

SEC. 249.70. CENTRAL SUBWAY TUNNEL BORING MACHINE EXTRACTION SITE SPECIAL USE DISTRICT.

(a) **Purposes.** In order to facilitate the removal of the tunnel boring machines used to construct the Central Subway Project from an off-street location at 1731-1741 Powell Street while allowing the construction of a mixed-use residential and ground floor retail building in substantial conformity to a mixed-use residential/retail project conditionally authorized in 2009 and 2010, there shall be a special use district known as the Central Subway Tunnel Boring Machine Extraction Site Special Use District, as designated on Sectional Map No. 1SU of the [Zoning Map](#) of the City and County of San Francisco.

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

- (1) **Restaurant Use.** Section [780.3](#), prohibiting new restaurants in specified locations, shall not apply in this Special Use District.
 - (2) **Use Size.** In this District, the maximum use size in the North Beach Neighborhood Commercial District found in Section [121.2](#)(b) shall be 5,000 square feet.
 - (3) **Parking.** Notwithstanding any other provision of this Code, no more than one parking space per dwelling unit, up to .5 accessory spaces per dwelling unit, and up to 3 accessory parking spaces for non-residential uses, up to a total maximum of 27 spaces, shall be allowed.
 - (4) **Rear Yard.** The provisions of Section [134](#) shall not apply in this District.
 - (5) **Ground Floor Ceiling Heights.** Notwithstanding the provisions of section [145.1](#), ground floor non-residential uses in this District shall have a minimum floor-to-floor height of 8.5 feet.
 - (6) **Exposure.** The requirements of Section [140](#) shall not apply. Any dwelling unit shall either face onto a public street or a lightwell measuring at least 25 feet.
 - (7) **Demolition.** Notwithstanding any other provision in this Code, in this District, an application authorizing demolition of a building may be granted prior to final approval of a building permit for construction of a replacement building, as long as the replacement building has been conditionally authorized.
 - (8) **Height and Bulk.** The height and bulk applicable to this Special Use District shall be 55-X, provided, however, that in no case shall the height of any new structure exceed the height of the existing Pagoda Palace structure. For purposes of measurement of height in this District, the height of a projecting business sign shall be exempt, provided that such sign is the reconstruction or rehabilitation of an existing projecting movie theater blade sign as provided in Section 9 herein. Prior to demolition of the existing structure, the owner or owners authorized agent shall prepare and submit to the Planning Department a detailed survey, including elevations and sections, which accurately dimension the height of the existing theater building, including the heights of all rooftop features.
 - (9) **Signage.** The existing Pagoda Palace's projecting movie theater blade sign provided a prominent visual landmark within the North Beach Neighborhood Commercial District. In order to preserve this visual landmark, any new structure in the Special Use District shall include as an architectural element, a reconstructed projecting movie theater blade sign in general conformity with the overall design, scale and character of the existing movie theater sign.
 - (10) **Streetscape and Pedestrian Improvements.** The requirements of Section [138.1](#)(c)(1) shall apply.
- (c) **Fees.** The provisions of Section [352](#) shall apply to this District, provided however, that if the Planning Commission has approved a conditional use authorization for a substantially similar project within the previous 4 years of the effective date of this ordinance, such fees shall be waived.
- (d) **Sunset Provision.** This Section [249.70](#) shall be repealed 5 years after its initial effective date unless the Board of Supervisors, on or before that date, extends or re-enacts it.

(Added by Ord. [33-13](#), File No. 130019, App. 3/6/2013, Eff. 4/5/2013)

Editor's Note:

This section's enacting ordinance provides "This Ordinance shall become operative only upon the later of 30 days from the date of passage or the date that a lease authorized by SFMTA Resolution 13-023, regarding use of 1731 Powell for extraction of the tunnel boring machines for the Central Subway project, becomes effective. A copy of said Resolution is on file with the Board of Supervisors in Board File Number 130019." See Ord. [33-13](#) § 6.