arcade and entertainment venue in a minimally intrusive way. The proposed uses would be completely contained within the existing building and would therefore not be detrimental to the health, convenience and wellbeing of neighborhood residents.

The proposed residential building fronting Hayes Street represents the infill of a vacant street frontage which would improve safety of those living and working in the neighborhood by adding more active uses to the streetscape and removing a vacant lot which could otherwise attract activities that might be detrimental to their health and safety.

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

Although the Planning Code does not require off-street vehicular parking for the bar, amusement game arcade, other entertainment and movie uses or general retail sales uses proposed within the Emporium building, the subject property is located within the Divisadero Street Neighborhood Commercial Transit (NCT) District which is well served by public transit. The proposed uses are not anticipated to generate significant amounts of vehicular trips from the immediate neighborhood or citywide. Freight loading is proposed to be coordinated with that of the adjacent Independent music hall, to reduce any traffic-related impacts on Divisadero Street.

Although the Planning Code does not require off-street vehicular parking for the seven (7) dwelling units within the proposed residential building, two off-street vehicular parking spaces are proposed on the ground floor within a garage. The Planning Department does not support the provision of these two parking spaces, as the neighborhood is well-served by public transit.

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

The proposed bar, amusement game arcade, other entertainment and movie uses are subject to the standard conditions of approval for places of entertainment and outlined in Exhibit A. Conditions 7, 8, 16 and 17 specifically obligate the project sponsor to mitigate noise and odor generated by the proposed uses.

There are no anticipated noxious or offensive emissions associated with the proposed residential building. The building will be constructed with upgraded acoustical insulation to prevent any noise from the proposed Emporium and the nearby Independent music hall from negatively affecting the building's future residents.

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

The proposed Emporium use does not propose any off-street parking, loading or landscaping. The Project Sponsor shall ensure that all light fixtures on the subject property are directed away from adjacent properties in accordance with Condition 21 of Exhibit A.

The proposed residential building would provide open space for its residents by means of a common rooftop deck, and four new street trees are proposed to be planted along the Hayes Street right-of-way.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

Consistent with the Divisadero Street Neighborhood Commercial Transit (NCT) District objectives, neighborhood-serving businesses are strongly encouraged and new commercial development is permitted at the ground and second stories. Eating, drinking and entertainment uses are primarily confined to the ground story, however additional flexibility is offered for such uses on the second floors of existing non-residential buildings to encourage the preservation and reuse of such buildings. The proposed Emporium, with its bar, amusement game arcade, other entertainment and movie uses and general retail sales uses on the ground floor and second floor would facilitate the preservation of the existing building for a use similar to its original purpose, and would provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market.

The proposed residential building meets the general intent of the Divisadero Street NCT District objectives in that it would contribute to the dense, walkable, mixed-use character of the neighborhood and would provide adequate open space for its future residents.

- **8. Planning Code Section 121.1.** In addition to the criteria of Section <u>303</u>(c) of the Planning Code, as it pertains to the development of large lots, the City Planning Commission shall consider the extent to which the following criteria are met:
  - A. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The massing and façade of the proposed Emporium building will be restored, but will largely remain unchanged.

At five stories, the massing and façade of the proposed residential building fronting Hayes Street will be compatible with the existing scale of the surrounding district, which is characterized primarily by mixed-use and residential buildings ranging from 1 to 4 stories in height.

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

The façade of the proposed Emporium building will be restored, but will largely remain unchanged.

The façade of the proposed residential building will be in keeping with the facades of other residential buildings fronting Hayes Street. It will feature a brick veneer base, cornice rooftop, three vertical series of projecting bay windows and a ground floor dwelling unit with direct access to the street. The elimination of the proposed 2-car parking entrance would allow for a more generous residential lobby

and/or ground floor dwelling unit, which would contribute more positively to the visual quality of the district.

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

## HOUSING

#### **Objectives and Policies**

#### **OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### Policy 1.2:

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas.

#### Policy 1.10:

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The proposed residential building fronting Hayes Street would be located in a Neighborhood Commercial Transit (NCT) District, which have been identified as areas where public transit infrastructure can support residential growth. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips.

#### **OBJECTIVE 4:**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFESTYLES.

#### Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

*The proposed residential building fronting Hayes Street will provide two 3-bedroom units which would be suitable for families with children.* 

#### **OBJECTIVE 11:**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

#### Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

#### Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

#### Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

#### Policy 11.7:

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

### Policy 11.9:

Foster development that strengthens local culture sense of place and history.

The proposed residential building fronting Hayes Street would make use of a vacant portion of an underutilized site in order to create seven (7) new dwelling units and would enhance the residential character of the street and surrounding neighborhood. The elimination of the proposed 2-car parking garage would allow for a more generous residential lobby and/or ground floor dwelling unit, which would contribute more positively to the visual quality of the district. The historic former Harding Theater building would be preserved and repurposed for a use that would serve neighborhood residents.

#### **OBJECTIVE 12:**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

#### Policy 12.1:

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

#### Policy 12.2:

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

#### Policy 12.3:

Ensure new housing is sustainably supported by the City's public infrastructure systems.

The proposed residential building fronting Hayes Street is already adequately served by the City's water, and sewer systems, electricity and gas utilities, MUNI public transit, will receive solid waste collection and is near public open spaces such as Alamo Square.

#### **OBJECTIVE 13:**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

#### Policy 13.3:

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The proposed residential building fronting Hayes Street would provide seven (7) weather-protected bicycle parking spaces for its residents to encourage bicycling, and is located within walking distance to Divisadero Street where there are several public transit lines.

## **GENERAL/CITYWIDE COMMERCE**

### **Objectives and Policies**

### **OBJECTIVE 1:**

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

### Policy 1.1:

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

### Policy 1.2:

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

#### Policy 1.3:

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

The Emporium will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan. The Emporium would operate within the business hours permitted per Section 746.270f the Planning Code.

#### **OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

#### Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

#### Policy 2.3:

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The Project will retain an existing commercial activity and will enhance the diverse economic base of the City. The City's social and cultural climate are what attracted the proposed tenant to the area.* 

#### **OBJECTIVE 3:**

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

#### Policy 3.1:

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

#### Policy 3.2:

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

**Policy 3.4**: Assist newly emerging economic activities.

The Project will create approximately 25 jobs for local residents across a variety of skill levels.

#### **OBJECTIVE 4:**

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

#### Policy 4.1:

Maintain and enhance a favorable business climate in the city.

The adaptive reuse of the former Harding Theater for use as a bar, amusement game arcade, other entertainment and movie use and general retail sales uses would maintain a commercial use in an existing building which will enhance the favorable business climate in the City.

## NEIGHBORHOOD COMMERCE

#### **Objectives and Policies**

#### **OBJECTIVE 6**:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

#### Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

### Policy 6.2:

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

#### Policy 6.8:

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

The Emporium is a family-run business and is not a Formula Retail use. No commercial tenant would be displaced by the project and it would not prevent the district from achieving optimal diversity in the types of goods and services available in the neighborhood. The proposal would preserve the historically important former Harding Theater building and would restore its aging façade.

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

#### **Eating and Drinking Establishments**

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

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

There is a concern in some Neighborhood Commercial districts with the potential over-concentration of eating and drinking establishments. The Commerce and Industry Element of the General Plan contains

Guidelines for such uses in districts where the proliferation of eating and drinking establishments could generate problems.

Within the Divisadero Street Neighborhood Commercial Transit (NCT) district, neighborhood serving businesses are strongly encouraged, and eating and drinking establishments are permitted as-of-right on the ground floor of commercial buildings. Additional flexibility is offered for second-floor eating and drinking, and entertainment uses in existing non-residential buildings to encourage the preservation and reuse of such buildings.

#### **Entertainment Uses**

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

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

*The Emporium's proposed hours of operation would be from 5 p.m. – 2 a.m. on weekdays and from 12 p.m. – 2 a.m. on weekends in accordance with Section 746.27 of the Planning Code.* 

## TRANSPORTATION ELEMENT

#### **Objectives and Policies**

#### **OBJECTIVE 2:**

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

#### Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Divisadero Street corridor has been identified as one with significant public transit infrastructure and one major objective of the Neighborhood Commercial Transit (NCT) zoning is to maximize residential and commercial opportunities on or near major transit services. The development of the proposed Emporium use and new residential building along this corridor would take advantage of these improvements to rapid transit in the area.

#### **OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

#### Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

#### Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

*The Emporium use will provide four (4) Class 1 bicycle parking spaces and eight (8) Class 2 bicycle parking spaces that will accommodate both employees and patrons of the building's uses.* 

*The proposed residential building fronting Hayes Street would provide seven (7) Class 1 bicycle parking spaces for residents in a secure room on the basement level.* 

#### **OBJECTIVE 34:**

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

#### Policy 34.1:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

#### Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

#### Policy 34.5:

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

*The proposed Emporium use does not require nor propose any off-street parking, and is therefore consistent with the objectives of the General Plan for commercial areas along transit preferential streets.* 

The proposed residential building does not require any off-street parking, however two (2) parking spaces on the ground floor are proposed. The proposed off-street parking does not exceed the maximum permitted by the Planning Code, but does require a Variance as it would be located within 25 feet of the main front wall. Planning Department staff does not support the Variance, as this neighborhood is well served by transit. The curb cut necessary to access the two parking private spaces could be removed, thus providing an opportunity for an additional on-street parking space for neighborhood use.

## **URBAN DESIGN**

### **Objectives and Policies**

#### **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.

The front façade of the historic former Harding Theater building would be preserved and restored by the Project Sponsor.

#### **OBJECTIVE 3:**

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

#### Policy 3.1:

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

#### Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

#### Policy 3.7:

Recognize the special urban design problems posed in development of large properties.

The subject site, while large, is proposed to be redeveloped with two separate projects, allowing both to respond to the surrounding context in terms of bulk and massing. The proposed Emporium building would not change in terms of its bulk or massing. The proposed residential building fronting Hayes Street would meet the requirements of the 65-A Height and Bulk District within which it is located, and would represent an appropriate scale of development.

## ARTS

#### **Objectives and Policies**

#### **OBJECTIVE VI-1:**

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

#### Policy VI-1.4

Preserve existing performing spaces in San Francisco.

#### Policy VI-1.9:

Create opportunities for private developers to include arts spaces in private developments city-wide.

The Project proposes to maintain the large stage area at the rear of the former Harding Theater building. The Emporium tenant proposes to program this space with live entertainment such as musical performances, comedy acts and small theater productions which would promote local artists and strengthen the City's identity as a center of arts and culture for visitors, tourists and residents.

- **10. Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal would enhance the district by preserving an existing neighborhood-serving commercial building for an entertainment use that would create approximately 25 employment opportunities for the community.

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

The existing units in the surrounding neighborhood would not be adversely affected. The proposed residential building fronting Hayes Street will be compatible with the mass, scale, and design of the neighborhood within which the Project Site is located.

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

No housing is removed for this Project. The Project would add seven (7) dwelling units to the City's housing stock.

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

The Project is located within a Neighborhood Commercial Transit (NCT) district and is well served by public transit. It is presumable that the employees and patrons of the proposed Emporium would arrive by transit, bicycling and walking, thereby mitigating possible effects on street parking. The seven (7) dwelling units within the proposed residential building are unlikely to overburden MUNI transit service or generate a significant demand for neighborhood parking.

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

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

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

G. That landmarks and historic buildings be preserved.

The historic former Harding Theater building is proposed to be retained and restored.

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

The project will have no negative effect on existing parks and open spaces. The Project does not have an effect on open spaces.

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2005.0911C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 9, 2015, and November 6, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 19, 2015.

Jonas P. Ionin Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 19, 2015

# **EXHIBIT A**

## **AUTHORIZATION**

This authorization is for a conditional use to allow a bar, amusement game arcade, other entertainment and movie uses and general retail sales uses (d.b.a. Emporium) located at 616 Divisadero Street and a 7-unit, 5-story residential building located at 1282 Hayes Street pursuant to Planning Code Sections 303, 746.11 and 746.69B within the Divisadero Street Neighborhood Commercial Transit (NCT) District and a 65-A Height and Bulk District; in general conformance with plans, dated November 9, 2015, and November 6, 2015 and stamped "EXHIBIT B" included in the docket for Case No. 2005.0911C and subject to conditions of approval reviewed and approved by the Commission on November 19, 2015 under Motion No **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on November 19, 2015 under Motion No **XXXXXX**.

## PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

#### **SEVERABILITY**

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

#### CHANGES AND MODIFICATIONS

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

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

## PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

2. Expiration and Renewal. Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

## DESIGN

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>.

3. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>

## PARKING AND TRAFFIC

4. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project. *For information about compliance, contact Code Enforcement, Planning Department at* 415-575-6863, *www.sf-planning.org* 

5. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 19 bicycle parking spaces (7 Class 1 spaces for the residential portion of the Project, 4 Class 1 spaces for the commercial portion of the Project, and 8 Class 2 spaces for the commercial portion of the Project).

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

- 6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
  - 1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
  - 2. On-site, in a driveway, underground;
  - 3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
  - 4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
  - 5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
  - 6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
  - 7. On-site, in a ground floor façade (the least desirable location).

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

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

7. Noise, Ambient. Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800,

www.sfdph.org

8. **Noise**. Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>

## PROVISIONS

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

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, <u>www.onestopSF.org</u>

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, <u>www.sf-planning.org</u>

### MONITORING

- 11. Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at* 415-575-6863, *www.sf-planning.org*
- 12. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

## OPERATION

- 14. Garbage, Recycling, and Composting Receptacles. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at* 415-554-.5810, <u>http://sfdpw.org</u>
- 15. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works*, 415-695-2017, <u>http://sfdpw.org</u>
- *16.* **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, <u>www.sfdbi.org</u>

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, <u>www.sf-police.org</u>

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

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

18. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison

shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

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

For information about compliance, contact the Entertainment Commission, at 415 554-6678, <u>www.sfgov.org/entertainment</u>

20. Other Entertainment. The Other Entertainment shall be performed within the enclosed building only. The building shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance. Bass and vibrations shall also be contained within the enclosed structure. The Project Sponsor shall obtain all necessary approvals from the Entertainment Commission prior to operation. The authorized entertainment use shall also comply with all of the conditions imposed by the Entertainment Commission.

For information about compliance, contact the Entertainment Commission, at 415 554-6678, <u>www.sfgov.org/entertainment</u>

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, <u>www.sf-planning.org</u>

**22. Hours of Operation.** The subject establishment is limited to the following hours of operation: Sunday through Thursday from 5p.m. to 2:00a.m. and Friday through Saturday 12:00p.m. to 2:00a.m.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org



### SAN FRANCISCO PLANNING DEPARTMENT

#### Certificate of Determination Exemption from Environmental Review

Case No.:	2005.0911E
Project Title:	616 Divisadero Street and 1282 Hayes Street
Zoning:	Divisadero Street Neighborhood Commercial Transit District
	(Divisadero Street NCT)
	65-A Height and Bulk District
Block/Lot:	1202/002J
Lot Size:	13,285 square feet
Project Sponsor:	David Silverman, Reuben, Junius & Rose LLP
	415-567-9000
Staff Contact:	Debra Dwyer - (415) 575-9031
	debra.dwyer@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 is located in San Francisco's Western Addition neighborhood, and is near the Haight Ashbury neighborhood. The project site is an L-shaped lot with an 80-foot frontage on Divisadero Street and a 45-foot frontage on Hayes Street. The former Harding Theater building, which faces Divisadero Street, is approximately 35 feet in height and has a footprint that is about 62.5 feet wide on Divisadero Street, 134 feet in depth, and about 68 feet wide at the rear of the structure. In addition, there are two appendages on the south side of the structure; one is about 10 feet by 31 feet, and the other is about 11 feet by 18 feet (mechanical). The undeveloped portion of the project site fronting on Hayes Street is about 44 feet wide and 37 feet deep. The proposed project would (1) construct a new seven-unit, five-story-plus-basement, 10,754-square-foot residential building on the undeveloped portion of the lot facing

(Continued on the next page.)

#### **EXEMPT STATUS:**

Categorical Exemption, Class 32 (California Environmental Quality Act [CEQA] Guidelines Section 15332). See page 5.

#### **DETERMINATION:**

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

Sarah B. Jones

Environmental Review Officer

cc: David Silverman, Project Sponsor
 Christopher May, Current Planning
 Shelley Caltagirone, Preservation Planner
 Supervisor London Breed, District 5 (via Clerk of the Board)

November 10, 2015

Date

Virna Byrd, M.D.F Historic Preservation Distribution List Distribution List Mark Topetcher, Architect

#### **PROJECT DESCRIPTION (Continued):**

Hayes Street, and (2) rehabilitate the existing 15,500-square-foot Harding Theater building facing Divisadero Street for use as a bar, game arcade, and live event venue, and also include small retail spaces in two storefronts fronting on Divisadero Street. The L-shaped lot would not be subdivided as part of this proposal.

The project site is located within the block bounded by Hayes Street to the south, Divisadero Street to the west, Grove Street to the north, and Scott Street to the east. The existing building on the subject property was most recently used as a church; however, it was originally designed and used as a combination live performance and single-screen motion picture theater. The theater was designed in the Gothic Revival style by the Reid Brothers as part of the Samuel L. Levin chain of neighborhood movie houses in 1926. The building has been determined to be a historic resource.<sup>1</sup>

Each of the project components is described in more detail below.

#### **Residential Building**

The proposed residential building would be approximately 60 feet in height, exclusive of the 12-foot-tall mechanical and stair penthouse, and would include seven dwelling units, storage space, seven bicycle parking spaces, and up to two vehicle parking spaces utilizing a car stacker system on the ground floor level. The garage would be accessed from a new 10-foot curb cut on Hayes Street. Egress from the theater onto Hayes Street and service access for the theater building from Hayes Street would be maintained in the new building through the basement and ground floor levels. Common open space for the residential units would be provided in a shared 1,232-square-foot roof deck. The residential units on the first through third floors would be one-bedroom units ranging in size from 705-gross-square-feet (-gsf) to 755-gsf, and the fourth and fifth floors would each have a three-bedroom unit, approximately 1,784-gsf in size.

The new residents would be protected from nearby noise through the provision of acoustical treatments. These treatments would consist of noise insulation for all exterior wall assemblies, interior wall assemblies at the perimeter of the individual dwelling units, and floor/ceiling assemblies to meet appropriate Sound Transmission Class (STC) and Impact Insulation Class (IIC) requirements. Where windows open onto common courts with adjacent buildings and would be less than or equal to six feet from edges or faces of windows, special acoustical treatment would be provided. Where the exterior noise level exceeds DNL<sup>2</sup> 60 dB, the building envelope would be required to reduce the interior noise level to a maximum of DNL 45 dB. Probable STC ratings for windows and exterior doors may require up to STC 35 or more, to achieve an internal noise level of DNL 45 dB. In addition, the new residential

<sup>&</sup>lt;sup>1</sup> San Francisco Planning Department. 2015. *Historic Resource Evaluation Response Memorandum for 616 Divisadero Street (Harding Theater)* (HRER). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of case 2005.0911E.

<sup>&</sup>lt;sup>2</sup> DNL (Day-Night Sound Level) is based on sound levels measured in relative intensity of sound, or decibels (dB), on the "A" weighted scale (dBA). This scale most closely approximates the response characteristics of the human ear to sound. The higher the number on the scale, the louder is the sound. DNL represents noise exposure events over a 24-hour period. To account for human sensitivity to noise between the hours of 10 p.m. and 7 a.m., noise events occurring during these hours receive a "penalty" when the DNL is calculated. Each nighttime event is measured as if ten daytime events occurred.

building would be a separate structure from the existing theater. The proposed project would include an approximate six-inch air space between the existing theater and the new residential structures.

The residential building would require excavation of up to nine feet below ground surface for the basement. Approximately 663 cubic yards of soil would be excavated. The new building would be supported on a mat foundation. Due to the existing fill on the site, compaction grouting, a soil improvement measure, to a depth of up to 40 feet would be needed to support construction of the proposed building.

#### Harding Theater Reuse

#### Operations

The anticipated tenant for the theater structure would operate a combination classic game arcade and live event venue. The proposed use would feature classic video games, pinball machines, pool, foosball, air hockey, shuffleboard, and new games designed by local independent game developers. The proposal would also regularly have live music, film screenings on large movie screens, and other unique live entertainment bookings beyond typical rock band acts. There would be between 50 and 150 live performance events each year.

There would be three bar locations within the theater. The main bar would be located within the main auditorium on the ground floor, and a smaller bar would be located in the front lobby area. In addition, a third bar on the balcony level is proposed. Private and semi-private parties and events could also be held in the theater space. Based on similar venues operated in other cities by the same proposed tenant, the events would range from 10-20 person group outings up to large corporate gatherings, fundraisers, and movie events. The anticipated hours of operation would be 5:00 p.m. to 2:00 a.m. on weekdays and 12:00 p.m. to 2:00 a.m. on weekends. The business would employ approximately 25 people at this location.

The owner/operator of the bar, arcade, and live event venue would be subject to Article 15.1 of the San Francisco Police Code (Entertainment Regulations Permit and License Provisions), and would be required to obtain a Place of Entertainment Permit pursuant to San Francisco Police Code Sections 1060 through 1060.38.1. This article specifies procedures and conditions applicable to issuance of a permit for a Place of Entertainment, including submittal of the application to the Entertainment Commission, plans for security and noise abatement, and the roles and responsibilities of the Police Department, the Planning Department, and the Department of Building Inspection in reviewing and providing input to the Entertainment Commission in consideration of such permits. A noticed public hearing on the permit application would be held before the Entertainment Commission.

The proposed tenant for the bar, arcade and live event venue expects to receive deliveries through the existing front door of the theater on Divisadero Street. It is anticipated that approximately five to ten deliveries per week would be received in the early afternoon clustered on two primary delivery days.

Four Class I bicycle parking spaces would be provided on the south side of the existing theater building for use by the bar, arcade and live event employees. In addition, eight Class II bicycle parking spaces would be provided in the right-of-way in front of the existing theater building, and the project sponsor would apply to the SFMTA for the installation of these bicycle parking spaces in the right-of-way.

The two small retail spaces proposed at the front of the theater totaling 875 square feet would be separate businesses from the bar, game arcade, and live event venue. The tenants are unknown at this time.

The physical alterations to the theater space to accommodate the new uses are described in detail below.

#### Rehabilitation of the Harding Theater

At the theater's exterior, all significant and contributing elements of the historic resource would be maintained or restored and protected during the construction process. The following interior alterations would take place:

- a. Removal of a mechanical room and flue located on the south side of the existing theater building to accommodate the footprint of the new building.
- b. Removal of a billboard located on the north side of the building.
- c. Compatible storefront replacement.
- d. Restoration of the filigree panels of the tripartite Gothic screen.
- e. Reconstruction of the 1930's era marquee based upon historic photographs.
- f. Installation of glass awnings above the two storefronts.

At the theater's interior, all significant and contributing elements of the historic resource would be maintained or restored and protected during the construction process. The following interior alterations would take place:

- g. Restore ornamental filigree panels and plaster detailing at organ lofts.
- h. Proscenium arch to be re-opened to the existing stage area.
- i. Fix the two outer sets of lobby doors in place and construct 5'-8" wide by 6'-10" deep enclosures for the electrical meters and an ATM.
- j. Restroom improvements.
- k. Installation of fixed bar furnishings at the lobby, beneath the balcony in the auditorium and at the balcony level.
- 1. Installation of new floor platforms with railings and stairs above the historic auditorium and balcony tiered floor plates.
- m. Conversion of non-contributing office and retail space to new restrooms.
- n. Conversion of the projection booth to a back bar area and separate toilet.

#### **Project Construction Timeline**

New construction of the residential building would take up to 18 months and is anticipated to begin in the spring of 2016. The proposed improvements for the theater building would take up to seven months and are anticipated to begin in the spring of 2016.

#### **Project Approvals**

The proposed project is subject to notification under Sections 303 and 312 of the San Francisco Planning Code and for variances and would require the following approvals:

• **Conditional Use Authorization**: The proposed use would require conditional use authorization by the Planning Commission for a use size in excess of 3,999 square feet, development of a lot size in excess of 10,000 square feet, and to establish an Amusement Game Arcade.

- Variances: The proposed project would require the Zoning Administrator grant exceptions from Planning Code requirements in Planning Code Section 134 for the minimum rear yard depth, in Planning Code Section 145 for parking in the front 25 feet, and in Planning Code Section 152.1 for meeting loading requirements with off-site loading facilities.
- **Site Permit**: The proposed project would require approval by the Planning Department and issuance of the site permit by the Department of Building Inspection (DBI) for the proposed residential building.
- **Building permits**. The proposed project would require approval by the Planning Department and issuance of the building permits by the Department of Building Inspection (DBI) for the proposed tenant improvements for the existing theater building.
- **Place of Entertainment Permit.** The proposed project would require approval by the San Francisco Entertainment Commission of a place of entertainment permit for the operation of the bar, game arcade, and live event venue.

**Approval Action:** Approval of conditional use authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

#### **EXEMPT STATUS (continued):**

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for infill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

*a)* The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.

The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The proposed project would not conflict with any such policy. The proposed project is located within the Divisadero Street Neighborhood Commercial Transit District (Divisadero Street NCT) zoning district and a 65-A Height and Bulk District in the Western Addition neighborhood of San Francisco. The proposed project would construct a residential building on the vacant portion of the site fronting on Hayes Street. The proposed project would rehabilitate the existing historic building such that there would be two retail store fronts on Divisadero Street, and the main theater structure would be used for a bar, game arcade, and live event venue use. The residential, retail, and bar/live event uses are principally permitted within the Divisadero Street NCT, and the Amusement Game Arcade (Mechanical Amusement Devices) is permitted with conditional use authorization. There would be no change to the height or massing of the existing theater building, except for the removal of a mechanical room and flue located on the south side of the existing structure. The proposed five-story over basement residential building would be 60 feet in height, exclusive of a 12-foot-tall elevator penthouse extending above the roofline. The 12-foot tall penthouse would be exempt from the height limit pursuant to Planning Code Section 260(b)(2)(A). Therefore, the proposed building would comply with the 65-A Height and Bulk District. The proposed project would require the Zoning Administrator grant exceptions from Planning Code requirements in Planning Code

Section 134 for the minimum rear yard depth, in Planning Code Section 145 for parking in the front 25 feet, and in Planning Code Section 152.1 for meeting loading requirements with off-site loading facilities. These variances is may be granted by the Zoning Administrator pursuant to the procedures set forth in Planning Code Section 305.

Thus, the proposed project is consistent with all General Plan designations and applicable zoning plans and policies.

#### *b)* The development occurs within city limits on a site of less than five acres surrounded by urban uses.

The approximately 0.30-acre (13,285-square-foot) project site is located within a fully developed area of San Francisco in the Western Addition neighborhood. The project site is an L-shaped lot that fronts on Divisadero Street and on Hayes Street. Immediately adjacent to the project site to the east is the one-story Hayes Convalescent Hospital and to the west is a three-story mixed-use building with frontage on Divisadero Street. Immediately to the north of the project site is The Independent music venue. Multi-story apartment buildings, retail stores, cafes, and restaurants are all located within the immediate vicinity of the project site. Therefore, the proposed project would be appropriately characterized as in-fill development of fewer than five acres, surrounded by urban uses.

#### *c)* The project site has no habitat for endangered, rare, or threatened species.

The project site is within a developed urban area and is mostly covered by an existing building, with minimal landscaping. The portion of the site proposed for construction of the new residential building has some paved concrete areas, no existing trees, and limited vegetation. Thus, the project site has no value as habitat for rare, threatened, or endangered species.

*d)* Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

#### Transportation

<u>Traffic.</u> The new construction on the project site is located on the north side of Hayes Street near the northeast corner of the intersection of Divisadero and Hayes Streets. The existing structure fronts on Divisadero Street approximately 50 feet from the intersection of Divisadero and Hayes Streets. Divisadero Street is a two-way, four lane north-south street with a planted center median, and is part of the City's congestion management plan. It is a secondary transit street within the City's transit preferential streets system on which Muni's 24 Divisadero bus route operates. Hayes Street is a two-way, two lane east-west street with transit service (21 Hayes bus route). There is an inbound Muni bus stop for the 21 Hayes located across Hayes Street from the proposed residential development on the project site. The closest bus stop for the 24 Divisadero route is located on the east side of Divisadero Street immediately south of the project site at the corner of Hayes Street.

As set forth in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (San Francisco Guidelines), the Planning Department evaluates traffic conditions for the weekday p.m. peak period to determine the significance of an adverse environmental impact. Weekday p.m. peak hour conditions (between the hours of 4 p.m. to 6 p.m.) typically represent the worst-case conditions for

the local transportation network. Using the Transportation Guidelines, the proposed project at 616 Divisadero and 1282 Hayes Street is anticipated to generate approximately 1,418 daily person-trips and a total of 376 daily vehicle trips.<sup>3</sup> Table 1 shows the project's calculated daily and p.m. peak hour trip generation by travel mode.

Trip Generation Mode Split	Daily Person-Trips	PM Peak Hour Trips
Auto	774	101
Transit	324	44
Walk	228	30
Other	92	13
Total	1,418	188
Trip Generation	Daily Vehicle Trips	PM Peak Hour Vehicle Trips
Vehicle Trips	376	51
Loading Demand	Average Hour	Peak Hour
Loading Spaces	2.43	3.65
Source: San Francisco Planning Department. 2015. <i>Transportation Calculations</i> for 616 Divisadero Street - 1282 Hayes Street Case No. 2005.0911E!		

 Table 1. Trip Generation and Loading Demand

As shown in Table 1, total p.m. peak hour person-trips are estimated to be approximately 188 persontrips for the proposed project. These trips would be distributed among various modes of transportation, including private automobile, carpools, public transit, walking, and other modes. Of the 188 p.m. peakhour person-trips, 101 would be vehicle person-trips, 44 would be transit trips, 30 would be walking trips, and 13 would be trips made via other modes of transportation such as bicycling, taxi, or motorcycle.

The approximately 101 p.m. peak-hour vehicle person-trips would be made in 51 vehicles and are not anticipated to substantially affect existing levels of service within the project vicinity. In particular, trips associated with the bar, arcade and live event venue would mostly occur outside the weekday p.m. peak period. The additional vehicles added to the p.m. peak hour volumes in the project vicinity would not have a discernible effect on traffic flow on the existing street network serving the project area. Traffic impacts associated with the proposed project during the p.m. peak hour would not result in a significant increase relative to the existing capacity of the surrounding street system. As such, the proposed project would not result in a significant traffic impact.

