



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 3, 2014
TO: Yakuh Askew, Y-A Studio
FROM: Joy Navarrate, Planning Department
RE: PPA Case No. 2013.1790U for 1452-1458 Broadway

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Chelsea Fordham, at (415) 575-9071 or Chelsea.Fordham@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in black ink, appearing to read "J. Navarrete", written over a horizontal line.

Joy Navarrete, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: February 3, 2014
Case No.: **2013.1790U**
Project Address: 1452-1458 Broadway
Block/Lot: 0572/013
Zoning: Residential Mixed – Moderate Density (RM-2)
Area Plan: N/A
Project Sponsor: Y.A. Studio, Yakuh Askew.
(415) 920-1839
Staff Contact: Chelsea Fordham– (415) 575-9071
Chelsea.Fordham@sfplanning.org

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DISCLAIMERS:

Please be advised that this determination does not constitute an application for development with the Planning Department. It also does not represent a complete review of the proposed project or a project approval of any kind, or in any way supersede any required Planning Department approvals listed below. The Planning Department may provide additional comments regarding the proposed project once the required applications listed below are submitted. While some approvals are granted by the Planning Department, some are at the discretion of other bodies, such as the Planning Commission or Historic Preservation Commission. Additionally, it is likely that the project will require approvals from other City agencies such as the Department of Building Inspection, Department of Public Works, Department of Public Health, and others. The information included herein is based on plans and information provided for this assessment and the Planning Code, General Plan, Planning Department policies, and local/state/federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The project site is located at 1452-1458 Broadway (Assessor's Block 0572, Lot 013) on a site bound by Larkin Street to the east and Polk Street to the west. The project site totals 5,018 square feet (sf) and currently contains a two-story, 7,750 sf office and parking building. The proposed project would result in the alteration and conversion of the existing office and parking building into a residential building. The proposed conversion would result a new residential building that would be 16,540 sf and would contain eight residential units. The existing building is approximately 30-feet tall and the proposed new building would be 60-feet tall. The proposed conversion would retain 3,858 sf of the existing ground-floor parking and would demolish the remaining 4,165 sf. The proposed building would contain an at grade garage that would contain eight off-street parking spaces that would be accessed from an existing 82-foot curb cut that would be reduced to 10-feet as part of the project.

ENVIRONMENTAL REVIEW:

The project initially requires the following environmental review. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval

may be granted. In order to facilitate environmental review and comply with the California Environmental Quality Act (CEQA), the applicant should submit an **Environmental Evaluation Application** (EEA).¹ The Planning Department will investigate the following issues as part of the environmental review process.

1. *Historic Review.* The proposed project consists of alteration of a potential historic resource (building constructed 50 or more years ago); therefore, the project is subject to the Department's Historic Preservation review, which would include preparation of an Historic Resource Evaluation (HRE) by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards. The department will provide the project sponsor with a list of three consultants from the Historic Resource Consultant Pool, which shall be known as the potential consultant list or PCL. Once the Environmental Evaluation Application is submitted, please contact Tina Tam, Senior Preservation Planner, via email (tina.tam@sfgov.org) for the list of three consultants. Upon selection of the historic resource consultant, the scope of the Historic Resource Evaluation shall be prepared in consultation with Department Preservation staff.
2. *Archeological Study.* The proposed project would require Preliminary Archeological Review, which would be conducted in-house by Planning Department staff. This review requires documentation of potential project soils disturbance and identification of appropriate foundation types for the proposed structure. Such information is typically contained within the project's geotechnical study, and should be submitted with the EEA. The Preliminary Archeological Review will determine whether or not additional archeological studies will be required as part of the environmental evaluation.
3. *Transportation Study.* A Transportation Study is not anticipated to be required for the proposed project. The proposed eight residential units would add approximately 14 peak hour vehicle trips. The project plans do indicate reducing the size of the existing curb cuts for the off-street parking garage. Modification to the existing curb cuts would require consultation with the San Francisco Municipal Transportation Agency (SFMTA).

