



SAN FRANCISCO PLANNING DEPARTMENT

DATE: February 21, 2014
TO: Ian Birchall
FROM: Josh Switzky, Planning Department
RE: PPA Case No. 2013.1872 for 768 Harrison Street

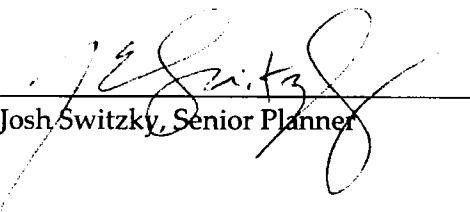
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Please find the attached Preliminary Project Assessment (PPA) for the address listed above. You may contact the staff contact, Lily Langlois, at (415) 575-9083 or lily.langlois@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.



Josh Switzky, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: February 21, 2014
Case No.: 2013.1872U
Project Address: 768 Harrison
Block/Lot: 3751 / 033
3751/ 162
Zoning: MUO
85-X
Area Plan: East SoMa
Project Sponsor: Ian Birchall
251 South Van Ness Ave, Suite 300
San Francisco, CA 94103
(415) 512-9660
Staff Contact: Lily Langlois – (415) 575-9083
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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, 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 consists of a 40,741 square foot lot (Assessor's Block 3751, Lot 033 and Lot 62) bound by 4th Street to the west, Lapu-Lapu Street to the east, Harrison Street to the south, and Rizal Street to the north. Currently the lot contains a two story building.

The proposed project includes the demolition of an existing 2-story building and the construction of a new 9-story building with retail on the 1st floor and the mezzanine and residential uses above.

ENVIRONMENTAL REVIEW:

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 Area Plan, which was evaluated in *Eastern Neighborhoods Rezoning and Area Plans Programmatic Final Environmental Impact Report EIR*, which was certified in 2008.¹ The project is also within the proposed Central SoMa Plan area, which is a rezoning effort currently undergoing environmental review and expected to be in effect in early 2015.² The envisioned height and bulk designation for the project site in the proposed Central SoMa Plan Area is likely to remain 85-X. However, the proposed project would be assessed based on the height districts in place at the time that the Planning Department entitlement is sought. If environmental clearance of the proposed 768 Harrison Street project occurs after adoption of the Central SoMa Plan, it could rely on pertinent mitigation measures and CEQA finding from the Central SoMa Area Plan EIR instead of the Eastern Neighborhoods EIR. For purposes of this Preliminary Project Assessment, it is assumed that the proposed project would rely on the Eastern Neighborhoods zoning and density designations. Because the proposed project is consistent with the development density identified in that area plan, it is eligible for a 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 *Eastern Neighborhoods Rezoning and Area Plans Final EIR* ("*Eastern Neighborhoods FEIR*"), and there would be no new "peculiar" 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 are: (a) the CPE determination fee (currently \$13,004); (b) the CPE certificate fee (currently \$7,216); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the *Eastern Neighborhoods FEIR*.
2. **CPE and Focused Initial Study/Mitigated Negative Declaration.** If new site- or project-specific significant impacts are identified for the proposed project that were not identified in the *Eastern Neighborhoods FEIR*, and if these new significant impacts can be mitigated to a less-than-significant level, then a focused mitigated negative declaration is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods 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 are: (a) the CPE determination fee (currently \$13,004); (b) the standard environmental evaluation

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

² Planning Department Case No. 2011.1356E.

fee (which is based on construction value); and (c) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the *Eastern Neighborhoods FEIR*.

3. **CPE and Focused EIR.** If any new site- or project-specific significant impacts cannot be mitigated to a less-than-significant level, then a focused EIR is prepared to address these impacts, and a supporting CPE certificate is prepared to address all other impacts that were encompassed by the *Eastern Neighborhoods 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 are: (a) the CPE determination fee (currently \$13,004); (b) the standard environmental evaluation fee (which is based on construction value); (c) one-half of the standard EIR fee (which is also based on construction value); and (d) a proportionate share fee for recovery for costs incurred by the Planning Department for preparation of the *Eastern Neighborhoods FEIR*.

In order to begin formal environmental review, please submit an Environmental Evaluation Application. This review may be done in conjunction with the required approvals listed below, but must be completed before any project approval may be granted. See page 2 of the current Fee Schedule for calculation of environmental application fees. Environmental Evaluation Applications are available at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org. Please note that the document determination fee for community plan exemption environmental review will be deferred until assignment to an environmental planner, so please do not submit this fee with your Environmental Evaluation Application. Note that until an approval application is submitted to the Current Planning Division, only the proposed Project Description will be reviewed by the assigned Environmental Coordinator. Below is a list of topic areas that would require additional study based on our preliminary review of the project as it is proposed in the Preliminary Project Assessment (PPA) submitted on December 23, 2013.