Construction-related transportation impacts, generally, would not be considered significant due to their temporary and limited duration. While construction workers who drive to the project site would

<sup>&</sup>lt;sup>3</sup> San Francisco Planning Department. *Transportation Calculations for 616 Divisadero and 1282 Hayes Street*. This document is available for public review as part of Case File No. 2005.0911E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

temporarily increase traffic volume and demand for street parking, the additional trips would not substantially affect traffic conditions. Similarly, construction workers that choose to arrive by public transit would not substantially affect transit operations. Therefore, the proposed project would not result in any significant impact on construction-related traffic or transit.

Construction staging is anticipated to occur onsite. Should street space or the parking lane be needed to accommodate construction activities, the construction contractor would be required to comply with the *City of San Francisco's Regulations for Working in San Francisco Streets*, which establish rules and permit requirements so that construction activities can be done safely and with the least possible interference with pedestrians, bicyclists, transit and vehicular traffic. Therefore, construction-related transportation impacts would be less than significant.

Loading. The residential and small retail portions of the project are not required to provide commercial loading spaces pursuant to the Planning Code. The bar, game arcade, and live event venue use would be required to provide one loading space. As described in Table 1 on page 7, the peak hour loading demand for the proposed project would be approximately 3.65 spaces (typically between 10 a.m. and 1 p.m.). The project would maintain loading and service access to the existing theater structure through the provision of a loading space in the new building accessed via the garage and ramp down from the curb cut on Hayes Street. The proposed loading space would be at the bottom of the ramp and located adjacent to doors that provide access to the fly loft<sup>4</sup> and stage area at the back of the theater. However, as stated in the project description the bar, game arcade, and live event venue use would accept its deliveries from Divisadero Street through the existing front doors. The bar, game arcade, and live event use would result in up to ten weekly deliveries scheduled to occur on two days each week using trucks that are about 25 feet in length. There is an existing white zone directly in front of The Independent and approximately 60 feet from the entrance to the existing building, which could be used for the proposed project's loading activities. Additionally, it is likely that common distributors to the other bar and restaurant uses along Divisadero Street would consolidate deliveries for the proposed bar, game arcade and live event venue with existing delivery schedules. Therefore, the loading impact would be less than significant.

<u>Emergency Access</u>. The proposed project would not alter the existing transportation network. Emergency access to the project site would remain unchanged from existing conditions. In addition, two paths for emergency egress from the theater would be maintained through two passageways at the ground floor of the new building, one on each side of the new structure. These passageways would enable patrons within the theater to exit onto Hayes Street in the event of an emergency such as a fire. There would be no significant emergency access impact.

<u>Cumulative Transportation</u>. Cumulative impacts may result from successive projects of the same type in the same place over time. Within the project vicinity, there is a proposal at 650 Divisadero Street located on the project block at the southeast corner of Divisadero and Grove Streets as well as one at 400 - 444 Divisadero Street and 1048-1064 Oak Street (400 Divisadero Project) at the northeast corner of Divisadero and Oak Streets.

<sup>&</sup>lt;sup>4</sup> The fly loft is a high working platform at the side(s) of the stage from which the flying lines for performances are handled backstage.

The 650 Divisadero Project<sup>5</sup> would demolish the existing 14,500-gsf, one-story-plus-mezzanine auto body repair shop and construct an approximately 58,206-gsf, six-story, residential and commercial mixed-use building. The new 65-foot-tall (81 feet with elevator and stair penthouses) structure would include approximately 49,001-gsf of residential space with 60 residential units, 4,146-gsf of commercial space, and 5,059-gsf of parking space. Based on the San Francisco Guidelines, during the p.m. peak hour, the 650 Divisadero Project would be expected to result in approximately 42 vehicle trips.

The 400 Divisadero Project<sup>6</sup> would demolish the existing gas station and car wash; demolish two existing residential buildings containing a total of three dwelling units; relocate an existing two-unit residential building within the project site; and construct a new six-story, 81-foot-tall (including mechanical penthouses) building with 152 dwelling units (9 studio units, 82 one-bedroom units, and 61 two-bedroom units), 7,787-gsf of ground floor retail space, 60 off-street parking spaces at the ground floor, 131 bicycle parking spaces, and a 3,800-gsf roof deck. Based on the San Francisco Guidelines, during the p.m. peak hour, the 400 Divisadero Project would be expected to result in approximately 92 vehicle trips. The number of trips added to the transportation system in the project vicinity in combination with the proposed project's trips would not be substantial and would not result in significant cumulative transportation impacts.

The construction of the proposed project could overlap with construction of the two projects described above. However, as discussed previously construction staging for the proposed project would occur on the project site. In addition, all construction projects are required to comply with local regulations governing the use of the public right-of-way pursuant to *City of San Francisco's Regulations for Working in San Francisco Streets*. Review of such permits would ensure that construction activities are done safely and with the least possible interference with pedestrians, bicyclists, transit and vehicular traffic. Therefore, there would be no significant cumulative construction-related transportation impact.

#### Noise

Operational noise primarily would result from these sources: (1) increased vehicular traffic generated by project residents, patrons of the bar/arcade/and live event venue, and employees, and by service and delivery trucks requiring access to the subject property; (2) patrons, performers, and employees of the bar/arcade/and live event venue; and (3) mechanical building noise. Typically, the traffic volume would have to double in the project vicinity to produce an increase in ambient noise levels noticeable to most people. As previously discussed, the proposed project is estimated to add approximately 376 daily vehicle trips to the project vicinity. Though the proposed project would increase the number of trips within the project area, it would not result in a doubling of traffic. Operation of the bar/arcade/and live event venue is discussed below. The proposed residential building would include a mechanical system, but building mechanical noise is regulated by the San Francisco Noise Ordinance (Section 2907 of the Police Code). The noise generated by the proposed new residential uses would be considered common and generally acceptable in an urban area, and would not be considered a significant impact.

<sup>&</sup>lt;sup>5</sup> The records related to the ongoing environmental review for this project are on file with the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California as part of Case 2013.1037E.

<sup>&</sup>lt;sup>6</sup> The application for environmental review for this project has been submitted and is available for at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California as part of Case 2015-007816ENV. However, the environmental review has not yet begun.

Residential uses are considered noise sensitive uses. The proposed project would introduce noisesensitive receptors to the project site on the Hayes Street portion of the L-shaped lot. Traffic-related noise, particularly along Divisadero Street and to a lesser extent along Hayes Street, is the primary source of environmental noise impacting the project site. Secondary noise sources include a music and entertainment venue, The Independent, which is directly adjacent to the existing theater north of the project site and fronts Divisadero Street. The existing ambient noise levels along Divisadero Street exceed 75 Ldn.<sup>7</sup> The existing ambient noise levels on the portion of the project site where the residential building would be constructed are between 60 and 70 Ldn.<sup>8</sup>

In San Francisco, noise is regulated by a number of state and local ordinances and plans. Title 24 of the California Code of Regulations (Title 24) establishes uniform noise insulation standards for multi-unit residential projects such as the proposed residential structure. This state regulation requires meeting an interior standard of 45 dBA DNL in any habitable room.<sup>9, 10</sup> Through the building permit process, the Department of Building Inspection (DBI) would ensure that Title 24 requirements would be met. As described in the project description above, the proposed residential building would be designed and constructed to include acoustical treatments to ensure acceptable interior noise levels.

The Environmental Protection Element of the *General Plan* contains Land Use Compatibility Guidelines for Community Noise.<sup>11</sup> These guidelines establish maximum acceptable ambient noise levels for various newly developed land uses. For residential uses, the maximum satisfactory noise level without incorporating noise insulation into a project is 60 dBA DNL, while the guidelines indicate that residential development should be discouraged at noise levels above 70 dBA DNL. Where ambient noise levels exceed 65 dBA DNL, a detailed analysis of noise reduction requirements is typically necessary before final review and approval, and new residences must include noise insulation features.

Due to the proximity of the new residential development to The Independent music venue, the proposed residential structure is subject to San Francisco Administrative Code Chapter 116 (Administrative Code) – Compatibility and Protection for Residential Uses and Places of Entertainment as well as Planning Code Section 314 Review of Residential Projects. As required by Section 116.8, the project sponsor is required to provide a written disclosure to future residential occupants of the new building that the building is in proximity to an existing Place of Entertainment venue as well as a proposed one (bar, arcade, and live event venue), and that there is the potential for noise generation from their operation. In addition to

<sup>&</sup>lt;sup>7</sup> Ldn stands for a day-night weighted average noise level.

<sup>&</sup>lt;sup>8</sup> San Francisco Department of Public Health. 2009. *Areas Potentially Requiring Noise Insulation*. This map is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

<sup>&</sup>lt;sup>9</sup> The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

<sup>&</sup>lt;sup>10</sup> DNL is the average equivalent sound level during a 24-hour day, obtained after the addition of 10 dB to sound levels during nighttime hours (from 10:00 p.m. until 7:00 a.m.).

<sup>&</sup>lt;sup>11</sup> San Francisco Planning Department, San Francisco General Plan, Environmental Protection Element, Policy 11.1, Land Use Compatibility Chart for Community Noise. Available online at <u>http://www.sf-planning.org/ftp/general\_plan/I6\_Environmental\_Protection.htm</u>, accessed October 13, 2015.

providing the disclosure notice to potential residents, this section also requires that an affidavit and copy of the disclosure notice be provided to the Entertainment Commission. Also, in compliance with Administrative Code Section 116.9, at the time of project approval a Notice of Special Restrictions (NSR) for the project site must be recorded with the Assessor-Recorder that states the provisions of Administrative Code Section 116.8 regarding the disclosure notice. Lastly, in compliance with Administrative Code Section 116.11, Projects for which a First Construction Document has not been issued before the effective date of Chapter 116, notice was provided to the Sponsor and Entertainment Commission regarding this proposal.

The bar, game arcade, and live event venue would be accessed from Divisadero Street through the former theater lobby and set back from the doorway to the street. Noise associated with the bar, game arcade, and live event use would generally be within the confines of the existing theater building. In addition, the game arcade and live event uses would be subject to Article 15.1 of the San Francisco Police Code, Entertainment Regulations Permit and License Provisions, and would be required to obtain a Place of Entertainment Permit pursuant to San Francisco Police Code Sections 1060 through 1060.38.1. The permitting process would address security, hours of operation, noise limits applicable to the project site, noise abatement measures if needed, and other conditions as deemed appropriate by the Entertainment Commission. As such, those uses are not expected to significantly increase ambient noise levels. Therefore, the proposed project would not substantially increase operational noise at the project site.

The San Francisco Noise Ordinance (Section 2907 of the Police Code) regulates construction-related noise. The ordinance stipulates when it is permissible to engage in construction activities (7:00 a.m. to 8:00 p.m.), the type of equipment that can be used, and the conditions under which that equipment can be utilized. The proposed project would be required to comply with the Noise Ordinance, and construction-related noise would be temporary and intermittent.

Based on compliance with all applicable state and municipal codes, the proposed project would not result in a significant impact with respect to noise.

<u>Cumulative Noise</u>. The 650 Divisadero Project located on the same block as the proposed project and would be subject to the state and municipal codes as the proposed project. Therefore, the proposed project in combination with the 650 Divisadero Project would not have the potential to result in a significant cumulative noise impact. The 400 Divisadero Project is located two blocks from the project site, and therefore, would not have the potential to combine with the proposed project to result in a significant cumulative noise impact.

#### Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria

air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project would not exceed criteria air pollutant screening levels for operation or construction.<sup>12</sup>

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of longduration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. In response to growing concerns of TACs and their human health effects, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

The proposed project is not within an Air Pollutant Exposure Zone. Therefore, the proposed project would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution. The proposed project would require construction activities for the up to 18-month construction phase. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,<sup>13</sup> which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

In conclusion, the proposed project would not result in significant air quality impacts.

<u>Cumulative Air Quality.</u> As stated above, the project vicinity is not located within an Air Pollutant Exposure Zone. In addition, the proposed project and the 650 Divisadero and 400 Divisadero Projects are below the screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. None of the projects would result in significant criteria air pollutant impacts. Construction of the three projects could overlap. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the projects would be subject to, and comply with, California regulations limiting idling to no more than five minutes,<sup>14</sup> which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, the proposed project

<sup>&</sup>lt;sup>12</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, Updated May 2011. Table 3-1.

<sup>&</sup>lt;sup>13</sup> California Code of Regulations, Title 13, Division 3, § 2485. This regulation applies to on-road heavy duty vehicles and not off-road equipment.

<sup>&</sup>lt;sup>14</sup> California Code of Regulations, Title 13, Division 3, § 2485. This regulation applies to on-road heavy duty vehicles and not off-road equipment.

in combination with the 650 Divisadero and 400 Divisadero Projects would not have the potential to result in significant cumulative air quality impacts.

#### Water Quality

The proposed project involves the construction of a five-story, seven-unit residential building on the vacant portion of an existing developed lot and the rehabilitation and restoration of the existing structure to accommodate retail, bar, game arcade, and live event uses. The project site is mostly covered with impervious surfaces (the existing structure and concrete) and natural groundwater flow would continue under and around the site. The proposed project would involve approximately 2,170 square feet of ground surface disturbance for construction of the new building and require excavation of up to 663 cubic yards of soil. All projects are required to comply with the City's Stormwater Management Ordinance. Project-related wastewater and stormwater would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Additionally, compliance with the Stormwater Management Ordinance will require the project to maintain or reduce the existing volume and rate of stormwater runoff at the site by retaining runoff onsite, promoting stormwater reuse, and limiting site discharges before entering the combined sewer collection system. Therefore, the proposed project would not substantially alter existing groundwater quality or surface flow conditions, and would not result in significant water quality impacts.

#### *e) The site can be adequately served by all required utilities and public services.*

The project site is located in a dense urban area where all public services and utilities are available. The proposed project would be connected with the City's water, electric, and wastewater services. Prior to receiving a building permit, the project would be reviewed by the City to ensure compliance with City and State fire and building code regulations concerning building standards and fire protection. The proposed project would not result in a substantial increase in intensity of use or demand for utilities or public services that would necessitate any expansion of public utilities or public service facilities.

#### DISCUSSION OF ENVIRONMENTAL ISSUES:

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under "Cumulative Impacts," there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed above, the proposed project would not have a significant effect on traffic, noise, air quality or water quality. In addition, the proposed project would not have a significant effect on the environment due to unusual circumstances for other environmental topics, including those discussed below.

CEQA Guidelines Section 15300.2, subdivision (f), provides that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. For the reasons discussed below under "Historic Architectural Resources," there is no possibility that the proposed project would have a significant effect on a historic resource.

**Historic Architectural Resources**. The Planning Department (the Department) previously issued a Historic Resource Evaluation Response Memorandum (HRER) on March 8, 2005 (Case No. 2003.0807E) identifying the subject property as eligible for listing on the California Register under Criterion 3, Architecture.<sup>15</sup> The subject property is therefore considered a "Category A" property (Known Historic Resource) property for the purposes of the Department's California Environmental Quality Act (CEQA) review procedures. In addition, the property was further evaluated as part of a prior development proposal, and in 2013 a Historic Resource Evaluation Report (HRE) was prepared.<sup>16</sup> The Department concurs with the findings of the HRE report that the subject property appears individually eligible for listing on the California Register under Criterion 1 (Events) for association with the development of single-screen movie theaters in San Francisco and nationally; Criterion 2 (Persons) for association with prominent San Francisco movie theater developer Samuel Levin; and Criterion 3 (Architecture) as a work of master architects the Reid Brothers, and as a representation of type and period of construction, namely the early 20th century neighborhood combination movie theater. The individual period of significance is the date of construction of 1926.

The subject property also appears to be eligible for listing on the California Register under Criterion 1 (Events) as a contributing building to a non-contiguous multiple property historic district that includes movie theaters in all neighborhoods of San Francisco. Located in commercial corridors, the City's theaters are associated with the expansion of the film industry after the turn of the 20<sup>th</sup> century and reflect the cultural and economic development of San Francisco. The Harding Theater is one of twenty-three contributing theaters to the San Francisco Neighborhood Movie Theater Non-Contiguous Multiple Property Historic District. The period of significance for the district spans 1906-1945.

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (the Secretary's Standards) are intended to promote responsible preservation practices that help protect irreplaceable cultural resources.<sup>17</sup> The Secretary's Standards consist of ten basic principles created to help preserve the distinctive character of an historic building and its site while allowing for reasonable changes to meet new needs. The proposed project was evaluated using these standards to determine whether it would

<sup>&</sup>lt;sup>15</sup> On October 23, 2006, the Planning Department issued a second Historic Resource Evaluation Response memorandum (HRER) on the Harding Theater with findings that the building is eligible for listing on the California Register of Historical Resources and therefore qualifies as a resource under CEQA (Case No. 2005.0911E), and on October 1, 2007, the Department issued an Addendum to this memo addressing project revisions and impacts. These documents are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of Case file 2005.0911E.

<sup>&</sup>lt;sup>16</sup> Garavaglia Architecture. August 12, 2013. *Harding Theater Historic Resource Evaluation Report and Standards Compliance Review (HRE)*. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 a part of Case 2005.0911E.

<sup>&</sup>lt;sup>17</sup> U.S. Department of the Interior. National Park Service. *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. Online at <u>http://www.nps.gov/tps/standards.htm</u>. Accessed October 19, 2015.

materially impair the historic resource. As discussed below, the Department finds that the proposed project, as proposed, would not cause a significant adverse impact to the individual historic resource at 616 Divisadero Street or to the historic district.<sup>18</sup>

The undeveloped portion of the lot is not a character-defining feature of the property, and the construction of a new building in this location would not harm the historic theater building's spatial relationship to the Divisadero Street commercial corridor. The placement of the new construction facing on Hayes Street would not necessitate removal or relocation of the historic building and its character-defining features, and the new construction would be clearly differentiated from the historic building. Although the historic building and new building would share the same lot, the two buildings would appear as two separate developments. This separation is appropriate since the portion of the lot fronting Hayes Street does not have a significant historical association with the theater building. Views of the theater building from Hayes Street are of the secondary façade, which contains no ornament or formal articulation. The construction of a new building in this location will cause no loss to the integrity of the historic building.

The proposed new bar and game arcade uses for the historic property would not prohibit or restrict the use of the theater as a live performance or film screening venue now or in the future. The project would remove two non-contributing features of the property, including a mechanical room and flue, which are not required for the use of the building as a theater. The project would also remove one contributing feature of the property - the fixed theater seating – in order to allow for the installation of new flat flooring platforms and fixed interior features to accommodate the bar and game arcade use. Most of the seating dates from after the construction of the theater and was identified as a "contributing element" that augments the interpretation of historic significance but does not hold a primary level of historic value itself. Contributing elements differ from "significant" elements because they embody, to a lesser degree, the historic aspects of the resource. The loss of, or modification to, contributing elements lessens the overall level of integrity of the historic resource but not to a level where its interpretation of significance or historical importance is severely compromised. Since retention of the fixed seating would make most new uses for the space infeasible, this relatively minor loss of integrity appears to be a reasonable compromise for the continued use of the historic building.

Additionally, many of the original seats have been removed so that the seating is composed of many replacements. Removal of the seating would have a minimal impact to the overall character of the resource as the use and the majority of the building's interior finishes and materials would be preserved. Furthermore, as upholstered furnishings, the seating is approaching the end of its usability and eventual replacement would be necessary for continued use.

With the exception of the theater seating discussed above, all exterior and interior significant and contributing features of the historic theater would be preserved or restored. The proscenium would be restored by removing the non-historic infill that currently blocks the stage area. Additionally, the missing marquee dating from the 1936 would be reconstructed based upon historic photographs of the feature to enhance the building's association with the San Francisco Neighborhood Movie Theater Non-Contiguous Multiple Property Historic District. Although the sloped floors of the auditorium and balcony would be

<sup>&</sup>lt;sup>18</sup> San Francisco Planning Department. 2015. *Historic Resource Evaluation Response memorandum for 616 Divisadero Street* (*Harding Theater*) (HRER). A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco as part of Case 2005.0911E.

covered by new floor platforms to create a flat area for the bar and arcade use, the volume of the space would not be greatly reduced, and the new floor tiers would still step down towards the stage level in a manner similar to the historic configuration. Similarly, the lobby space would be slightly reduced in volume by the insertion of mechanical rooms to house electrical meters and an ATM. The two outermost sets of five glazed wood lobby doors would be fixed in place so that the interior space beyond the doors can be repurposed. These enclosures would align with the existing coved area surrounding the doors and would not extend beyond the ramped portion of the lobby entrance. The changes would not substantially change the visual character or function of the lobby space.

No alterations are proposed that would create a false sense of historical development at the site. The proposed building would be clearly contemporary in its design. The existing building would be rehabilitated with new interior features to support the bar, game arcade, and retail uses that have a modern aesthetic, clearly marking them as contemporary interventions. The proposed new floor platforms would have the largest impact to the interior space; however, these would be placed such that the form of the balcony and auditorium are still apparent. Both the front edge of the balcony and the front portion of the auditorium where it meets the state would remain essentially unchanged.

No chemical or physical treatments are proposed for historic building as part of the project. Deteriorated plaster work such as the filigree panels at the front façade and the screens flanking the proscenium would be repaired to match the existing material, design, and other visual qualities.

At the exterior, all of the significant and contributing features of the theater façade would be preserved, restored, or reconstructed. The stage extension, metal vents, the billboard, and proscenium wall infill to be removed have not acquired historic significance in their own right. They are utilitarian and non-descript features of the site. The project would remove these as well as two non-contributing features of the property - a mechanical room and flue. In addition, the project would replace the two non-historic storefront assemblies with new metal-framed storefronts with tile-clad bulkheads that are similar to the original storefronts in terms of proportion, transparency, and form. New glass canopies would be installed above the storefronts where canvas awnings were located historically. These alterations would have a contemporary aesthetic while respecting the form, character, and historic function of the theater.

The proposed new construction would not prevent future use or restoration of the historic theater. The two structures would be structurally independent; therefore, the new building could be demolished in the future without causing harm to the historic building. Similarly, the proposed new bar and game arcade furnishings, including the floor platforms, could be removed in the future without harming any contributing features of the interior. The floor platforms would be attached only at the base so that the historic wall finishes would not be harmed by their installation. Also, the floors would be pulled back slightly from the walls with a soft buffer in between the old and new materials. The existing floor surface could be repaired at the attachment points, and new theater seating could be installed to restore the building's original use.

Overall, the rehabilitation project would retain all significant features of the property and the majority of the contributing features of the property, thereby preserving its historic character. Lastly, the State Historic Building Code would be used in the review of building permits for the theater building allowing for better compliance with the Secretary of the Interior Standards.

For the above reasons, the proposed project conforms to the Secretary's Standards and there would be no significant impact to a historic resource or to the historic district.

**Shadow.** In 1984, San Francisco voters approved an initiative known as "Proposition K, The Sunlight Ordinance," which was codified as Planning Code Section 295 in 1985. Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The proposed project would include the construction of a 60-foot-tall residential building with 12-foot-tall elevator penthouse. Therefore, a preliminary shadow fan analysis for the proposed project was prepared in compliance with Section 295 of the Planning Code.<sup>19</sup> The preliminary shadow fan analysis found that the proposed project would not cast shadow on any nearby parks or open spaces.

The proposed project would shade portions of streets, sidewalks, and private properties in the project vicinity at various times of the day throughout the year. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

**Cumulative impacts**. Cumulative impacts may result from successive projects of the same type in the same place over time. Within the project vicinity, there are proposals at 650 Divisadero Street on the project block at the southeast corner of Divisadero and Grove Streets (650 Divisadero Project) and at 400 Divisadero Street on the northeast corner of Divisadero and Oak Streets. As discussed above under the relevant environmental topics, there would be no potential for significant cumulative impacts as a result of the proposed project in combination with the 650 Divisadero and 400 Divisadero Projects.

**Public Notice and Comment.** A "Notification of Project Receiving Environmental Review" was mailed on March 23, 2015 and a notice with updated project description was mailed on October 9, 2015 to the owners of properties within 300 feet of the project site, occupants of buildings on and immediately adjacent to the project site, and to interested parties. Overall concerns and issues raised by the public in response to the notice were taken into consideration and incorporated into this Certificate of Determination as appropriate for CEQA analysis. Department Staff received a number of responses to the notice from residents and property owners from nearby parcels as well as from persons with an interest in the Harding Theater. Respondents requested to receive further environmental review documents and/or expressed concerns regarding the proposed project. Specific comments were received regarding physical environmental effects of the proposed project such as potential historic resource impacts, proposed reuse of the theater structure, loading access, and sound insulation for the proposed residential units.

Comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the

<sup>&</sup>lt;sup>19</sup> San Francisco Planning Department. March 10, 2015. Shadow fan for 616 Divisadero and 1282 Hayes Street project. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103 as part of case file 2005.0911E.

environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposed project, in the independent judgment of the Planning Department, there is no substantial evidence of unusual circumstances surrounding the proposed project or that the project would have a significant effect on the environment.

**Conclusion.** The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.



### SAN FRANCISCO PLANNING DEPARTMENT

#### MEMC

### **Historic Resource Evaluation Response**

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

(415) 575-9031 debra.dwyer@sfgov.org Preservation Planner: Shelley Caltagirone (415) 558-6625 shelley.caltagirone@sfgov.org Project Address: 616 Divisadero Street (Harding Theater) Block/Lot: 1202/002J Case No.: 2005. 0911E Date of Review: October 7, 2015

Debra Dwyer

#### PART I: HISTORIC RESOURCE EVALUATION

#### BUILDING(S) AND PROPERTY DESCRIPTION

Environmental Planner:

The Harding Theater is located on the east side of Divisadero Street, between Hayes and Grove Streets, on Assessor's Block 1202, Lot 002J. The property is located in a NC-2 (Neighborhood Commercial, Small-Scale) zoning district and a 65-A height and bulk district. The subject "L"-shaped lot has an 80' frontage on Divisadero Street and a 45' frontage on Hayes Street. The building on the subject property was most recently used as a church; however, it was originally designed and used as a combination live performance and single-screen motion picture theater. The theater was designed in the Gothic Revival style by the Reid Brothers as part of the Samuel L. Levin chain of neighborhood movie houses in 1926. Please refer to pages 7-9 of the attached Harding Theater Historic Resource Evaluation Report and Standards Compliance Review (hereinafter "HRE report") prepared by Garavaglia Architecture, dated August 12, 2013, for a full building description.

#### **PRE-EXISTING HISTORIC RATING / SURVEY**

The Department previously issued a Historic Resource Evaluation Response Memo on March 8, 2005 (Case No. 2003.0807E) identifying the subject property as eligible for listing on the California Register under Criterion 3.1 The property is therefore considered a "Category A" property (Known Historic Resource) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

<sup>&</sup>lt;sup>1</sup> On October 23, 2006, the Planning Department issued a second Historic Resource Evaluation Response Memorandum on the Harding with findings that the building is eligible for listing on the California Register of Historical Resources and therefore qualifies as a resource under CEQA (Case No. 2005.0911E), and on October 1, 2007, the Department issued an Addendum to this memo addressing project revisions and impacts. Please refer to the "Project Background" portion of the HRE on pages 4-7 for a complete history of the City's review of this project.

#### NEIGHBORHOOD CONTEXT AND DESCRIPTION

The subject property is located within the Western Addition neighborhood. The area represents the first westward expansion of the city grid in the 1880s spurred by the development of the Haight Street cable car. The block on which the subject building is situated is the former location of the Pacific Hebrew Orphan Asylum & Home Society Orphanage. The previous building and its various outbuildings occupied the entire block bound by Divisadero, Grove, Scott, and Hayes Streets. The orphanage was demolished circa 1920, and the block was opened for development.

#### CEQA HISTORICAL RESOURCE(S) EVALUATION

#### Step A: Significance

Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." Properties that are included in a local register are also presumed to be historical resource for the purpose of CEQA. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA. (Please note: The Department's determination is made based on the Department's historical files on the property and neighborhood and additional research provided by the project sponsor.)

**Individual Significance:** Based on information in the Planning Department's files and provided by the project sponsor, the subject property is individually eligible for the California Register of Historical Resources based on the following Criteria:

Criterion 1 - Event:	Yes No Unable to determine	
Criterion 2 - Persons:	Yes No Unable to determine	
Criterion 3 - Architecture:	Yes No Unable to determine	
Criterion 4 - Information Potential:	Further investigation recommended.	
If Yes; Period of significance:	1926	

The Department concurs with the findings of the HRE report that the subject property appears individually eligible for listing on the California Register under Criteria 1, 2, and 3 for association with the development of single-screen movie theaters in San Francisco and nationally; for association with prominent San Francisco movie theater developer Samuel Levin; as a work of master architects the Reid Brothers, and as a representation of type and period of construction, namely the early 20th century neighborhood combination movie theater. Please refer to pages 22-29 of the HRE report for a full analysis of the property's historical significance. The individual period of significance is the date of construction of 1926.

**District or Context Significance:** Based on information in the Planning Department's files and provided by the project sponsor, the subject property is eligible for the California Register of Historical Resources as a contributor to a potential historic district based on the following Criteria:

Criterion 1 - Event:	🔀 Yes	🗌 No	Unable to determine
Criterion 2 - Persons:	🗌 Yes	🔀 No	Unable to determine

Criterion 3 - Architecture:	[
Criterion 4 - Information Potential:	[
If Yes; Period of significance:	1

Yes No Unable to determine Further investigation recommended. 906-1945

Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

The property also appears to be eligible for listing on the California Register under Criterion 1 as a contributing building to a non-contiguous multiple property historic district that includes movie theaters in all neighborhoods of San Francisco. A draft district nomination was prepared by a team sponsored by the Board of Supervisors in 2006 and is on file at the San Francisco Planning Department historical files. Located in commercial corridors, the city's theaters are associated with the expansion of the film industry after the turn of the 20<sup>th</sup> century and reflect the cultural and economic development of San Francisco. The Harding Theater is one of twenty-three contributing theaters to the San Francisco Neighborhood Movie Theater Non-Contiguous Multiple Property Historic District. The period of significance for the district spans 1906-1945.

#### Step B: Integrity

To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.

The subject property has retained or lacks integrity from the period of significance noted in Step A:

Location:	🔀 Retains	🗌 Lacks
Association:	🔀 Retains	Lacks
Design:	🔀 Retains	Lacks
Workmanship:	🔀 Retains	Lacks

Setting:	🔀 Retains	Lacks
Feeling:	🔀 Retains	Lacks
Materials:	🔀 Retains	Lacks

The Department concurs with the findings of the HRE report that the subject property retains sufficient historical integrity from its period of significance. Please refer to pages 31-32 of the HRE report for a full analysis of the property's integrity.

#### Step C: Character-defining Features

If the subject property has been determined to have significance and retains integrity, please list the characterdefining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.

