



SAN FRANCISCO PLANNING DEPARTMENT

Preliminary Project Assessment

Date: September 16, 2011
Case No.: **2011.0423U**
Project Address: 2301 Market Street
Block/Lot: 3563/034
Zoning: Upper Market NCD
50-X
Project Sponsor: Thomas Jackovics/2301 Market Associates, LLC
415-927-4653x202
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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 is located at the southwest corner of Market and Noe Streets; Assessor's Block 3563, Lot 34. The site is zoned Upper Market NCD, with a 50-X Height and Bulk designation. The lot is irregularly shaped along its front property line, as Market Street crosses Noe Street diagonally. The lot has approximately 105 feet of street frontage along Market Street, 157 feet of depth along Noe Street, with an average width of 80 feet and an average depth of 122.5 feet. The area of the lot is approximately 9,800 square feet.

A two-story over basement commercial building containing approximately 17,600 square feet of space presently occupies the site. The predominant use of the building is the Gold's Gym Health Club, occupying approximately 16,300 gsf on the first and second floors. Approximately 1,300 gsf of small restaurant space is also provided on the ground floor. The basement level is a garage, accessed from Noe Street, with parking for 23 vehicles. The building footprint occupies virtually the entire lot, with the exception of a small diagonal cut at the corner of Market and Noe, and another rectangular notch (20' x 35') cut out at the rear of the building along Noe Street, which provides off-street loading space.

The proposal is to add three stories to the existing building, and renovate the existing space. The proposed addition would include an expansion of the second floor health club space (approximately 250 gsf) one new story of health club space (about 9,500 gsf) and two new floors of residential space (about 14,700 gsf, 12 dwelling units) for a proposed total building area of approximately 42,050 square feet. The health club space would be an expansion of the existing Gold's Gym use. The dwelling units would include at least two below market rate rental units. The residential space, which would occupy the top two floors of the building, is proposed to be situated with its frontage along Noe Street, and the residential rear yard/open space comprised of a roof deck at the fourth floor on the western side of the building, opposite the Noe Street frontage. Approximately 1,350 gsf of renovated retail space would be provided on the ground floor. The basement level would be retained as a garage, with parking for 22 vehicles for the health club tenant. No off-street parking is proposed for the dwelling units.

The proposed building height would be 65 feet (40 foot increase over existing 25 foot tall building.) Though not proposed by the project sponsor, a companion piece of legislation has been proposed by Supervisor Wiener which would increase the height limit on the project site to 65 feet, to allow for the proposed project. This height reclassification legislation would need to be approved by the Board of Supervisors before your project could be approved at the height proposed.

ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), this project would require a CEQA document to be completed prior to any project approval action or permit issuance. In order to initiate the CEQA process with the City, the project sponsor should complete and submit an Environmental Evaluation Application, describing the full scope of the project (site grading, excavation and construction). It is anticipated that the CEQA document prepared for your project would also include analysis of the potential impacts of the proposal by Supervisor Wiener to increase the height limit on the project site to 65 feet. Hence, the CEQA documentation for your proposed project would also serve as the CEQA documentation to allow for an approval action on the height reclassification legislation.

Regarding the CEQA documentation anticipated at this time, as the project incorporates certain aspects of the Market and Octavia Plan into the project proposal, the Department would first analyze whether the project could qualify to receive an Addendum to the Market and Octavia Neighborhood Plan Final EIR. An Addendum would be deemed appropriate if the range and magnitude of potential environmental impacts from your proposed project fall within the range and scope of environmental impacts and mitigation measures already described and analyzed within the Market and Octavia EIR. Based upon the Department's preliminary review, it appears that many of the CEQA issues for your proposed project (land use, population and housing, transportation, visual quality, hazardous materials, geology, public facilities) would likely be covered by the scope of analysis, impacts and mitigation measures described in the Market and Octavia EIR. However, a few specific issues, described more fully below, would require project-specific technical analysis in order to complete the environmental review for your project. Results of staff analysis and technical background studies would ultimately determine the type of CEQA document that would be required. If, as a result of this additional study and analysis, it is determined

that all of the potential environmental impacts and mitigation measures for your project have been adequately addressed within the Market and Octavia EIR, then an Addendum to that EIR could be prepared. If it is determined that your project has potential new significant environmental impacts that can be mitigated, then a Mitigated Negative Declaration would be prepared. If it is determined that your project has potential new significant impacts that cannot be mitigated, then an Environmental Impact Report would be required.

