



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: June 22, 2011
TO: Dean Givas
FROM: Rick Cooper, Planning Department
RE: PPA Case No. 2005.0694U for 2558 Mission 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, Rachel A. Schuett, at (415) 575-9030 or Rachel.Schuett@sfgov.org, to answer any questions you may have, or to schedule a follow-up meeting.

A handwritten signature in cursive script that reads "Rick Cooper".

Rick Cooper, Senior Planner



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: June 22, 2011
Case No.: 2005.0694U
Project Address: 2558 Mission Street
Block/Lot: 3616/007
Zoning: Mission Neighborhood Commercial Transit (Mission NCT) District
85-X Height and Bulk District
Project Sponsor: Dean Givas
(415) 298.3326
Staff Contact: Rachel Schuett – (415) 575.9030
Rachel.Schuett@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, 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 proposed project site is located approximately mid-block, on the west side of Mission Street between 21st and 22nd Streets in San Francisco's Mission neighborhood, the lot also has frontage on Bartlett Street. The project sponsor proposes to demolish an existing 3-story retail store, and construct a new 8-story building with 115 dwelling units, 15,600 square feet (sf) of ground floor retail/commercial, and 21,800 sf of parking in a below-grade parking garage. The existing building is approximately 44 feet tall with a paved parking surface on Bartlett Street. The proposed structure would be 85 feet tall on the Mission Street frontage, and 65 feet tall on the Bartlett Street frontage, and would include 42 bicycle parking spaces, and 91 off-street parking spaces and one off-street loading space, with access from Bartlett Street. The project sponsor also proposes to reuse and rehabilitate the existing New Mission Theatre, located on the same property, vacant since 1993, for a variety of entertainment functions. This portion of the project would include a 1,174 sf addition (180 sf basement and 996 sf kitchen).

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:

1. An **Environmental Evaluation Application (EEA)** was submitted for the full scope of the project (demolition, rehabilitation and new construction) on April 8, 2011. An EEA was also submitted in 2005 for a similar development on the proposed project site. At that time an Initial Study was prepared, and a Notice of Preparation of an Environmental Impact Report (EIR) was issued, however, the EIR was not prepared. Subsequently, the Eastern Neighborhoods Rezoning and Area Plan EIR was certified in August of 2008. Based on the prior environmental review, and review of the background studies and the current development proposal, the Planning Department has the following comments:

- a. *Transportation Study.* A Transportation Study will be required for the proposed project. Construction of a new residential building as well as rehabilitation of the existing theatre (currently unutilized) will add peak hour trips that require analysis. Additionally, circulation changes need to be reviewed. An application for the Transportation Study, and the accompanying fees have been received. LCW Consulting (LCWC) has been retained to perform the Transportation Study for the proposed project, the Planning Department has received a scope of work from LCWC and has scheduled a scoping meeting for the project.
- b. *Phase I Environmental Site Assessment (ESA).* A Phase I ESA was conducted in October 2005 by ACC Environmental Consultants. The Phase I ESA summarized the Recognized Environmental Conditions at the project site which include: evidence of an extant underground storage tank (UST) used to store heating oil; potential presence of asbestos containing building materials (ACBM), and lead-based paint; minor surficial staining in the parking lot, likely due to fluid leaking from vehicles; and documented releases of hazardous substances within 0.5 miles of the proposed project site. There is no documented evidence that constituent plumes originating from proximate releases have migrated to the subject property.

Given that the presence of the UST could not be confirmed the Phase I ESA recommended further investigation to determine whether a heating oil UST is still present beneath the basement floor. Mitigation Measure 3, UST Investigation and Remediation was required in the prior Initial Study and would continue to be applicable.

The Phase I ESA also recommended a lead-based paint survey be performed by a California Certified Lead Inspector prior to initiating any construction or demolition work that would disturb painted surfaces.

A Limited Asbestos and Lead Survey Report was conducted on March 1, 2011, by RGA Environmental. Through visual inspection, bulk sampling and laboratory testing of interior

building materials, asbestos and lead-containing building materials were identified throughout the building. The removal of lead-based paint and asbestos containing materials is regulated by Chapter 34 of the *San Francisco Building Code* and Section 19827.5 of the *California Health and Safety Code*, respectively. Therefore, no further study is required at this time.