#### EXTERIOR CHARACTER-DEFINING FEATURES

#### Significant Elements

- Primary façade featuring tripartite Gothic screen and colonnettes with floral capitals
- Central location of former marquee (only remnant base of marquee intact)

- Shaped parapet
- Plaster Gothic style wall ornamentation and flattened arched ceiling at ticketing vestibule

#### **Contributing Elements**

- Retail spaces/use at Divisadero frontage. All interior finishes altered with exception of hexagonal tile floor in southernmost retail space. Storefront window assembles also appear to have been altered from original configuration (extent unclear because of plywood board security enclosure).
- Glazed wood doors at lobby access
- Terrazzo flooring at sidewalk and ticketing vestibule

#### **Non-Contributing Elements**

- Aluminum frame windows on front façade
- Storefront assemblies

#### INTERIOR CHARACTER-DEFINING FEATURES

#### Significant Elements

- Symmetrical plan, circulation, and sequencing of spaces (ticketing area, lobby, auditorium, balcony, backstage)
- Lobby: curved plan, decorative trims, movie poster display cases, staircase, metal vent grilles, and decorative railings.
- Full height auditorium space with curvilinear balcony
- Original ornamental features in auditorium including:
  - Engaged columns at sidewalls with rope-like colonettes
    - Decorative ribbed vaulting
    - o Gridded ceiling frame inset with decorative painted plaster panels
    - Flattened pointed proscenium arch
    - o Rectangular and arched openings inset with decorative plaster screens
    - Ornamental plaster balconnettes
    - o Flattened arch doorways below balconettes
    - Sloped floor and 1926 theater seating (many seats have been removed, and some appear to be later replacements for original seats)
    - Decorative trims and plaster ceiling medallions
- Projection booth
- Orchestra pit
- Fly loft
- Stage and wings
- Basement green room/dressing rooms

#### Contributing Elements

- Restrooms with pink and red tile wall surfaces (tile appears original, though flooring, fixtures, and other finishes have been altered)
- Curved stairways to backstage areas
- Theater seating installed after 1926

#### PART II: PROJECT EVALUATION

**Proposed Project:** 

Demolition

Alteration

Per drawings dated:

October 5, 2015

#### Project Description

The proposed project is (1) to construct a new 7-unit, 5-story-plus-basement, 10,754-square-foot building on the undeveloped portion of the "L"-shaped lot facing Hayes Street, and (2) to rehabilitate the existing 15,500-square-foot Harding Theater building facing Divisadero Street for use as a bar and game arcade with retail in the two existing storefronts.

At the theater's exterior, all significant and contributing elements of the historic resource would be maintained or restored and protected during the construction process. The following interior alterations would take place:

- a. Removal of a mechanical room and flue located on the south side of the existing theater building to accommodate the footprint of the new building.
- b. Removal of a billboard located on the north side of the building.
- c. In-like storefront replacement.
- d. Restoration of the filigree panels of the tripartite Gothic screen.
- e. Reconstruction of the 1930's era marquee based upon historic photographs.
- f. Installation of glass awnings above the two storefronts.

At the theater's interior, all significant and contributing elements of the historic resource would be maintained or restored and protected during the construction process. The following interior alterations would take place:

- g. Restore ornamental filigree panels and plaster detailing at organ lofts.
- h. Proscenium arch to be re-opened to the existing stage area.
- i. Fix the two outer sets of lobby doors in place and construct 5'-8" wide by 6'-10" deep enclosures for the electrical meters and an ATM.
- j. Restroom improvements.
- k. Installation of fixed bar furnishings at the lobby, beneath the balcony in the auditorium and at the balcony level.
- 1. Installation of new floor platforms with railings and stairs above the historic auditorium and balcony tiered floor plates.
- m. Conversion of non-contributing office and retail space to new restrooms.
- n. Conversion of the projection booth to a back bar area and separate toilet.

Please note that the project has been revised since the publication of the HRE report in August 2013; therefore, the project analysis therein is no longer relevant.

#### Project Evaluation

If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.

#### **Non-Contributing Elements**

- Stage extension installed by church
- Metal vents installed around proscenium (replacing former decorative plaster grilles)
- Wall infill and religious cross ornament installed in proscenium arch
- Mechanical room

#### **CEQA Historic Resource Determination**

Historical Resource Present

Individually-eligible Resource

Contributor to an eligible Historic District

Non-contributor to an eligible Historic District

No Historical Resource Present

#### PART I: SENIOR PRESERVATION PLANNER REVIEW

Signature: \_ Oma 2m

Tina Tam, Senior Preservation Planner

Date: 10-13-15

#### Subject Property/Historic Resource:

The project <u>will not</u> cause a significant adverse impact to the historic resource as proposed.

The project <u>will</u> cause a significant adverse impact to the historic resource as proposed.

#### California Register-eligible Historic District or Context:

The project <u>will not</u> cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

The project <u>will</u> cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

The Department finds that the proposed project will not cause a significant adverse impact to the individual historic resource or to the historic district as proposed.

#### Standard 1

A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The proposed new bar and arcade uses for the historic property would not prohibit or restrict the use of the theater as a live performance or film screening venue now or in the future. The project would remove two non-contributing features of the property, including a mechanical room and flue, which are not required for the use of the building as a theater. The project would also remove one contributing feature of the property - the fixed theater seating – to allow for the installation of new flat flooring platforms and fixed interior features to accommodate the bar and arcade use. Most of the seating dates from after the construction of the theater and was identified as a "contributing element" that augments the interpretation of historic significance but does not hold a primary level of historic value itself. Contributing elements differ from "significant" elements because they embody, to a lesser degree, the historic aspects of the resource. The loss of, or modification to, contributing elements lessens the overall level of integrity of the historic resource but not to a level where its interpretation of significance or historical importance is severely compromised. Since retention of the fixed seating would make most new uses for the space infeasible, this relatively minor loss of integrity appears to be a reasonable compromise for the continued use of the historic building. Overall, the rehabilitation project would retain all significant features of the property and the majority of the contributing features of the property, thereby preserving its historic character. Lastly, the State Historic Building Code would be used in the review of building permits for the theater building allowing for better compliance with the Secretary of the Interior Standards.

#### Standard 2

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The project would not remove or alter any of the significant features that characterize the property and would only remove one contributing feature – the fixed theater seating. The undeveloped portion of the lot is not a character-defining feature of the property, and the construction of a new building in this location would not harm the historic theater building's spatial relationship to the Divisadero Street commercial corridor.

With the exception of the theater seating, all exterior and interior significant and contributing features of the historic theater would be preserved or restored. The fixed seating would be removed, as discussed above; however, its removal would have a minimal impact to the overall character of the resource. The proscenium would be restored by removing the non-historic infill that currently blocks the stage area. Additionally, the missing marquee dating from the 1936 would be reconstructed to enhance the building's association with the San Francisco Neighborhood Movie Theater Non-Contiguous Multiple Property Historic District, which has a period of significance spanning 1906-1945. Although the sloped floors of the auditorium and balcony would be covered by new floor platforms to create a flat area for the bar and arcade use, the volume of the space would not be greatly reduced and the new floor tiers would still step down towards the stage level in a manner similar to the historic configuration. Similarly, the lobby space would be slightly reduced in volume by the insertion of mechanical rooms to house electrical meters and an ATM. The two outermost sets of five glazed wood lobby doors would be fixed in place so that the interior space beyond the doors can be repurposed. These enclosures would align with the existing coved area surrounding the doors and would not extend beyond the ramped portion of the lobby entrance. The changes would not substantially change the visual character or function of the lobby space.

#### 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.

No alterations are proposed that would create a false sense of historical development at the site. The proposed building would be clearly contemporary in its design. The existing building would be rehabilitated with new interior features to support the bar, arcade, and retail uses that have a modern aesthetic, clearly marking them as contemporary interventions. The proposed new floor platforms would have the largest impact to the interior space; however, these would be placed such that the form of the balcony and auditorium are still apparent. Both the front edge of the balcony and the front portion of the auditorium where it meets the state would remain essentially unchanged.

#### Standard 4

Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The remnant base of the historic marquee to be restored and the aluminum-framed windows, the storefront assemblies, the stage extension, metal vents, the billboard, and proscenium wall infill to be removed have not acquired historic significance in its own right. They are utilitarian and non-descript features of the site.

#### Standard 5

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

The project would not remove or alter any of the significant features that characterize the property and would only remove one contributing feature – the fixed theater seating. As discussed above, most

of the seats are not considered significant features of the resource as many of the original seats have been removed so that the seating is composed of many replacements. Removal of the seating would have a minimal impact to the overall character of the resource as the use and the majority of the building's interior finishes and materials would be preserved. Furthermore, as upholstered furnishings, the seating is approaching the end of its usability and eventual replacement would be necessary for continued use.

#### Standard 6

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The project would preserve and restore the exterior and interior features of the historic building. Deteriorated plaster work such as the filigree panels at the front façade and the screens flanking the proscenium would be repaired to match the existing material, design, and other visual qualities. The missing 1936 marquee would be reconstructed based upon historic photographs of the feature.

#### Standard 7

Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

No chemical or physical treatments are proposed for historic building as part of the project.

#### 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.

With the exception of the theater seating, the project would not destroy historic materials and features that characterize the property. The placement of the new construction would not necessitate removal or relocation of the historic building and its character-defining features, and, the new construction would be clearly differentiated from the historic building. Although the historic building and new building would share the same lot, the two buildings would appear as two separate developments. This separation is appropriate since the portion of the lot fronting Hayes Street does not have a significant historical association with the theater building. Views of the theater building from Hayes Street are of the secondary façade, which contains no ornament or formal articulation. The construction of a new building in this location will cause no loss to the integrity of the historic building.

At the exterior, all of the significant and contributing features of the theater façade would be preserved, restored, or reconstructed. The project would remove two non-contributing features of the property - a mechanical room and flue, and would replace the two non-historic storefront assemblies with new metal-framed storefronts with tile-clad bulkheads that are similar to the original storefronts in terms of proportion, transparency, and form. New glass canopies would be installed above the

storefronts where canvas awnings were located historically. These alterations would have a contemporary aesthetic while respecting the form, character, and historic function of the theater.

#### Standard 10

New additions and adjacent or related new construction 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.

The proposed new construction would not prevent future use or restoration of the historic theater. The two structures would be structurally independent; therefore, the new building could be demolished in the future without causing harm to the historic building. Similarly, the proposed new bar and arcade furnishings, including the floor platforms, could be removed in the future without harming any contributing features of the interior. The floor platforms would be attached only at the base so that the historic wall finishes would not be harmed by their installation. Also, the floors would be pulled back slightly from the walls with a soft buffer in between the old and new materials. The existing floor surface could be repaired at the attachment points, and new theater seating could be installed to restore the building's original use.

#### PART II: SENIOR PRESERVATION PLANNER REVIEW

Signature:

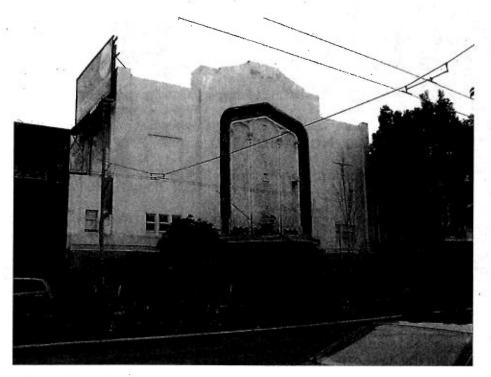
Tina Tam, Senior Preservation Planner

Date: 10-13-15

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File

10

### APPENDIX A: CURRENT PHOTOGRAPHS All photographs by Garavaglia Architecture, Inc., 2011.



Primary (west) elevation.



Decorative terrazzo sidewalk at main entry.

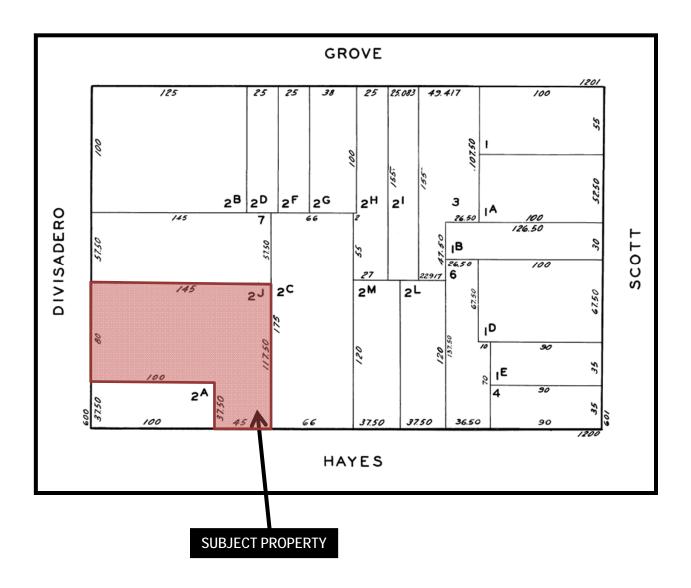


View of primary entrance and storefronts, looking north.



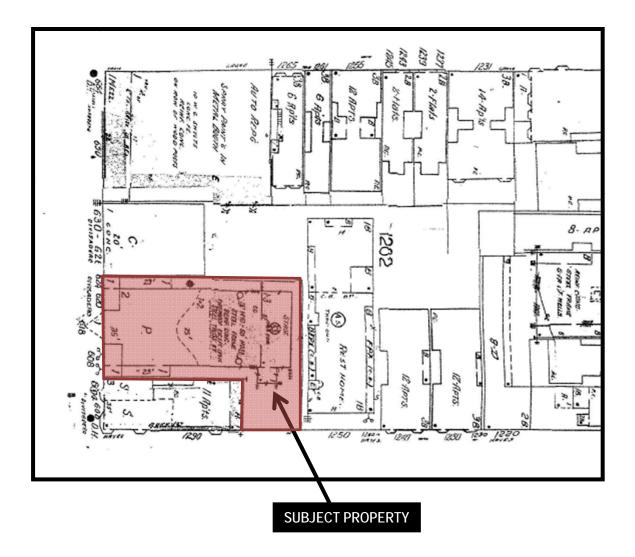
South (Hayes Street) elevation.

## **Block Book Map**





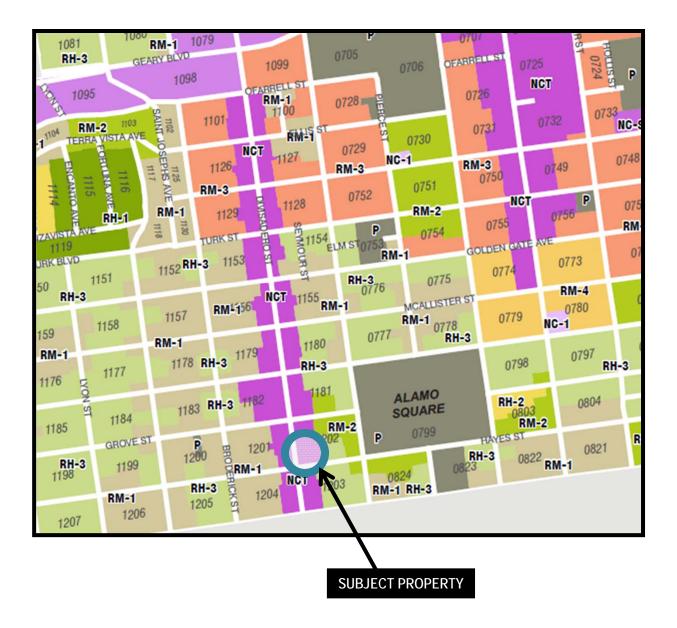
## Sanborn Map\*



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

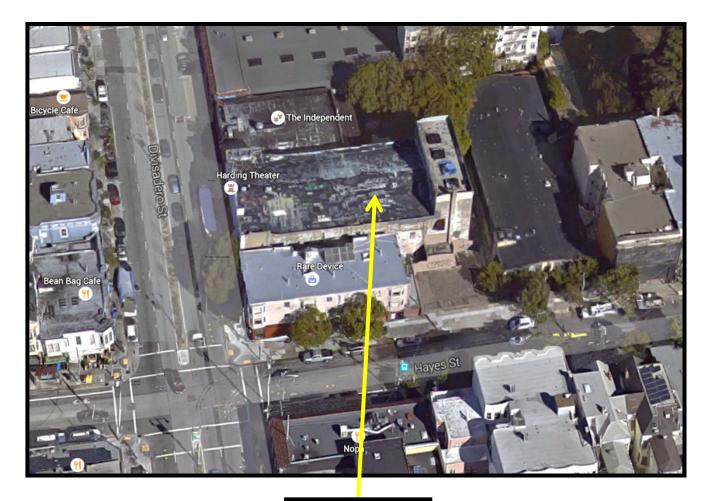


# **Zoning Map**





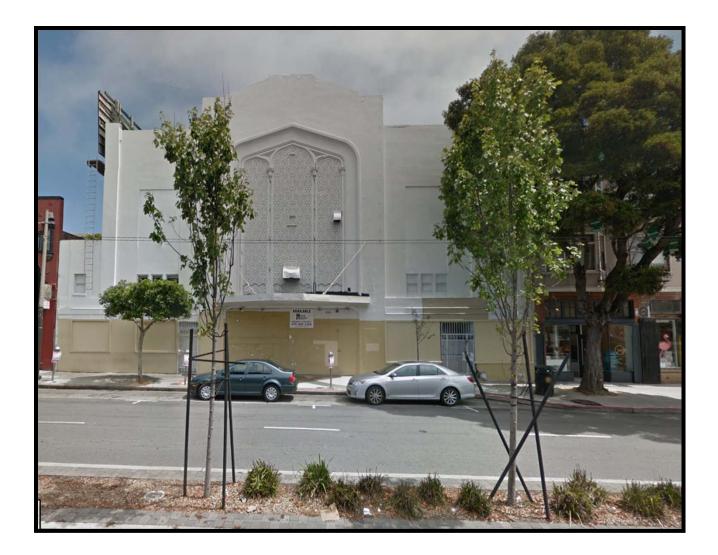
## **Aerial Photo**



SUBJECT PROPERTY



# Site Photo





Conditional Use Hearing **Case Number 2005.0911C** 616 Divisadero Street & 1282 Hayes Street Block 1202 Lot 002J

# Site Photo







Conditional Use Hearing **Case Number 2005.0911C** 616 Divisadero Street & 1282 Hayes Street Block 1202 Lot 002J

## May, Christopher (CPC)

From: Sent: To: Subject: Kendra Stitt Robins <kendrasrobins@yahoo.com> Saturday, November 07, 2015 12:00 PM May, Christopher (CPC) Harding Theater support

Chris,

I write to offer my support of the proposed changes and variances for the Harding Theater. I am in support of building residences and providing entertainment/retail space.

Thank you, Kendra Robins District 5 resident

Sent from my iPhone

Before the San Francisco Planning Commission

PROJECT SPONSOR'S SUBMITTAL IN SUPPORT OF CONDITIONAL USE APPLICATION

Planning Code Sections 303(c) and 711.11

for

ADAPTIVE REUSE PRESERVATION PROJECT FOR HARDING THEATER AND NEW 7-UNIT RESIDENTIAL BUILDING IN ADJACENT PARKING LOT

616 Divisadero Street/1282 Hayes Street (Block 1202, Lot 002J)

Planning Department Case No. 2005.09611C

PROJECT SPONSOR: Divisadero Hayes, LLC

Hearing Date: November 19, 2015

Attorneys for Project Sponsor:

## **REUBEN, JUNIUS & ROSE**, LLP

One Bush Street, Suite 600, San Francisco, CA 94104 t] 415 567 9000 f] 415 399 9480

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## A. INTRODUCTION

### THE HARDING THEATER IS SAVED

The proposed Project is a heavily scaled-back 7 unit version of an 18-unit project that was unanimously approved by the Planning Commission on December 9, 2004 (Planning Commission Resolution No. 16921) and was then appealed. In order to preserve the vacant Harding Theater, Divisadero Hayes, LLC ("Project Sponsor") proposes the adaptive reuse and complete preservation of the Harding located at 616 Divisadero Street ("Project Site") as a live event entertainment venue, consistent with requests made by the Planning Commission during the appeal process, which will also include a restaurant, bar, pinball machines, and arcade games.

The Harding Theater ceased operations approximately 43 years ago, and a more recent church use vacated the site in 2004. The Building has been vacant for more than 11 years. The proposed Project also includes construction of a five-story building containing 7 dwelling units in the parking lot adjacent to the existing building, fronting on 1282 Hayes Street.

The Project Site is located within the NCT (Small-Scale Neighborhood Commercial Transit) Zoning District, and 65-A Height and Bulk District. Conditional Use authorization is required for development of a lot exceeding 10,000 square feet in a NCT District pursuant to Planning Code section 711.11<sup>1</sup>, and amusement game arcade use for more than 11 games and amusement game arcade use on the second floor (Sections 186.29, 746.69B).

The Project Sponsor has conducted extensive outreach to the neighborhood and other interested parties and has received uniformly positive feedback. With the complete preservation of the theater building, there is no known opposition. The Project presents an opportunity to bring back to life a long dormant theater building, which will have numerous benefits for the neighborhood. The proposed adjacent 7 unit residential building will add much needed housing to the neighborhood. As discussed below, the Project is consistent with the criteria set forth in Section 303(c) of the Code, and the objectives, policies, and principles of the Master Plan.

## B. <u>SITE INFORMATION</u>

Street address:	616 Divisadero Street and 1282 Hayes Street
Cross streets:	Hayes and Grove Streets
Assessor's block/lot:	Block 1202, Lot 002J
Zoning district:	Divisadero NCT (Neighborhood Commercial Transit District)
Height/bulk dist.	65-A
Site size:	13,285 square feet
Existing Use:	Vacant former church (last occupancy was 2004) and theater (last occupancy was 1973) building and vacant parking lot.

<sup>&</sup>lt;sup>1</sup> Unless otherwise indicated, all sections cited refer to the San Francisco Planning Code.

### C. <u>EXISTING SITE CONDITIONS</u>

The Project Site is an L-shaped lot with frontages on Divisadero and Hayes Streets in the Western Addition neighborhood. The theater building fronting on Divisadero is vacant. The portion of the lot fronting on Hayes Street, which will be used for the new residential building, is also vacant. The surrounding area is a mix of residential, commercial, and institutional uses. Nearly all of the buildings on the 1200 block of Hayes Street are multi- unit residential buildings. The predominant use in the Divisadero NCT district, along Divisadero Street, is residential over ground floor commercial use.

### D. <u>PROJECT SUMMARY</u>

Proposed use: Preservation and adaptive reuse of former Harding theater building for entertainment, bar, restaurant, amusement game arcade, and commercial uses.
 <u>Former Harding theater building</u>: 14,618 sq. ft. of entertainment, bar, restaurant, and amusement game arcade; Two retail storefronts of 425 sq. ft. and 430 sq. ft.
 <u>New building</u>: 7 residential units comprising 10,754 sq. ft.

The owner and operator of the Emporium in Chicago, Dan Marks, who will occupy the restored and renovated theater building with a new Emporium, has met with the neighborhood as well as local elected officials and has received a uniformly positive response. Both of the two existing Emporium locations at Logan Square and at Wicker Park in Chicago are located in historic, landmarked buildings. The Marks Family was previously in the movie theater business for 30 years, and has a true appreciation for historic theater buildings and the importance of preservation. Emporium is a combination of live entertainment, a bar, arcade games, pinball machines, pool, and film screenings.

The theater restoration will include upgrades to the mechanical, electrical, and plumbing systems; restroom upgrades, and restoration of interior finishes throughout the building.

### E. <u>PROJECT HISTORY</u>

This Project was unanimously approved by the Planning Commission on December 9, 2004 as a demolition of the vacant theater building and construction of 18 residential units, 18 parking spaces, and 5,000 sq. ft. of commercial space in three buildings.

Subsequent to appeal, the Project underwent revisions to comply with recommendations of the Planning Department and Planning Commission with respect to historic preservation of the former theater building. The Project was modified from its original design to preserve the existing theater building. The residential component of the Project was reduced from 18 dwelling units to 7 units to accommodate the desired preservation of the entire existing building.

## F. CONDITIONAL USE DETERMINATION PURSUANT TO SECTION 303

The Project requires conditional use authorization by the Planning Commission to permit the development of a lot exceeding 10,000 square feet (Section 711.11) and amusement game arcade use for more than 11 games, and amusement game arcade use on the second floor (Sections 186.29, 746.69B). Under Section 303(c), the Planning Commission shall approve the application and authorize a conditional use if the facts presented establish the following:

#### 1. Desirability and Compatibility of Project

Planning Code section 303(c)(1) requires that facts be established which demonstrate the following:

# That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

#### Residential Building

- (a) The Project is necessary and desirable for the Divisadero NCT District because it will provide high-density infill housing with 7 dwelling units without displacement of any person, business, or other use or building. The new construction will be located on an established residential street. The portion of the lot fronting on Hayes Street is vacant.
- (b) The Project will create pedestrian level interest to replace a gap in the street frontage of Hayes Street.
- (c) The Project will aesthetically enhance the neighborhood. A new residential building is preferable to a vacant lot and is therefore desirable.
- (d) The Project design, including bay windows, blends with the neighborhood character.

#### Theater

The preservation of the Harding Theater is necessary and desirable for the neighborhood as the neighbors have requested it and the General Plan encourages preservation of historic buildings. The entertainment and amusement game arcade uses are necessary and desirable to make the preservation of the theater economically viable.

## 2. Effect of Project on Health. Safety. Convenience or General Welfare

Planning Code section 303(c)(2) requires that facts be established which demonstrate the following:

That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injuries to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.
- a. <u>The nature of the Project Site is appropriate for the Project.</u>

#### **Residential Building**

A portion of the Project site is a vacant lot fronting on Hayes Street. The Project will provide a new five-story building containing 7 dwelling units on the vacant portion of the lot that also contains the Harding Theater building at 616 Divisadero Street. High density residential use is appropriate in the Divisadero NCT district, and is preferable for the City over a vacant lot. The new construction will provide homes for families and will provide tax revenue to the City and County. The existing building on Divisadero, originally constructed as a theater, will be rehabilitated and returned to an Entertainment Use. The Project Site has a total lot area of approximately 13,287 square feet square feet. Located in the Divisadero Street NCT District, the proposed residential building is consistent with the rest of the block, which is comprised primarily of multi-unit residential buildings of four to five stories. The Project's height, bulk, square footage, and character are consistent with surrounding buildings. The portion of the lot fronting on Hayes Street is the smallest lot on the block.

## Entertainment Use in the Harding Theater

#### Activities

The proposed Emporium will be a combination of a classic game arcade and live-event venue. It features classic video games, pinball machines, pool, foosball, air hockey, shuffle board and new games designed by local indie game developers. It will have live music, film screenings on its large movie screens, and many other unique live entertainment bookings beyond typical rock band acts. Its venues also feature high-end American craft beer weighted with offerings from local and regional breweries.

#### Bars

There will be three bar locations. The main bar will be located within the main auditorium on the ground floor. There will be a smaller bar in the front lobby area. There will be a third bar on the balcony level.

#### Hours of Operation

#### 5pm -2am Weekdays; 12pm -2am Weekends

#### How will it be operated

The business will be operated in the same manner as the existing successful Emporium Chicago locations. There will be on site managers at all times, as well as bartenders, security and bar support staff. The store managers will be overseen by an executive management team that consists of persons specializing in operating activities, marketing activities, event activities, financial activities and HR activities. The executive management team will be overseen by the ownership. The Ownership is very hands-on and will be involved in all aspects of the operation.

#### Private Parties and Events

In Chicago, private/semi-private parties and events contribute significantly to the success of Emporium. Events range from typical 10-20 person group outings up to large corporate gatherings and events. It hosts many fundraisers and workers closely with neighborhood companies and organizations. The layout of the Harding Theater space is ideal for private gatherings because of the ability to use the balcony space for private events while keeping the main space open to the public.

#### Security

At all times there will be security personnel staffing the main entryway and checking IDs to permit only 21 and older patrons. On weekdays extra security staff person make rounds throughout the space. On weekends, there will be 4 security personnel on staff during peak hours. Additionally, the premises will be fully secured by state of the art security systems including panic alarms, door alarms and surveillance cameras. The cameras will have remote access capabilities.

#### Management and Ownership Track Record

Emporium Chicago opened its first location in the Wicker Park neighborhood of Chicago in 2012. In 2013, Emporium expanded to double its size and added live events. In 2014

Emporium opened its second location in the Logan Square neighborhood of Chicago. In 2015, Emporium will open its third location in the Lake County section of the northern Chicago areas. Emporium has been very successful in providing a creative entertainment venue. Its hosts a very wide array of events and has formed partnerships with local game developers, restaurants, breweries, artists, musicians and community organizations. Emporium is a family-owned business operated by brothers Danny and Doug Marks. Danny and Doug grew up in a family that had another family business operating movie theaters in the Chicago area for decades.

#### Number of Employees

Approximately 25 people will be employed by Emporium.

#### Live/Amplified Music and Movies

Emporium will restore and utilize the Harding Theater stage for live performances and movie screenings. The theater has a rich legacy spanning from early cinema to Grateful Dead concerts. Emporium aims to bring that back. At the current venues Emporium hosts rock bands and DJs regularly, and also strives to provide an entertainment program that incorporates less typical types of entertainments. There have ranged from theater performances to comedians. Additionally, Emporium intends to install a large movie screen that can be used in showing independent film screenings, interesting background video, game tournaments and large presentations.

#### Coordination with the Independent

Emporium intends to load deliveries through the front door on Divisadero. The Emporium anticipates having similar distributors as the Independent and expects to receive deliveries primarily in the early afternoon. Emporium intends to work with the neighbors to ensure that deliveries minimally impact the community. The Emporium expects approximately 5-10 deliveries per week clustered on 2 primary delivery days.

#### Experience

Emporium's experience in Chicago has been greatly successful. 616 Divisadero is a location that is culturally similar to the Chicago locations. Emporium has a diverse clientele in Chicago. San Francisco's large number of progressive companies will be an ideal market for the Emporium to draw on for company parties. The combination of the past experience with the concept, and uniqueness of the space, should provide for optimal success.

#### Small retail spaces

The retail spaces located on either side of the main entrance will not be part of the Emporium plan. These spaces will be leased to separate small, neighborhood - serving tenants.

#### Architectural Preservation

Both of the existing Chicago locations are in landmarked, historical buildings. In

both cases Emporium restored and prominently featured historical architectural details such as pressed tin ceilings, bow truss ceilings, art-deco facades, and exposed brick walls.