An initial review of the proposed project was conducted by Planning Department transportation planners. The following recommendations should be addressed before the submittal of final project plans and the EEA:

- The project will need to provide eight bicycle parking spaces to comply with Planning Code requirements.
 - Consider reducing the amount of off-street parking. The project site is located in close proximity several transit corridors.
4. *Air Quality.* The proposed project's eight dwelling units is below the Bay Area Air Quality Management District's (BAAQMD) construction and operation screening levels for criteria air

¹ Refer to <http://www.sf-planning.org/index.aspx?page=1886> for latest "Environmental Evaluation Application."

pollutants.² However, detailed information related to cubic yards of excavation shall be provided as part of the EEA.

In addition, project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. To reduce construction dust impacts, the San Francisco Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). Pursuant to the Construction Dust Ordinance, the proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.

In addition, San Francisco has partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed "Air Pollutant Exposure Zones," were identified. Land use projects within these Air Pollutant Exposure Zones require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations. Although the proposed project is not within an Air Pollutant Exposure Zone, improvement measures may be recommended for consideration by City decisionmakers, such as exhaust measures during construction and enhanced ventilation measures as part of building design. Enhanced ventilation measures will be the same as those required for projects, such as this project, subject to Article 38 of the Health Code.³

If the project would generate new sources of toxic air contaminants including, but not limited to: diesel generators or boilers, or any other stationary sources, the project would result in toxic air contaminants that may affect both on-site and off-site sensitive receptors. Detailed information related to any proposed stationary sources shall be provided with the EEA.

5. *Noise.* The proposed project site is located on Broadway between Polk and Larkin Streets. The Planning Department's noise maps indicate that existing ambient noise levels on surrounding streets are at, or exceed 75 decibels. The project involves the siting of new noise-sensitive uses (e.g., residential uses) and therefore requires an acoustical analysis demonstrating that the building will meet Title 24 noise insulation standards. This analysis shall include at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes). The analysis must be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 noise insulation standards, where applicable, can be met, and that there are no particular circumstances about the project site that warrant heightened concern about noise levels in the vicinity. To the maximum extent feasible open space provided as per the Planning Code should be protected from existing ambient noise levels that could prove annoying or disruptive to users of the open space.

² BAAQMD, *CEQA Air Quality Guidelines*, May 2011, Chapter 3.

³ Refer to <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

6. *Shadow.* The environmental review would require a more detailed shadow analysis to identify potential shadow impacts of the proposed 60-foot tall building on Helen Wills Park, a nearby property owned by the San Francisco Recreation and Park Department. As discussed below, Planning Code section 295 requires that a shadow analysis be performed to determine whether a project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Commission. Department staff has prepared a shadow fan that indicates the project would potentially cast new shadow on properties under the jurisdiction of the Recreation and Parks Department. The project therefore triggers the requirement for submittal of a Shadow Study Application and a detailed shadow study must be prepared by a qualified consultant. Under the direction of Environmental Planning case manager, a qualified consultant should prepare a scope of work for review and approval prior to preparing the required shadow analysis.
7. *Compliance with Stormwater Management Ordinance.* The City and County of San Francisco Stormwater Management Ordinance became effective on May 22, 2010. This ordinance requires that any project resulting in ground disturbance of 5,000 square feet or greater prepare a Stormwater Control Plan, consistent with the Stormwater Design Guidelines. Responsibility for review and approval of the Stormwater Control Plan is with the San Francisco Public Utilities Commission (SFPUC) Wastewater Enterprise, Urban Watershed Management Program (for more information see website [www.sfwater.org/reqs]).

The initial CEQA evaluation of a project will broadly discuss how the Stormwater Management Ordinance will be implemented if the project triggers compliance with the Stormwater Design Guidelines. The project's environmental evaluation would generally evaluate how and where the implementation of required stormwater management and Low Impact Design approaches would reduce potential negative effects of stormwater runoff. This may include environmental factors such as the natural hydrologic system, city sewer collection system, and receiving body water quality.