4. **Transportation.** Based on the Planning Department's transportation impact analysis guidelines, the project would potentially add approximately 83 PM peak hour person trips. A transportation study is not anticipated. However, an official determination will be made subsequent to submittal of the Environmental Evaluation Application. In order to facilitate this determination, the Environmental Evaluation Application and plans submitted as part of the Environmental Evaluation Application should clarify whether work along Rizal Street would include any required Better Streets Plan improvements, as well as whether trash collection would occur on Harrison Street or Rizal Street.
5. **Noise.** The project site is located in an area where traffic-related noise exceeds 60 dBA Ldn (a day-night averaged sound level). The *Eastern Neighborhoods FEIR* identified a number of noise mitigation measures applicable to construction as well as siting noise-sensitive (e.g., residential) land uses in areas that are substantially affected by existing noise levels. *Mitigation Measures F-1 and F-2 (Construction Noise)* would reduce construction-related noise impacts. *Mitigation Measure F-1* applies to pile driving activities and would require that piles be pre-drilled. *Mitigation Measure F-2* would require construction projects near noise sensitive land uses to implement noise attenuation measures. The project sponsor would be required to submit a plan that outlines the noise attenuation measures to be implemented during the construction phase. The plan must be submitted to the Department of Building Inspection (DBI) for review and approval prior to the issuance of any construction or demolition permit. *Mitigation Measure F-3: Interior Noise Levels* requires that the project sponsor conduct a detailed analysis of noise reduction requirements for new development that includes noise-

sensitive uses located along streets with noise levels above 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. *Mitigation Measure F-3* would not apply to the proposed project, as the project would be subject to the California Noise Insulation Standards. *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* would apply, as the project sponsor is proposing to site residential uses in an area that exceeds 60 Ldn noise levels. *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* would require the sponsor to prepare an acoustical study that identifies potential noise-generating uses within 900 feet of, and having a direct line-of-sight to, the project site and include at least one 24-hour noise measurement with maximum noise level readings taken at least every 15 minutes. The study should include any recommendations regarding building design to ensure that the interior noise environment meets Title 24 Building Code acoustical requirements. This study must be completed during the environmental review process for inclusion in the environmental document. *Mitigation Measure F-5: Siting of Noise-Generating Uses* would not apply to the proposed project because the project would not include commercial, industrial, or other uses that would be expected to generate noise levels in excess of ambient noise, either short term, at nighttime, or as a 24-hour average, in the project site vicinity. *Mitigation Measure F-6: Open Space in Noisy Environments* would apply to the proposed project as it includes new development of a noise-sensitive use. This mitigation measure requires that open space required under the Planning Code be protected from existing ambient noise levels. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles or urban design.

- 6. Archeology.** The project includes demolition, excavation, grading, and foundation work below grade. The project site lies within the Archeological Mitigation Zone J-2: Properties with No Previous Studies of the Eastern Neighborhoods Rezoning and Area Plans FEIR that would require for the proposed project either Preliminary Archeological Review (PAR) conducted in-house by the Planning Department archeologist or the preparation of a Preliminary Archeological Sensitivity Assessment (PASS) by a Department Qualified Archeological Consultant subject to the review and approval by the Department archeologist. In almost all cases, the project sponsor would choose the PAR process. The PAR will first determine what type of soils disturbance/modifications would result from the proposed project, such as excavation, installation of foundations, soils improvements, site remediation, etc., second, whether or not the project site is located in an area of archeological sensitivity and, third, what additional steps are necessary to identify and evaluate any potential archeological resources that may be affected by the project. Helpful to the PAR process is the availability of geotechnical or soils characterization studies prepared for the project. The results of this review will be provided in a memorandum to the Environmental Planner assigned to the project.

Alternatively, preparation of a PASS would require the project sponsor to retain the services of a qualified archeological consultant from the Planning Department's rotational Qualified Archeological Consultants List (QACL). The project sponsor must contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The whole QACL is available at:

http://www.sf-planning.org/ftp/files/MEA/Archeological_Review_consultant_pool.pdf.