### Parking

The Project site is located on a transportation corridor. The centralized location, excellent public transportation accessibility, and Uber/Lyft/Taxi services should provide excellent accessibility. The Harding Theater does not provide onsite parking. At least 8 bicycle parking spaces will be provided for the theater building.

### b. <u>Traffic patterns and parking will not be affected by the Project.</u>

## Residential Building

The Project will provide up to two off-street parking spaces. The Project Site is well- served by public transit. Neither traffic patterns nor parking will be affected by the Project, as demonstrated in the Project's environmental documentation.

#### Theater

Off-street parking historically was not provided for the theater, and users have typically arrived by foot or by public transit. Bicycle parking will be provided.

c. The Project will not produce noxious emissions.

#### **Residential Building**

The proposed residential use will not generate any noxious or offensive emissions, noise, glare, dust or odors. Any construction impacts will be mitigated by standard mitigation measures.

#### Theater

The Entertainment use will comply with all Code requirements for noise insulation.

d. <u>Appropriate treatment has been given to landscaping, open space, parking, loading, service areas and lighting.</u>

#### **Residential Building**

The Project will provide open space on a common roof deck. The Project will provide up to two off-street parking spaces. Security lighting will be provided at both the Hayes Street and Divisadero Street frontages.

Theater

Security lighting will be installed. Loading will be on Divisadero Street.

## G. CONCLUSION

The Project Sponsor proposes to preserve the Harding Theater building for re-use as an entertainment and assembly use with a restaurant, bar, and amusement game arcade use. The Project Sponsor has scaled back the proposed Project from 18 units to 7 units in order to save the theater building. The Project will make a contribution to the City's housing supply, while aesthetically enhancing the neighborhood and re-using the theater building. In accordance with the policies of the Master Plan, the Project will convert the vacant adjacent parking lot to residential use, thereby locating infill housing on an appropriate site in an established residential neighborhood, while preserving the theater building.

The Project satisfies all of the criteria of the Planning Code and the Master Plan for approval of a Conditional Use.

By:

Accordingly, the Planning Commission should approve the application.

Respectfully submitted,

Reuben, Junius & Rose, LLP Attorneys for Project Sponsor Divisadero Hayes LLC

Dated: 11-10-15

David Silverman

#### **GENERAL NOTES:**

1. CODE COMPLIANCE: All work is to be performed in accordance with all governing Codes, Ordinances and Regulations. The designs herein are based on the 2013 C.B.C., 2013 S.F.B.C., 2013 S.F.M.C., 2013 S.F.E.C., 2013 S.F.P.C., 2013 S.F.F.C., 2013 C. Energy C.

2. JOB COORDINATION & SAFETY: Contractor shall be responsible for the development, coordination and execution of construction methods and procedures. The Contractor shall also be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with his work.

3. JOB CLEANLINESS: Contractor shall on a daily basis leave the construction site "broom clean" at the end of the work day. At substantial completion, the Contractor shall turn to the Owner a spotlessly clean house, including clean mirrors, glass, light bulbs, walls, floors, cabinetry inside and out, bathroom fixtures, tiles and appliances

4. CONSTRUCTION QUALITY: No guarantee for quality of construction is implied or intended by the architectural documents, and the Contractor shall assume full responsibility for any or all construction deficiencies.

5. CONTRACT DOCUMENT REVIEW: Contractor shall review all Contract Documents. If fifteen days elapse from the time the Contractor receives the plans and signs to perform the work, and the Owners have not been notified of any errors, omissions or objections, the Owners will consider the documents approved by the Contractor for the performance of his/her work.

6. DISCREPANCIES: In case of any discrepancy notify the Owners before proceeding. Contractor shall be responsible for correction of work at his/her own expense for work installed in conflict with the Contract Documents.

7. DIMENSIONS: All dimensions shown on plans are to face of stud, unless otherwise noted. All dimensions shown on interior elevations are finish dimensions. No dimensions shall be taken by measuring from the drawings. Details take precedence over general sections or plans. Written dimensions take precedence over scale. All dimensions shall be verified in the field for coordination with existing and new conditions.

8. SUBSTITUTIONS: The Contractor will be held to furnish under his Proposal all work described herein. All materials and articles of any kind necessary for this work are subject to the approval of the Owners

9. MANUFACTURED ITEMS: Transport, handle, store, protect and install manufactured items in strict accordance with manufacturer's recommendations. Should conflict exist between construction documents and manufacturer's instructions, consult with Designer.

10. ASBESTOS: Asbestos removal is not intended to be covered by this contract. If Asbestos is suspected, a testing agency must be hired to verify, and special procedures must be used for removal and disposal. Friable asbestos is the dangerous type and was used extensively for pipe insulation, fireproofing and certain building materials up to 1970.

11. CUTTING AND PATCHING: Cut and fit components as required; patch disturbed areas to match adjacent materials and finishes.

12. ATTIC VENTILATION: Ventilating area shall not be less than 1/150th of the net area of the space ventilated. If at least 50% of required ventilation is provided in the upper portion of the space, then ventilating area may be 1/300th of the attic space per section 3205(c).

13. BLOCKING: Provide solid blocking as necessary for all wall mounted shelves, fixtures and fittings. See interior elevations, where applicable.

14.WATER TIGHTNESS: Contractor shall verify that all work on the exterior of the project is watertight. All joints and surfaces exposed to the elements shall be tested for water tightness prior to substantial completion.

15.WATERPROOF MEMBRANE: Install a waterproof membrane under Shower floors W.O. Wrap the membrane up a minimum of 8" on all surrounding surfaces

16. GLAZING: Tempered glazing is required as per UBC 2406. Glazing to be tempered includes but is not limited to: glazing that is less than 18" above finish floor; within 24" radius of doors; Glass door and panels of shower and bathtub enclosures and adjacent glazed openings within 60" above a standing surface and drain inlet shall be fully tempered, laminated safety glass as per UBC 2406.3 & .4; skylights; etc...

17.DRYWALL: All drywall to be 5/8" thick. Install metal corner beads at all outside corners. Fasten drywall to framing with drywall screws. All drywall is to be sanded three times to produce a smooth finish for all walls and ceilings. All drywall shall be finished so that it is smooth, with no bumps or craters. All joints to be taped and sanded so that there is no distinguishable transition. Contractor shall deliver all new or repaired walls perfectly even. The owners' and designer's criteria will be the sole measure for approval of the finished work.

18. HANDRAILS AND GUARDRAILS: All handrails at stairs are 34" above tread nosing. All guardrails are 42" minimum to finish floor, U.O.N. See interior elevations or details, as applicable, for guardrail design.

19. SHOWER AND TUB W/ SHOWER : Provide ceramic tile or stone finish at all shower and tub w/ shower areas to a minimum height of 70" above the drain inlet over a moisture resistant underlayment (typical). Verify with interior elevations, if applicable. All showers & shower/tub combinations to have pressure balance mixing valves as per UPC section 410.7

20. PLUMBING: All work is design/build by the Plumbing contractor and is to meet required codes and Title 24 requirements. Low flow plumbing fixtures & fittings will be used in all bathrooms, etc... Toilets to have a max. allowable flush of 1.28 gal. When there are fixtures @ three levels, cast iron or other approved non-plastic materials for drain, waste, & vents is to be used.



STREET TREE CONFORMANCE:

80'-0" 45'-0"

2 [ON DIVISADERO ST.]

4 [PLANTED ON HAYES ST.]

CALCULATIONS FOR NUMBER OF NEW REQUIRED STREET TREES

TOTAL STREET FRONTAGE: 125'-0'

TOTAL NUMBER OF TREES: 6

DIVISADERO: HAYES:

EXISTING TREES = NEW TREES =

COMBINED LENGTH OF ALL STREET FRONTAGES:

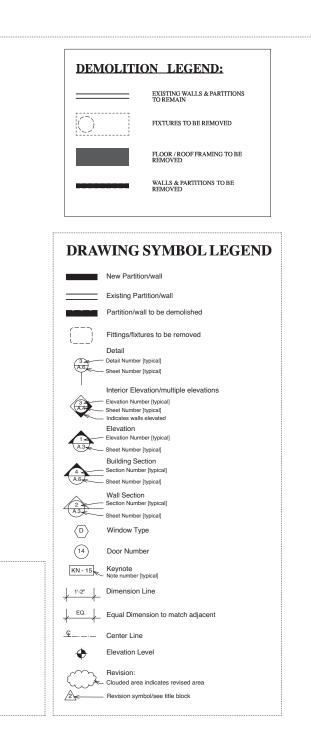
125'-0" ÷ 20'-0" (TREE SPACING REOUIREMENT) = 6 TREES

#### **PROJECT DESCRIPTION**

SCOPE OF WORK UNDER THIS PERMIT IS FOR TENANT IMPROVEMENTS TO THE EXISTING STRUCTURE INCLUDING RESTROOM UPGRADES FOR ADA COMPLIANCE. NEW MECHANICAL, PLUMBING AND ELECTRICAL THROUGHOUT, ADDITION OF SPRINKLERS: CONSTRUCT LEVEL TERBACED FLOOP AREAS OVER EXISTING SLOPED AUDITORIUM & BALCONY FLOORS, AND INSERTING BAR AND SERVICE AREAS IN THE LOBBY, MAIN AUDITORIOUM AND BALCONY LEVELS: RESTORATION OF SHOP FRONTS NEW PRIMARY TENANT USES TO INCLUDE BAR, ENTERTAINMENT AND ARCADE USES

THE BUILDING WILL BE FULLY SPRINKLERED AS PER NFPA REQUIREMENTS.

#### **PROJECT DATA** ZONING: NCT [FORMERLY NC-2] OCCUPANCY PRIMARY - A-2 (ASSEMBLY - ENTERTAINMENT & BAR USE) ACCESSORY OCCUPANCY: M (RETAIL) & A-3 (GAME ARCADE) CONSTRUCTION: TYPE 1 TWO STORY W/ BALCONY, INTERMEDIATE LEVEL STORIES: BASEMENT: PARTIAL - BELOW STAGE AREA BIKE PARKING CLASS I - 4 SPACES [ACCESSED FROM 1282 HAYES ST.] CLASS II - 8 SPACES [AT DIVISADERO ST. SIDEWALK FRONTAGE]



OTHERWISE NOTED.

#### SHEET INDEX:

#### ARCHITECTURAL SHEETS

- A1.0 EXIST SITE/DEMO PLAN, PROJECT INFO. & LEGENDS
- A1.1 PROPOSED SITE PLAN
- A1.2 EXISTING SITE PLAN
- A1.3 EXISTING PHOTOS
- A1.4 1ST FLR OCCUPANCY & AREA CALCS.
- A1.5 BASEMNT. & INTERMED. LEVEL AND
- BALCONY OCCUPANCY & AREA CALCULATIONS A1.6 D.B.I. PREAPPLICATION MEETING
- A2.0 EXIST & DEMO BASEMENT PLAN
- A2.1 EXIST. & DEMO FIRST FLOOR PLAN
- A2.2 EXIST. & DEMO INTERMEDIATE LEVEL PLAN
- A2.3 EXIST. & DEMO BALCONY PLAN
- A2.4 PROPOSED BASEMENT PLAN
- A2.5 PROPOSED FIRST FLOOR PLAN
- A2.6 PROPOSED INTERMEDIATE LEVEL PLAN
- A2.7 PROPOSED BALCONY
- A2.8 PROPOSED ROOF FLOOR PLAN
- A3.0 BUILDING SECTIONS
- A4.0 EXIST./DEMO ELEVATIONS
- A4.1 PROPOSED ELEVATION

#### MATERIALS & RESOURCES

1. CONTRACTOR TO DEVELOP & IMPLEMENT A CONSTRUCTION WASTE MANAGEMENT PLAN, QUANTIFYING MATERIAL DIVERSION GOALS. RECYCLE AND/OR SALVAGE AT LEAST 50% (OR 75%) OF CONSTRUCTION, DEMOLTION & PACKAGING DEBRIS. CALCULATIONS MAY BE DONE BY WEIGHT OR VOLUME, BUT MUST BE

CONSISTENT THROUGHOUT. 2. DIRECT ALL EXISTING MATERIALS INDICATED TO BE DEMOLISHED (AND NOT NOTED TO BE RETAINED FOR ONSITE REUSE) TO MATERIAL RECYCLING CENTER(S) UNLESS

3. MAINTAIN MATERIAL HAULING MANIFESTS AND OTHER DOCUMENTATION TO VERIFY MATERIAL TYPE/ WEIGHT AND ACCEPTANCE OF MATERIALS BY RECYCLING

VERIEV MATERIAL TYPE/ WEIGHT AND ACCEPTANCE OF MATERIALS BT INCOMPLANCE CENTER. 4. SUBMIT ALL DEBRIS HANDLING DOCUMENTATION TO OWNER AT PROJECT CLOSE-OUT. 5. CONTRACTOR TO CONFIRM THAT ITEMS DESIGNATED FOR REUSE CAN BE REUSED, AND TAKE STEPS TO RETAIN THEM IN THE FINISHED WORK. 6. CONTRACTOR TO COORDINATE WITH PROJECT TEAM IN ESTABLISHING PROJECT GOALS FOR USING MATERIALS WITH 10% (OR 20%) RECYCLED CONTENT, AND IDENTIFY MATERIALS SUPPLIERS TO ACHIEVE THIS GOAL DURING CONSTRUCTION, THE CONTRACTOR IS TO ENSURE THAT SPECIFIED RECYCLED CONTENT, MATERIALS ARE PURCHASED & INSTALLED, USE THE CONSTRUCTION SUBMITTAL, PROCESS TO CONFIRM COMPLIANCE, AND CORDINATE SUPPLIER & SUB-CONTRACTOR MATERIALS ARE PURCHASED & INSTALLED, USE THE CONSTRUCTION SUBMITTAL, PROCESS TO CONFIRM COMPLIANCE, AND CORDINATE SUPPLIER & SUB-CONTRACTOR MATERIAL COSTS WITH THE RECYCLED CONTENT INDICATED ON THE SUBMITTALS.

COMPLIANCE, AND COORDINATE SUPPLIER & SUB-CONTRACTOR MATERIAL COSTS WITH THE RECYCLED CONTENT INDICATED ON THE SUBMITTALS. 7. CONTRACTOR TO DOCUMENT ALL RECYCLED CONTENT UTILIZED ON PROJECT. LIST MATERIAL, PERCENTAGE OF RECYCLED CONTENT (BY COST), SOURCE OF CONTENT (POST- CONSUMER/POST-INDUSTRIAL) AND MFG. DOCUMENTATION. 8. CONTRACTOR TO COORDINATE WITH PROJECT TEAM IN ESTABLISHING PROJECT GOALS FOR USING A MINIMUM OF 20% MATERIALS MANUFACTURED REGIONALLY (AND AN ADDITIONAL 10% MATERIALS BAUNDFACTURED REGIONALLY) (WITHIN A RADIUS OF SOM ILES). DURING CONSTRUCTION, THE CONTRACTOR IS TO ENSURE THAT SPECIFIED MATERIALS ARE INSTALLED, AND QUANTIFY THE TOTAL PERCENTAGE OF LOCAL MATERIALS ARE INSTALLED, AND CONTENT 5 TO ENSURE THAT

SPECIFIED MATERIALS ARE INSTALLED, AND QUANTIFY THE TOTAL PERCENTAGE OF LOCAL MATERIALS INSTALLED, MR CREDIT 5.1 & 5.2) 9. PROCURE ALL CONSTRUCTION MATERIALS FROM EXTRACTORMANUFACTURERS LOCATED WITHIN 500 MILES OF CONSTRUCTION SITE, U.O.N. PROVIDE DOCUMENTATION TO OWNER OF ALL MATERIALS FROM EXTRACTORMANUFACTURERS BEYOND 500 MILES OF QUANTITY, COST AND PERCENTAGE OF NON-REGIONAL MATERIALS COMPARED TO ALL MATERIALS BY COST. 10. CONTRACTOR TO COORDINATE WITH PROJECT TEAM IN ESTABLISHING PROJECT GOALS FOR USE OF RAPIDLY RENEWABLE MATERIALS, AND TO IDENTIFY THE MATERIALS & SUPPLIERS TO ACHIEVE THIS GOAL DURING CONSTRUCTION, THE CONTRACTOR IS TO DISUBE THAT SECURED WATERIALS ARE INSTAL I.D. AND OLIVATIFY THE MATERIALS

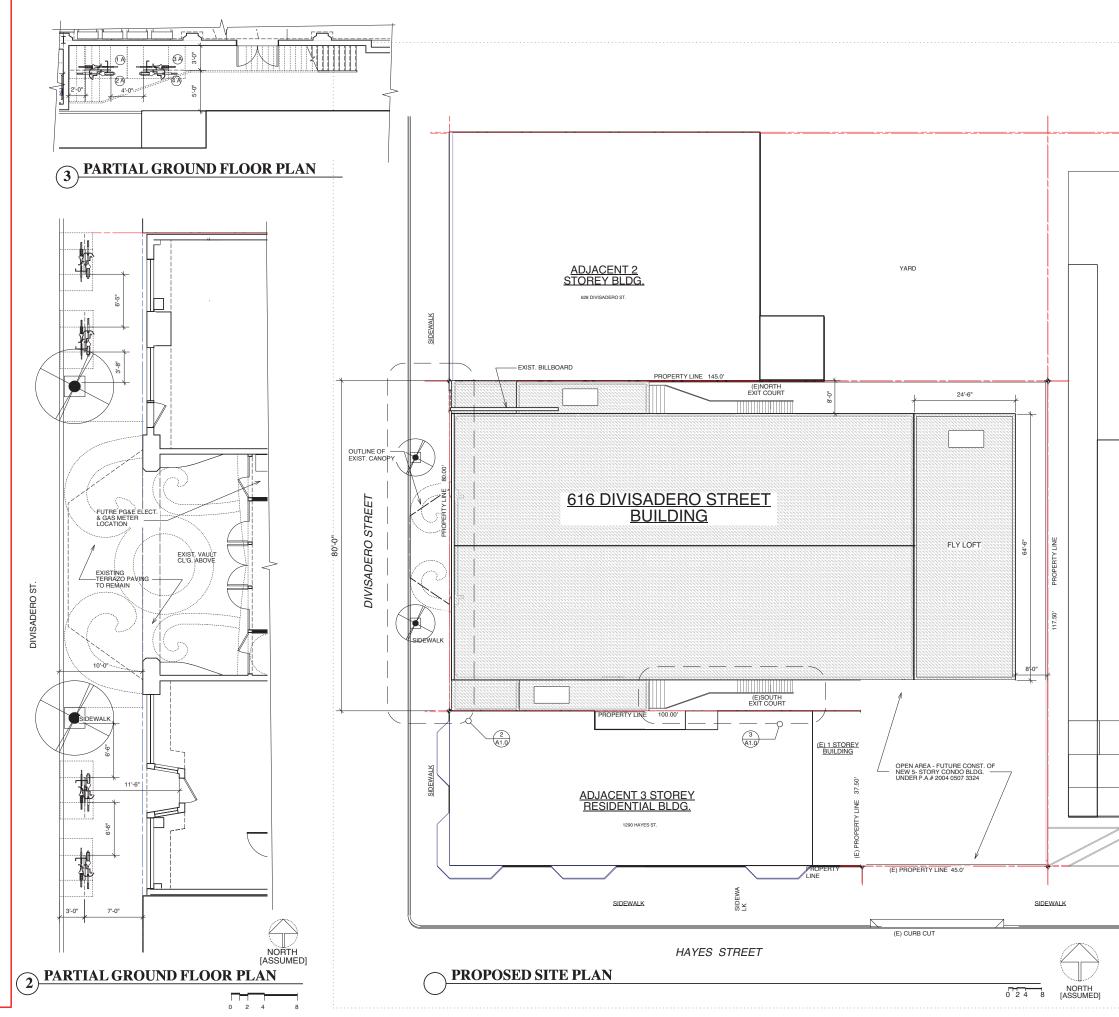
ENSURE THAT SPECIFIED MATERIALS ARE INSTALLED AND QUANTIES THE TOTA PERCENTAGE OF RAPIDLY RENEWABLE MATERIALS INSTALLED. (MR CREDIT 6) 11. RAPIDLY RENEWABLE PRODUCTS: SUBMITTALS MUST INCLUDE WRITTEN RAPIDLY RENEWABLE PRODUCTS: SUBMITTALS MUST INCLUDE WRITTEN DOCUMENTATION FROM THE MANUFACTURER DECLARING THAT RAPIDLY RENEWABLE MATERIALS ARE MADE FROM PLANTS HARVESTED WITHINA TEN-YEAR OR SHORTER CYCLE AND MUST INDICATE THE PERCENTAGE (BY WEIGHT) OF THESE RAPIDLY RENEWABLE COMPONENTS CONTAINED IN THE CANDIDATE PRODUCTS, ALONG WITH THE COSTS OF EACH OF THESE MATERIALS, EXCLUDING LABOR AND DELIVERY COSTS.
 CONTRACTOR TO COORDINATE WITH PROJECT TEAM IN ESTABLISHING PROJECT GOALS FOR USE OF AT LEAST 50% FSC-CERTIFIED WOOD, AND TO DENTIFY THE SUPPLIERS TO ACHEVE THIS GOAL: CONTRACTOR TO COMPILE & MAINTAIN COPIES OF VENDOR INVOICES FOR EACH PRODUCT USED TO MEET THIS REQUIREMENT. (MR CREDIT 7)

 ALL WOOD AND WOOD PRODUCTS TO BE INCORPORATED MUST BE CERTIFIED BY THE FOREST STEWARDSHIP COUNCIL\_PROVIDE COPIES OF CERTIFICATES TO OWNER UPON PROJECT COMPLETION. WHERE CERTIFIED WOULD IS NOT AVAILABLE PROVIDE DOCUMENTATION TO OWNER OF QUANTITY, COST AND PERCENTAGE OF NON-CERTIFIED WOOD COMPARED TO OVERALL WOOD PRODUCTS.
 CERTIFIED WOOD: SUBMITTALS FOR ALL WOOD-BASED MATERIALS MUST INCLUDE A STATEMENT INDICATING THE COST OF EACH PRODUCT CONTAINING FSC CERTIFIED WOOD, EXCLUSIVE OF LABOR AND DELIVERY COSTS, AND THIRD PARTY VEINIFICATION OF CERTIFICATION FROM ONE OF THE FOLLOWING: CERTIFIETS OF CHAIN-DE-CUISTOP FROM MONE OF THE FOLLOWING: ALL WOOD AND WOOD PRODUCTS TO BE INCORPORATED MUST BE CERTIFIED BY

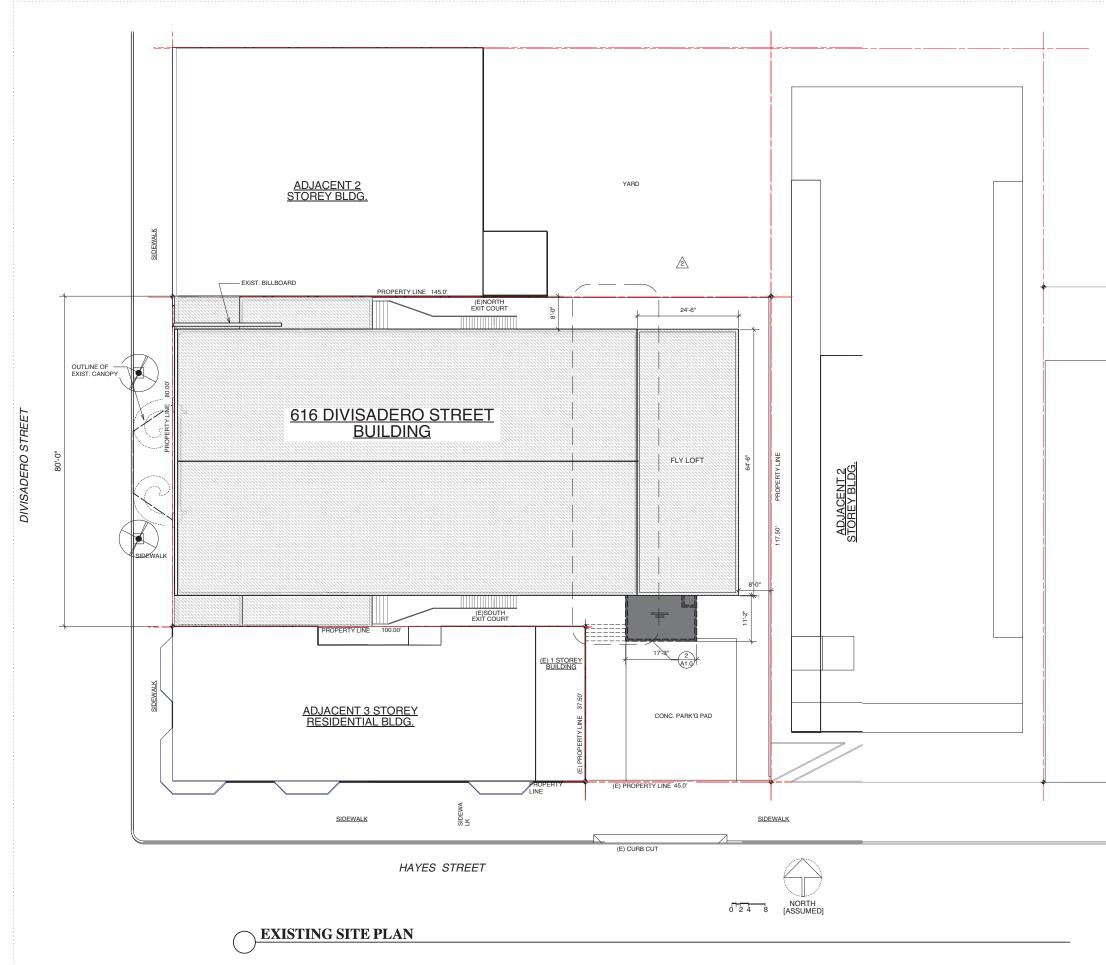
CERTIFICATES OF CHAIN-OF-CUSTODY FROM MANUFACTURERS CERTIFYING THAT SPECIFIED CERTIFIED WOOD PRODUCTS WERE MADE FROM WOOD OBTAINED FROM SPECIFIEV CENTIFIED EV WOOD PRODUCTS WERE MADE PROMIN WOOD SO ANNED FROM FORESTS CENTIFIED BY AN FSC-ACCEDITED CENTIFICATION BODY TO COMPLY WITH FSC 1.2 "PRINCIPLES AND CRITERIA." LETTER FROM APPROVED CANADIAN STANDARD ASSOCIATION (SA) SUPPLIER FOR VEHIFYING COMPLANCE WITH CSA STANDARD

ASSOCIATION (US) SUFFICIENTON VERIFITING COMPLIANCE WITH CAS STANDARD 200-02 AND STANDARD CAS A PLUS 1163 - DOCUMENTATION FROM THE SUPPLIER VERIFYING THAT 100% OF THE WOOD BASED CONTENT ORIGNATES FROM SET THENPARTY CERTIFIED FOREST LANDS, IDENTIFYING THE COMPANY OR COMPANIES THAT PERFORMED THES ITHIRD-PARTY CERTIFICATION FOR BOTH THE FOREST LAND MANAGEMENT AND THE CERTIFIED PRODUCT CONTENT.

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<b>EMPORIUM S F</b>	616 DIVISADERO STREET	SAN FRANCISCO, CA. 94117	
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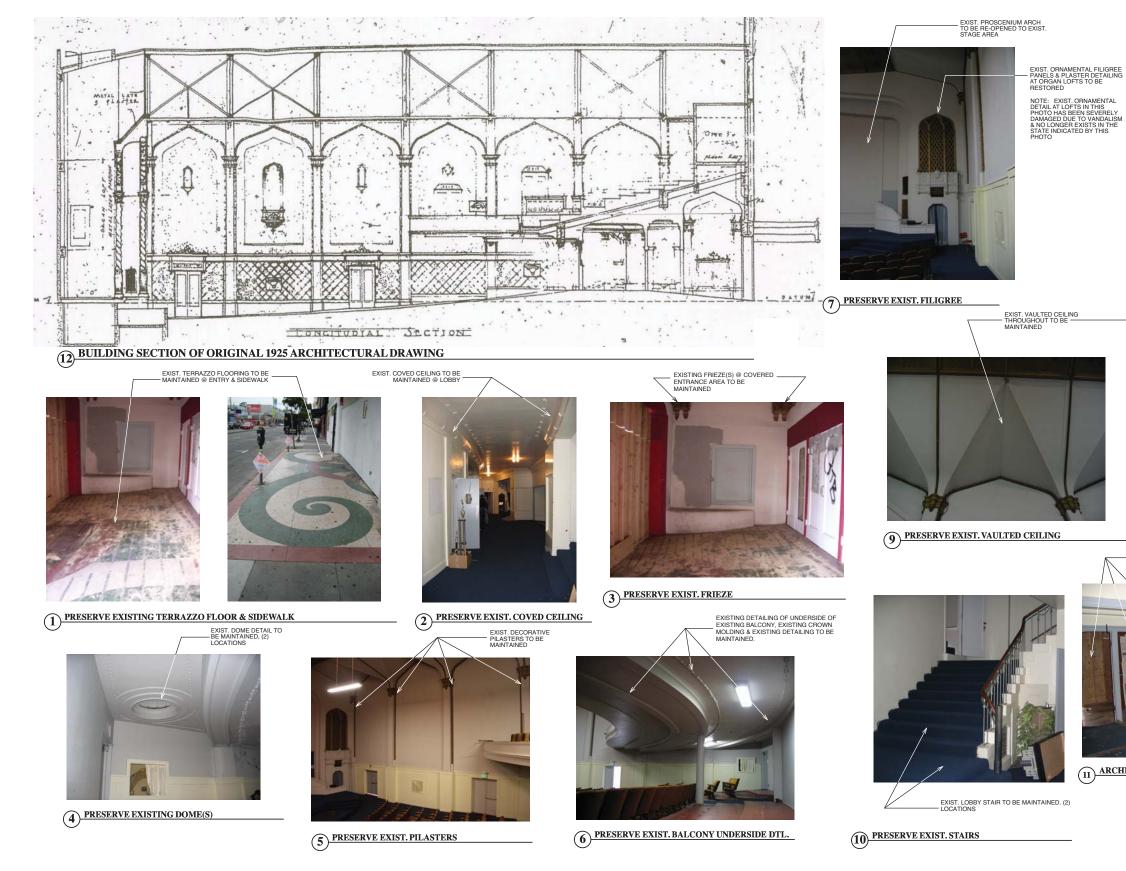


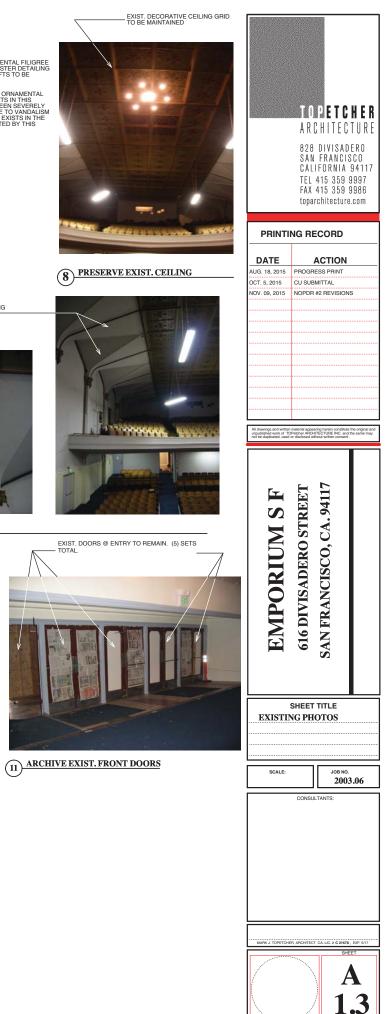
	<b>TOPETCHER</b> Architecture 828 divisadero San Francisco California 94117 Tel 415 359 9997 Fax 415 359 9986 toparchitecture.com
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	DATE         ACTION           AUG. 18, 2015         PROGRESS PRINT           OCT. 5, 2015         CU SUBMITTAL           NOV. 09, 2015         NOPDP #2 REVISIONS
	All mayings and writen material appoarting herein crossfaul the original and unpublished servic of TOPeterlane ARGHTECTURE INC. and the same may not be deplicated, used or disclosed without writen consent.
ADJACENT 2 STOREY BLDG. 1250 HAVES ST.	EMPORIUM S F 616 DIVISADERO STREET SAN FRANCISCO, CA. 94117
	SHEET TITLE EXISTING SITE PLAN SCALE: 3/32 - 1'-0" JOB NO. 2003.06 CONSULTANTS:
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#### **D.B.I. PRE-APPLICATION MEETING FINDINGS:**

Re: Pre-application request for 616 Divisadero St/ 1282 Hayes St.

present Assembly occupancy. Both structures will be on the same lot.