8. *Geology and Soils.* A geotechnical study was submitted with the PPA. Please resubmit the geotechnical report with the EEA. The geotechnical study will also help inform the archeological resources review mentioned above.
9. *Hazards and Hazardous Materials.* The proposed project is located within the mapped Maher Ordinance area and previously contained a paint shop that could have resulted in site contamination of the project site. Therefore, the project may be subject to Article 22A of the Health Code, also known as the Maher Ordinance. Due to the fact that the site is located within the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), the project sponsor may be required to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6. The Phase I would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, soil and/or groundwater sampling and analysis, as well as remediation of any site contamination, may be required. These steps are required to be completed prior to the issuance of any building permit. DPH requires

that projects subject to the Maher Ordinance complete a Maher Application, available at: <http://www.sfdph.org/dph/EH/HazWaste/hazWasteSiteMitigation.asp>. Fees for DPH review and oversight of projects subject to the ordinance would apply. Please refer to DPH's fee schedule, available at: <http://www.sfdph.org/dph/EH/Fees.asp#haz>. Please provide a copy of the submitted Maher Application and Phase I ESA with the Environmental Evaluation Application (EEA).

10. *Tree Planting and Protection Checklist* The Department of Public Works Code Section 8.02-8.11 requires protection of landmark, significant, and street trees located on private and public property. Any tree identified in a must be shown on the Site Plans with size of the trunk diameter, tree height, and accurate canopy dripline. Please submit a Tree Planting and Protection Checklist with the EEA and ensure trees are appropriately shown on site plans.
11. *Notification of a Project Receiving Environmental Review.* Notice is required to be sent to occupants of properties adjacent to the project site and owners of properties within 300 feet of the project site at the initiation of the environmental review process. Please provide these mailing labels at the time of the EEA submittal.

If the additional analysis outlined above indicates that the project would not have a significant effect on the environment, the project may qualify for a Class 32 Categorical Exemption, in which case the Planning Department would issue a Certificate of Determination of Exemption from Environmental Review.

If the additional analysis performed after submittal of the EEA indicates that the project may have a significant effect on the environment, Planning Department staff would prepare an Initial Study to determine whether an Environmental Impact Report (EIR) is needed. If the Department finds that the project would have significant impacts that can be reduced to a less-than-significant level by incorporation of mitigation measures agreed to by the project sponsor, then the Department would issue a Preliminary Mitigated Negative Declaration.

If the Initial Study process indicates that the project would result in a significant impact that cannot be mitigated to a less than significant level, an EIR will be required to be prepared by an environmental consultant from the Planning Department's environmental consultant pool. The Planning Department would provide more detail to the project sponsor regarding the EIR process should this level of environmental review be required.

Environmental Evaluation Applications are available in the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

PLANNING DEPARTMENT APPROVALS:

The project requires the following Planning Department approvals. These approvals may be reviewed in conjunction with the required environmental review, but may not be granted until after the required environmental review is completed.

1. A **Conditional Use Application** per Planning Code Section 253 is required for review of a proposed building exceeding 50 feet in an RM Zoning District.
2. **Variance Application.** As currently proposed, and as discussed under 'Preliminary Project Comments' below, several aspects of the project do not comply with the requirements of the Planning Code. Therefore, the project must be revised to comply with the Planning Code, or Variances must be sought for these aspects of the project:
 - Rear Yard
 - Expansion of a Non-Complying Structure
 - Dwelling Unit Exposure
 - Off-Street Parking (if reduction in parking is sought, per comments below under 'Preliminary Project Comments')
3. A **Shadow Analysis Application** per Planning Code Section 295 is required for the project. The proposed building exceeds 40 feet in height, and an initial shadow fan shows that the project would cast shadow onto properties under the jurisdiction of the Recreation and Park Department (Helen Wills Playground).
4. A **Building Permit Application** is required for the proposed construction. Building Permit Applications are available at the Department of Building Inspection at 1660 Mission Street.

The application forms for a Conditional Use Authorization, Variance, and Shadow Analysis are available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org. Building Permit applications are available at the Department of Building Inspection at 1660 Mission Street.