- c. *Geotechnical Study.* Two geotechnical analyses have been prepared for the proposed project site. The first geotechnical investigation was prepared on January 27, 2007 by Harold Lewis & Associates. The second geotechnical investigation was prepared on February 25, 2011 by Rollo & Ridley. The primary geotechnical concerns identified are: the presence of loose to medium dense fill beneath the site, the proximity of the site to the existing Bay Area Rapid Transit (BART) tunnel beneath Mission Street, the location of adjacent buildings founded on shallow foundations, and the resulting need for shoring and underpinning.

The recommendations for mitigating impacts associated with geotechnical concerns should be incorporated into final design of the proposed project and included in the environmental document as mitigation, as appropriate.

- d. *Archeological Study.* An archeological study is required given that the project includes grading or foundation work to a depth of ten feet or more, and the project site does not lie within Archeological Mitigation Zones A and B (see Mitigation Measure J-2: Properties With No Previous Studies, Eastern Neighborhoods Rezoning and Area Plans EIR, page S-47). An archeological sensitivity memorandum was prepared for the project site by the Planning Department on June 19, 2006. Based on the likelihood that archeological resources may be present beneath the project site, the memorandum recommended mitigation requiring the project sponsor to retain the services of a qualified archeological consultant to prepare, and submit to the Environmental Review Officer (ERO) for review and approval, an archeological testing plan (ATP), and, if needed, an archeological monitoring program (AMP), and an archeological data recovery program (ADRP).

The Planning Department will review the archeological sensitivity memorandum and the revised project plans to ensure that the findings and recommended mitigation measures remain applicable. New and/or revised mitigation may be required.

- e. *Historic Resource Evaluation Report (HRER).* The New Mission Theater at 2550 Mission Street (APN 3616/007) is designated as City Landmark No. 245. As such, the subject property would be considered a historic resource pursuant to CEQA. To assist in the analysis of the proposed project, which includes alterations to the New Mission Theater and new construction of approximately 115 units, the Department requires a *Historic Resource Evaluation Report* to be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards in Historic Architecture or Architectural History. Instructions on completing this report are included in San Francisco Preservation Bulletin No. 16. The San Francisco Preservation Bulletin No. 16 is available at www.sfplanning.org under "Historic Preservation."

An HRER was prepared by the Planning Department on January 14, 2008. The report contained an analysis of the alterations to the theater (exterior and interior) and the impacts of new construction upon the historic theater. The report also included an analysis of the project's compliance with the Secretary of the Interior's Standards for Rehabilitation. The HRER determined that the then-proposed changes to the New Mission Theater would be consistent with the Secretary of the Interior's Standards, with the inclusion of Department-promulgated mitigation measures.

The Planning Department will review the current plans for the New Mission Theater to confirm that the findings of the HRER are applicable, and that the recommendations in the HRER have been incorporated into the current plans.

- f. *Air Quality Screening.* The proposed project includes the siting of sensitive receptors (i.e. residential uses) near sources of pollutants. Preliminarily, two potential stationary sources toxic air contaminants (TAC) have been identified within 1,000 feet of the proposed project site. In addition, the construction phase of the proposed project would last approximately 24 months and include demolition of an existing building and significant soil disturbance. The operational phase of the proposed project includes use of a new 750-gallon boiler, which is considered a new stationary source of air pollutants. As a result, a full air quality screening should be prepared for all phases of the proposed project by a qualified consultant.
- g. *Noise Measurements.* The proposed project site is located on Mission Street, which is subject to 70 dBA (Ldn) traffic noise levels (see Eastern Neighborhoods Rezoning and Area Plans EIR, Figure 18), and involves siting new noise-sensitive uses, given that the project includes residential development.

As a result, the Planning Department will require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise generating uses within 900 feet of, and that have a direct line-of-site to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first approval action on the project. The analysis must be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels, consistent with those in the Title 24 standards can be attained (see Mitigation Measure F-4: Siting of Noise-Sensitive Uses, Eastern Neighborhoods Rezoning and Area Plans EIR, page S-42).

The Planning Department requires that the acoustical analysis be prepared, and the findings be included in the environmental review document.

In addition, based on the proximity of the project site to the San Francisco Buddhist Center, a noise sensitive use, the Planning Department recommends the inclusion of the following Improvement Measure (from the prior Initial Study) in the environmental document "The project sponsor should notify, in writing, the residents/patrons of the San Francisco Buddhist Center, located immediately adjacent to the project site (to the north), of any particularly loud planned construction activities that would affect them for a given short period of time."

