



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 18, 2014
TO: Kin Yeung
FROM: Lisa Gibson, Planning Department
RE: PPA Case No. 2013.1856U for 945-951 Kansas Street

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

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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact Jeanie Poling at (415) 575-9072 or jeanie.poling@sfgov.org to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script, appearing to read "Lisa Gibson", written over a horizontal line.

Lisa Gibson, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: February 18, 2014
Case No.: **2013.1856U**
Project Address: 945-951 Kansas Street
Block/Lot: 4094/044, 045, 046, 047, and 048
Zoning: RH-2
40-X Height and Bulk District
Area Plan: Eastern Neighborhoods (Potrero Hill)
Project Sponsor: Kin Yeung
(415) 359-9991
Staff Contact: Jeanie Poling – (415) 575-9072
jeanie.poling@sfgov.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, 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 (DBI), Department of Public Works (DPW), the 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, and federal regulations as of the date of this document, all of which are subject to change.

PROJECT DESCRIPTION:

The project would construct five buildings (totaling 33,200 sf) containing nine dwelling units (two each at lots 045-048, one at lot 044) and ten parking spaces on a 12,500-square-foot vacant lot. The proposed buildings would be three to five stories and 40 to 60 feet in height. The project site slopes 17 percent from its lowest point to its highest point. The project site and the roadway it fronts are on a hillside of serpentine rock that would require excavation for the construction of the buildings and street and sidewalk improvements. The project would require excavation to a depth of 24 feet.

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.

Section 15183 of the California Environmental Quality Act (CEQA) Guidelines states that projects that are consistent with the development density established by a community plan for which an environmental impact report (EIR) was certified do not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic plan area EIR.

The proposed project is located within the Eastern Neighborhoods Plan Area, which was evaluated in *Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report* (Eastern Neighborhoods FEIR), which was certified in 2008.¹ Because the proposed project is consistent with the development density identified in the area plan, it is eligible for community plan exemption (CPE). Within the CPE process, there can be three different outcomes as follows:

1. **CPE Only.** In this case, all potentially significant project-specific and cumulatively considerable environmental impacts are fully consistent with significant impacts identified in the underlying plan area EIR, meaning there would be no new significant impacts unique to the proposed project. In these situations, all pertinent mitigation measures and CEQA findings from the Eastern Neighborhoods FEIR are applied to the proposed project, and a CPE checklist and certificate is prepared. With this outcome, the applicable fees, based on the current fee schedule², are as follows: (a) \$13,004 environmental document determination fee; (b) \$7,216 CPE certificate fee; and (c) \$10,000 proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR.
2. **CPE and Focused Initial Study/Mitigated Negative Declaration.** In this case, one or more new significant impacts of the proposed project specific to the site or the project proposal are identified that were not identified in the Eastern Neighborhoods FEIR. If any new significant impacts of the proposed project can be mitigated, then a focused mitigated negative declaration to address these impacts is prepared, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the Eastern Neighborhoods a FEIR, with all pertinent mitigation measures and CEQA findings from the Eastern Neighborhoods FEIR also applied to the proposed project. With this outcome, the applicable fees, based on the current fee schedule, are as follows: (a) \$13,004 environmental document determination fee; (b) the environmental evaluation (EE) fee for a project within an adopted plan area based on the cost of construction³; and (c) \$10,000 proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR.
3. **CPE and Focused EIR.** In this case, one or more new significant impacts of the proposed project specific to the site or the project proposal are identified that was not identified in the Eastern Neighborhoods FEIR. If any new significant impacts of the proposed project cannot be mitigated, then a focused EIR to address these impacts is prepared and a supporting CPE certificate is prepared

¹ Available for review on the Planning Department's Area Plan EIRs web page: <http://www.sf-planning.org/index.aspx?page=1893>.