NEIGHBORHOOD NOTIFICATIONS AND PUBLIC OUTREACH:

Project Sponsors are encouraged to conduct public outreach with the surrounding community and neighborhood groups early in the development process. Additionally, many approvals require a public hearing with an associated neighborhood notification. Differing levels of neighborhood notification are mandatory for some or all of the reviews and approvals listed above.

This project is required to conduct a pre-application meeting with surrounding neighbors and registered neighborhood groups before a development application may be filed with the Planning Department. The pre-application packet (entitled "Neighborhood Notification – Pre-Application Meeting Packet"), which includes instructions and template forms, is available at www.sfplanning.org in "Permit Forms" under the "Permits/Zoning" tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Publications" tab.

As per Planning Code Section 311, a 30-day public notice (poster and mailing) is required for the proposed alterations to the existing building and new construction.

PRELIMINARY PROJECT COMMENTS:

The following comments address specific Planning Code and other general issues that may substantially affect the proposed project:

1. **Rear Yard.** Per Planning Code Section 134, a minimum rear yard equal to 45 percent of the total depth of the lot must be provided at grade level and at each succeeding level. Per subsection 134(c), the forward edge of the required rear yard may be reduced to a line which is an average between the depths of the rear building walls of the two adjacent buildings. Where such averaging is used, the minimum rear yard shall be no less than a depth equal to 25 percent of the total depth of the lot. In addition, the last ten feet of building depth within the area of the reduced rear yard shall be limited to a height of 30 feet. As proposed, the first three floors of the project do not comply with the rear yard requirements. The project should be reconfigured so that the building complies with the required rear yard. Alternatively, the Project may seek a Variance from these requirements through the process identified in Planning Code Section 305.

Although portions of the existing building are located within the required rear yard, a published 1989 interpretation of Planning Code Section 188(a) specifies that the proposed change of use of the existing building (from commercial to residential) triggers the need to comply with the rear yard requirements, or to seek a Variance. The interpretation is restated verbatim below:

“This Section states that a noncomplying building may be altered or have a change of use provided that with respect to such structure there is no increase in any discrepancy, or any new discrepancy. One reason for requiring rear yards is to provide an amenity for the residents of a building. Placing residents in a building with a deficient rear yard exacerbates the deficiency with respect to this reason for the rear yard requirement. Therefore, a noncomplying rear yard building could not be converted to residential use without seeking and justifying a variance from the rear yard requirements. However, noncomplying rear yard buildings already having legal residential occupancy, need not seek and justify a rear yard variance to add another dwelling unit provided all the other Code provisions requisite for a dwelling unit are met.”

2. **Street Trees.** Per Planning Code Section 138.1, the project requires one street tree for every 20 feet of frontage for new construction.
3. **Standards for Bird Safe Buildings.** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird-strike mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Bird hazards include "feature-related hazards" such as free-standing glass walls, wind barriers, or balconies. Feature-related hazards must have broken glazed segments 24 square feet or smaller in size. Please review the standards and indicate in future submittals the method of window treatments to comply with the requirements where applicable.
4. **Exposure.** Per Planning Code Section 140, at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and

horizontal dimensions. Unit #1 faces only onto the non-complying rear yard, in an open area that does not meet the minimum dimensional standards of Section 140

Section 140 specifies that an open area must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. The largest contiguous open area above the second floor deck measures approximately 17 feet x 24 feet at the second story, and therefore does not meet the dimensional requirements. The project should be reconfigured so that the dwelling units meet the exposure requirements. Alternatively, the project may seek a Variance from these requirements through the process identified in Planning Code Section 305.