Jeffrey Ma and Micki Jones

considerations.

the ground floor

1.

3.

4

5.

Jeffrey Ma , DBI

requirements would be triggered.

requirements would be triggered. Jeffrey Ma , DBI

616 Divisadero/ 1282 Hayes St. Pre-App

3404.1 and 3404.3?

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	1. 1. Call	
Plan Review Manager	and the second second second	
1660 Mission St. 2 <sup>ed</sup> flr.		
San Francisco, Ca94103	Sec. Sec. Sec.	
September 3, 2015	a second second	

The following is in response to the pre-application meeting with Building and Fire held on August 20,

2015 for a project that consists of constructing a new separate five story R-2 residential structure with seven units fronting on Hayes St, and tenant improvements for an existing 1926 structure that was originally built as a movie theater.that will be converted into a bar and arcade and will retain its.

The Divisadero structure is construction Type. IB with concrete and steel reinforced walls. It has a steel roof truss and concrete roof slab with a plaster ceiling below. It has 15,500 gross square feet including basement, main floor intermediate and balcony levels. Renovations to the existing structure at 616 Divisadero St, will generally consist of upgrades to the

mechanical systems, installation of sprinklers, and tenant improvements. The latter will consist of constructing level floor areas over the existing raked theater floor on the ground level, and over the stepped balcony. Also included in the tenant improvements will be new and expanded restrooms,

complete replacement of the HVAC system, upgraded electric service, and tenant build-out with three bar areas, support spaces and general refurbishment of interior finishes.

The proposed new building will be five stories with basement and have seven dwelling units located

The upper four floors will be wood-framed floors approximately 45 feet in height over a rated type 1A

concrete podium approximately 14 feet in height. The total building height will be approximately 59 feet overall. It is to be fully spinkled and will have two enclosed stairwells (two-hour rated). Access

from one of the enclosed stairwells will be to a shared common horizontal egress path at the west side of the building. The other stair will be contiguous with the entry lobby on the ground floor

The overview of the project is that it can be considered to be one building if the walls separating the

of 616 Divisadero to remain. However, it can be considered two separate buildings for structural

If the project were not to be considered as one building, legal options regarding egress for 616 Divisadero would need to be approved by the San Francisco City Attorney. Any openings on the south elevation of 616 Divisadero would be considered a communication opening and would need to

comply with code requirements for communication openings. Finally, the program for the new structure at 1282 Hayes St. now includes a one car garage area at

This response will address the questions for each of the buildings pertaining to life safety issues,

required modifications for the existing structure, and accessibility requirements for ADA compliance. Proposed plans and diagrams for each building are attached. All questions are based on the 2013

The following section will address questions pertaining to the existing structure at 616 Divisadero that was originally known as the Harding Theater and whose last use was as a church.

Though the building was originally a movie theater with a full proscenium stage, and 875 sq. ft. of retail space at the front, there is a change of use from its last use as a church (A-2) **3** to an entertainment venue consisting of bar areas (A-2) supplemented with arcade

amusement games and pool tables (A-3). The retails space will be independent of the main tenant space. There is also a proscenium stage area that will be restored and opened to the main auditorium space. The total tenant area including the basement, first floor auditorium

with lobby, intermediate and balcony levels is 14,622 sq. ft. As per Sec. 3401, would an

essory A-3 use constitute a change of use requiring compliance with Sec. 3401.3?

No, the proposed building use and occupancy will not be more hazardous and no new

Is the proposed scope of work listed above considered to be "substantial changes" or a

No, the proposed building use and occupancy will not be more hazardous and no new

Is the proposed project exempt from a full seismic retrofit, given the scope of work listed above and considering SFBC Sections 3401.10, 3404.7.1, 3404.7.2, and 3408.4.1.

Would Sec. 3401.4.1 Existing Materials apply to any existing component if there is a change of use as described in item 1. above - specifically in regards to Sec. 410.3.3 thru 410.3.5 for the stage area, and in regards to AB-026 Noise Insulation?

The existing raked theater and balcony floors will be modified to create leveled areas. The

and channing factor include and variously from with operating to change better the second sec

page 2 of 2

substantial structural alteration" (Re: SFBC Section 3407)?

Yes, the building is/exempt from a full seismic retrofit. N/A Jeffrey Md., DBI Micki Jones, SI

No, the proposed project would not trigger this.

No, the proposed project would not trigger this. Jeffrey Ma, DBI

MJ

Micki Jones, SFFD

MJ

Micki Jones, SFFD

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Micki Jones, SFFD

Micki Jones, SFFD

MJ

Micki Jones, SFFD

MJ

Micki Jones, SFFD

9/4/15

The overview of the project is much can be considered to be one binding if the wants separating me new Hayes Street construction from the existing structure at 616 Divisadero were to be of 3-hour construction. This would enable the path of egress, as depicted, to pass underneath and through the new Hayes Street construction. It would also allow for the existing openings along the south elevation

There will also be à [4525-sq. ft. common roof/deck.

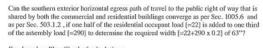
THORRETCHER Architecture inc
828 DIVISABERO SAN FRANCISCO CALIFORNIA 94117 TEL 415 359 9997 FAX 415 359 9986 toparchilecture.com

6.	Can the building's occupancy and new use be classified as the following [see attach, an occupancy plan] as per CBC Clpt. 41. A-2 occupancy for bar/restaurant use with an accessory A-3 use for the limited arcade games and billiard areas within the A-2 areas.
	The A-2 area is approximately 3,777 sq. ft. and the A-3 area is approximately 1,970 squ feet. There are also accessory spaces including the stage area and business office area totaling 2,238 square feet. The total area of the tenant space is 10,884 square feet.



The total occupancy for the entire main tenant space consisting of the lobby, auditorium, balcony, stage and support areas, based on Sec. 1004 and table 1004.1.2, and as per occupancy diagram attached is calculated at 869 occupants and would require 174" of 7. combined egress width as per Sec. 1005.3.2 Would three means of egress be required as per CBC Sec. 1015.1.1, with one egress path leading to Divisidero Street and the other two leading from the existing structure to the Hayes St. public right of way.

9/4/15





Can the existing unenclosed and unprotected portion of the exterior egress path, inclusive of the exterior balcony stairs, that is located between the existing and new building remain unchanged?

Omitted/ not applicable -- no NA

Yes

No,

Jeffrey Ma , DB

10.

11.

Can the existing balcony level at 3.592 so. ft, be considered a mezzanine if the auditorium below is 4,982 sq. ft, and it is treated as a story for compliance with exiting requi as per Chpt. 10?

12. There are some small existing accessory offices between the balcony and the ground floor level. They each have only one means of egress. These are proposed to become additional restrooms accessed from the existing balcony stairways. Can these spaces be labeled as an "Intermediate Level" as they are not a story?

These areas would be considered an enclosed mezzanine with one means of egress. MJ Jeffrey Ma , D

616 Divisadero/ 1282 Hayes St. Pre-App page 4 of 4

N/A

Micki Jones, SFFD

13. If the Divisadero structure had tenant improvements completed prior to the completion of the new Hayes Street structure, could the egress path to Hayes Street be maintained through the base of the new Hayes Street structure prior to the full completion, so that the Divisadero structure could be occupied and open for business while construction continue on the upper floors of the new building?

Yes. A separate plan for temporary egress would be needed for approval. Don MJ Jeffrey Ma, DBI Micki Jones, SFFD

Can the existing structure utilize the State Historic code as per AB-013 and allowed by Sec. 11B 202.5 if the building has been determined to be a Historical Resource by the Planning Department?

Given the difficulty to add an elevator to the balcony level and the building's consideration as an historic resource, would Sec. 11B 202.4 Exception(s) 2, 4, &/or 9 apply?



N/A Micki Jones, SFFD

Is an elevator required to serve the balcony area if a reasonable portion of all facilities proposed for the tenant improvements there were made available on the accessible ground floor as per Sec. 11B 206.2.3 Exception 1.2?

Jam N/A Jeffre Ma , DBI Micki Jones, SFFD

If the existing non-conforming sloped entry way did not meet the full requirements of Sec 11B 206.4 for Entrances, would any modification be required to be made for the entry?

18. Would the existing raked [sloped] theater floor serve as an accessible route as per Sec 11B 401 to any new level area created over the existing sloped first floor area if the sloped floo did not have landings as per Sec. 11B 405.7?

616 Divisadero/ 1282 Hayes St. Pre-App page 5 of 5 9/4/15 Yes. N Jeffrey a, DBI

19.

Jeffker Ma , DBI

The proposed new structure is to have an R-2 occupancy and an occupied area of 8,446 sq. ft. As per CBC Table 5, the occupant load is calculated at 42, including the common roof deck area. There will be two means of egress from each story and basement. Can one of these egress routes served by a stair with a two-hour rated enclosure above the first floor open into the ground floor lobby?

Jeffre Ma , DBI

The proposed new R-2 building is to be wood frame, type 5A 1hour fire rated construction Are projected are a building is to be work multi-type of the most net rate values of the second sectors, with full sprinklers throughout, 59 ft, in height. We have approximately 2025 sq. ft, of area per floor with five levels for a total of 8,100 sq. ft, of occupied area. Table 503 in the CBC states that a 5A wood frame assembly can be a maximum height of 50 feet in height from grade. Is 50 feet of wood frame over a 14 foot high concrete podium allowable, making for a structure that is 59 feet in overall height?

Yes. Jeffrey Ma , DBI

of the corridors?

2.

Yes. Jeffrey Na , DBI

#### 616 Divisadero/ 1282 Hayes St. Pre-App

9/4/15

1022.4? Jeffrey Ma, DBI

5.

Chapter 7 of the CBC section 712 addresses vertical openings. Is it allowable to have a rated fire door at the elevator doors at all levels in lieu of a separate lobby compartment if the elevator doors are equipped with a self closing rated door with a hold-open device tied to the alarm system?

Yes. Comply with CBC 7/3.14.1 Jeffredita, DBI MJ Micki Jones, SFFD

No. This would not be acceptable, Jeffrey Via , DBI

Could the north facing windows at the fourth and fifth floors be unprotected as per Sec. 705.8.6 Exception 1.7 Jeffrey Ma, DBI 11-

- 8.
- Yes Jeffrey Ma, DBI

espectfully submitted. Way ton Mark J. Tope Architect

Attach. 616 Divisadero/ 1282 Hayes St. Pre-App

- No elevator is required
- Jeffrey Ma , DBI





Yes Jeffrey Ma , DBI

14.

15.



Yes. No elevator would be required.

N/A Micki Jones, SFFD

If the existing stage area is restored to be a part of the auditorium space, would it be required to be made accessible as per Sec. 11B 206.2.6 & 206.7.1?

Yes. A lift would be acceptable.

The following section will address questions pertaining to the proposed new structure at 1282 Hayes

Yes, however a door would be needed from the elevator lobby area.

Can the required distances to the stairwell cores, based on one third of the diagonal distance of the level served and on floors two through three, be measured along the center

page 6 of 6

9/4/15

4. Can the south egress stairwell that opens directly into the entry lobby be unenclosed at the lobby level if it complies with Sec. 1023 and if the elevator door at the lobby is equipped with a self closing rated door with a hold-open device tied to the nlarm system to meet Sec.

No. The stair must be enclosed at all levels. MJ Micki Jones, SFFD

If Type 3 construction were to be required at any portion of the project, could lumber If ype 3 construction were to be required at any portion of the project, could number coated with intumescent paint be considered to comply with CBC 2303.2? (Question assumes intumescent paint complies with ASTM E 84, with flame spread index of 25 or less and no significant progressive combustion at 20 minutes.)  $\partial N + Y \cup L$ . Is seed not the spread index of 25 or less and no significant progressive combustion at 20 minutes.)  $\partial N + Y \cup L$ . Is seed not the spread index of 25 or a complete the spread index of 25 or a comple

Yes, however they would need to comply with the min. height above the adjacent roof area.

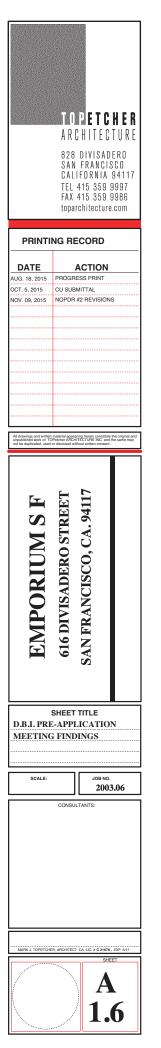
If the hoistway openings of the elevator are equipped with doors as per Sec.716.5.9.3, can an elevator lobby as per Sec. 713.14.1 be omitted at all levels?

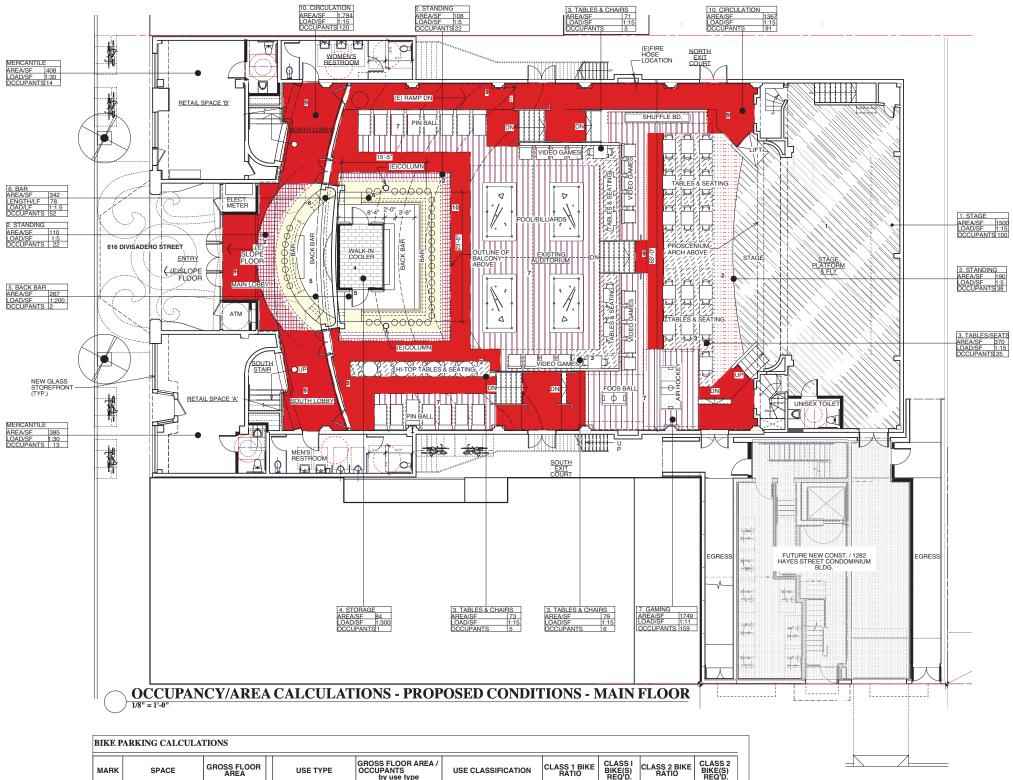
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MJ Micki Jones, SFFD BUIL DING CAPT. Mity Jones 9/17/15

FIRE

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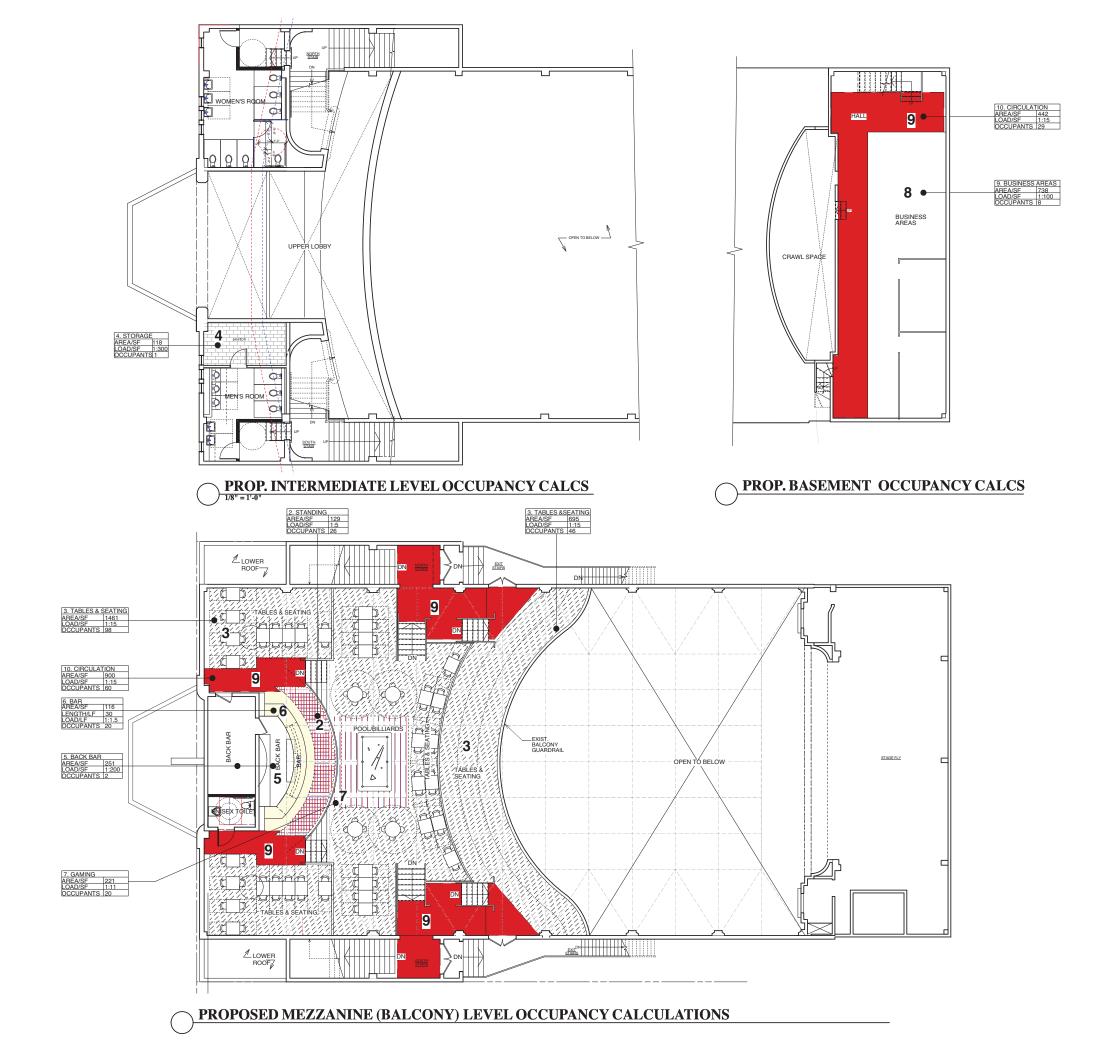




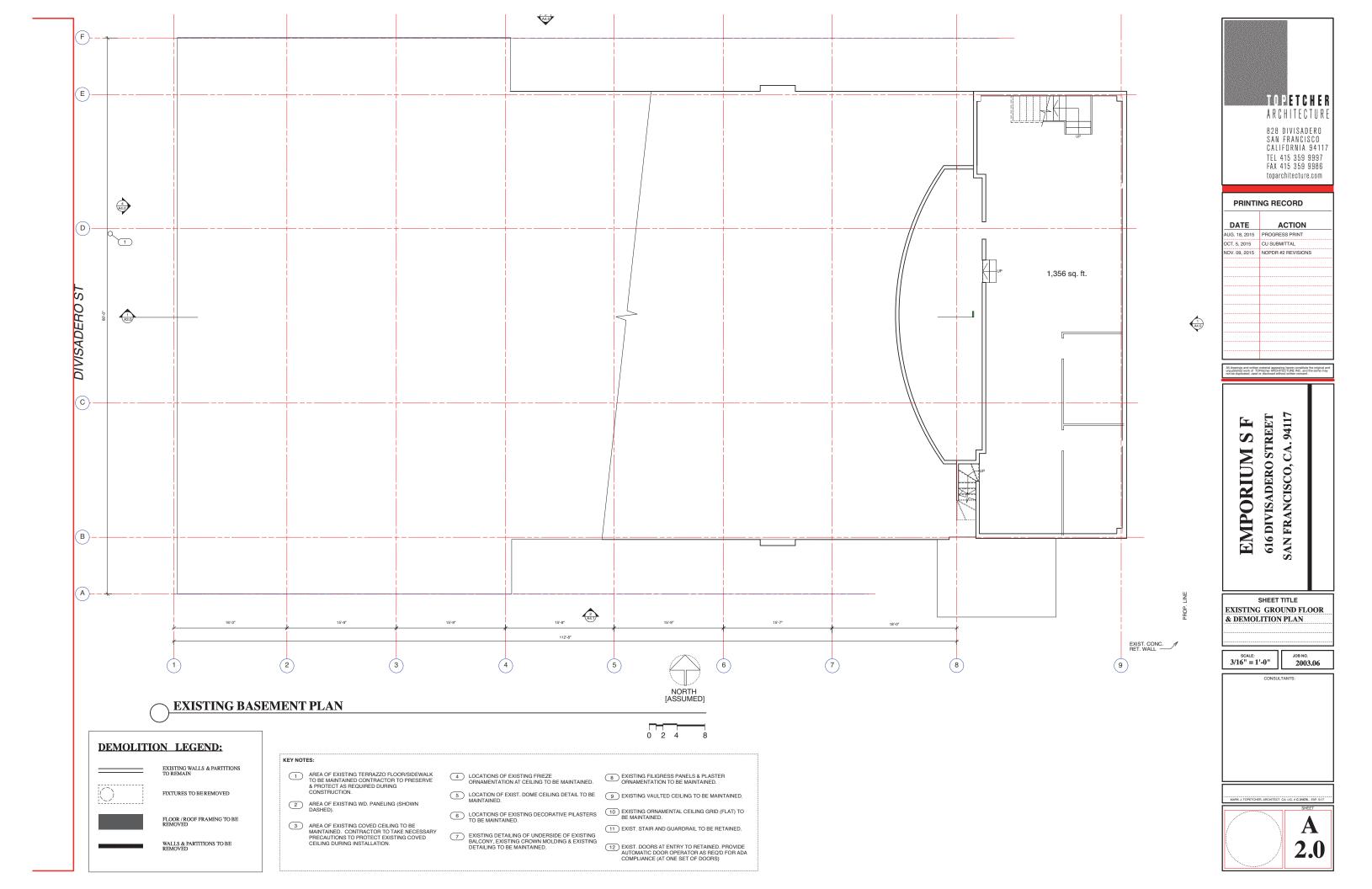
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1 2 3 4	Stage Standing Tables & Seating Storage	1500 sq ft 557 sq ft 2054 sq ft 202 sq ft	Entertainment & Amusement	229 Guests	Religious, Entertainment & Amusement	5 < 500 Guests	5	1:50 Guests	5
5 6 7 8	Back Bar Bar Gaming Mezz. Seating	518 sq ft 98 Lin. Ft. sq ft 1970 sq ft 648 sq ft	Restaurants & Bars	3220 sq ft	Restaurants & Bars	1:7500	1	1:750 / min 2	4
9 10	Business Areas Circulation Retail Space	738 sq ft 4092 sq ft 793 sq ft	Retail Sales	793 sq ft	Retail Sales	1:7500	1	1:10000 / min 2	2
OTAL	BIKE PARKING REQUI	RED / PROPOSED					7		11
11 DTAL BI	(Exist.) Church Auditorii KE PARKING REQUIRED / L/	•	Exisiting Religious Use	800 Guests [seats]	Religious, Entertainment & Amusement	10:> 500 Guests	10	1:50 Guests	16
OTAL E	BIKE PARKING REDUC	TION ALLOWED					-3		-5

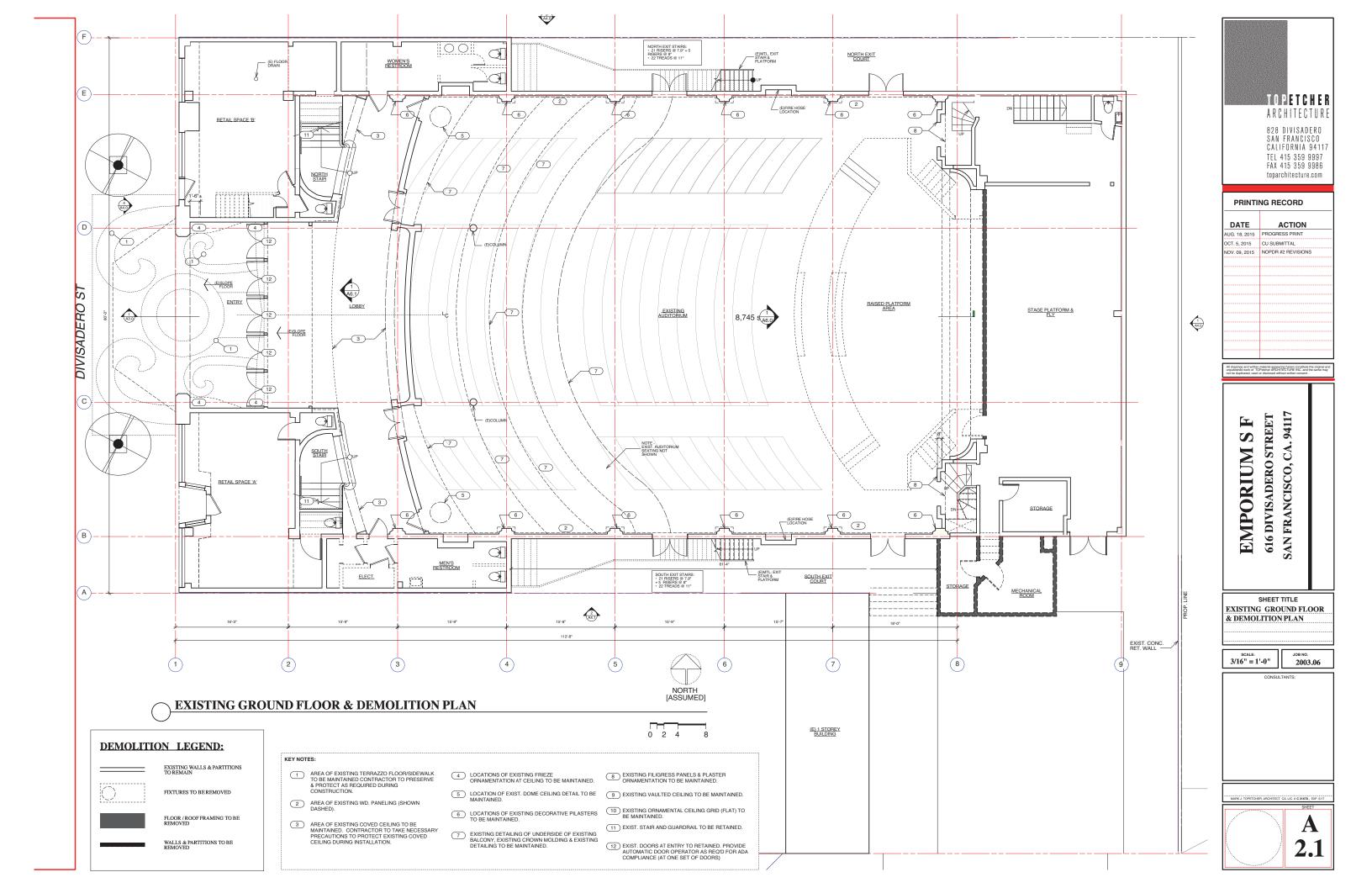
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MARK SPACE		GROSS FLOOR AREA	OCCUPANCY RATIO REQ'D.	OCCUPANT LOAD			
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1	Stage	1500 Sq Ft.	1:15				
2	Standing	609 Sq Ft.					
3	Tables & Seating	2749 Sq Ft.					
4	Storage	84 Sq Ft.					
5	Back Bar	518 Sq Ft.	1:200				
6	Bar	108 Lin. Ft.	1:1.5				
7	Gaming	1970 Sq Ft.	1:11	179			
8	Business Areas	738 Sq Ft.	1:100	7			
9	Circulation	2236 Sq Ft.	1:15	149			
тот	AL 616 Divisadero:			808			
10	Common Roof Deck	1524 Sq Ft.	1:200	8			
11	Residences	6766 Sq Ft.		34			
12	Storage	766 Sq Ft.	1:300				
13	Circulation	1017 Sq Ft.	1:200	5			
1282 Ha	yes St:			49			