² Fees schedule effective 8/30/13, available at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=513>

³ See page 10 of the current fee schedule, available at www.sfplanning.org.

to address all other impacts that were encompassed by the Eastern Neigh Eastern Neighborhoods Western SoMa FEIR also applied to the proposed project. With this outcome, the applicable fees, based on the current fee schedule, are as follows: (a) \$13,004 environmental document determination fee; (b) the environmental evaluation (EE) fee for a project within an adopted plan area based on the cost of construction⁴; (c) the EIR fee for a project within an adopted plan area based on the cost of construction EIR fee⁵; and (d) \$10,000 proportionate share fee for recovery of costs incurred by the Planning Department for preparation of the Eastern Neighborhoods FEIR.

Based on our preliminary review the following topic areas would require additional study to determine whether the project would result in significant impacts not identified in the Eastern Neighborhoods FEIR:

1. **Archeological Resources.** Project implementation would entail soil-disturbing activities associated with building construction, including excavation that would reach a depth of approximately 24 feet below grade. The project site is located within an area where no previous archeological survey has been prepared. The Eastern Neighborhoods FEIR noted that California Register of Historical Resources (CRHR)-eligible archeological resources are expected to be present within existing sub-grade soils of the Plan Area, and the proposed land use policies and controls within the Plan Area could adversely affect significant archeological resources. Therefore, the following Eastern Neighborhoods FEIR mitigation measure would be applicable to the proposed project.
 - **Mitigation Measure J-2: Properties with No Previous Studies.** Compliance with this mitigation measure initially requires a Preliminary Archeological Review (PAR), which would be conducted in-house by a Planning Department archeologist. During the PAR it would be determined what type of soils disturbance/modification would result from the project, such as excavation, installation of foundations, soils improvement, and site remediation. Any available geotechnical/soils materials report prepared for the project site would be reviewed at this time. Secondly, it would be determined whether the project site is in an area that is archeologically sensitive. The results of this review would be provided in a memorandum to the assigned Environmental Planner. If it is determined that the proposed project has the potential to affect an archeological resource, the PAR memorandum would identify appropriate additional actions to be taken. Such actions could include the inclusion of additional archeological mitigation measures in the environmental document, and/or the preparation of a Preliminary Archeological Sensitivity Study (PASS). If required, the project sponsor would be required to retain the services of a qualified archeological consultant to prepare the PASS. The Planning Department's list of approved archeological consultants, who could prepare the PASS, is available at [http://www.sf-planning.org/ftp/files/MEA/Archeological Review consultant pool.pdf](http://www.sf-planning.org/ftp/files/MEA/Archeological%20Review%20consultant%20pool.pdf). The PASS if required, must contain the following:
 - a. The historical uses of the project site based on any previous archeological documentation and Sanborn maps;

⁴ See page 10 of the current fee schedule.

⁵ See page 11 of the current fee schedule.

- b. Types of archeological resources/properties that may have been located within the project site and whether the archeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHP);
- c. Whether the nineteenth- or twentieth-century soils-disturbing activities may have adversely affected the identified potential archeological resources;
- d. Assessment of potential project effects in relation to the depth of any identified potential archeological resources;
- e. A conclusion that assesses whether any CRHP-eligible archeological resources could be adversely affected by the proposed project and a recommendation as to appropriate further action.

Based on the PASS, the Environmental Review Officer (ERO) would determine if an Archeological Research Design/Treatment Plan (ARD/TP) would be required to more definitively identify the potential for CRHR-eligible archeological resources to be present within the project site, and would determine appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level. The scope of the ARD/TP would be determined in consultation with the ERO and consistent with the standards for archeological documentation established by the Office of Historic Preservation for purposes of compliance with CEQA.