- h. *Aesthetics.* The proposed project would demolish the existing "Giant Value" store and replace it with a building with a proposed height of 85 feet along Mission Street, approximately twice the height of the existing three-story building. The Planning Department recommends that two visual simulations be provided for inclusion in the environmental document. One simulation should show the Mission Street elevation; looking south from Mission Street between the project site and 21st Street. The other simulation should show the Bartlett Street elevation; looking north from 22nd Street.
- i. *Wind.* Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. Typically, buildings that are less than 100 feet tall do not result in substantial changes to ground-level wind. The proposed project would be up to 85 feet in height, therefore no additional analysis of wind impacts will be required.
- j. *Shadow.* Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet, unless the Planning Commission finds the impact to be less than significant. To determine whether the project would conform with Section 295, a shadow fan analysis is typically prepared by the Planning Department.

A shadow fan analysis was prepared by the Planning Department for the project previously proposed on the project site, which was also an 85-foot building. The analysis determined that the project shadow would not shade public areas subject to Section 295. Therefore, no additional shadow analysis will be required.

Preliminarily, the Planning Department anticipated that the proposed project is likely to qualify for a Community Plan Exemption (CPE) under the Eastern Neighborhoods Area Plan, with a focused Negative Declaration (ND) or Environmental Impact Report (EIR) on the following environmental topics: Transportation, Hazards and Hazardous Materials, Geology and Soils, Cultural Resources, Noise, Air Quality, and Aesthetics.

These environmental topics should be included in the ND or EIR given that analysis and potential mitigation may be required for the proposed project beyond the analysis and mitigation included in the Eastern Neighborhoods Rezoning and Area Plans EIR.

PLANNING DEPARTMENT APPROVALS:

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

1. A **Certificate of Appropriateness** from the Historic Preservation Commission is required per Planning Code Section 1006, since the project involves alterations to and new construction on the site of the New Mission Theater at 2550 Mission Street, which is designated as City Landmark No. 245. The Certificate of Appropriateness must be obtained prior to proceeding with any other entitlements.
2. **Conditional Use Authorization** from the Planning Commission is required per Planning Code Section 304 for the new construction, which is anticipated as a Planned Unit Development (PUD). In addition, a Conditional Use Authorization will be required per Planning Code Sections 151.1, 736.11 and 736.21 to address the proposed parking ratio of 0.75 per dwelling unit, lot size development (larger than 10,000 sf) and non-residential use size (larger than 6,000 sf). This Conditional Use Authorization is subject to a public hearing before the Planning Commission and must meet the findings of Sections 101.1(b) and 304(d) and be generally consistent with the General Plan.

As a PUD, the project may seek a well-reasoned modification of certain code provisions.

3. A **Building Permit Application** is required for the alterations to the existing theater on the subject lot.
4. A **Building Permit Application** is required for the new construction of the new PUD on the subject lot.

Conditional Use 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.

To fulfill Section 312 requirements, 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 "Applications" tab. All registered neighborhood group mailing lists are available online at www.sfplanning.org under the "Publications" tab.

PRELIMINARY PROJECT COMMENTS:

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

1. **Eastern Neighborhoods Area Plans & Mission Street Heights Study:** The project is located within the boundaries of the Mission Area Plan of the Eastern Neighborhoods and is subject to the ongoing Mission Street Heights Study. During the Eastern Neighborhoods approvals hearings the Planning Commission approved increasing building heights to a proposed 85 feet (ft), with a setback of 15 ft at 65 ft, all along Mission Street from Duboce Street to Cesar Chavez Street. The Board of Supervisors lowered the heights back to their existing zoned heights. The Board also directed Planning staff to begin a separate process, the Mission Street Heights Study, to examine the balance between citywide/regional smart growth goals of increased density and heights around transit in the Mission; and the neighborhood goals of providing more affordable housing and protecting and incentivizing local businesses. That process is still underway, the preliminary proposal is to not raise the heights along Mission Street between 17th Street and 23rd Street and between 25th Street and Cesar Chavez, which are generally 55 to 65 ft.