The Preliminary Archeological Sensitivity Study (PASS) should contain the following:

1. The historical uses of the project site based on any previous archeological documentation and Sanborn maps;
2. Determine 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 CRHR;
3. Determine if the 19th or 20th century soils-disturbing activities may have adversely affected the identified the potential archeological resources;
4. Assess potential project effects in relation to the depth of any identified potential archeological resources; and
5. Conclusion: assessment of whether any CRHP-eligible archeological resources could be adversely affected by the proposed project and recommendation as to appropriate further action.

Based on the PAR or the PASS, the Department archeologist will determine if and what additional measures are necessary to address potential effects of the project to archeological resources. These measures may include implementation of various archeological mitigations such as accidental discovery, archeological monitoring, and/or archeological field investigations. In cases of potential higher archeological sensitivity, preparation of an Archeological Research Design/Treatment Plan (ARD/TP) by an archeological consultant from the QACL may be required.

7. **Historic Resources.** The project site contains an industrial building fronting both Harrison and Rizal Streets that was constructed in 1930. The building was included in the *South of Market Historical Informational Survey*, and was given a rating of 6L, which defines the property as "Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning." As such, the subject property would not be considered a historic resource pursuant to California Environmental Quality Act (CEQA). Therefore, this topic will not require further evaluation as part of the proposal's environmental review.
8. **Hazardous Materials.** The proposed project would include the construction of a new mixed-use/residential building on a site previously used for industrial purposes. The existing industrial building structure on the project site would be demolished as part of the project. Therefore, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance. The Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH), requires the project sponsor 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 ESA 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.

9. **Air Quality.** The project includes demolition of an existing two-story industrial building and the construction of a 29,853-square-foot, nine-story building with retail space on the ground floor and residential units above. The proposed project's 29 dwelling units are below the Bay Area Air Quality Management District's (BAAQMD) construction screening levels for criteria air pollutants.³ However, detailed information related to cubic yards of excavation shall be provided as part of 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 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 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. The proposed project is within an Air Pollutant Exposure Zone and includes sensitive land uses (i.e., dwelling units). Therefore, exhaust measures during construction and enhanced ventilation measures as part of building design will likely be required. Enhanced ventilation measures will be the same as those required for projects, such as this project, subject to Article 38 of the Health Code.⁴

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. Given the proposed project's height of 84 feet, the proposed project would likely require a backup diesel generator and additional measures will likely be necessary to reduce its emissions. Detailed information related to any proposed stationary sources shall be provided with the Environmental Evaluation Application. During the environmental review process, the project will be screened for potential air quality impacts to identify applicable mitigation measures from the Eastern Neighborhoods FEIR.

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

⁴ Refer to <http://www.sfdph.org/dph/eh/Air/default.asp> for more information.

10. **Greenhouse Gas Emissions.** The applicant must complete the Planning Department's Greenhouse Gas Emissions Checklist, which will be provided after submittal of the Environmental Evaluation Application. The checklist includes a list of pertinent City regulations, ordinances, and other requirements that reduce greenhouse gas emissions consistent with the City's reduction strategy. Projects that do not comply with an ordinance/regulation may be determined inconsistent with San Francisco's qualified GHG reduction strategy and may require the development of specific mitigation measures to achieve compliance. Compliance with applicable regulations, ordinances, and requirements would ensure that impacts related to greenhouse gas emissions would be less than significant, and no further analysis would be required.
11. **Shadow.** Planning Code Section 295 requires that a shadow analysis be conducted for any project greater than 40 feet in height to determine whether the project has the potential to cast net new 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 will not cast net new shadow on any property under the jurisdiction of the Recreation and Parks Department.
12. **Wind.** The proposed project would involve construction of a building over 80 feet in height. A screening-level wind impact analysis would be required for this project. The wind analysis should take into account the surrounding topography and building heights. A draft scope of the wind analysis shall be submitted to Environmental Planning prior to commencement of any work related to the analysis.
13. **Geology and Soils.** The project site is located in a Seismic Hazard Zone, specifically a liquefaction hazard zone, as identified in the San Francisco General Plan. Any new construction on the project site is subject to a mandatory Interdepartmental Project Review because it is located within a Seismic Hazard Zone. A geotechnical study prepared by a qualified consultant must be submitted with the Environmental Evaluation Application.⁵ The study should address whether the project site is subject to liquefaction, and should provide recommendations for any geotechnical concerns identified in the study. In general, compliance with the building codes, as assured through DBI's permit review process, would avoid the potential for significant impacts related to structural damage, ground subsidence, liquefaction, landslides, and surface settlement. This study will also help inform the Planning Department Archeologist of the project site's subsurface geological conditions.
14. **Stormwater Management.** Projects that disturb 5,000 sf or more of the ground surface are subject to San Francisco's stormwater management requirements as outlined in the Stormwater Management Ordinance and the corresponding SFPUC Stormwater Design Guidelines (Guidelines). Projects that trigger the stormwater management requirements must prepare a Stormwater Control Plan demonstrating 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,

⁵ San Francisco Planning Department. *Interdepartmental Project Review*. Available online at: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=522>

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, the Stormwater Design Guidelines, or download instructions for the Stormwater Control Plan, go to <http://sfwater.org/sdg>.