Below is a list of studies that the Department anticipates would be required based on our preliminary review of the proposed project as shown in the supplemental plans dated July 14, 2011 which were submitted as part of the PPA:

1. *Historic Resource Evaluation Report (HRER)*. The project proposes a three-story addition to an existing two-story structure at the corner of Market and Noe Streets. The Market and Octavia Neighborhood Plan has incorporated the results of several surveys of potential historic districts in and around the Plan area. In particular, the Upper Market Historic District, which extends along Market Street from approximately Church Street on the east to Castro Street on the west, and includes your project site, has been identified in the Market and Octavia Neighborhood Plan as a potential California Register Historic District. An HRER, prepared by a qualified consultant, would be required as part of the CEQA evaluation process in order to determine whether your proposed project has the potential to adversely affect the California Register eligible Upper Market Historic District or any other historic resource.
2. *Shadow Fan Analysis*. Planning Code Section 295 (more commonly referred to as Proposition K, or Prop K) generally prohibits new buildings or additions that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Department between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space.

Department staff has prepared a preliminary shadow fan analysis to determine whether the proposed 65-foot-tall project could potentially cast shadow on property under the jurisdiction of the City's Recreation and Park Department. It does appear that the project could cast shadow on the Eureka Valley Public Library site on 16th Street, which shows in the Department records as Recreation and Park Department property. It is possible that, due to shadow from existing structures, your proposed project would not cast any net new shadow on the library site. A Prop K shadow study would be required in order to determine whether the proposed project would cast any such net new shadow on Recreation and Park Department property.

3. *Air Quality Assessment*. The proposed project is located within a potential roadway exposure zone identified by the Department of Public Health (DPH). Given that the project proposes sensitive land uses (residential use) in this potential exposure zone, the project requires an air quality assessment to determine if pollutant concentrations are above the threshold level of 0.2 micrograms per cubic meter. You may choose to have the air quality assessment prepared by a

qualified firm and forwarded to DPH for review, or you may request that DPH conduct the assessment.

Should you choose to have the air quality assessment prepared by a qualified firm, please forward a description of the proposed project (including project location and a set of plans) and the results of the air quality assessment to Tom Rivard, San Francisco Department of Public Health, Air Quality Research, Planning and Policy, 1390 Market Street, Suite 210, San Francisco, CA 94102. A fee of \$520 in the form of a check payable to the Department of Public Health for four hours of project review and administrative handling must accompany the assessment.

Should you choose to have DPH prepare the air quality assessment for your proposed project, please forward a description of the project (including project location and a set of plans) to Tom Rivard at the address listed above and a fee of \$1,560 in the form of a check payable to the Department of Public Health. This fee covers 12 hours of preparation of the air quality assessment and administrative handling.

If additional work is necessary, you will be notified by DPH. You will be billed (by DPH) \$130 for each additional hour of work over the first four hours. These fees are charged pursuant to Section 31.47(c) of the San Francisco Administrative Code.

If the air quality assessment finds that concentrations of air pollutants on the site exceed action levels, mitigation measures, outlined in the guidance document, may be required to protect sensitive uses. If the project is subject to Article 38 of the San Francisco Health Code, the actions outlined within that article may be required.

4. *Compliance with Bay Area Air Quality Management District Guidelines.* Screening results completed by Planning Department staff in response to your PPA application indicate that the proposed project would not trigger the need for further Criteria Air Pollutant analysis. However, the project would require preparation of an Air Quality Technical Report (AQTR), focused on Construction Health Risk Analysis. Prior to preparation of an AQTR, Environmental Planning must approve a scope of work for air quality analysis. The scope of work may be submitted to the Environmental Planner assigned to the project. If the project sponsor is able to provide the Planning Department with specific information about the anticipated construction process for the proposed project (construction methods, types of equipment, duration of construction phases, etc.) immediately, the Planning Department can ask BAAQMD to perform the Construction Health Risk Assessment at no cost to the project sponsor. It is not known at this time how much longer the BAAQMD will offer to provide this analysis without charge to the Department or sponsor.