The 85 ft height limit on the project site is somewhat of an exceptional circumstance, since the surrounding parcels have a 65 ft height limit, and since there was support from the Board of Supervisors for returning height limits on the Mission Street corridor to the original split height of 55/65 ft. This exceptional circumstance has created sensitivity among several community leaders. Given this sensitivity; given that prior proposals for the project site have been controversial; and given that this project will require a PUD and a CU to request several modifications, the Planning Department strongly recommends that the project sponsor work with community leaders to achieve a community-supported project.

2. **Mission Area Plan / Mission Neighborhood Commercial Transit District:** As currently proposed, the project is generally consistent with the land uses encouraged in Mission Area Plan and permitted in the Mission Neighborhood Commercial Transit (NCT) District. However, in its current form, the project is not consistent with several of the parking/transportation, urban form, and streets and open space objectives and policies of the area plan and zoning district. Please see the Preliminary Design Comments section, below, for a more detailed discussion of urban form and open space, and see Objective 5.2, and Policies 5.2.6, and 3.1.6, et al. of the Mission Area Plan.

Please refer to the Mission Area Plan and ensure consistency with those policies and objectives specifically identified within this document, but also polices and objectives regarding housing, historic preservation, where relevant, and others not specifically stated but applicable. Information on the Mission Area Plan can be found on the Planning Department's website at: <http://easternneighborhoods.sfplanning.org>.

Parking is not required in the Mission NCT District, given that it is located on a transit corridor which is served by two BART stations and several local bus lines. Specifically, Objective 1.1 and Policies 1.1.3, and 1.8.1 of the Mission Area Plan recognize the good transit service available in the Mission

NCT District, and discuss the elimination of parking minimum requirements. Within this zoning district, parking may be provided for residential projects at a maximum of 0.5 parking spaces per dwelling unit. The proposed project includes more than 0.5 spaces per dwelling unit, which is inconsistent with the objective of the Mission NCT District and with the stated objectives and policies of the Mission Area Plan. Therefore, the Department would likely not support a Conditional Use Authorization exceeding the current 0.5 parking ratio.

- 3. Parking Code Requirements:** Planning Code Section 151.1 outlines requirements for permitted off-street parking. As a project located within the Eastern Neighborhoods Area Plan, there are no minimum parking requirements; rather, the project is subject to a maximum allowance of parking spaces, which is defined as 0.5 parking spaces per unit (see Planning Code Section 151.1, Table 151.1). The proposed project would construct 115 new residential units; therefore, 58 off-street parking spaces are allowed for the residential units. As defined in Planning Code Section 151.1 (g) and 157, the project may pursue a Conditional Use Authorization (CU) from the Planning Commission to increase the maximum allowable parking to 0.75 parking spaces per unit. If a CU is sought, please provide justification for the increased parking ratio. However, as noted above, the Department recommends that parking is limited to the 0.5 ratio.

For non-residential parking spaces, the proposed project may construct a maximum of one space per 1,500 sf (see Planning Code Section 151.1, Table 151.1). Currently, the proposed project provides 15,600 sf of retail space; therefore, up to 10 parking spaces are allowed for the non-residential units. The project, as proposed, includes 91 parking spaces. This number of parking spaces exceeds the maximum allowable parking spaces under the 0.5 ratio and will need to be reduced unless a Conditional Use Authorization is granted by the Planning Commission.

- 4. Bicycle Parking:** Planning Code Section 155.5 outlines requirements for bicycle parking for residential developments of four dwelling units or more. Planning Code Section 155.5 requires 25 spaces for the first 50 units and one space for every four units beyond 50. The proposed project provides 42 bicycle spaces, which meets the requirement for the provision of bicycle parking spaces.
- 5. Mission NCT District Height Limit:** Planning Code Section 253.4 outlines requirements for a 15-ft setback for all new construction with frontage on Mission Street that exceeds a height limit of 65 ft. The proposed massing diagram does not meet this code requirement since all floors above 65 ft are required to have a 15-ft setback from Mission Street.
- 6. Secretary of the Interior's Standards for Rehabilitation:** As part of the Certificate of Appropriateness, the proposed project is required to meet the Secretary of the Interior's Standards for Rehabilitation, as determined by Planning Department Preservation Staff and the Historic Preservation Commission. In particular, the proposed new construction will be evaluated to ascertain the impacts upon the New Mission Theater. Along Mission Street, appropriate visible relief must be afforded the historic blade sign/marquee. Information on the Secretary of the Interior's Standards for Rehabilitation are available on the Planning Department's website.
- 7. Shadow:** Planning Code Section 295 outlines requirements for projects with a height exceeding 40 ft that cast shadows on property under the jurisdiction of the Recreation and Parks Commission. Based

upon an initial shadow study, the proposed project would not impact any properties subject to Planning Code Section 295.