15. **Tree Planting and Protection.** The Department of 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 Plans with size of the trunk diameter, tree height, and accurate canopy drip line. Please submit a *Tree Planting and Protection Checklist* with the Environmental Evaluation Application and ensure that trees are appropriately shown on site plans.
16. **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 provide these mailing labels at the time of submittal of the Environmental Evaluation Application.

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 Large Project Authorization from the Planning Commission is required per Planning Code Section 329 to allow the construction of a new building greater than 75 feet in height or greater than 25,000 gross square feet.
2. A Building Permit Application is required for the demolition of the existing building on the subject property.
3. A Building Permit Application is required for the proposed new construction on the subject property.

Large Project Authorization 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. Building permit applications are available at the Department of Building Inspections 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. Specifically, notification is required for the:

1. Large Project Authorization
2. Building Permit (Section 312)

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, 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 online 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. For the purpose of providing these comments, the ground floor units along Clara Street are considered non-residential. Designation of these units as residential may alter some of the comments below.

1. **Central SoMa Plan.** The subject property falls within the ongoing Central SoMa Plan (formerly "Central Corridor Plan") study area generally bounded by 2nd, 6th, Townsend and Market Streets. The Central Corridor Draft Plan was published in April 2013. The draft plan will be evaluated in an Environmental Impact Report (EIR). The draft Plan will propose changes to the allowed land uses and building heights, and will include a strategy for improving the public realm in this area. The EIR, the Plan, and the proposed rezoning and affiliated Code changes are anticipated to be before decision-makers for approval in early 2015.

The Central Corridor Draft Plan includes recommendations for new land use controls as well as new height and bulk controls. The Draft Plan is available for download at <http://centralsoma.sfplanning.org>. The proposed project is consistent with the Draft Plan, in regards to the proposed zoning and heights outlined in the Central Corridor Draft Plan.

2. **Eco-District.** An Eco-district is a neighborhood or district where residents, community institutions, property owners, developers, and businesses join together with city leaders and utility providers to meet sustainability goals and co-develop innovative projects at a district or block-level. The Planning Department has identified the Central Corridor Plan area as a Type 2 Eco-District. All major new development in the Central Corridor Plan area will be expected to participate in the Eco-District program and the Sustainability Management Association set up to guide it. Please see <http://www.sfplanning.org/index.aspx?page=3051> or contact Kate McGee at 558-6367 for more information.
3. **A Large Project Authorization.** Planning Code Section 329 outlines the requirements for Large Project Authorization in Eastern Neighborhoods Mixed Use Districts. A Large Project Authorization is required for the construction of a new building greater than 75 feet in height or greater than 25,000 gross square feet. The project proposes the construction of a new 9-story, 84-foot tall, mixed-use building whose height exceeds the 75-foot height LPA applicability threshold established by Section 329(b)(1). In addition, although an exact gross square footage is not provided on the preliminary

project plans, staff's scaled calculation of the total gross floor of the project approximates the 25,000 gross square foot threshold. Pursuant to Section 329, a Large Project Authorization is required if either of the aforementioned project thresholds is exceeded.

As determined by the Planning Commission, exceptions could be sought through the Large Project Authorization, as follows:

- a. **Rear Yard.** Planning Code Section 134 establishes a minimum rear yard requirement of 25% of the lot depth (25% of 160 feet = 40 feet) to be provided at the lowest story containing a dwelling unit and each succeeding level. As proposed, the lowest story containing a dwelling unit (the 2nd Floor) and all succeeding levels (Floors 3-9) of the project only provide a rear yard setback that varies from zero to 12.5 feet and therefore does not comply with the rear yard requirement. Section 134(f) allows the rear yard requirement to be modified or waived by the Planning Commission pursuant to Section 329.
- b. **Open Space.** Planning Code Section 135 outlines the minimum area requirements for usable open space per residential unit and for non-residential uses. At least 80 sf of usable open space (if not publically accessible) is required for each residential unit. A reduction in usable open space may be allowed if publicly accessible. Based on the proposed number of dwelling units, the project must provide at least 2,320 sf (80sf x 29 units = 2,320 sf/unit) of open space for the 29 dwelling units. Currently, the project proposes 2,275 sf of common open space at the roof level; therefore, the project appears to have a deficit of 45 sf. Please note that the second floor inner courtyard does not meet the dimensional requirements specified in Planning Code Section 135 and therefore does not qualify as common usable open space. The applicant may seek a modification of the open space dimensional requirements under the Large Project Authorization process, however in circumstances where such exemption is granted, a fee shall be required.
- c. **Exposure.** Planning Code Section 140 outlines requirements for all dwelling units to face an open area. All dwelling units shall feature a window that directly faces an open area that is a minimum of 25 feet in every horizontal dimension that increases five feet in every horizontal dimension on each subsequent floor. As proposed, it appears the project doesn't meet the exposure requirement at the interior courtyard, in that the proposed elevator obstructs the minimum 25-foot unobstructed dimension and the requisite 5-foot increase in every horizontal dimension at each subsequent floor is not satisfied. The applicant should provide scaled drawings, for staff review, to diagrammatically demonstrate whether the project satisfies the dwelling unit exposure requirements; otherwise, a modification of the exposure requirement will be required under the Large Project Authorization. Please note that the Planning Department generally encourages that code-compliant exposure be provided for each dwelling unit. If an exposure modification is sought as part of the Large Project Authorization, the Planning Department generally encourages that the number of dwelling units seeking a modification be minimized.

4. **Commercial Open Space.** Planning Code Section 135.3 requires one square foot of usable open space per 250 square feet of retail floor area. With 3000 sf of retail floor area proposed, 12 sf ($3000 \text{ sf}/250 = 12 \text{ sf}$) of usable open space for the retail component is required. The Site Plan depicts an approximately 27 sf (3' x 9') recessed area at the storefront that could be designated as commercial usable open space and designed to satisfy this requirement, however the plans should be amended to specify this area accordingly.
5. **Street Trees.** Planning Code Section 138.1 requires one 24-inch box street tree for every 20 feet of property frontage for new construction. With a property frontage of 32 feet, the project is required to provide two street trees ($32' \text{ of frontage}/20 = 1.6$ which rounds up to 2 trees). The project plans provide only one street tree, and therefore the project does not comply with this provision. The applicant may seek a waiver from the street tree requirement subject to Zoning Administrator approval. To receive a preliminary street tree waiver assessment, the applicant should submit a Tree Referral Form (see attached) to the Department of Public Works (DPW). Street trees not provided are subject to an in-lieu fee.
6. **Bird Safety.** Planning Code Section 139 establishes Bird-Safe standards for new building construction to reduce bird mortality from circumstances that are known to pose high risk to birds and are considered to be "bird hazards". The two circumstances regulated by this Section are 1) location-related hazards, where the siting of a structure creates increased risk to birds and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located.

The project site does not pose a location-related bird hazard since it is located more than 300 feet beyond an urban bird refuge. Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Any structure that contains these elements shall treat 100% of the glazing on feature-specific hazards. Detailed architectural plans that specify the materials, colors and finishes of the project have not yet been provided in order to determine whether the project satisfies this requirement.

7. **Transparency and Fenestration.** Planning Code Section 145.1 requires that at least 60% of the ground floor street frontage which contains active uses be visually transparent into the building. Detailed architectural plans that specify the materials, colors and finishes of the project have not yet been provided in order to determine whether the project satisfies this requirement.
8. **Shadow Reduction.** Planning Code Section 147 requires that a buildings exceeding 50 feet in height be shaped in a manner consistent with good design while not unduly restricting the development potential of the site in question, to reduce substantial impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.
9. **Shadow Study.** The proposed project involves the construction of a building greater than 40 in height and therefore requires a shadow study. A preliminary shadow fan analysis conducted by staff

indicates that the proposed project would not cast shadows on properties owned by the San Francisco Recreation and Park Department.