2. **Transportation.** Based on the Planning Department's transportation impact analysis guidelines, the project would add fewer than 50 PM peak hour person trips and thus would not be likely to require a transportation impact study. However, the plans submitted with the Environmental Evaluation Application should clearly show proposed structures on both the subject property and on immediately adjoining properties; off-street parking and loading spaces; driveways and trash loading areas; pedestrian access; vehicular access to off-street parking; and on-site parking configurations. The following recommendations are made to minimize transportation-related impacts: (1) coordinate with DPW on Kansas Street roadway and sidewalk improvements, (2) consolidate driveways for fewer curb cuts, (3) consider providing fewer vehicle parking spaces and perhaps no vehicle parking in the single-family building, and (4) consider providing bicycle parking in the garage or on the street.
3. **Noise.** Based on the Eastern Neighborhoods FEIR, the project site is located in an area where traffic-related noise exceeds 60 dBA Ldn (a day-night averaged sound level). Based on our preliminary review, it appears that the following mitigation measures that were identified in the Eastern Neighborhoods FEIR may apply to the proposed project:
 - **Mitigation Measure F-2: Construction Noise** requires that the project sponsor submit to DBI a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant prior to commencing construction to ensure that maximum feasible noise attenuation will be achieved.
 - **Mitigation Measure F-4: Siting of Noise-Sensitive Uses.** The Eastern Neighborhoods FEIR noted that the proposed rezoning would permit existing production, distribution and repair (PDR) uses to remain where they are, in proximity to areas newly zoned for residential uses, and

that depending on the type of commercial or employment activities, noise generated during the evening or nighttime hours could result in noise conflicts between residential and commercial uses. Thus, Mitigation Measure F-4 from the Eastern Neighborhoods FEIR would most likely apply to the proposed project. This mitigation measure requires the preparation of a noise analysis to identify potential noise-generating uses within two blocks of the project site and to demonstrate that Title 24 standards will be met. Title 24 of the California Code of Regulations includes noise insulation standards and construction requirements that are intended to limit noise transmitted into residential units of multi-unit residential buildings.

4. **Air Quality.** The proposed project's nine residential dwelling units are below the Bay Area Air Quality Management District's (BAAQMD) construction and operational screening levels for criteria air pollutants. Therefore an analysis of the project's criteria air pollutant emissions is not likely to be required.
 - **Criteria Air Pollutants.** The proposed project includes substantial construction activities (i.e., more than 10 cubic yards or 500 square feet of soil disturbance); thus, *detailed* information related to construction equipment, phasing and duration of each phase, and cubic yards of excavation should be provided with the Environmental Evaluation Application. 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 DBI. The proposed project would be required to comply with applicable dust control requirements outlined in the ordinance.
 - **Local Health Risks and Hazards.** 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 the "Air Pollutant Exposure Zone," were identified. Land use 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. Although the project site is not within an Air Pollutant Exposure Zone, improvement measures may be recommended for consideration by City decision makers, 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 subject to Article 38 of the Health Code.⁶
 - **Naturally Occurring Asbestos.** Based upon mapping conducted by the U.S. Geological Survey (USGS), the project site may be underlain by serpentine rock.⁷ Project construction activities

⁶ See <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

⁷ Planning Department, GIS Layer, "Areas Affected by Serpentine Rocks." Created February 25, 2010 from United States Geological Survey and San Francisco Department of Public Health data.

could release serpentinite into the atmosphere. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA) or tremolite-actinolite, a fibrous mineral that can be hazardous to human health if airborne emissions are inhaled. In the absence of proper controls, NOA could become airborne during excavation and handling of excavated materials. On-site workers and the public could be exposed to airborne asbestos unless appropriate control measures are implemented. To address health concerns from exposure to NOA, the California Air Resources Board enacted an Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations in July 2001. The requirements established by the Asbestos ATCM are contained in California Code of Regulations (CCR) Title 17, Section 93105,⁸ and are enforced by the BAAQMD. The proposed project will be required to comply with the requirements of the Asbestos ATCM, which include measures to control fugitive dust from construction activities, in addition to the requirements of the Construction Dust Control Ordinance discussed above.