8. **Transit Impact Development Fee:** Planning Code Section 411 outlines the requirements for transit impact development fees. Based upon the proposed non-residential square footage, the transit impact development fee would be \$156,000 (15,600 sf of proposed retail x \$10.00 per gross square foot of new retail development).
9. **Inclusionary Affordable Housing:** Planning Code Section 415 outlines the requirement for inclusionary affordable housing as part of any housing project constructing five or more dwelling units. The affordable housing requirements may be addressed through several different programs, including: Affordable Housing Fee (see Planning Code Section 415.5); On-Site Affordable Housing Alternative (see Planning Code Section 415.6; Consists of 15% of total units); Off-Site Affordable Housing (see Planning Code Section 415.7); and Land Dedication Alternative in the Mission NCT District (see Planning Code Section 419.6).

If the Land Dedication Alternative option (Planning Code Section 419.6) is elected by the project sponsor, the proposed site must be located within one mile of the subject property and located within the Mission Area Plan. For this option, additional consultation with the City Attorney, Mayor's Office of Housing and the Planning Department will be required. The Land Dedication Alternative and Off-Site Affordable Housing options would also require environmental review under the California Environmental Quality Act (CEQA).

Based upon the submitted information it is unclear which program the project sponsor will elect to address this requirement. Please clarify how the proposed project would meet this requirement. The Planning Department recommends early consultation regarding the inclusionary affordable housing requirement given the coordination and CEQA requirements.

10. **Eastern Neighborhoods (EN) Impact Fees:** Planning Code Section 423 outlines the requirements for development impact fees for projects located within the Eastern Neighborhoods Area Plan. The proposed project is subject to Tier 3 EN Impact Fees. The proposed project includes new construction of residential and non-residential units. Based upon the proposed square footages, the EN Impact Fees would be calculated at \$16.00 per gross square foot of new residential space and \$14.00 per gross square foot of new non-residential space.
11. **Mission NCT Lot Size and Density:** Planning Code Section 736.1 outlines the provisions and guidelines applicable to projects within this zoning district. In the Mission NCT District, a Conditional Use Authorization (CU) is required for development proposals on lots larger than 10,000 square feet (see Planning Code Section 736.11) and non-residential use exceeding 6,000 sq ft (see Planning Code Section 736.21). Any of the aforementioned CU requirements would be included in the PUD review process.

Note: The Mission NCT District does not limit residential density by lot area. Rather, residential density is restricted by physical envelope controls of height, bulks, setbacks, open space, exposure and other applicable controls of the Planning Code, applicable design guidelines, and elements of the

area plan (see Planning Code Section 736.91). This zoning district includes a provision for projects involving construction of six or more dwelling units. The provision requires a dwelling unit mix of at least 40% two-bedroom dwelling units or 30% three-bedroom dwelling units. The proposed project appears to meet this requirement, since it provides 45 two-bedroom units and one three-bedroom unit.

12. **San Francisco Green Landscaping Ordinance:** The proposed project is subject to the San Francisco Green Landscaping Ordinance, which assists in articulating Planning Code Sections 102.33, 132, 142, 143, 156, and 223. Please ensure that the proposed project is in compliance with these sections of the Planning Code.
13. **First Source Hiring:** Projects involving the new construction of 10 dwelling units or more than 25,000 sf of residential development are subject to the First Source Hiring Program. Please contact the First Source Hiring Program Manager with the San Francisco Human Services Agency's Workforce Development Division and complete the *Affidavit for First Source Hiring Program*, which is available on the Planning Department's website under "Permits & Zoning" "Forms/Applications A-Z."
14. **SFPUC Urban Watershed Management Program (UWMP):** Projects disturbing 5,000 sf or more of ground surface are subject to the Stormwater Management Ordinance and must meet the performance measures set within the *Stormwater Design Guidelines and Appendixes*. For more information, please refer to: <http://www.sfwater.org/sdg>

Please cite how the proposed project will meet this requirement.