10. **Bicycle Parking.** Planning Code Section 155 requires this project to provide at least 29 Class I and one Class II bicycle parking spaces for the residential component and at least two Class II bicycle parking spaces for the retail component. The project plans provide the adequate total number of bicycle parking spaces (32) however the bicycle space type (Class I or Class II) needs to be specified on the project plans. Please see Zoning Administrator Bulletin #9 for bicycle parking design standards.
11. **Additional Height Limits for Narrow Streets in the Eastern Neighborhoods Mixed-Use District.** Planning Code section 261.1(d)(2) requires that all frontages on the southerly side of an east-west narrow street to have upper stories set back from the property line such that they avoid penetration of a sun access plane defined by an angle of 45 degrees extending from the most directly opposite northerly property line. No part (including permitted projections) of a building may penetrate this required setback plane. A narrow street is defined as a public right of way less than or equal to 40 feet in width; therefore, Rizal Street which is 40 feet in width qualifies as a narrow street. As a narrow street in an east-west orientation, Rizal Street is subject to Section 261.1(d)(2). As proposed, it appears portions of the rear façade (encompassing portions of floors 5-9, as well as roof projections) encroach into this required setback area and therefore does not comply. Please note, due to the Planning Code's prohibition of height requirement modifications, this provision is not variable.
12. **Inclusionary Affordable Housing.** Planning Code Section 415 outlines the requirement of inclusionary affordable housing as part of any housing project constructing 10 or more dwelling units. Pursuant to the Affordable Housing provisions, there are alternative options available to the project sponsor to satisfy the affordable housing requirement. If the project sponsor elects to satisfy the affordability requirement on-site, the project is required to dedicate a minimum of 12% of the total dwelling units as affordable. If the project sponsor is eligible and selects pursuant to Section 415.5(g) to provide off-site units to satisfy the requirements of Section 415.1 et seq., the project sponsor shall notify the Planning Department and the Mayor's Office of Housing and Community Development ("MOHCD") of its intent as early as possible. The Planning Department and MOHCD shall provide an evaluation of the project's compliance with this Section prior to approval by the Planning Commission or Planning Department. If the affordability is satisfied off-site, the project is required to provide a minimum of 20% of the total dwelling units as affordable. The applicant may also elect to pay an affordable housing in-lieu fee pursuant to Section 415.5.
13. **Transit Impact Development Fee.** This project is subject to the applicable fees outlined in Planning Code Section 411 et seq.
14. **Eastern Neighborhoods Impact Fees.** This project is subject to the applicable fees outlined in Planning Code Section 423 et seq. The Eastern Neighborhoods Impact Fee shall be paid before the City issues a first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.

15. **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Eastern Neighborhoods Impact Fee from the Planning Commission, for an equivalent amount to the value of the improvements. This process is further explained in Section 412.3(d) of the Planning Code. More information on in-kind agreements can be found in the Application Packet for In-Kind Agreement on the Planning Department website:
<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8601>.
16. **Stormwater.** Projects that disturb 5,000 square feet or more of the ground surface must comply with the Stormwater Design Guidelines and submit a Stormwater Control Plan to the SFPUC for review. To view the Guidelines and download instructions for preparing a Stormwater Control Plan, go to <http://stormwater.sfwater.org/>. Applicants may contact stormwaterreview@sfwater.org for assistance.
17. **Recycled Water.** The City requires property owners to install dual-plumbing systems for recycled water use in accordance with Ordinances 390-91, 391-91, and 393-94, within the designated recycled water use areas for new construction projects larger than 40,000 square feet. Please see the attached SFPUC document for more information.

Please be advised that additional comments may result pending a formal submittal.

PRELIMINARY DESIGN COMMENTS:

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

1. **Building Massing, Site Design, and Open Space.** On a through lot such as this, the Planning Department appreciates the courtyard configuration to create a building with a double frontage and double aspect dwelling units. However, the proposed height at the Rizal Street frontage significantly exceeds what would be allowed by code for properties on the south sides of narrow east-west streets. The Planning Department recommends that the building be sculpted to conform to the height envelope.

The size and location the rear yard the mid-lot open space is appropriate. The rear yard open space seems large enough to provide ample access to light and to be usable.
2. **Ground Level Street Front.** The Planning Department recommends the retail storefront at Rizal be pulled toward the face of the building. Similarly, the Harrison retail entry should exhibit more visibility from the street.
3. **Architecture.** The application is assumed to be schematic and preliminary. The Planning Department will provide additional architectural review and comments in a subsequent formal Application.

The Planning Department appreciates the restrained façade on Rizal but suggests that Rizal might be free to explore a less rigid composition. Additionally, the building should be thought of as a whole object --visible from all sides -- and therefore the sides should be designed and executed with the same attention as the primary facades.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, or Building Permit Application, as listed above, must be submitted no later than **August 21, 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: Ian Birchall, Project Sponsor
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