5. **Greenhouse Gas Emissions.** Potential environmental effects related to greenhouse gas (“GHG”) emissions from the proposed project need to be addressed in a project’s environmental evaluation. The project sponsor would be required to submit a completed GHG Compliance Checklist Table 1 for Private Development Projects⁹ demonstrating that the project is in compliance with the identified regulations and provide project-level details in the discussion column. This information will be reviewed by the environmental planner during the environmental review process to determine if the project would comply with San Francisco’s Greenhouse Gas Reduction Strategy.¹⁰ Projects that do not comply with a GHG-related regulation may be determined to be inconsistent with San Francisco’s Greenhouse Gas Reduction Strategy.
6. **Tree Planting and Protection.** Public Works Code Section 8.02-8.11 requires disclosure and protection of landmark, significant, and street trees located on private and public property. Any such trees must be shown on the site plan with size of the trunk diameter, tree height, and accurate canopy drip line. Please submit a *Tree Planting and Protection Checklist* (available at www.sfplanning.org) with the Environmental Evaluation Application and ensure that trees are appropriately shown on site plans.
7. **Geology.** Portions of the project site are on a grade greater than 20 percent, and the project involves more than 24 feet of excavation. Thus, a geotechnical report must be submitted with the Environmental Evaluation Application. The report should be prepared, sealed or stamped and signed by a licensed Geotechnical Engineer or Civil Engineer (with expertise in geotechnical engineering) in the State of California. The report should identify areas of potential slope instability and potential risks of development due to geological and geotechnical factors, and should draw conclusions and make recommendations regarding the proposed development.

⁸ California Air Resources Board, Regulatory Advisory, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, July 29, 2002.

⁹ San Francisco Planning Department. *Consultant Resources. Greenhouse Gas Compliance Checklist for Private Development Projects*. Available at: <http://www.sf-planning.org/index.aspx?page=1886>

¹⁰ City and County of San Francisco, *Strategies to Address Greenhouse Gas Emissions*. Available at: http://sfmea.sfplanning.org/GHG_Reduction_Strategy.pdf

8. **Stormwater.** The project would result in a ground surface disturbance of 5,000 square feet or greater; thus, it is subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding San Francisco Public Utilities Commission's (SFPUC's) Stormwater Design Guidelines (Guidelines). A Stormwater Control Plan must be prepared that demonstrates project adherence to the performance measures outlined in the Guidelines, including (a) reduction in *total volume* and *peak flow rate* of stormwater for areas in combined sewer systems, or (b) *stormwater treatment* for areas in separate sewer systems. Responsibility for review and approval of the Stormwater Control Plan is with the SFPUC, Wastewater Enterprise, Urban Watershed Management Program. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. The project's environmental evaluation should generally assess how and where the implementation of necessary stormwater controls would reduce the potential negative impacts of stormwater runoff. To view the Stormwater Management Ordinance and the Stormwater Design Guidelines, or to download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>.
9. **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 Community Plan Exemption process. Please be prepared to provide mailing labels upon request by the assigned environmental planner.

If any of the additional analyses determine that mitigation measures not identified in the Eastern Neighborhoods FEIR are required to address significant impacts, the environmental document will be a community plan exemption plus a focused initial study/mitigated negative declaration. If the additional analyses identify impacts that cannot be mitigated, the environmental document will be a community plan exemption with a focused initial study/EIR. A community plan exemption and a community plan exemption plus a focused initial study/mitigated negative declaration can be prepared by Planning Department staff, but a community plan exemption with a focused initial study/EIR would need to be prepared by a consultant on the Planning Department's environmental consultant pool. (http://www.sf-planning.org/ftp/files/MEA/Environmental_consultant_pool.pdf).

PLANNING DEPARTMENT APPROVALS:

The project requires Planning Department approval of the Building Permit. This approval may be reviewed in conjunction with the required environmental review but may not be granted until after the required environmental review is completed.

1. **Neighborhood Notification.** See "Neighborhood Notifications and Public Outreach" below.
2. A **Building Permit Application** is required for the proposed new construction on the subject property. The application is available from DBI at 1660 Mission Street, First Floor. For more information see <http://www.sfdbi.org/>.

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 sponsor 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, which includes instructions and template forms, is available at www.sfplanning.org under the "Permits & Zoning" tab. All registered neighborhood group mailing lists are available at www.sfplanning.org under the "Resource Center" tab.

PRELIMINARY PROJECT COMMENTS:

The following comments address specific Planning Code and other general issues that may significantly impact the proposed project.