15. **Interdepartment Project Review:** Interdepartmental Project Reviews are **mandatory** for new construction projects that propose eight stories or more, or for projects within a designated Seismic Hazard Zone, as identified by State of California, Department of Conservation, Division of Mines and Geology. It is recommended that an interdepartmental project review request be completed prior to the approval of the first construction building permit. The Planning Department will act as the lead agency in collaboration with the Department of Building Inspection (DBI), Department of Public Works (DPW), and San Francisco Fire Department (SFFD).

Please schedule an interdepartmental project review meeting.

16. **Planned Unit Development:** Planning Code Section 304 outlines the requirements for a Planned Unit Development (PUD). A PUD is intended for projects of considerable size and community benefit, which are subject to the criteria and limitations outlined in Planning Code Section 304(d). A Conditional Use Authorization (CU) from the Planning Commission is required for any PUD. Please specify how the proposed project will meet the requirements of Planning Code Section 304.

Under the PUD process, the following code sections are variable provided they merit a well-reasoned modification that is outstanding in overall design and complimentary to the design and values of the surrounding area, as determined by the Planning Commission:

- **Rear Yard:** Planning Code Section 134 outlines the requirements for a rear yard within the Mission NCT District. The minimum rear yard depth shall be equal to 25 percent of the total depth of the lot and in no case less than 15 ft. The rear yard shall be provided at the lowest story containing a residential dwelling unit. Currently, the proposed project does not meet this requirement.
- **Open Space:** Planning Code Sections 135 and 736.93 outline the requirements for usable open space per residential unit. Generally, at least 80 sf of private open space or 135 sf of common open space is required for each residential unit. Please specify which residential units will feature private open space versus common open space. This is variable under the PUD process.
- **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 ft in width. Currently, the proposed project features two interior open areas that measure 20 ft x 150 ft and approximately 48 ft x 52 ft. One of these interior open areas does not meet the requirements of the Planning Code. To the extent possible, all dwelling units should be afforded code-complying exposure.
- **Street Frontage:** Planning Code Section 145.1 outlines requirements for street frontages to ensure that they are pedestrian-oriented, fine-grained, and are appropriate and compatible with the buildings in Mission NCT District. As the design of the proposed project is developed, please ensure that the ground floor street frontage meets these requirements as related to use, height, transparency, fenestration, gates, railings and grillwork.

To the extent possible, the project should be designed to minimize deviations from code requirements.

PRELIMINARY DESIGN COMMENTS:

As part of the Eastern Neighborhoods Community Planning process, the Planning Department and the community developed the Mission Area Plan to provide guidance on projects within the plan area. The Mission Area Plan offers guidance on a variety of urban design topics, including built form, streets and open space, and historic resources. The proposed project should specifically reference this document. Based upon a preliminary review, the proposed project does not appear to follow many of the policies and objectives within the "Built Form" and "Streets & Open Space" sections of this document.

As reviewed by the Planning Department's Urban Design Team (UDAT), the following comments address preliminary design issues that may significantly impact the proposed project:

1. **Building Massing:** At Mission Street, the proposed building wall is shown as seven stories tall at the property line with an eighth story setback of approximately 10- to 15-ft (discrepancy between section and plan). At Bartlett, the proposed building massing is five stories tall at the property line with a 6-ft setback for the sixth story and a longer setback for the last two stories.

At 85 ft on Mission Street, the proposed building would be twice as tall as the surrounding context, and would be two stories higher than the permitted build-out heights of adjacent buildings. The Mission Theater landmark blade sign is 85 ft tall.

The architecture, massing, height, and articulation of the proposed building should demonstrate how this building would be compatible with its neighbors. The Department recommends a massing of six-stories along Mission Street with a setback for the upper two stories in order to be compatible with the potential future adjacent heights and in order to not compete with the historic theater marquee.

Similarly, the heights of existing buildings and prevailing urban pattern along Bartlett Street is much lower than the height limit on this parcel. Due to the low heights of the adjacent buildings, the upper stories of the proposed project would be more visible from various vantage points along Bartlett Street. The design would be reviewed with the expectation that such an exception be justified with superior qualities that alleviate the contrast between the proposed new building and the existing neighborhood fabric. Please demonstrate how the building design, as proposed, would achieve compatibility with the pattern of lower heights. The upper floors may need to be considerably set back or even eliminated to achieve compatibility with the surrounding neighborhood fabric.