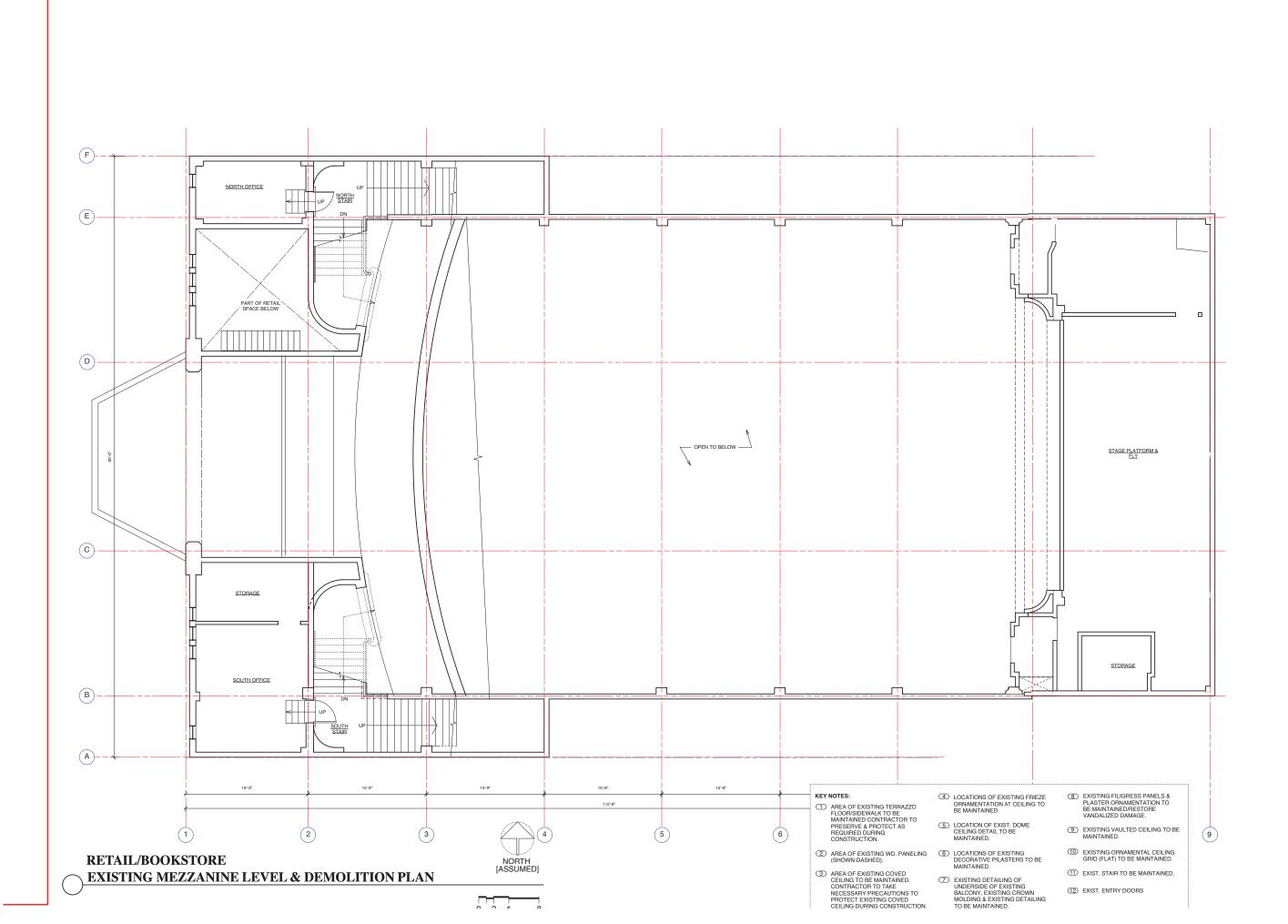
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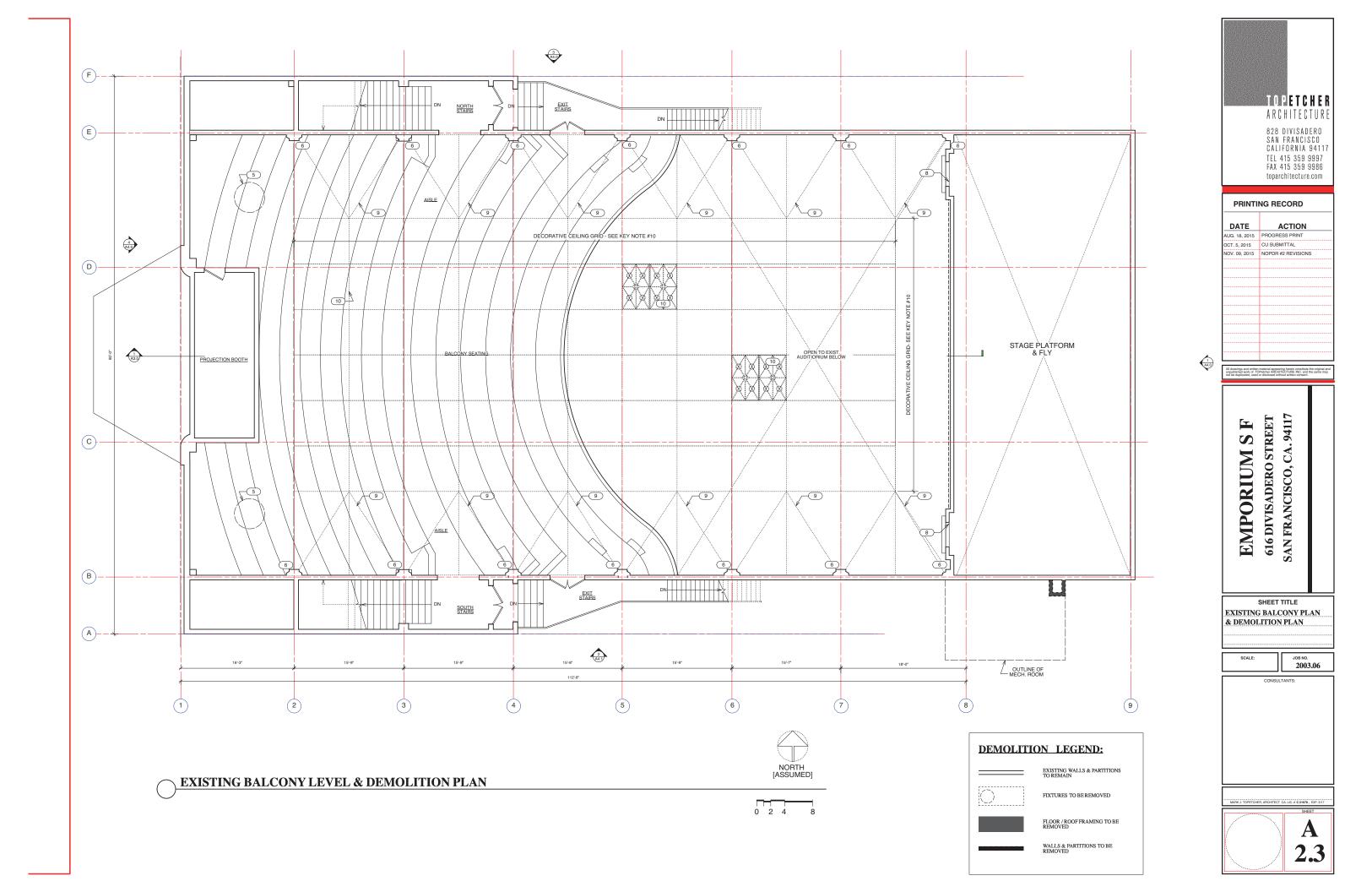
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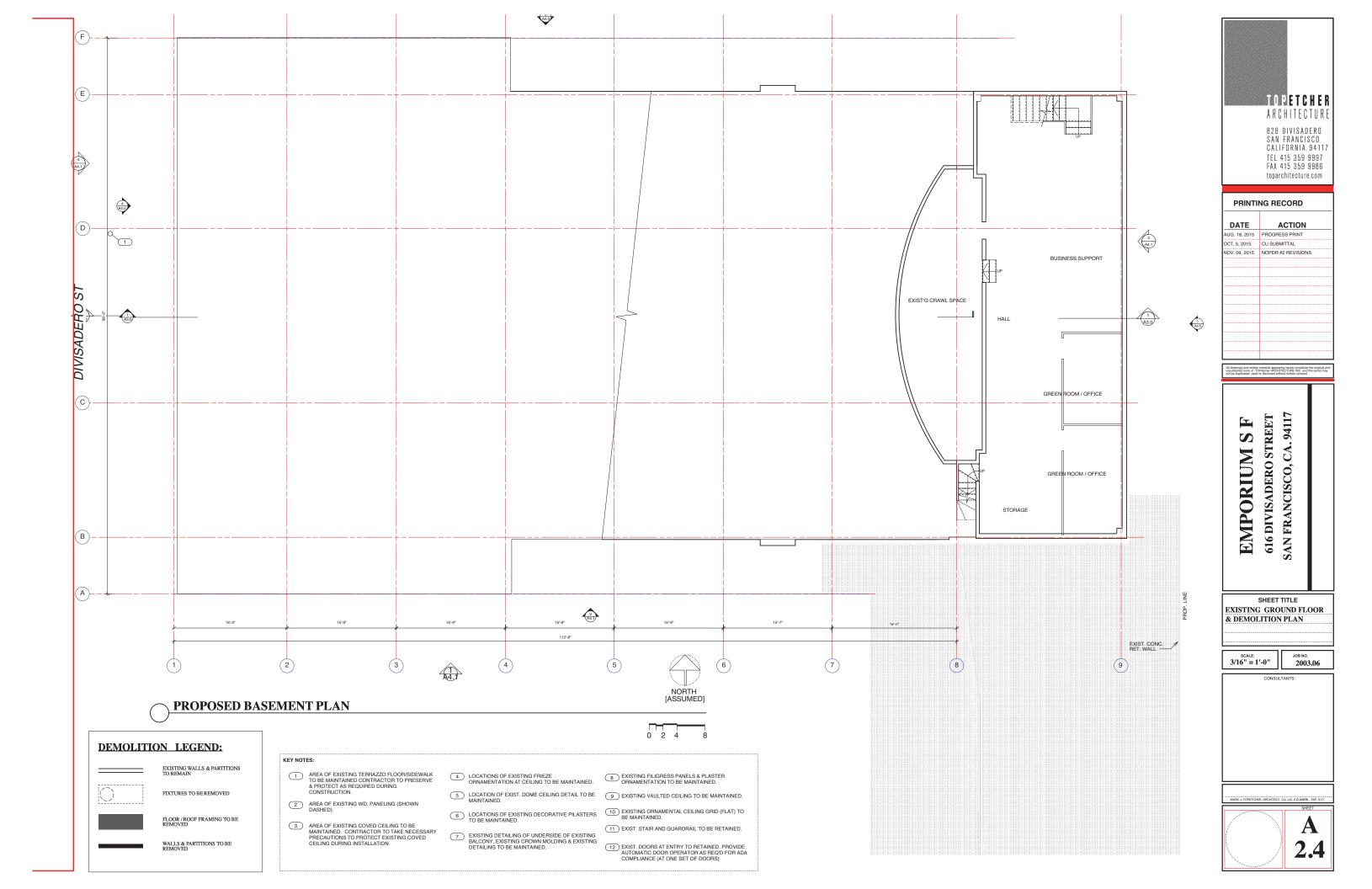


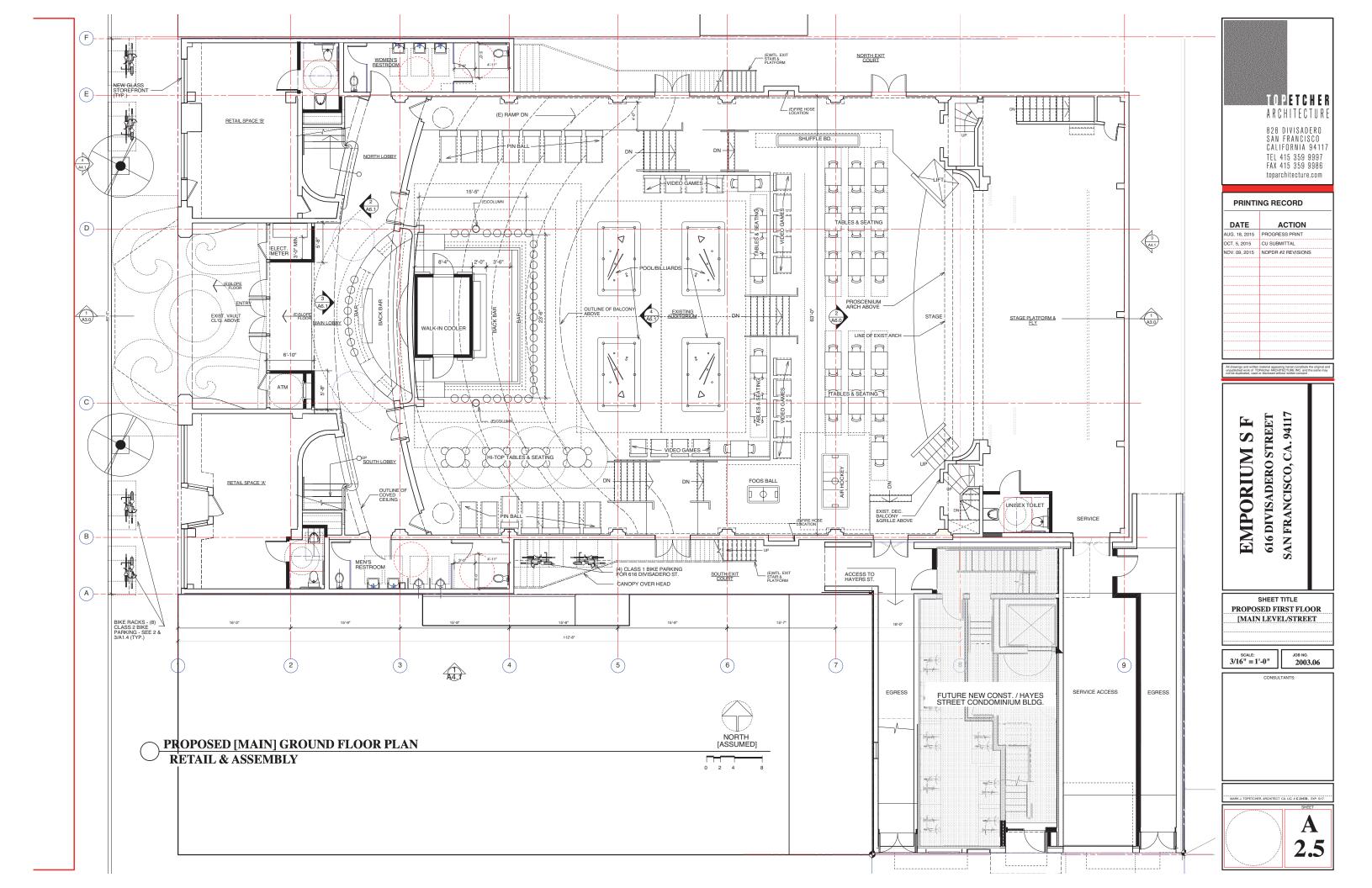


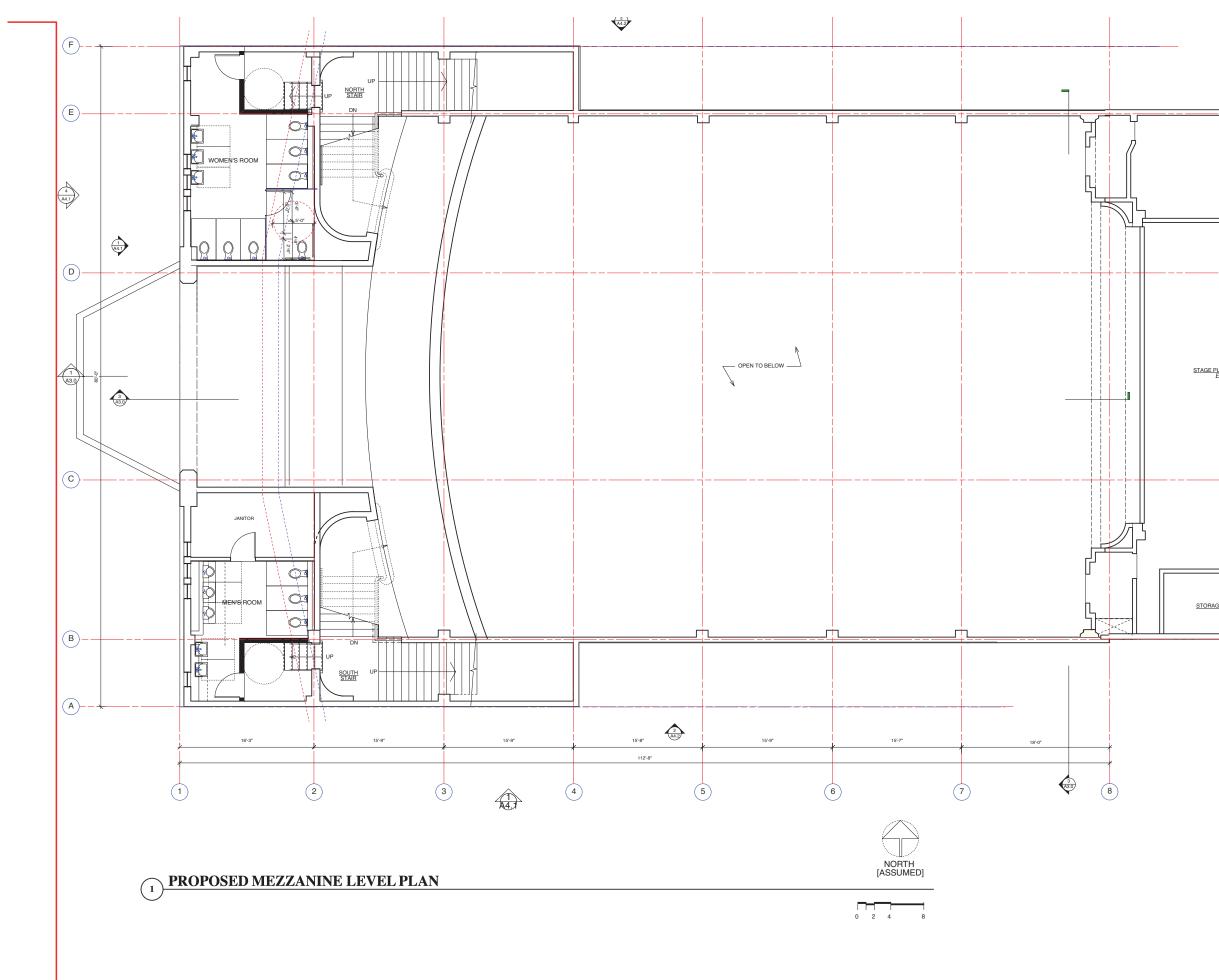


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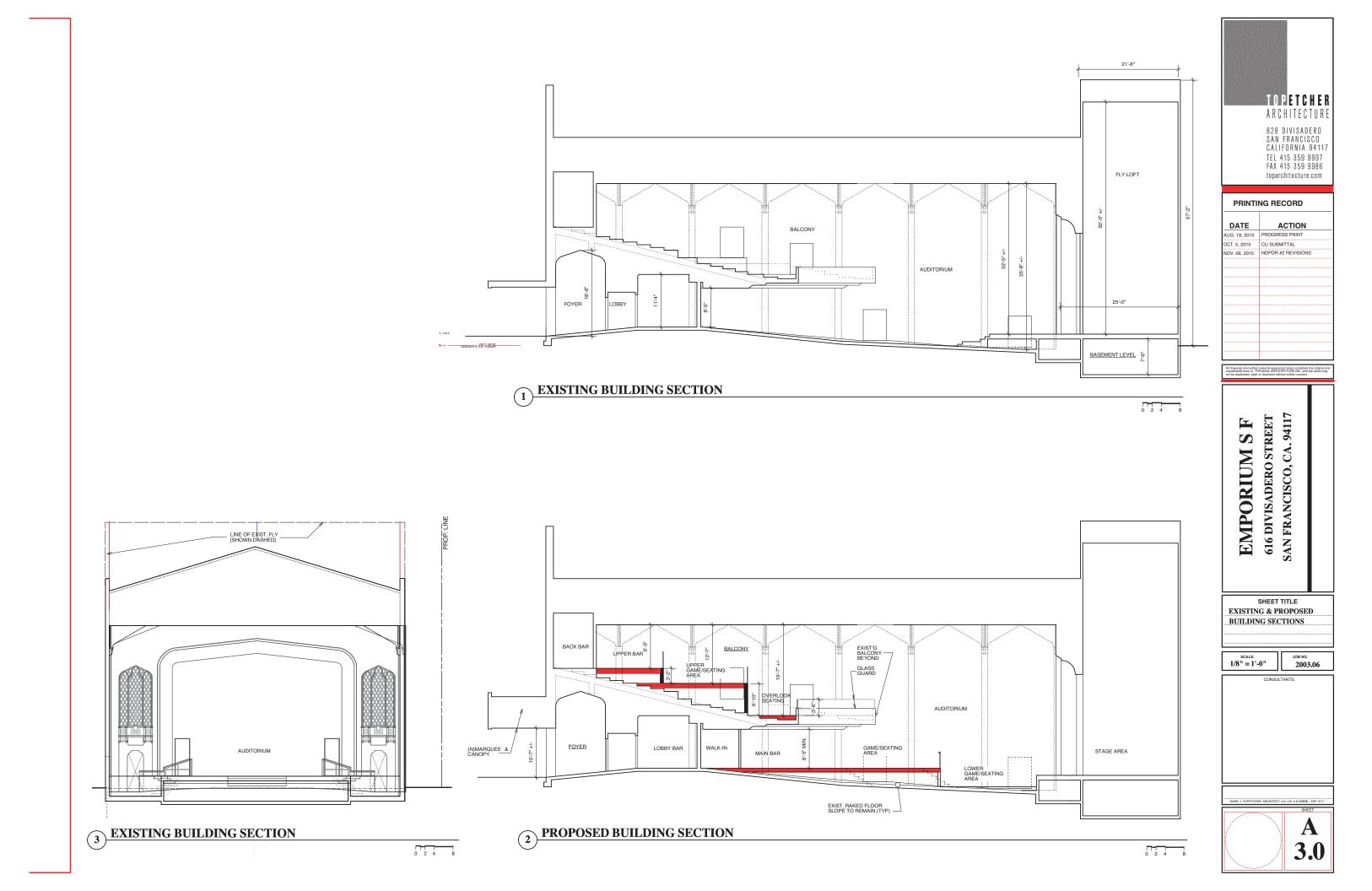