If the project has the potential to expose sensitive receptors to pollutant levels above thresholds set by the Bay Area Air Quality Management District, specific mitigation measures may be required and a Focused Initial Study could be required. If so, the Initial Study will help determine that either (1) the project is issued a Negative Declaration stating that the project would not have

a significant effect on the environment, or (2) an Environmental Impact Report (EIR) is required to determine the project's significance on the environment.

5. *Greenhouse Gas Analyses.* The 2010 CEQA Air Quality Guidelines provide for the first time CEQA thresholds of significance for greenhouse gas emissions. On August 12, 2010, the San Francisco Planning Department submitted to the BAAQMD a draft of the City and County of San Francisco's *Strategies to Address Greenhouse Gas Emissions*. This document presents a comprehensive assessment of policies, programs and ordinances that collectively represent San Francisco's Qualified Greenhouse Gas Reduction Strategy. The BAAQMD reviewed San Francisco's GHG reduction strategy and concluded that the strategy meets the criteria for a Qualified GHG Reduction Strategy as outlined in BAAQMD's CEQA Guidelines (2010).¹ Therefore, projects that are consistent with San Francisco's GHG reduction strategy would result in less than significant GHG emissions.

In order to facilitate a determination of compliance with San Francisco's GHG reduction strategy, the Planning Department has prepared a Greenhouse Gas Analysis Compliance Checklist. Projects that are seeking a determination of CEQA GHG significance based on compliance with San Francisco's GHG reduction strategy must complete the Greenhouse Gas Analysis Compliance Checklist. The planner or CEQA consultant in coordination with the project sponsor can prepare this checklist.

In addition to the technical studies described above, per the recently adopted Housing Element, since Market Street has been identified as a street with existing noise levels above 75 dBA, the project sponsor would be required to submit analysis and documentation to the Department sufficient to demonstrate that the project would be designed and constructed such that acceptable interior noise levels consistent with Title 24 noise standards can be met. If the project sponsor is not able to provide such documentation, this could trigger the need for project modification or project-specific noise mitigation measures.

Environmental Evaluation applications and the Planning Department's fee schedule 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. The application should be filed with the appropriate fee for an Environmental Evaluation per the Planning Department's fee schedule. The fees paid to the Planning Department as a part of this PPA process may be credited toward the Environmental Evaluation Application fee that would otherwise be owed. To determine fees for environmental review, please refer to page one of our fee schedules, under "Studies for Project outside of Adopted Plan Areas." The Environmental Evaluation Application, Supplemental Information Form for Historical Resource Evaluation and Preservation Bulletin No. 16 are also available online at www.sfplanning.org. Applications for a Prop K Shadow Analysis are also available at the Planning Information Center at 1660 Mission Street and online at www.sfplanning.org.

¹ San Francisco's *Strategies to Address Greenhouse Gas Emissions* and BAAQMD's letter are available online at: <http://www.sfplanning.org/index.aspx?page=1570>.

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. Additionally, these approvals are subject to the Planning Department Pre-application process:

1. *Use Size Limitation.* Planning Code Section 721.21 requires conditional use authorization for uses that are 3,000 square-feet and above. In addition to the criteria of Section 303(c) of this Code, the Commission shall also consider the extent to which the following criteria are met for a non-residential use exceeding 3,999 square feet.
 - a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.
 - b. The building in which the use is to be located is designed in discrete elements which respect the scale of the development in the district.

The project requires conditional use authorization pursuant to Section 721.21 of the Code to enlarge an existing gym use from approximately 19,000 square-feet to approximately 28,500 square-feet. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

2. *Non-Residential Use.* The project requires conditional use authorization pursuant to Section 721.52 of the Code to establish a gym (personal service use) at the third floor and above. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.
3. *Rear Yard.* Pursuant to Section 721.12 of the Code, the project requires a 25% rear yard at grade level and above opposite the Market Street frontage. The required rear yard is 30'-6" using this method of measurement. Your project requires a rear yard variance because you are proposing to infill the open area at the southeast corner of the building and add three additional floors all of which would encroach into this required open area. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.
4. *Permitted Obstructions.* Pursuant to Section 136 of the Code, bay windows that project over the street can extend three-feet and are limited to nine-feet in width along a line parallel to and at a distance of three feet from the line establishing the required open area. The proposed bay windows are 12-feet in width at the outermost edge and therefore do not meet this Code requirement. As proposed, the project requires a variance from Section 136 of the Code. The application form is available from the Planning Department lobby at 1650 Mission Street, Suite 400, at the Planning Information Center at 1660 Mission Street, and online at www.sfplanning.org.