5. **Off-Street Vehicle Parking.** Planning Code Section 151 requires one off-street parking space for each dwelling unit. The project plans call out eight parking spaces to serve eight dwelling units, and therefore complies with the minimum residential parking requirement. In practice, it appears that the garage could accommodate additional vehicles beyond those specifically called out on the plans. Given the walkable urban context and the high level of transit service in the area, less parking is encouraged. A Variance to reduce the required parking may be sought through the process identified in Planning Code Section 305. Such a request would be reviewed by the Zoning Administrator for consistency with the City's Transit First Policy.
6. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 bicycle parking space for each dwelling unit, and includes standards for the design, access, and location of bicycle storage facilities. The plans should be revised to include bicycle parking that conforms with this Section.
7. **Street Frontage.** On lots greater than 35 feet in width in RM-2 Districts, Planning Code Section 144.1 requires horizontal or vertical modulation of the facade to visually divide the front elevation into narrower segments, according to the predominant existing scale in such areas. At a minimum, the building must provide a vertical step in the roofline with a minimum height of two feet, or the building must include a horizontal reveal or change in plane within minimum depth of two feet. Should the project proceed, compliance with this requirement would be assessed as part of the overall review of the detailed design.
8. **Shadow Analysis.** Planning Code Section 295 requires that a shadow analysis be performed to determine whether the project has the potential to cast shadow on properties under the jurisdiction of the San Francisco Recreation and Park Department. Department staff has prepared a shadow fan that indicates the project may cast new shadow on Helen Wills Playground. Therefore, a detailed shadow analysis would need to be prepared to determine if the project would create new shadow in a manner that results in an adverse impact to Helen Wills Playground, pursuant to Section 295. If this detailed shadow analysis finds that the project would cast shadow on Helen Wills Playground, the sponsor should explore sculpting of the upper portions of the project to avoid casting new shadows on the park.

PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may substantially affect the proposed project:

1. **Site Design, Open Space, and Massing.** The Planning Department recommends the building massing at the rear be significantly reduced to allow for the rear yard to contribute to the adjacent mid-block open space.
2. **Vehicle Circulation, Access and Parking.** Parking, structured or otherwise, is not encouraged in the rear yard. The Planning Department recommends a reduction of the parking footprint to allow for more active ground floor uses. The Planning Department acknowledges the building façade is not designed. However, the garage entry should be subordinate to the residential entry.

Bicycle parking, which is not shown, should be as close as possible to the lobby or garage entrance to minimize the travel distance through the garage and conflict with automobiles.

3. **Street Frontage.** The Planning Department recommends a high ground floor with a celebrated residential lobby that is recessed from the sidewalk, and at least as wide as the garage entry.

The Planning Department recommends the residential entry be designed with scale, form, and proportions of surrounding built examples in mind.

5. **Architecture.** The Planning Department will review and provide further detailed design comments in subsequent submissions of materials and details to insure that the desired design intent is achieved.

At this point the architecture is assumed to be preliminary and the Planning Department will review and provide further detailed design comments in subsequent submissions of materials and details to insure that the desired design intent is achieved.

It is expected that the architecture and quality of execution will be superior. High quality materials combined with exceptional articulation and detailing on all visible façade will be essential to the success of this project.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation Application, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **August 3, 2015**. Otherwise, this determination is considered expired and a new Preliminary Project Assessment is required. Such applications and plans must be generally consistent with those found in this Preliminary Project Assessment.

Enclosures: Neighborhood Group Mailing List
Shadow Fan

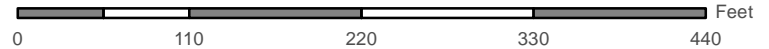
cc: Dolmen Property Group, Property Owner
Yakuh Askew, Project Sponsor
Kevin Guy, Current Planning
Mat Synder, Citywide Planning and Analysis
Jerry Robbins, MTA
Jerry Sanguinetti, DPW



Title: 2013.1790U: 1452-1458 Broadway

Comments: Shadow Fan modeled at 70'.

Printed: 27 January, 2014



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Nancy	Shanahan	Chair, Planning and Zoning Committee	Telegraph Hill Dwellers - Planning & Zoning Committee	224 Filbert Street	San Francisco	CA	94133	415-986-7070	nshan@mindspring.com	Chinatown, Financial District, North Beach, Russian Hill
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