1. **Rear Yard.** Planning Code Section 134(c)(1) limits the last 10 feet of building depth to a height of 30 feet when using averaging to determine the required rear yard setback. At 45 percent lot depth, the building may be 40 feet in height above existing grade. The proposed plans for Lot 44 lacks dimensions for proposed height, and appears to be noncomplying.
2. **Street Trees.** Planning Code Section 138.1 requires one street tree for every 20 feet of frontage for new construction. No street trees are shown on the plans.
3. **Parking and Curb Cuts.** Section 151 requires one parking space for each dwelling unit; however fewer parking places may be allowed with a variance. In addition, curb cuts should be of minimal width and placed in in such a way to minimize the reduction of potential on-street parking.
4. **Bicycle Parking.** Planning Code Section 155.5 requires this project to provide at least one (1) Class 1 bicycle parking space per unit. Please reference the Zoning Administrator's Bulletin No. 9 for more information. http://www.sf-planning.org/ftp/files/publications_reports/ZAB_BicycleParking_9-7-13.pdf
5. **Eastern Neighborhood Impact Fees** apply to the project. Fees are assessed per the net new gross square footage of the proposed project's residential space. For the most up-to-date schedule, please refer to DBI's fee register (<http://sfdbi.org/index.aspx?page=617>). The Eastern Neighborhoods Impact Fee shall be paid before the City issues a first construction document.

PRELIMINARY DESIGN COMMENTS:

The following comments address preliminary design issues that may significantly impact the proposed project:

1. **Massing, Site Orientation, and Open Space.** Per the Residential Design Guidelines, the design of the new development should take into consideration the existing massing and form of adjacent properties. Specifically, the Planning Department recommends reducing the massing by eliminating

the sixth floors, reducing the massing at the street frontage to four stories with shaped roof forms integrated into the fourth floors, and reducing the massing of the two southern buildings to transition to the lower-scale adjacent houses.

2. **Vehicle Circulation, Access, and Parking.** Consider pairing driveways and curb cuts to maximize usable sidewalk area and on-street parking. An 8-foot-wide curb cut for parking access is DPW's standard width.
3. **Street Frontage.** The Planning Department recommends entrances that provide a gracious transition from the street to the private dwellings per the Residential Design Guidelines and Draft Residential Ground Floor Design Guidelines. Minimally, these entrances should be raised and set back, and ideally should incorporate a landscaped area designed to be useable as open space.
4. **Architecture.** It is understood that the design is preliminary. It is expected that the design will be developed to include appropriately scaled elements that modulate the façades in a manner consistent with the context, and that exceptional articulation and detailing combined with high-quality materials and execution will be superior. The Planning Department will review and provide more response on building design, materials, and details as the project proceeds.
5. **Required Streetscape and Pedestrian Improvements.** Per Planning Code Section 138.1, the project sponsor will not be required to submit a Streetscape Plan because the 12,500-square-foot project site is less than one-half acre.

For the proposed street improvements (excavation of the hill that now occupies a portion of Kansas Street, extension of Kansas Street, and the addition of a 15-foot-wide sidewalk), the project sponsor should contact DPW as early as possible to understand the process and requirements for permitting street improvements.

For information on process, guidelines, and requirements for street improvements, refer to www.sfbetterstreets.org. Although not required, the Sidewalk Landscaping section of the Better Streets Plan (http://www.sfbetterstreets.org/find-project-types/greening-and-stormwater-management/greening-overview/sidewalk-landscaping/#design_guidelines) would be useful to consult, along with the Greening and Stormwater Management section (http://www.sfbetterstreets.org/find-project-types/#greening_stormwater). Please also see DPW's [Sidewalk Landscaping Permits](http://www.sfdpw.org/index.aspx?page=1532) (<http://www.sfdpw.org/index.aspx?page=1532>), and the SFPUC's [Stormwater Design Guidelines](http://sfwater.org/index.aspx?page=446) (<http://sfwater.org/index.aspx?page=446>). Required streetscape and pedestrian improvements are not eligible for in-kind fee credit.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation Application, Neighborhood Notification Application, or Building Permit Application, as listed above, must be submitted no later than August 18, 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.

cc: Tim Clinton, Property Owner
Jeffrey Speirs, Current Planning
Scott Edmondson, Citywide Planning and Analysis
David Winslow, City Design

Jerry Robbins, MTA
Jerry Sanguinetti, DPW
June Weintraub, DPH