Please note that all required hearings would be combined into one joint hearing before the Planning Commission and the Zoning Administrator.

NEIGHBORHOOD NOTIFICATION:

The project sponsor is encouraged to conduct public outreach early in the development process. Neighborhood notification per Planning Code Section 312 will be combined with the noticing process for the Conditional Use Hearing. Therefore, noticing materials for owners and occupants with 300-foot radius and occupants within 150-foot radius of the project site are required at the time of project intake.

Pre-application meeting is also required 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 general issues that may significantly impact the proposed project:

1. **First Source Hiring.** Chapter 83 of the San Francisco Administrative Code, passed in 1998, established the First Source Hiring Program to identify available entry-level jobs in San Francisco and match them with unemployed and underemployed job-seekers. The intent is to provide a resource for local employers seeking qualified, job ready applicants for vacant positions while helping economically disadvantaged residents who have successfully completed training programs and job-readiness classes.

The ordinance applies to (1) any permit application for commercial development exceeding 25,000 square feet in floor area involving new construction, an addition or a substantial alteration which results in the addition of entry level positions for a commercial activity; or (2) any application which requires discretionary action by the Planning Commission relating to a commercial activity over 25,000 square feet, but not limited to conditional use; or (3) any permit application for a residential development of ten units or more involving new construction, an addition, a conversion or substantial rehabilitation.

The project proposes more than ten dwelling units and therefore, is subject to the requirement. For further information or to receive a sample First Source Hiring Agreement, please see contact information below:

Ken Nim, Workforce Compliance Officer
CityBuild, Office of Economic and Workforce Development
City and County of San Francisco
50 Van Ness, San Francisco, CA 94102
Direct: 415.581.2303
Fax: 415.581.2368

2. **Priority-Planning Policies.** Code Section 101.1 establishes eight priority-planning policies and requires review of conditional use, variance, and change of use applications for consistency with said policies.
3. **Standards for Bird-Safe Buildings.** The newly adopted guidelines for providing bird-safe buildings identify location and feature related hazards and treatment requirements. Please refer to the published document on the Planning Department website for details and specific requirements:

http://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Standards_for_Bird_Safe_Buildings_7-5-11.pdf.
4. **Street Trees.** Planning Code Section 138.1 requires one street tree per 20 feet of street frontage for additions of gross floor area equal to 20 percent or more of the gross floor area of an existing building. The proposed project triggers a requirement for four additional street trees for Noe Street frontage.
5. **Tree Disclosure Affidavit.** A Tree Disclosure Affidavit must be filled out and submitted with the Conditional Use and/or Variance application(s). The property has four existing street trees at its Noe Street frontage and three existing street trees at its Market Street frontage that must be protected during construction. A DPW street tree removal permit would be required to remove any of the trees.
6. **Dwelling Unit Exposure.** Every dwelling unit in every use district is required per Planning Code Section 142 to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor. All of the proposed dwellings appear to meet the Code's dwelling unit exposure requirements.
7. **Dwelling Unit Density.** Planning Code Section 721.91 permits one dwelling per every 400 square-feet of lot area. Based upon this method of calculation, the Code would permit 24 dwelling units on the subject property.
8. **Dwelling Unit Mix.** Pursuant to Section 207.6 of the Code, no less than 40 percent of the total number of dwelling units on site shall contain at least two bedrooms. This requirement applies to projects in the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3 districts. The subject property is not subject to this requirement because it is within the Upper Market NCD District.
9. **Off-Street Loading Spaces.** Pursuant to Section 152.1 of the Code, the project is not required to provide an off-street loading space for the new residential uses.