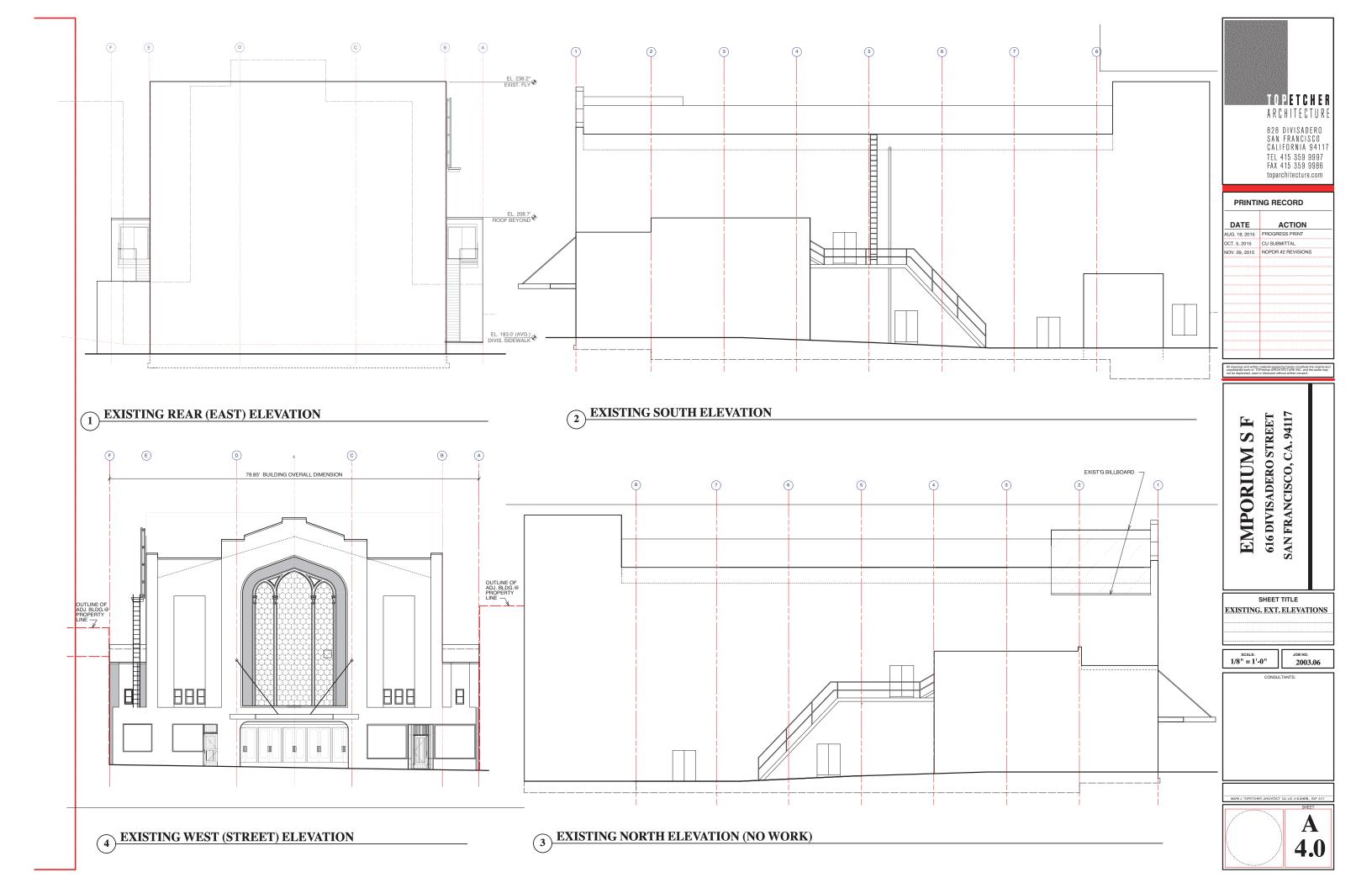


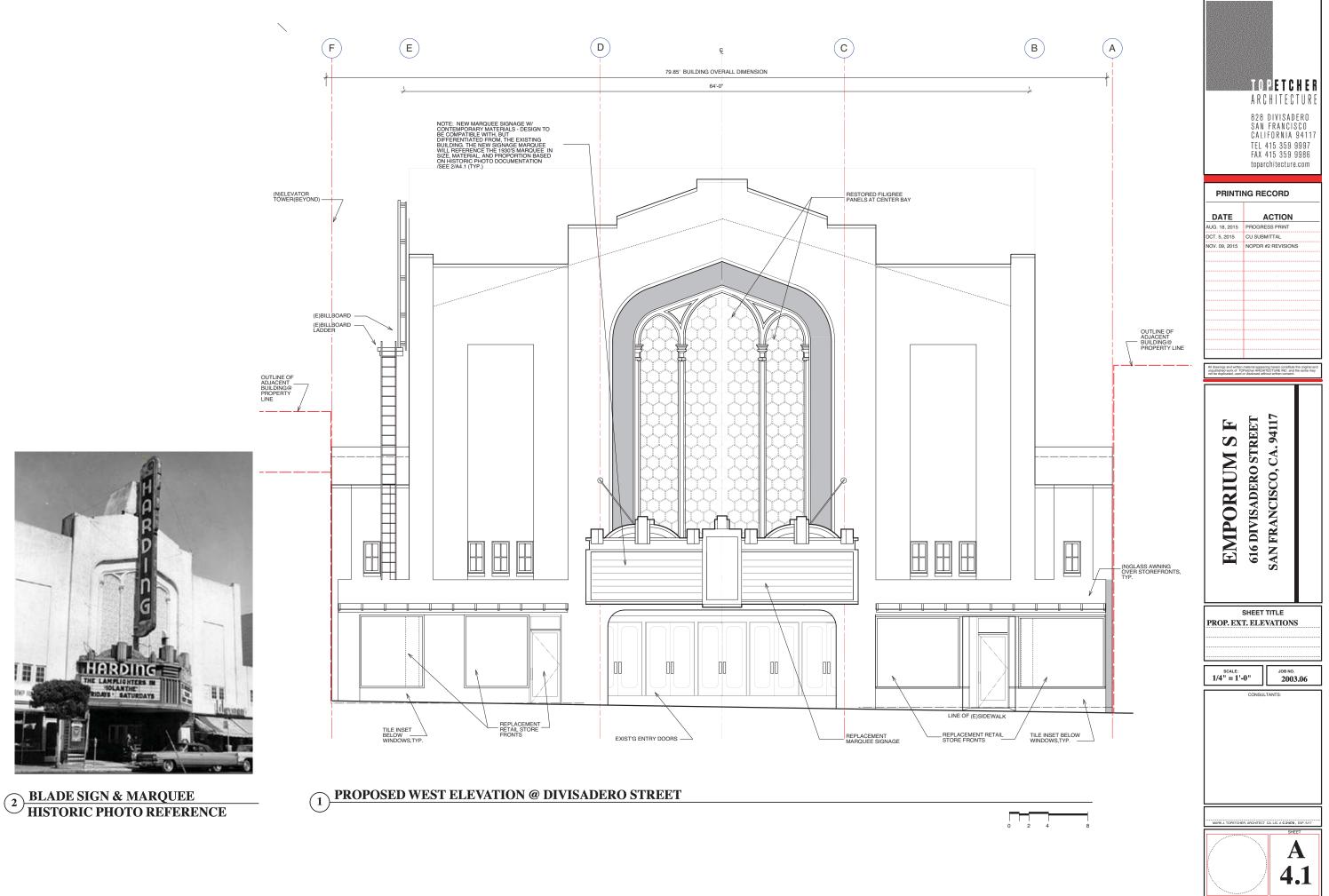


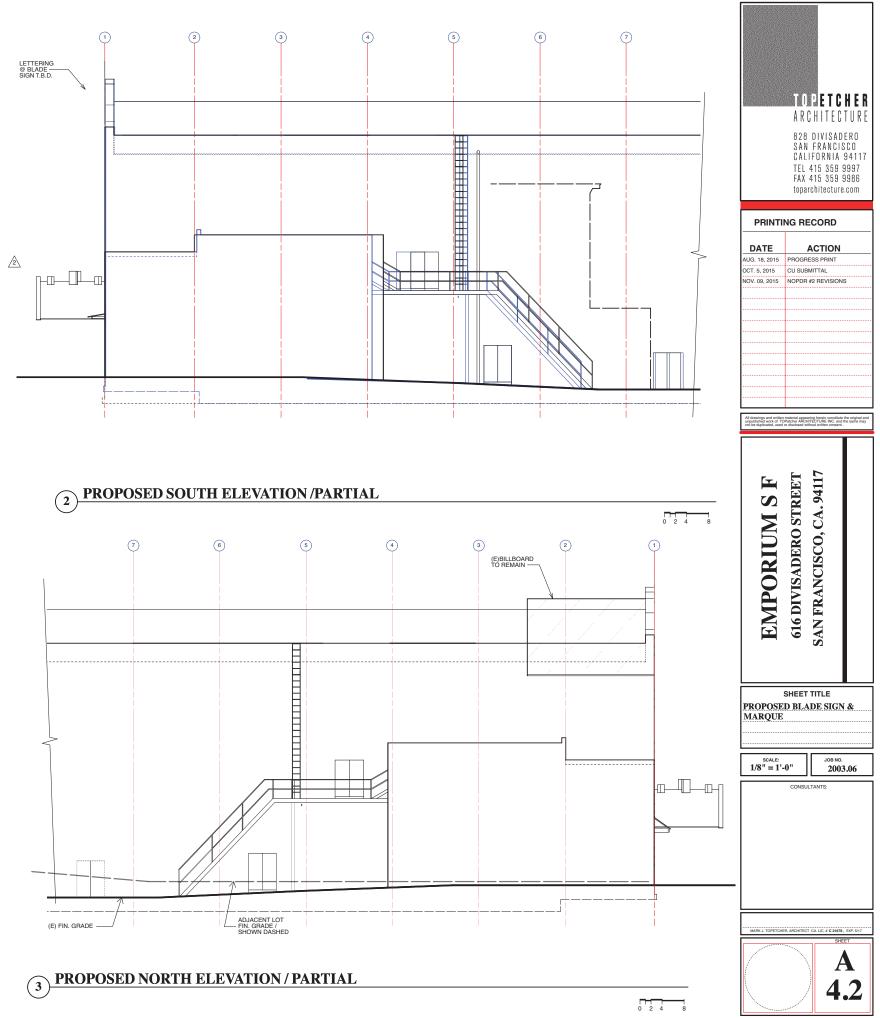


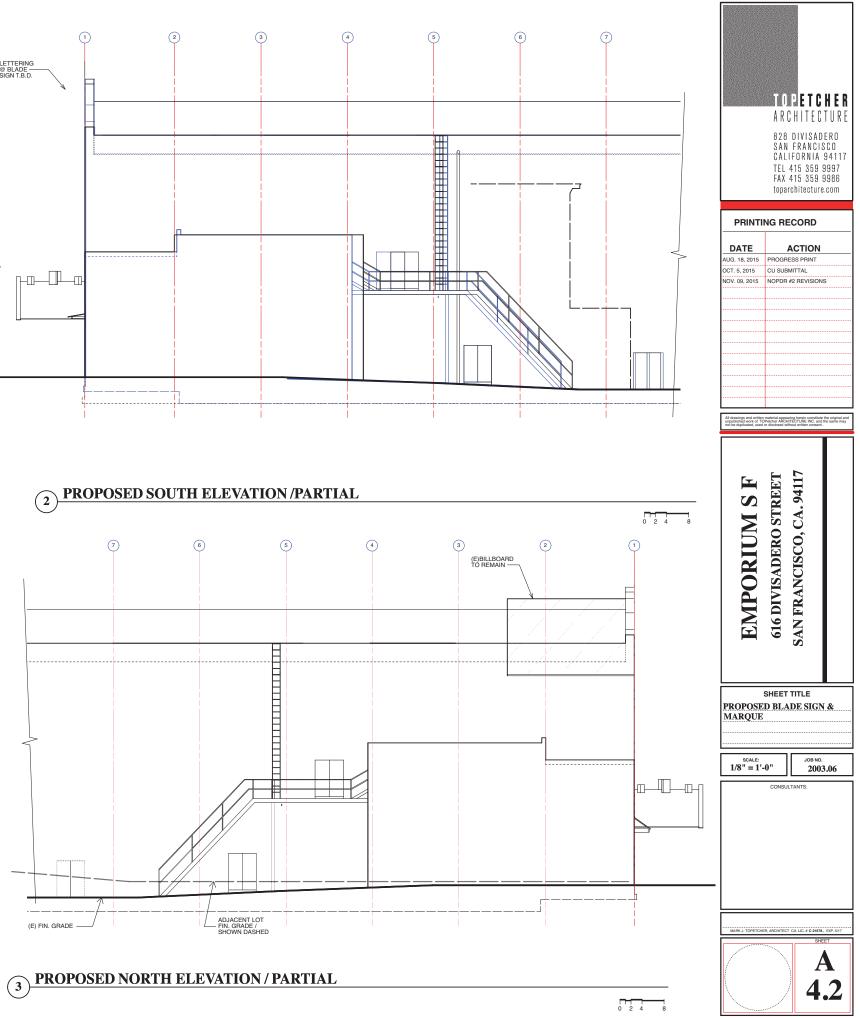
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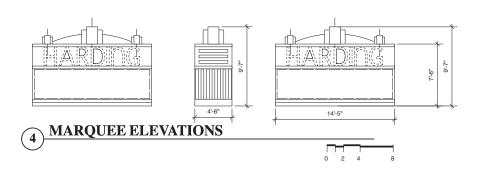


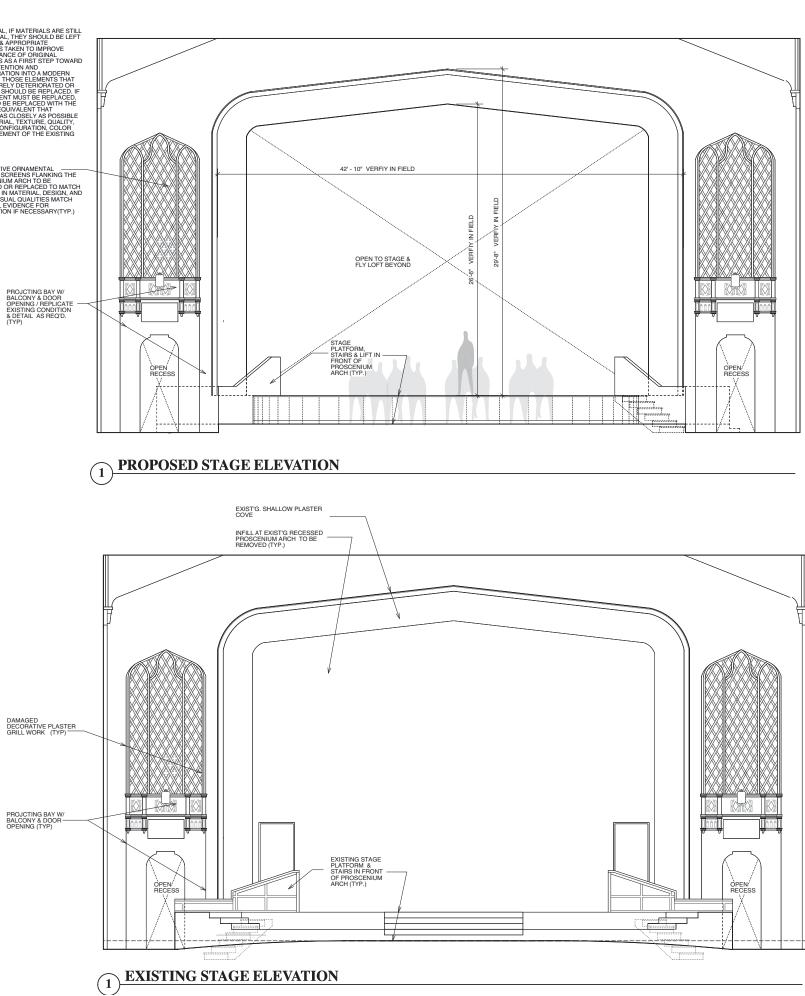


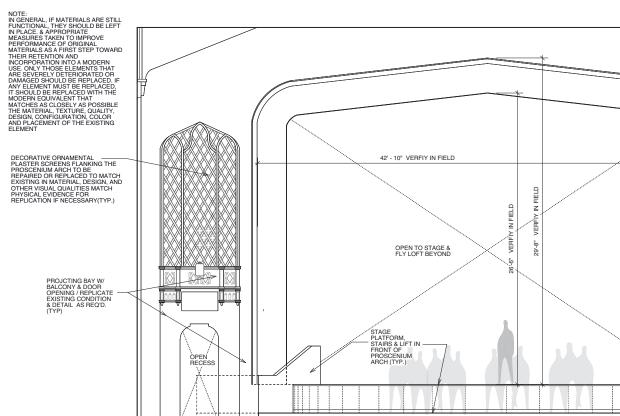




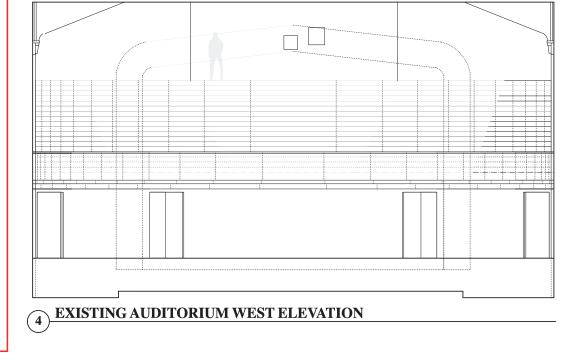








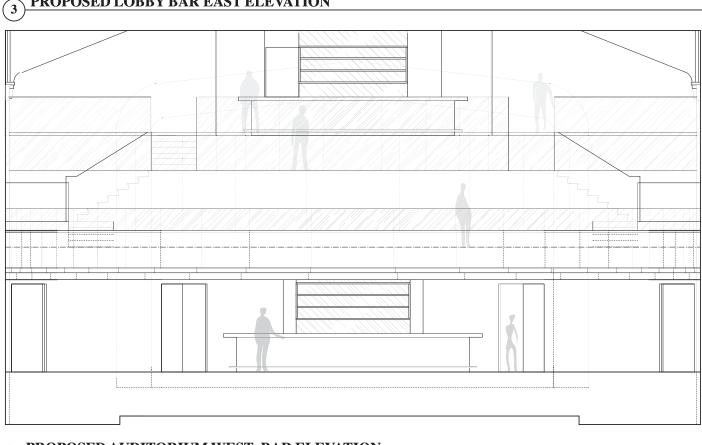
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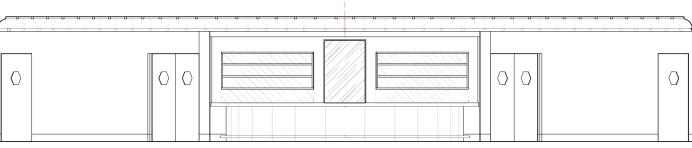
## 3 EXISTING LOBBY EAST ELEVATION

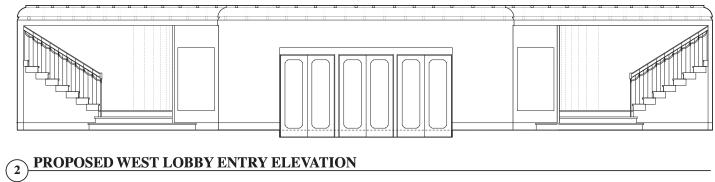
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## 4 PROPOSED AUDITORIUM WEST BAR ELEVATION

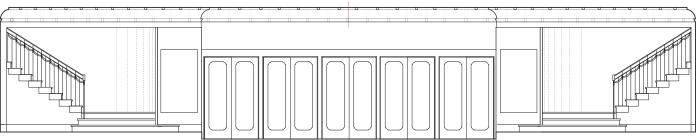


## (3) PROPOSED LOBBY BAR EAST ELEVATION





## 1 EXISTING WEST LOBBY ENTRY ELEVATION



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<b>JRIU</b> SADER ACISCO	EMPORIC 616 DIVISADER 616 DIVISADER SAN FRANCISCO
	SCALE: JOB NO.

#### **GENERAL NOTES:**

1. CODE COMPLIANCE: All work is to be performed in accordance with all governing Codes, Ordinances and Regulations. The designs herein are based on the 2013 C.B.C., 2013 S.F.B.C., 2013 S

2. JOB COORDINATION & SAFETY: Contractor shall be responsible for the development, coordination and execution of construction methods and procedures. The Contractor shall also be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with his work.

3. JOB CLEANLINESS: Contractor shall on a daily basis leave the construction site "broom clean" at the end of the work day. At substantial completion, the Contractor shall turn to the Owner a spotlessly clean house, including clean mirrors, glass, light bulbs, walls, floors, cabinetry inside and out, bathroom fixtures, tiles and appliances.

4. CONSTRUCTION QUALITY: No guarantee for quality of construction is implied or intended by the architectural documents, and the Contractor shall assume full responsibility for any or all construction deficiencies.

5. CONTRACT DOCUMENT REVIEW: Contractor shall review all Contract Documents. If fifteen days elapse from the time the Contractor receives the plans and signs to perform the work, and the Owners have not been notified of any errors, omissions or objections, the Owners will consider the documents approved by the Contractor for the performance of his/her work.

6. DISCREPANCIES: In case of any discrepancy notify the Owners before proceeding. Contractor shall be responsible for correction of work at his/her own expense for work installed in conflict with the Contract Documents.

7. DIMENSIONS: All dimensions shown on plans are to face of stud, unless otherwise noted. All dimensions shown on interior elevations are finish dimensions. No dimensions shall be taken by measuring from the drawings. Details take precedence over general sections or plans. Written dimensions take precedence over scale. All dimensions shall be verified in the field for coordination with existing and new conditions.

8. SUBSTITUTIONS: The Contractor will be held to furnish under his Proposal all work described herein. All materials and articles of any kind necessary for this work are subject to the approval of the Owners.

9. MANUFACTURED ITEMS: Transport, handle, store, protect and install manufactured items in strict accordance with manufacturer's recommendations. Should conflict exist between construction documents and manufacturer's instructions, consult with Designer.

10. ASBESTOS: Asbestos removal is not intended to be covered by this contract. If Asbestos is suspected, a testing agency must be hired to verify, and special procedures must be used for removal and disposal. Friable asbestos is the dangerous type and was used extensively for pipe insulation, fireproofing and certain building materials up to 1970.

11. CUTTING AND PATCHING: Cut and fit components as required; patch disturbed areas to match adjacent materials and finishes.

12. ATTIC VENTILATION: Ventilating area shall not be less than 1/150th of the net area of the space ventilated. If at least 50% of required ventilation is provided in the upper portion of the space, then ventilating area may be 1/300th of the attic space per section 3205(c).

13. BLOCKING: Provide solid blocking as necessary for all wall mounted shelves, fixtures and fittings. See interior elevations, where applicable.

14.WATER TIGHTNESS: Contractor shall verify that all work on the exterior of the project is watertight. All joints and surfaces exposed to the elements shall be tested for water tightness prior to substantial completion.

15.WATERPROOF MEMBRANE: Install a waterproof membrane under the Master Shower floor @ the Master Bath. Wrap the membrane up a minimum of 8" on all surrounding surfaces.

**16**. GLAZING: Tempered glazing is required as per UBC 2406. Glazing to be tempered includes but is not limited to: glazing that is less than 18" above finish floor; within 24" radius of doors; Glass door and panels of shower and bathtub enclosures and adjacent glazed openings within 60" above a standing surface and drain inlet shall be fully tempered, laminated safety glass as per UBC 2406.3 & .4; skylights; etc...

17. DRYWALL: All drywall to be 5/8" thick. Install metal comer beads at all outside comers. Fasten drywall to framing with drywall screws. All drywall is to be sanded three times to produce a smooth finish for all walls and ceilings. All drywall shall be finished so that it is smooth, with no bumps or craters. All joints to be taped and sanded so that there is no distinguishable transition. Contractor shall deliver all new or repaired walls perfectly even. The owners' and designer's criteria will be the sole measure for approval of the finished work.

18. HANDRAILS AND GUARDRAILS: All handrails at stairs are 34" above tread nosing. All guardrails are 42" minimum to finish floor, U.O.N. See interior elevations or details, as applicable, for guardrail design.

19. SHOWER AND TUB W/ SHOWER : Provide ceramic tile or stone finish at all shower and tub w/ shower areas to a minimum height of 70° above the drain inlet over a moisture resistant underlayment (typical). Verify with interior elevations, if applicable. All showers & shower/tub combinations to have pressure balance mixing valves as per UPC section 410.7

20. PLUMBING: All work is design/build by the Plumbing contractor and is to meet required codes and Title 24 requirements. Low flow plumbing fixtures & fittings will be used in all bathrooms, etc... Toilets to have a max. allowable flush of 1.6 gal. When there are fixtures @ three levels, cast iron or other approved non-plastic materials for drain, waste, & vents is to be used.

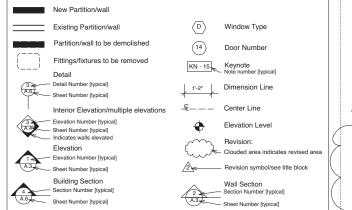
21. TITLE 24 RESIDENTIAL LIGHTING REOUIREMENTS

KITCHEN: •At least 50% of installed luminaire wattage must be of high efficacy (HE) lighting and must be switched separate from non-HE lighting.

BATHROOMS, LAUNDRY, GARAGE & UTILITY ROOMS: • All HE lighting, unless lighting is controlled by certified vacancy sensor(s) - must be manual-on motion sensor • must not have "always-on" option • All exhaust fans to be timer or humidistat controlled

OTHER ROOMS [BEDROOMS, HALLS, DINING ROOM, etc... and CLOSETS bigger than 70 sq. ft.]: •All HE lighting unless lighting is controlled by: - dimmer switch OR - certified occupant sensor(s) - must be manual-on motion sensor - must not have"always-on" option

#### **DRAWING SYMBOL LEGEND**



#### **ARCHITECTURAL SHEETS:**

- A1.0 PROJECT INFO. & LEGENDS
- A1.1 PROPOSED SITE PLAN
- A1.2 EXISTING SITE PLAN
- A1.3 DBI PREAPP MEETING FINDINGS
- A2.0 PROPOSED BASEMENT & FIRST FLOOR PLAN
- A2.1 PROPOSED 2ND THRU 4TH FLOOR PLAN, PROPOSED ROOF DECK PLAN & PROPOSED ROOF PLAN
- A3.0 PROPOSED BLDG. SECTIONSA3.1 PROPOSED BUILDING SECTIONS
- A3.1 PROPOSED BUILDING SECTIONS A4.0 PROPOSED SOUTH & WEST ELEVATIONS
- A4.1 PROPOSED EAST & NORTH ELEVATIONS
- T1.0 TOPOGRAPHICAL SITE SURVEY

#### STREET TREE CONFORMANCE:

CALCULATIONS FOR NUMBER OF NEW REQUIRED STREET TREES COMBINED LENGTH OF ALL STREET FRONTAGES:

DIVISADERO: 80'-0" HAYES: 45'-0"

TOTAL STREET FRONTAGE: 125'-0" 125'-0" ÷ 20'-0" (TREE SPACING REQUIREMENT) = 6 TREES

EXISTING TREES = 2 NEW TREES = 4 TOTAL NUMBER OF TREES: 6

#### **OPEN SPACE CONFORMANCE:**

CALCULATIONS FOR COMMON OPEN SPACE: (7) UNITS @ 100 SQ.FT. EA. = 700 SQ.FT. 700 SQ.FT. x 1.33 = 931 SQ.FT. MIN. OPEN SPACE AREA COMMON OPEN SPACE AREA [MIN.15' HORZ. DIM.] = 932 SQ.FT. TOTAL ROOFDECK AREA: 1,232 SQ.FT. [EXCEEDS MIN.REQMNT.]

CALCULATIONS FOR MISC. PENTHOUSE AREAS:

TOTAL ROOF AREA [ABOVE 5TH FLR] - 2,120 sq. ft. TOTAL STAIR & ELEV. PENTHOUSE AREAS - 423 sq.ft. THEREFORE PENTHOUSE AREAS - 20% OF ROOF AREA: (20 x 2120 = 242 sq. ft. ALLOWABLE PENTHOUSE AREA: 423 < 424)

#### **PROJECT DESCRIPTION:**

THE SCOPE OF WORK UNDER THIS PERMIT IS THE CONSTRUCTION OF A NEW SEVEN UNIT RESIDENTIAL CONDOMINIUM BUILDING WITH BASEMENT STORAGE AREA. FIVE OF THE UNITS WILL GENERALLY CONSIST OF LIVING/DINING AREA, KITCHEN, ONE BEDROOM AND ONE BATH; THE OTHER TWO UNITS WILL HAVE THREE BEDROOMS. OUTDOOR SPACE WILL BE DEVELOPED ON THE ROOF TOP OF THE BUILDING. THE GROUND FLOOR WILL ALSO ACCOMODATE EGRESS PATHS THAT SERVE THE ADJACENT STRUCTURE ON THE SAME LOT IN ADDITION TO THE NEW STRUCTURE.

REVISION TO SITE PERMIT P.A. # 2004 0507 3324

PROJECT DATA:

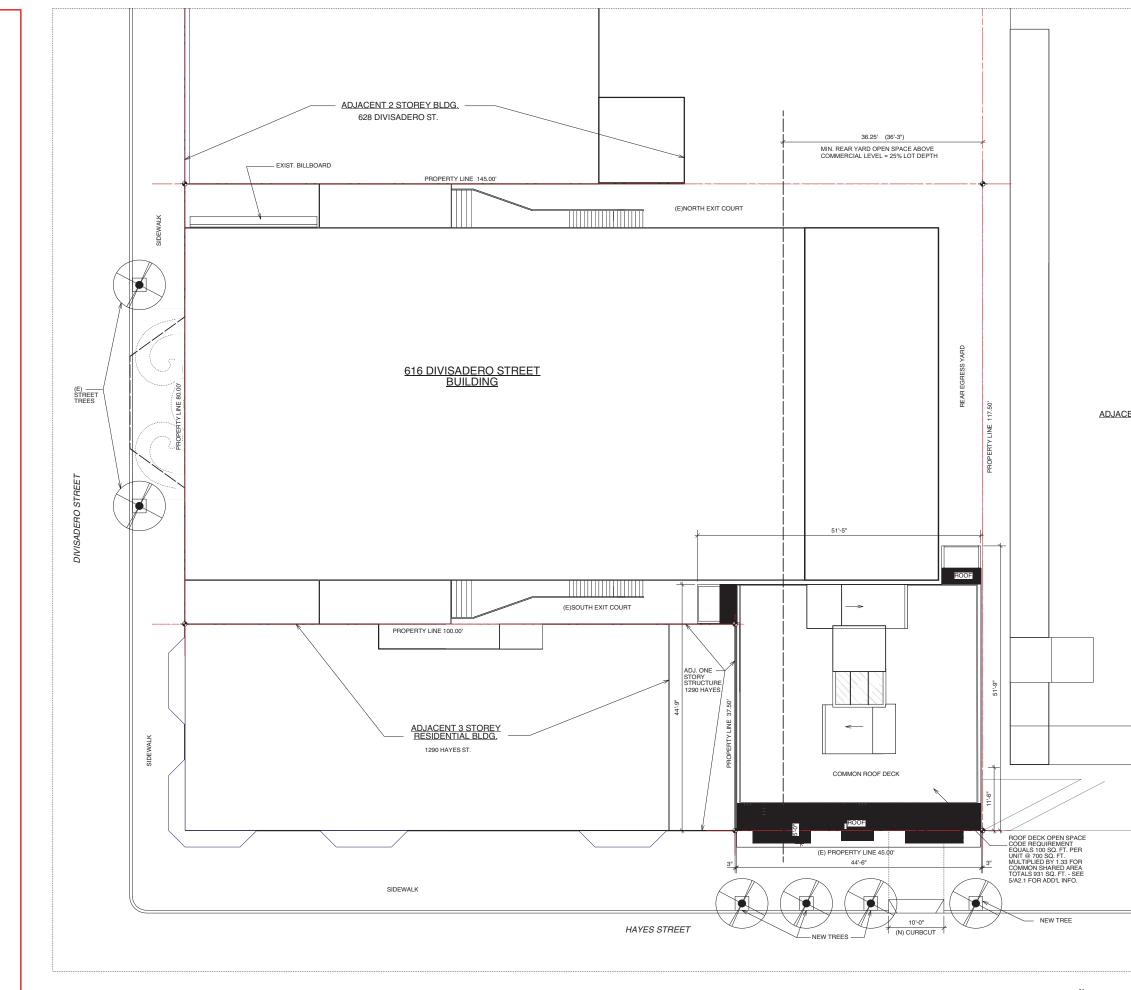
ZONING: NCT OCCUPANCY: R-2 & U NUMBER OF UNITS: 7 CONSTRUCTION: TYPE 5A - (1HR) O/TYPE 3 PODIUM NUMBER OF STORIES: 5/OVER BASEMENT BUILDING TO BE FULLY SPRINKLERED

3

**BUILDING AREA TABULATION:** 

BASEMENT:	
BIKE STORAGE: STORAGE: COMMON AREA	442 sq.ft. 400 sq.ft. 442 sq.ft.
TOTAL GROSS FLOOR AREA:	1,284 sq.ft.
FIRST FLOOR:	
RESIDENTIAL UNIT (TYPE "C") SERVICE AREA COMMON AREA	560 sq.ft. 519 sq.ft. 351 sq.ft.
TOTAL GROSS FLOOR AREA:	1,430 sq.ft.
SECOND FLOOR:	
RESIDENTIAL UNIT (TYPE "A") RESIDENTIAL UNIT (TYPE "B") COMMON AREA	786 sq.ft. 842 sq.ft. 382 sq.ft.
TOTAL GROSS FLOOR AREA:	<u>2,010 sq.ft.</u>
THIRD FLOOR:	
RESIDENTIAL UNIT (TYPE "A") RESIDENTIAL UNIT (TYPE "B") COMMON AREA	786 sq.ft. 842 sq.ft. 382 sq.ft.
TOTAL GROSS FLOOR AREA:	2,010 sq.ft.
FOURTH FLOOR:	
RESIDENTIAL UNIT (TYPE "D") COMMON AREA	1,784 sq.ft. 226 sq.ft.
TOTAL GROSS FLOOR AREA:	<u>2,010 sq.ft.</u>
FIFTH FLOOR:	
RESIDENTIAL UNIT (TYPE "D") COMMON AREA	1,784 sq.ft. 226 sq.ft.
TOTAL GROSS FLOOR AREA:	<u>2,010 sq.ft.</u>
ROOF AREA: COMMON OPEN SPACE AREA: TOTAL COMMON ROOF DECK:	2,120 sq.ft. 932 sq.ft. 1,312 sq.ft.
ENCLOSED STAIR/ELEV. PENTHOUSE AREAS: MISC. ROOF AREA:	397 sq.ft. 411 sq.ft.
TOTAL GROSS ROOF/FLOOR AREA:	2,120 sq.ft.
TOTAL GROSS HABITABLE AREA (UNIT TYPE "A", "B", "C" & "D")	<sup>.</sup> <u>7,470 sq.ft.</u>
TOTAL COMMON AREA:	<u>2,301 sq.ft</u> .
TOTAL GROSS SQ.FT.:	10,754 sq.ft.

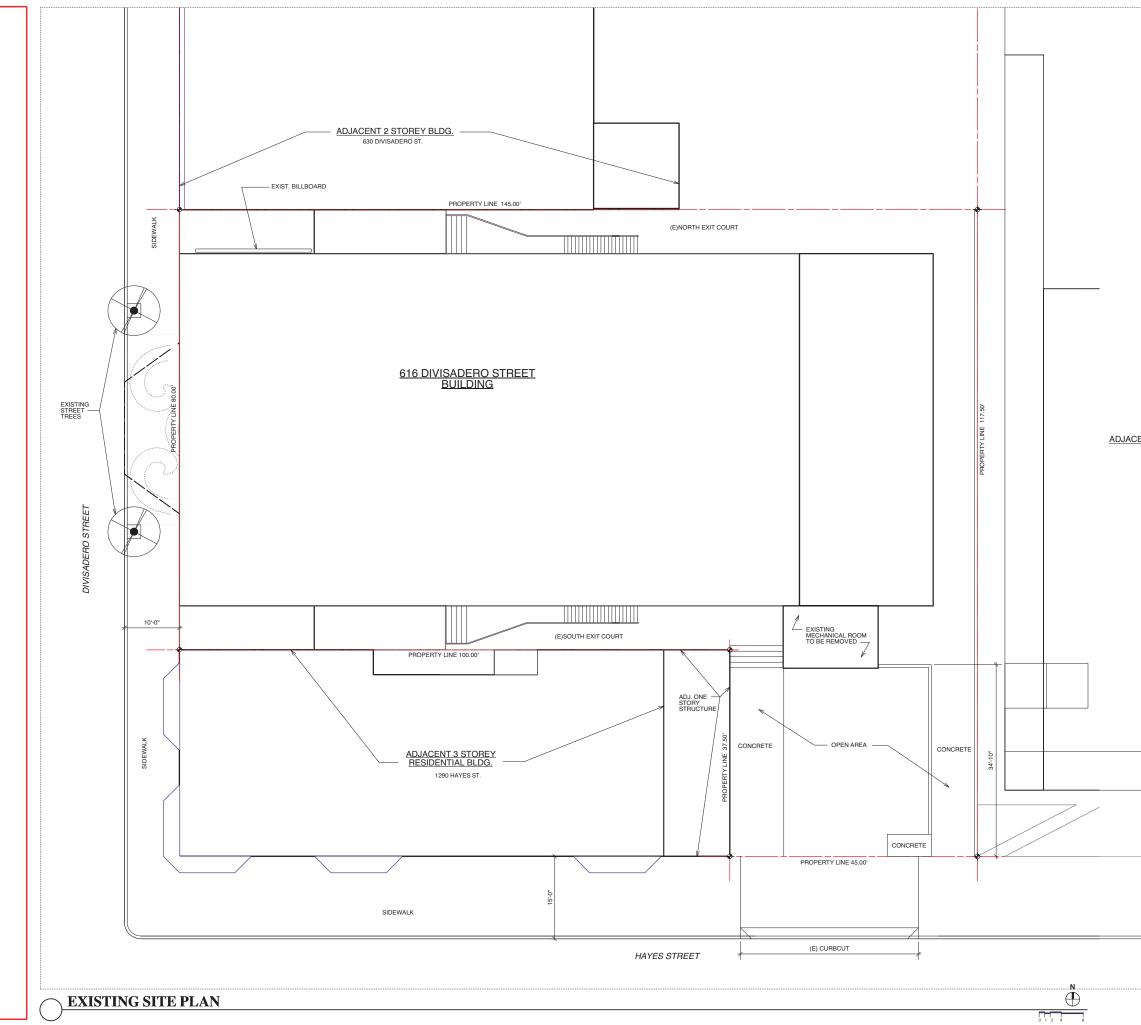




**PROPOSED SITE PLAN** 

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#### **D.B.I. PRE-APPLICATION MEETING FINDINGS:**

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Plan Review Manager	مرجع الرب	() <sup>10</sup> (4) (5 + 4)(	1. e	
1660 Mission St. 2ed flr.				
San Francisco, Ca94103		- 1948		
September 3, 2015				

Re: Pre-application request for 616 Divisadero St / 1282 Hayes St.