An analysis examining the building massing and heights along Mission and Bartlett Streets should be provided, in order to demonstrate the compatibility of the eight-story height with the existing character and scale of the surrounding neighborhood, which is predominately three-stories with a 65-X Height and Bulk Limit (see Mission Area Plan, Policies 3.1.3, 3.1.4, and 3.1.8). Visual simulations showing the proposed building in the photographic context of the surrounding neighborhood, as required for the environmental document, are recommended as part of this analysis.

2. **Site Design and Open Space:** The Planning Department has concerns about the overall quality of the open space in relation to the light, air, and privacy of the dwelling units, in addition to the usability of these spaces (see Mission Area Plan Objective 5.2).

As noted above, the inner court on the south lot line (measuring 20 ft x 120 ft) does not meet the exposure requirements of Planning Code Section 140.

Additionally, the inner court to the north would also suffer from lack of direct solar access, due to its northern orientation and the height of the surrounding buildings in relation to the size of this court. Please consider enlarging the size of this inner court and designing new dwelling units to accentuate exposure requirements.

Based upon the proposed project's relationship to the adjacent historic theater, the Planning Department suggests reorienting the narrow courtyard to the north side and locating a larger courtyard to the south to benefit from southern exposure and future solar access.

3. **Street Front:** The proposed retail frontage presents itself as a single uninterrupted storefront built to the edge of the property line. The residential presence, especially at Mission Street, is minimal and lacking amenities for both residents and the public. The entrance should be more prominent in size,

and should be delineated from the rest of the ground floor façade. Conversely, the size of the garage entry should be minimized and limited in width.

The Department recommends articulating and setting the new retail storefronts back slightly from the property line, in order to provide variety at the street level. Also, please consider punctuating retail frontage into logical modules for possible future sub-division. Please provide a larger and more visible residential presence and access at ground floor, eg. a significant lobby, or stairs with visual and physical access to podium (see Mission Area Plan, Policies 3.2.1, 3.2.2, and 3.2.4).

4. **Architectural Design:** The appropriate massing and façade treatment in relation to the adjacent landmark theater and marquee will be of major importance. The Planning Department understands that the architectural design is underway; however, great emphasis will be placed on the quality of façade design along Mission Street, especially as it relates to the adjacent historic theater. The Planning Department and Historic Preservation Commission will be reviewing this elevation for compatibility and a thoughtful articulation of the Mission Street façade. Similarly, the Bartlett Street façade should also respond in scale and articulation to the surrounding neighborhood fabric (see Mission Area Plan, Policies 3.1.8, 8.2.1, and 8.2.2).

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 **December 22, 2012**. 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.

Enclosure: Neighborhood Group Mailing List

cc: Dean Givas, Project Sponsor
Tuija Catalano, Project Attorney
Richard Sucre, Current Planning
Rachel Schuett, Environmental Planning
Claudia Flores, Long Range Planning



SAN FRANCISCO PLANNING DEPARTMENT

June 24, 2011

Mr. Dean Givas
Oyster Development Corporation
355 1st St. #809
San Francisco, CA 94105

Subject: File No. 2005. 0694E – 2558 Mission Street
Correction to Preliminary Project Assessment Letter (PPA) issued June 22, 2011

Dear Mr. Givas:

On June 22, 2011 the San Francisco Planning Department issued a Preliminary Project Assessment (PPA) Letter for the 2558 Mission Street Project.

The letter contained an error, on Page 9, item #10 regarding the Eastern Neighborhoods (EN) Impact Fees. The paragraph has been revised as follows:

Planning Code Section 423 outlines the requirements for development impact fees for projects located within the Eastern Neighborhoods Area Plan. The proposed project is subject to Tier 3 EN Impact Fees on the Bartlett side and Tier 2 EN Impact Fees on the Mission side. The proposed project includes new construction of residential and non-residential units. Based upon the proposed square footages, the Tier 3 EN Impact Fees would be calculated at \$16.00 per gross square foot of new residential space and \$14.00 per gross square foot of new non-residential space. The Tier 2 EN Impact fees would be calculated at \$12.00 per gross square foot of new residential space and \$14.00 per gross square foot of new non-residential space (see Planning Code Section 423.3, Table 423.3A).

If you have questions regarding this manner, you may contact Claudia Flores at (415) 558-6473 or Claudia.Flores@sfgov.org.

Sincerely,

A handwritten signature in black ink that reads "Rick Cooper".

Rick Cooper, Senior Planner

cc. Tuija Catalano, Reuben & Junius, LLC

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