



# SAN FRANCISCO PLANNING DEPARTMENT

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## Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration

*Date:* June 20, 2018  
*Case No.:* 2015-001033ENV  
*Project Title:* 940 Battery Street  
*Zoning:* C-2 (Community Business) Use District  
65-X Height and Bulk District  
Waterfront Special Use District No. 3  
*Block/Lot:* 0136/004A  
*Lot Size:* 7,242 square feet  
*Project Sponsor:* Larry Badiner, Badiner Urban Planning, Inc.  
(415) 865-9985  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Jennifer McKellar-- (415) 575-8754  
[Jennifer.McKellar@sfgov.org](mailto:Jennifer.McKellar@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**

This notice is to inform you of the availability of the environmental review document concerning the proposed project as described below. The document is a preliminary mitigated negative declaration (PMND), containing information about the possible environmental effects of the proposed project. The PMND documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a mitigated negative declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

**Project Description:** The project site is located on the east side of Battery Street in the block bound by Battery, Green, Front and Vallejo streets in the North Beach neighborhood of San Francisco. The site is occupied by an approximately 21,720-square-foot, 50-foot-tall, three-story-over-basement commercial building with approximately 53 feet of frontage on Battery Street. The existing building was constructed in 1917 and is a contributor to the Northeast Waterfront Landmark District. The proposed project would realign the existing third floor to create a new fourth floor within the current building envelope and add a new fifth-floor penthouse at the existing roof level, which would be set back approximately 24 feet from the Battery Street property line. The Battery Street façade would be modified to include a new recessed entrance, storefront display window and recessed exit at the first floor and the existing windows at all floors would be either rehabilitated or replaced. A portion of the rear façade of the building would be removed to create terraces at the third and fourth floors. The proposed alterations and vertical addition would produce an approximately 35,955-square-foot, 63-foot-tall, five-story-over-basement, commercial building with about 19,450 square feet of institutional space (museum), 12,995 square feet of retail space (event rentals) and 3,510 square feet of office space. The proposed project would provide approximately 2,840 square feet of useable private open space in the form of terraces on the third, fourth and fifth floors. No off-street vehicle parking would be provided; however, 12 class 1 bicycle spaces would be included in a bicycle storage room in the basement and 12 class 2 bicycle parking spaces would be provided on the

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中文詢問請電: 415.575.9010 | Para Información en Español Llamar al: 415.575.9010 | Para sa Impormasyon sa Tagalog Tumawag sa: 415.575.9121

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Battery Street sidewalk opposite the project site. Two shower rooms with lockers would also be provided at the basement level. The existing 12-foot-wide curb cut on Battery Street would be removed and three new street trees would be added along the property's frontage. During the approximately 12-month construction period, the proposed project would require excavation of an approximately 850-square-foot area to a depth of 5.5 feet below ground surface and removal of about 120 cubic yards of soil for the foundation. The proposed project would require approval of a Certificate of Appropriateness from the Historic Preservation Commission and approval of site and building permits from the Department of Building Inspection.

The PMND is available to view or download from the Planning Department's Negative Declarations and EIRs web page (<http://www.sf-planning.org/sfceqadocs>). Paper copies are also available at the Planning Information Center (PIC) counter on the ground floor of 1660 Mission Street, San Francisco.

If you have questions concerning environmental review of the proposed project, contact the Planning Department staff contact listed above.

Within 20 calendar days following publication of the PMND (i.e., by 5:00 p.m. on **July 10, 2018**), any person may:

- 1) Review the PMND as an informational item and take no action;
- 2) Make recommendations for amending the text of the document. The text of the PMND may be amended to clarify or correct statements and may be expanded to include additional relevant issues or to cover issues in greater depth. This may be done **without** the appeal described below; **OR**
- 3) Appeal the determination of no significant effect on the environment to the Planning Commission in a letter which specifies the grounds for such appeal, accompanied by a \$597 check payable to the San Francisco Planning Department.<sup>1</sup> An appeal requires the Planning Commission to determine whether or not an Environmental Impact Report must be prepared based upon whether or not the proposed project could cause a substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Lisa Gibson, 1650 Mission Street, Suite 400, San Francisco, CA 94103 or emailed to [lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org). **The letter must be accompanied by a check in the amount of \$597.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on July 10, 2018.** The appeal letter and check may also be presented in person at the PIC counter on the first floor of 1660 Mission Street, San Francisco.

In the absence of an appeal, the mitigated negative declaration shall be made final, subject to necessary modifications, after 20 days from the date of publication of the PMND. If the PMND is appealed, the Final Mitigated Negative Declaration (FMND) may be appealed to the Board of Supervisors. The first approval action, as identified in the Initial Study, would establish the start of the 30-day appeal period for the FMND pursuant to San Francisco Administrative Code Section 31.16(h).

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including

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<sup>1</sup> Upon review by the Planning Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months.

submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.