10. **Car Share Spaces.** Pursuant to Section 166 of the Code, the project is not required to provide any car share spaces.
11. **Open Space.** Section 135 of the Code requires 60 square-feet of private usable open space per dwelling unit or 80 square-feet of usable open space per dwelling unit or any combination thereof. The proposed project appears to meet the open space requirement.
12. **Off-Street Parking (Residential).** Planning Code Section 721.94 requires no residential parking and permits up to .5 parking space for each dwelling unit. Parking above a ratio of .5:1 requires conditional use authorization. Parking above a ratio of .75:1 is not permitted. Your project complies with this requirement because it does not seek to add additional off-street parking.
13. **Off-Street Parking (Commercial).** The Code requires no minimum amount of commercial parking and up to one space for every 1,500 square-feet of non-residential occupied floor area. Your project complies with this requirement because it does not seek to add additional off-street parking.
14. **Floor Area Ratio.** Section 721.21 of the Planning Code restricts the floor area ratio of non-residential uses to 3 to 1. Using this method of calculation, nonresidential uses on the subject property are limited to approximately 29,400 square-feet. According to your plans the new gym would be approximately 28,520 square-feet which complies with the floor area ratio requirement.
15. **Bulk Limitation.** The property is located within a 50-X height and bulk district. Bulk limits set forth maximum plan dimensions and maximum diagonal plan dimensions at specified building heights. The subject property is not subject to bulk limitations because there are no bulk limitations on properties located within the X bulk district.
16. **Height measurement.** The property is located within a 50-X height and bulk district. The proposed building would be 65-feet in height measured at the Market Street frontage. Planning Code Section 102.12(d) allows the owner to choose the street or streets from which the measurement of height is to be taken where the lot has frontage on two or more streets, if the scope of the rules stated in subsections (a) – (c) are followed. It appears that the project proposes to take the height measurement at the Market Street frontage. The additional five-foot height exception for ground floor uses, permitted by Section 263.20 of the Code, only applies to properties within 40-X or 50-X height and bulk districts. However, the additional height bonus can only be applied to the ground floor and not the upper floors. The height bonus would increase the permitted height from 50-feet to 55-feet. As proposed, the project would require a height reclassification from 50-X to 65-X.
17. **Market and Octavia and Upper Market NCD Affordable Housing Fee.** The Market and Octavia Affordable Housing Fee applies to the Project Area. Per Section 416 of the Code, the project requires payment of \$3.71 per net new gross square foot of residential development. The Market and Octavia Plan Area and Upper Market NCD Affordable Housing 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.

18. **Market and Octavia and Upper Market NCD Impact Fees.** The Market and Octavia Community Improvement Impact Fees applies to the Project Area. These fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-residential space in a new structure. A fee in the amount of \$9.27 per net new gross square footage shall be assessed on residential uses and a fee in the amount of \$3.50 per net new gross square footage shall be assessed on non-residential uses within the Plan Area. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project.

The Market and Octavia Plan Area and Upper Market NCD Community Improvement Impact Fees 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.

19. **Inclusionary Housing Program.** Projects proposing five or more dwelling units are subject to the Inclusionary Affordable Housing Program outlined in Section 415 of the Code. The Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program' to the Planning Department identifying the method of compliance, on-site, off-site, or in-lieu fee. Any on-site affordable dwelling-units proposed as part of the project must be designated as owner-occupied units, not rental units. Affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project.

For your information, if a project proposes rental units, it may be eligible for an On-site Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are either: 1) ownership only or 2) not subject to the Costa Hawkins Rental Housing Act (a Costa Hawkins exception). Affordable units are not subject to the Costa Hawkins Rental Housing Act under the exception provided in Civil Code Sections 1954.50 through one of the following methods:

- a. direct financial construction from a public entity
- b. development bonus or other form of public assistance

A Costa Hawkins exception agreement is drafted by the City Attorney. You must state in your submittal how the project qualifies for a Costa Hawkins exception. The request should be addressed to Kelley Amdur, Director of Current Planning. If the project is deemed eligible, we may start working with the City Attorney on the agreement.

20. **Upper Market Development Design Guidelines.** The Guidelines provide a clear vision for how the community would like to see development occur along the corridor. The purpose of the guidelines is to outline elements of the vision to developers and property owners along the corridor. The Guidelines encourage smaller one-bedroom and studio units, active upper story

design features, public realm improvements including pedestrian improvements to the intersection of Noe, 16th, and Market Streets, and community supported land uses among other recommendations. Through the required Conditional Use Authorization process, the project will be reviewed by Department staff and the Planning Commission for consistency with the Guidelines on balance.