Jeffrey Ma and Micki Jones

The following is in response to the pre-application meeting with Building and Fire held on August 20, 2015 for a project that consists of constructing a new separate five story R-2 residential structure with sors on a project mate consistent and a solution of the solution of the restoration in a more apparent for an existing 1926 structure that was originally built as a movie theater.that will be converted into a bar and arcade and will retain its. present Assembly occupancy. Both structures will be on the same lot.

TIORETCHER

ARCHITECTURE IN

828 DIVISAGERO SAN FRANCISCO CALIFORNIA 941

TEL 415 359 9997 FAX 415 359 9986

The Divisadero structure is construction Type IB with concrete and steel reinforced walls. It has a steel roof truss and concrete roof slab with a plaster ceiling below. It has 15,500 gross square feet including basement, main floor intermediate and balcony levels.

Renovations to the existing structure at 616 Divisadero St. will generally consist of upgrades to the Reinvations to the straining structure at 016 Jordsmithers, and tenant timprovements of the structure of the

The proposed new building will be five stories with basement and have seven dwelling units located The pipeoe here the second sec

The opper four approximately 14 feet in height. The total building height will be approximately 59 feet overall. It is to be fully spinkled and will have two enclosed stairwells (two-hour rated). Access from one of the enclosed stairwells will be to a shared common horizontal egress path at the west side of the building. The other stair will be contiguous with the entry lobby on the ground floor.

The overview of the project is that it can be considered to be one building if the walls separating the new Hayes Street construction from the existing structure of 16 Divisadero were to be of 3-hour construction. This would enable the path of egress, as depicted, to pass underneath and through the new Hayes Street construction. It would also allow for the existing openings along the south elevation of 616 Divisadero to remain. However, it can be considered two separate buildings for structural considerations.

Ut the project were not to be considered as one building, legal options regarding egress for 616 Divisadero would need to be approved by the San Francisco City Attorney. Any openings on the south elevation of 616 Divisadero would be considered a communication opening and would need to comply with code requirements for communication open Finally, the program for the new structure at 1282 Hayes St. now includes a one car garage area at

the ground floor Jeffrey Ma , DBI MJ

This response will address the questions for each of the buildings pertaining to life safety issues, required modifications for the existing structure, and accessibility requirements for ADA compliance. Proposed plans and diagrams for each building are attached. All questions are based on the 2013

The following section will address questions pertaining to the existing structure at 616 Divisadero that was originally known as the Harding Theater and whose last use was as a church.

Though the building was originally a movie theater with a full proscenium stage, and 875 sq. ft. of retail space at the front, there is a change of use from its last use as a church (A-2) **3** to an entertainment venue consisting of bar areas (A-2) supplemented with arcade amusement games and pool tables (A-3). The retails space will be independent of the main 1. tenant space. There is also a procenium stage area that will be restored and opened to the main main auditorium space. The total tenant area including the basement, first floor auditorium with lobby, intermediate and balcony levels is 14,622 sq. ft. As per Sec. 3401, would an

Micki Jones, SFFD

accessory A-3 use constitute a change of use requiring compliance with Sec. 3401.3? No, the proposed building use and occupancy will not be more hazardous and no new

requirements would be triggered. Jeffrey Via , DBI MJ Micki Jones, SFFD

Is the proposed scope of work listed above considered to be "substantial changes" or a "substantial structural alteration" (Re; SFBC Section 3407)?

No, the proposed building use and occupancy will not be more hazardous and no new requirements would be triggered. Jeffrey Ma, DBI MJ Micki Jones, SFFD

Is the proposed project exempt from a full seismic retrofit, given the scope of work listed above and considering SFBC Sections 3401.10, 3404.7.1, 3404.7.2, and 3408.4.1. 3.

Yes, the building is exempt from a fu	Ill seismic retrofit. N/A	
Jeffrey Md , DBI	Micki Jones, Si	FFD
616 Divisadero/ 1282 Hayes St. Pre-App	page 2 of 2	9/4/15

Would Sec. 3401.4.1 Existing Materials apply to any existing component if there is a change of use as described in item 1. above - specifically in regards to Sec. 410.3.3 thru 410.3.5 for the stage area, and in regards to AB-026 Noise Insulation? 4

No, the proposed project would not trigger this. MJ Jeffrey Ma , DBI Micki Jones, SFFD

The existing raked theater and balcony floors will be modified to create leveled areas. The 5. buildings mechanical systems will be replaced and upgraded, and the building will be fully sprinkled throughout voluntarily. Will these modifications trigger requirement with Sec. 3404.1 and 3404.3?

No, the proposed project would not trigger this. MJ Micki Jones, SFFD Jeffrey Ma , DBI

Can the building's occupancy and new use be classified as the following [see attach, area continuous and the second seco The A-2 area is approximately 3,777 sq. ft. and the A-3 area is approximately 1,970 square feet. There are also accessory spaces including the stage area and business office area totaling 2,238 square feet. The total area of the tenant space is 10,884 square feet.

MJ Jeffrey Ma, DBI Micki Jones, SFFD

Yes

Yes

Jeffrey Ma, DBI

10.

11.

12.

14

Yes Am

7. The total occupancy for the entire main tenant space consisting of the lobby, auditorium balcony, stage and support areas, based on Sec. 1004 and table 1004.1.2, and as per occupancy diagram attached is calculated at 869 occupants and would require 174" of combined egress width as per Sec. 1005.3.2 Would three means of egress be required as per CBC Sec. 1015.1.1, with one egress path leading to Divisadero Street and the other two leading from the existing structure to the Hayes St. public right of way.

Yes, based on Plan Check of calculations. MJ Jeffre Ma . DBI Micki Jones, SFFD

Can the southern exterior horizontal egress path of travel to the public right of way that is shared by both the commercial and residential buildings converge as per Sec. 1005.6 and as per Sec. 503.1.2, if one half of the residential occupant load [=22] is added to one third of the assembly load [=290] to determine the required width [=22+290 x 0.2] of 63"?

Yes, based on Plan Check of calculations. Jeffre Ma, DBI MJ Micki Jones, SFFD

Can the existing unenclosed and unprotected portion of the exterior egress path, inclusive of the exterior balcony stairs, that is located between the existing and new building remain unchanged?

Jeffre Ma , DBI Micki Jones, SFFD

Omitted/ not applicable -- no response required NA

N/A

Micki Jones, SFFD

MJ

9/4/15

Can the existing balcony level at 3,592 sq. ft, be considered a mezzanine if the auditorium below is 4,982 sq. ft, and it is treated as a story for compliance with exiting requirements as per Chpt. 10?

There are some small existing accessory offices between the balcony and the ground floor Intermediate Level" as they are not a story?

These areas would be considered an enclosed mea anine with one means of egress Jeffrey Ma , DBI MJ

Micki Jones, SFFD

page 4 of 4 616 Divisadero/ 1282 Hayes St. Pre-App

Micki Jones, SFFD

If the Divisadero structure had tenant improvements completed prior to the completion of the new Hayes Street structure, could the egress path to Hayes Street be maintained through the base of the new Hayes Street structure prior to the full completion, so that the Divisadero structure could be occupied and open for business while construction continue on the upper floors of the new building?

Yes. A separate plan for temporary egress would be needed for approva Jeffrey Ma , DBI MJ

- Can the existing structure utilize the State Historic code as per AB-013 and allowed by Sec. 11B 202.5 if the building has been determined to be a Historical Resource by the Planning Department?

N/A Jeffrey Ma , DBI Micki Jones, SFFD

Given the difficulty to add an elevator to the balcony level and the building's consideration as an historic resource, would Sec. 11B 202.4 Exception(s) 2, 4, &/or 9 apply?



N/A Micki Jones, SFFD



Is an elevator required to serve the balcony area if a reasonable portion of all facilities proposed for the tenant improvements there were made available on the accessible ground floor as per Sec. 11B 206.2.3 Exception 1.2?

No elevator is required Jam N/A Micki Jones, SFFD Jeffre Ma , DBI

If the existing non-conforming sloped entry way did not meet the full requirements of Sec 11B 206.4 for Entrances, would any modification be required to be made for the entry?

An automatic opening option would need to be provided at an entry door. No other modification to the slope would be required. JeffreyMa, DBI

Would the existing raked [sloped] theater floor serve as an accessible route as per Sec 11B 18. 401 to any new level area created over the existing sloped first floor area if the sloped floor did not have landings as per Sec. 11B 405.7?

616 Divisadero/ 1282 Hayes St. Pre-App page 5 of 5 9/4/15 Yes. N Jeffrey a, DBI

Yes. A lift would be acceptable. Jeffker Ma, DBI

The following section will address questions pertaining to the proposed new structure at 1282 Hayes

The proposed new structure is to have an R-2 occupancy and an occupied area of 8,446 sq. ft. As per CBC Table 5, the occupant load is calculated at 42, including the common roof deck area. There will be two means of egress from each story and basement. Can one of these egress routes served by a stair with a two-hour rated enclosure above the first floor open into the ground floor lobby?

Jeffre Ma , DBI

The proposed new R-2 building is to be wood frame, type 5A Ihour fire rated construction with full sprinklers throughout, 59 ft. in height. We have approximately 2025 sq. ft. of area per floor with five levels for a total of 8,100 sq. ft. of occupied area. Table 503 in the CBC states that a 5A wood frame assembly can be a maximum height of 50 feet in height from grade. Is 50 feet of wood frame over a 14 foot high concrete podium allowable, making for a structure that is 59 feet in overall height?

Yes. Jeffrey Ma , DBI

Can the required distances to the stairwell cores, based on one third of the diagonal ince of the level served and on floors two through three, be measured along the center of the corridors?

Yes. Jeffrey Da , DBI

616 Divisadero/ 1282 Hayes St. Pre-App

1022.4? No. The stair must be enclosed at all levels. Jeffrey Ma, DBI MJ Micki Jones, SFFD

Chapter 7 of the CBC section 712 addresses vertical openings. Is it allowable to have a rated fire door at the elevator doors at all levels in lieu of a separate lobby compartment if the elevator doors are equipped with a self closing rated door with a hold-open device tied to the alarm system?

Yes. Comply with CBC 7/3.14.1 Jeffractia, DBI MJ Micki Jones, SFFD

If Type 3 construction were to be required at any portion of the project, could lumber coated with intumescent paint be considered to comply with CBC 2303.2? (Ouestion Coaled with influmescent pain the considered to compare with the speed index of 25 or assumes intrumescent pain complex with ASTME 84, with finne speed index of 25 or less and no significant progressive combustion at 20 minutes.)  $\partial N + \gamma U_{\perp}$  is ted assumed integration of the speed of the speed of the speed index of 25 or less and no significant progressive combustion at 20 minutes.)  $\partial N + \gamma U_{\perp}$  is the No. This would not be acceptable.

No. This would not Jeffrey Via , DBI

Could the north facing windows at the fourth and fifth floors be unprotected as per Sec. 705.8.6 Exception 1.? Jeffrey Ma, DBI MT

If the hoistway openings of the elevator are equipped with doors as per Sec.716.5.9.3, can an elevator lobby as per Sec. 713.14.1 be omitted at all levels? 8

Yes

Jeffre Ma, DBI

espectfully submitted. Way to Mark J. Ton Architect

Attach. 616 Divisadero/ 1282 Hayes St. Pre-App

N/A Micki Jones, SFFD

19. If the existing stage area is restored to be a part of the auditorium space, would it be required to be made accessible as per Sec. 11B 206.2.6 & 206.7.1?

Yes, however a door would be needed from the elevator lobby area.

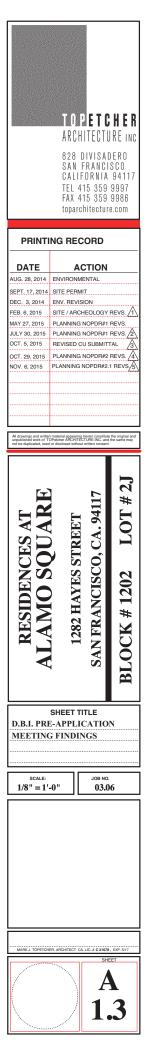
Micki Iones, SFFD

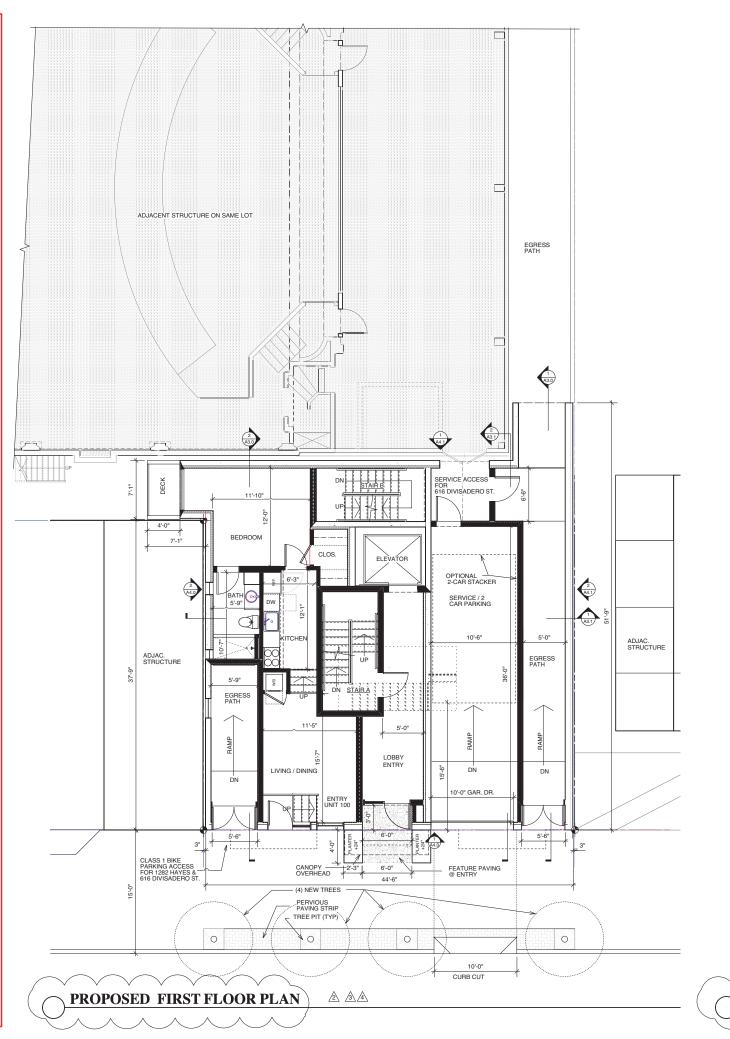
page 6 of 6

Can the south egress stairwell that opens directly into the entry lobby be unenclosed at the lobby level if it complies with Sec. 1023 and if the elevator door at the lobby is equipped with a self closing rated door with a hold-open device tied to the alarm system to meet Sec.

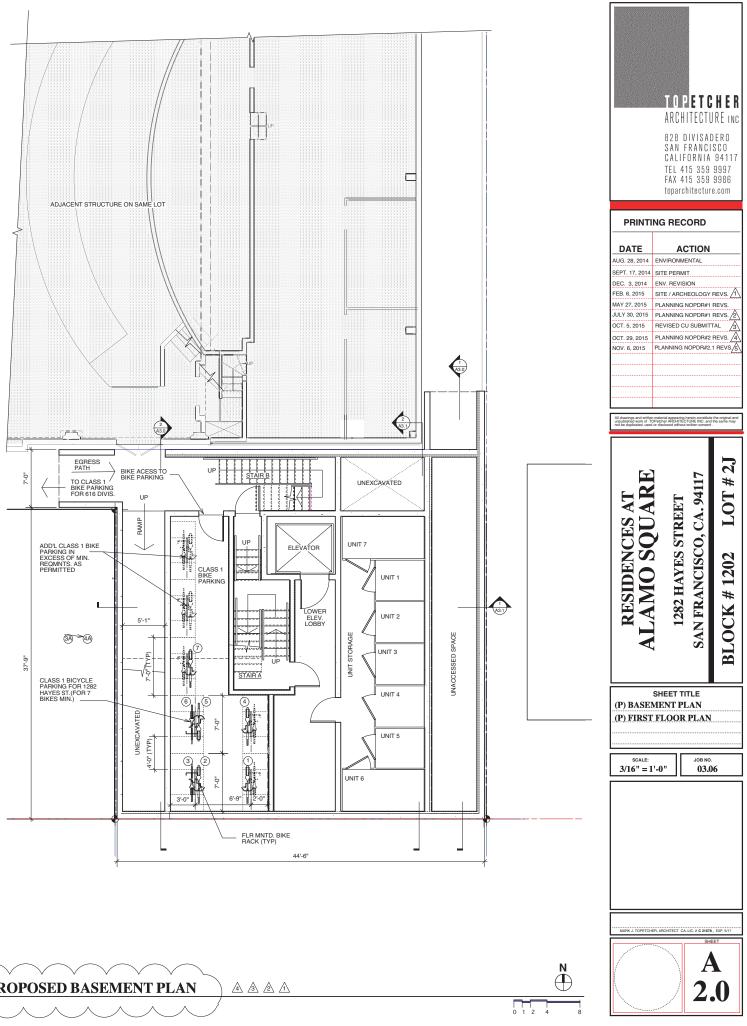
Yes, however they would need to comply with the min. height above the adjacent roof area

MJ Michi Jones, SFED BUIL DING CAPT. Miki Jones 9/17/15 FIRE page 7 of 7 9/4/15

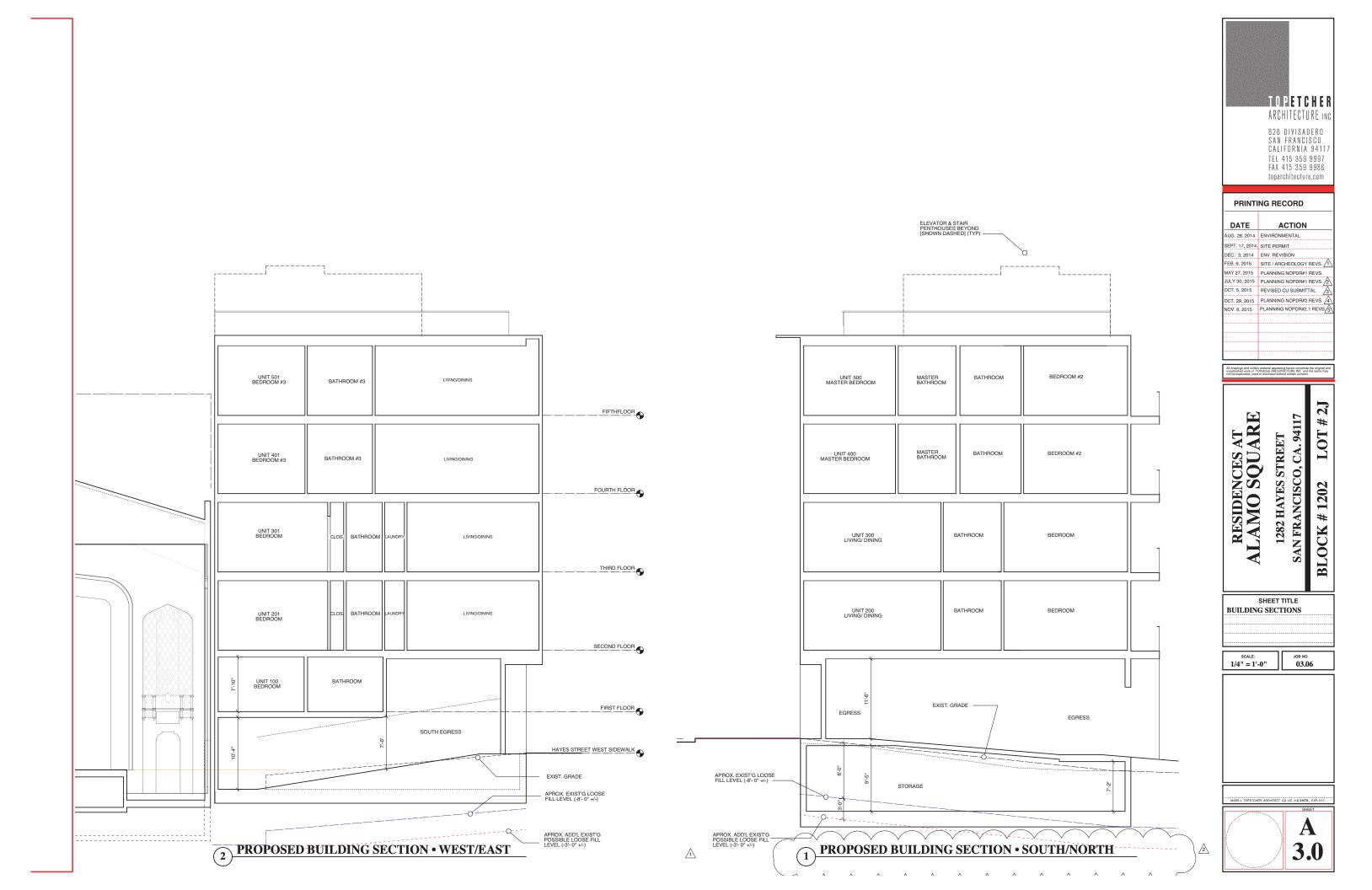




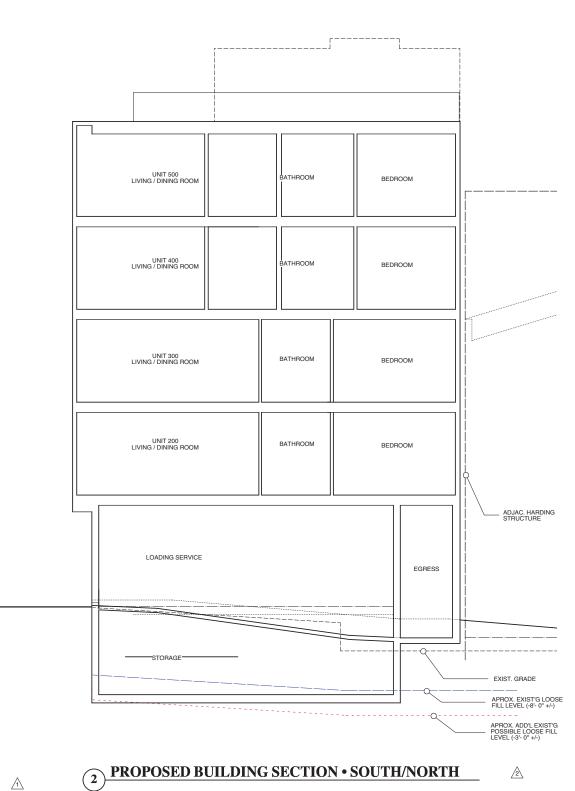


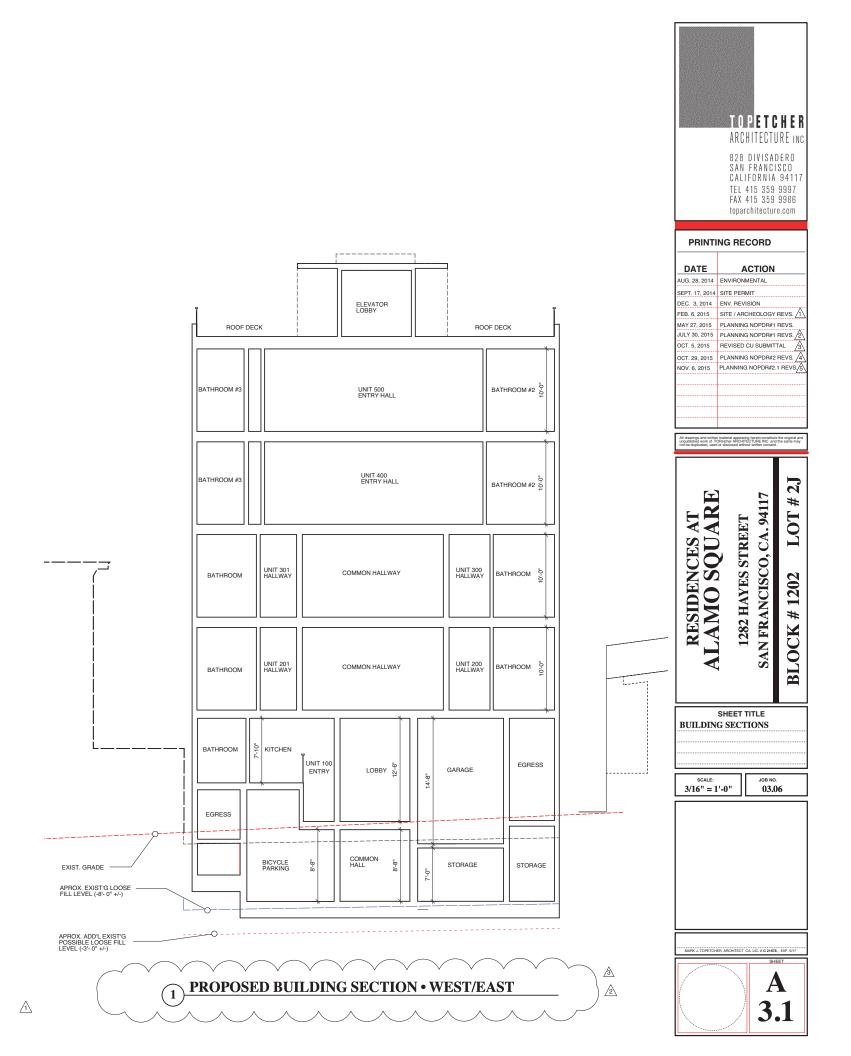




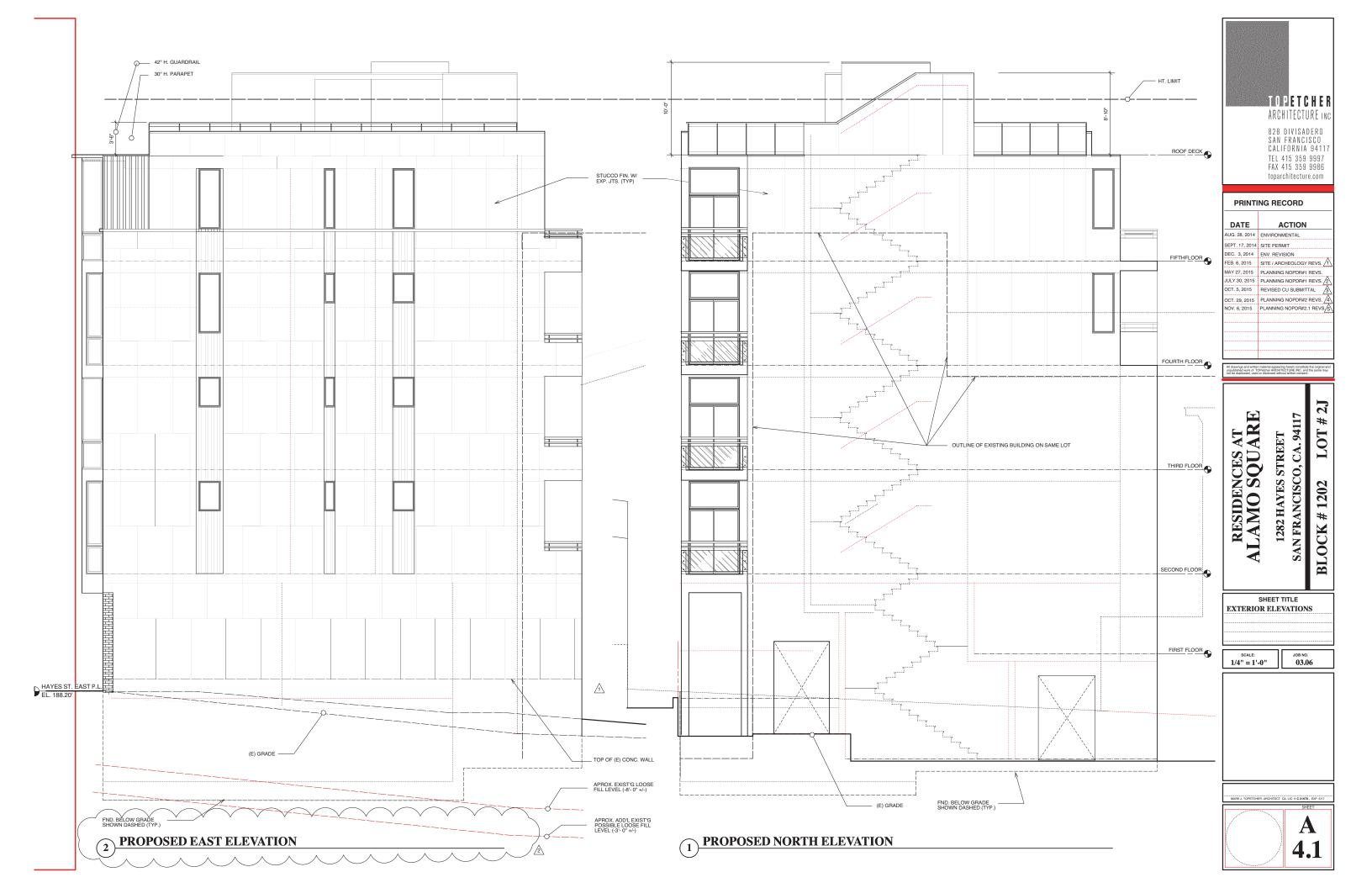














VIEW OF 1282 HAYES STREET & 616 DIVISADERO STREET FROM INTERSECTION OF DIVISADERO & HAYES

ALAMO SQUARE RESIDENCES 1282 HAYES STREET DIVISADERO/HAYES LLC.





ALAMO SQUARE RESIDENCES 1282 HAYES STREET DIVISADERO/HAYES LLC.