GENERAL PLAN POLICY COMMENTS:

Note: While this project is not within the Market and Octavia Plan boundaries, it was subject to a subsequent community initiated re-zoning (Board of Supervisors Ordinance 25-11, effective March 26, 2011) which intended to encourage the vision and policies of the planning effort through this block of Market Street. Accordingly this analysis relates the proposed project to the Market and Octavia Plan.

1. Use: The Market and Octavia Area Plan imagines a mixed use transit oriented neighborhood, especially in the highly transit accessible upper market area. The proposed uses are consistent with the plan's vision for the area. POLICY 1.1.3 Encourage housing and retail infill to support the vitality of the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts. POLICY 1.2.2 Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor. POLICY 2.2.4 Encourage new housing above groundfloor commercial uses in new development and in expansion of existing commercial buildings.
2. Streetscape and design: Building and streetscape design should be implemented in a way that is appropriate to Market Street. POLICY 1.1.5 Reinforce the importance of Market Street as the city's cultural and ceremonial spine. POLICY 4.1.2 Enhance the pedestrian environment by planting trees along sidewalks, closely planted between pedestrians and vehicles. POLICY 4.1.4 Encourage the inclusion of public art projects and programs in the design of streets and public spaces. POLICY 4.3.2 Improve the visual appearance and integrity of Market Street within the plan area through more consistent tree planting, better tree maintenance, decluttering sidewalks, and installing new pedestrian amenities.
3. Maintaining the Gold's Gym on the ground floor will help maintain active commercial uses along Market Street: POLICY 1.1.8 Reinforce continuous retail activities on Market, Church, and Hayes Streets, as well as on Van Ness Avenue.
4. Height: The proposed 65 foot height is consistent with the area plan's policies on height for the area: POLICY 1.2.1 Relate the prevailing height of buildings to street widths throughout the plan area. POLICY 1.2.4 Encourage buildings of the same height along each side of major streets. POLICY 1.2.7 Encourage new mixed-use infill on Market Street with a scale and stature appropriate for the varying conditions along its length.
5. Yard requirements in this district were intended to protect existing midblock open spaces in or adjacent to residential districts. POLICY 1.2.10 Preserve midblock open spaces in residential districts. POLICY 2.2.1 Eliminate housing density maximums close to transit and services.
6. Please note that the San Francisco Department of Public Works may request a General Plan referral from the Planning Department for the proposed work taking place over an established sewer easement.

PRELIMINARY DESIGN COMMENTS:

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

Overall, the proposed building is well-designed. The massing and height are appropriate. UDAT's comments mainly pertain to the hierarchy and scale of elements in the elevation.

- a. The corner element appears too massive and undifferentiated. UDAT recommends articulating and refining the corner element to break down the scale. Using the turret across Market Street as a scale reference. Consider sculpting it to be a dynamic focus of the building as the design develops.
- b. Wrap the façade around the corner where the building steps down along Market Street and the upper floors are exposed. This is an interesting yet visible dimension to the building that could be exploited in the design as it develops.
- c. Provide some additional continuation of solid massing at the ground level façade at the corner and the Market St. elevation
- d. The bays along Noe are proportionally too squat. Extend to the floor below
- e. The corner seating area is an important opportunity. Rather than enclose it UDAT would like to see it open.
- f. The project will be subject to improvements per the Better Streets Plan. Consider a bulb out at Noe and Market. UDAT would also like to see Street improvements, or additional fenestration or detailing so as to further enliven that portion of the existing blank wall along Noe.

PRELIMINARY PROJECT ASSESSMENT EXPIRATION:

This Preliminary Project Assessment is valid for a period of **18 months**. An Environmental Evaluation, Conditional Use Authorization, Variance or Building Permit Application, as listed above, must be submitted no later than **March 16, 2013**. 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: Thomas Jackovics, Project Sponsor
Michael Smith, Current Planning
Paul Maltzer, Environmental Planning
Kearstin Dischinger and David Winslow, Citywide Planning